



The Chamber means BUSINESS

DOMESTIC VIOLENCE IN THE WORKPLACE POLICY

(A Policy for Adoption or Adaptation)

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An initiative of the Crime and Justice Committee of the Trinidad & Tobago Chamber of Industry and Commerce (TTCIC) in collaboration with the Coalition Against Domestic Violence (CADV).

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DOMESTIC VIOLENCE WORKPLACE POLICY

Introduction

<Employer> institutes this policy as part of our commitment to a safer, more supportive and productive organisational climate and to the reduction and prevention of the incidence of domestic violence and its effects in the workplace and in society.

Domestic violence: a workplace issue

Domestic violence is prevalent in Trinidad and Tobago, with data suggesting that one in three women in unions have experienced some form of abuse. It is learnt behaviour. People, who witness or experience abuse as children, are also more likely to use violence as adults. It is not caused by anger, mental problems, drugs or alcohol, though these may be immediate triggering factors.

Domestic violence is behaviour, the purpose of which is to gain power and control over a spouse, partner, girl/boyfriend or intimate family member. Perpetrators are more likely to be men and this behaviour is an expression of gender inequality.

Domestic violence does not stay at home. Persons affected by domestic violence go to work and the experience of harm and insecurity follows them there. The impact of domestic violence may affect workplace morale and productivity. Abused persons may be late to work, have excessive and unaccustomed absences, seem stressed out and may be unable to concentrate or work productively. These behaviors can make it seem like the victim is an unsatisfactory team member when the person is experiencing effects of an abusive relationship. Similarly, persons who are perpetrating domestic violence may also demonstrate signs (such as aggression, distraction, and emotional volatility) which may affect their work performance. We therefore recognize that domestic violence is a workplace issue, even if incidents occur elsewhere and we must all be involved in creating a culture of zero tolerance of domestic violence.

Goals

The purposes and goals of this policy are to:

- Provide immediate assistance and support to victims of violence, such as information and referrals to support resources, to facilitate safety and support for victims and fellow employees
- Institutionalize responsive policies and procedures to assist employees who are impacted by violence
- Aid employees who are perpetrators of violence and act to hold them accountable for their violent behavior
- Provide corporate social leadership for a zero-tolerance culture to end domestic violence in Trinidad and Tobago
- Teach supervisors and leaders in organizations how to identify traits of abuse and take the necessary action with empathy and compassion.

Persons covered by the policy

Persons covered by this policy include full and part-time employees, interns, volunteers, or temporary workers engaged by the Employer or in any workplace location <delete as needed>.

Employee Responsibilities

Whether as an expressed or implied term, any act of domestic violence by an employee, at any level within the company, is contrary to the Employer's Code of Conduct and is harmful to the reputation of the company. It shall constitute a breach of the employment contract.

Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, or other means to threaten, harass, intimidate, embarrass or otherwise harm another person.

An employee who is subject to a protection or restraining order or is a named defendant in a criminal action as a result of a threat or act of domestic violence, is strongly encouraged to notify the [Employer] immediately regarding the existence of such criminal or civil action.

Where an employee is a victim, they should, for their safety and the safety of workplace colleagues:

- Work with their employer or a domestic violence professional to develop a workplace safety plan.
- Provide copies of any protection orders
- Provide current emergency contact.
- Provide a photograph of the abuser.
- Have a signal or code word for co-workers to let them know they are in trouble and to call the police.
- Alert the employer to any developments that heighten their risk to abuse.

Where the employee withholds or refuses to disclose some or all of the foregoing information mentioned in the preceding five (5) bullet points to the employer, the employer shall not be considered to have breached the policy or, in anyway be liable for the consequences which flow from such non-disclosure.

Employer Responsibilities

Confidentiality

An employee who discloses they are experiencing domestic violence to their manager or to Human Resources is assured of confidentiality. Disclosures will not be recorded on their personal file. There may be times, however, when there is a safety risk to either the affected employee or other employees (for example, if there is a risk the perpetrator might come into the workplace). In these instances, disclosure of the situation will be kept to a minimum and on a 'need to know' basis for the purpose of maintaining safety in the workplace and in the common interest.

Employer responses

Once an employee has identified themselves as experiencing domestic violence, the responsibilities of the employer include:

- Keeping the domestic violence report confidential, including the identity of the victim and/or perpetrator except where necessary to protect the safety of the target of abuse and other employees.
- Providing the employee with contacts for domestic violence resources.
- Making reasonable efforts to maintain a secure office environment.
- Being respectful of the employee's personal choices and privacy except where these conflict or impact negatively on the common good.
- Limiting information about employees shared with others including home addresses or telephone numbers, cell phone numbers, work hours or lunch breaks.
- Supporting the employee to access services and protection

Workplace Safety Plan

A strategy will be developed, in collaboration with a victim, to implement workplace safety options, including but not limited to: handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, and requests for escorts to and from workplace facilities <modify as necessary>.

Leave and other reasonable assistance

Victims of domestic violence may need time off to obtain or attempt to obtain a protection order or any other legal assistance to help ensure his or her health, safety, or welfare or that of his or her child or other dependent. [Employer] will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or his or her child or dependent is a victim of domestic violence, creating a balance between the needs of both victims and the employer.

An employee must provide reasonable notice to the employer of the need to take time off unless notice is not practicable. [Employer] may require the employee to provide documentation or other certification verifying that the employee is or was a victim of violence.

[Employer] will also provide reasonable support for a victim of domestic violence who requests an accommodation for the safety of the victim or to maintain his or her work performance while at work. Reasonable accommodations may include the implementation of safety measures, including, where possible, reassignment, modified schedule, assistance in documenting the violence that occurs in the workplace, an implemented safety procedure, or referral to a victim assistance organization maintaining a balance between the interests of the Employer and the victim.

Work performance

[Employer] recognizes that employees who are victims of violence may experience temporary difficulty fulfilling job responsibilities. If [Employer] becomes aware that an employee's work performance or conduct has been impacted by domestic violence [Employer] will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. [Employer] may develop a work plan with the employee, provide leave and other accommodations, provide referrals to support or advocacy agencies and maintain a separate and confidential record of employee's status as a victim of domestic violence.

Encouraging reporting and enabling protection

Employees who are victims of domestic violence, and employees who are concerned about coworkers who might be victims, are encouraged to provide a report to [Employer]. [Employer] has designated [person] as the person to whom such reports should be made. [Employer's] designated employee shall provide referrals and where possible resource support to employees in order to enable employees to be safe and to access services to prevent further violence.

The designated employee's role is to refer the employee to appropriate resources and not to offer counselling.

Responses to workers who commit violence

If the Employer receives information that alleges or suggests that an employee has committed an incident of workplace-related domestic violence, then the matter shall be referred to the designated executive for immediate investigation of the information or allegation.

Every employee shall have a duty to cooperate with the investigation. Every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of violence.

At the end of the investigation conducted by [Employer], the investigator shall report her or his findings to the designated official. If the investigator concludes, by a preponderance of the evidence that the employee has engaged in a workplace-related incident then that employee shall be subject to disciplinary action. The employee may also be required to participate in counseling or other remedial measures.

Non-workplace domestic violence committed by an employee

If a report is received that an employee has committed non-workplace-related domestic violence, immediate discussions should be initiated with the goal of referring the employee to services for the prevention of further perpetration.

Use of workplace resources and materials to commit a domestic violence offence, whether at or away from the workplace, shall constitute a disciplinary matter.

Training

Staff will be trained on how to identify warning signs of someone who is the victim or the perpetrator of domestic violence, and how to respond appropriately in and out of the workplace. Training will also be provided for managers, supervisors, shop stewards and general staff on the entitlements and the policy and procedures.

Definitions

Survivor or victim: An individual who is currently subject to, or has in the past, been subjected to domestic violence.

Perpetrator: An individual who commits or threatens to commit an act of domestic violence.

Domestic violence:

These are some examples of behaviour that constitutes domestic violence:

Verbal abuse

- Yelling/screaming to intimidate a partner
- Using inappropriate language or cursing to embarrass or humiliate a partner

- Threatening violence against a partner, partner's family, or partner's friends
- Verbal threats of violence
- Physical conduct (such as hand gestures or raised fists)

Emotional or psychological abuse

- persistent use of abusive or threatening language
- persistent following of the person from place to place (stalking)
- depriving that person of the use of property
- the watching of or constant presence at the place where the person resides, works, carries on business or happens to be (surveillance)
- interfering with or damaging the property of the person;
- forced confinement
- persistent telephoning, emailing or texting
- making unwelcome and repeated contact with a child or elderly relative;

Sexual abuse

- Sexual contact of any kind that is coerced by force or threat of force

Physical violence

- Intentional use of physical force or power
- Kicking, biting, pushing, punching, or strangling

Financial abuse

Pattern of behaviour, the purpose of which is to exercise coercive control over, or exploit or limit a person's access to financial resources so as to ensure financial dependence e.g.

- withholding a partner's paycheck
- Attempting to control a partner's money
- Not meet financial obligations

Intimidation and threats

- Verbally attacks the person instead of speaking

- Humiliating the person in front of others
- Confuses the person about how he or she feels or really wants from the other person

Protection order

Under the DV Act, the Court can grant a protection order to prevent threatened violence and abuse or the recurrence of domestic violence. Persons entitled to apply for a Protection Order include a spouse (married/common law/), an ex-spouse, a member of the household of the perpetrator, either on his own behalf or on behalf of any other member of the household, a child (through a parent or guardian or a person with whom the child resides on a regular basis or any adult member of his household) and a person who is or has been in a visiting relationship with a person of the opposite sex for a period exceeding 12 months.

'Visiting relationship' is defined by the DV Act as a non-cohabitational relationship which is otherwise similar to the relationship between spouses.

The DV Act allows a victim to apply to the Magistrates Court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, such as rent or mortgage payments, which last for the duration of the order. This protection order could include an occupation order which excludes the perpetrator from entering the home of the victim for a period of time up to 3 years regardless of ownership.

List of Resources

The Domestic Violence Act 1999:

https://rqd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/45.56.pdf

Children Act

https://rqd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf

800 – SAVE (Hotline)

The Domestic Violence Unit

Ministry of Community Development and Gender Affairs

The National Domestic Violence Hotline provides hotline services **24 hours per day – 7 days** per week through

- confidential listening and referral services
- quick and efficient referrals to shelters/halfway houses
- limited telephone counselling
- trained hotline personnel

Coalition against Domestic Violence: Coalition against Domestic Violence (CADV) is a non-governmental organisation as well as a registered charity. Its members are shelters, children’s homes and organisations and individuals working to end all forms of domestic violence, including child abuse and elderly abuse. The Coalition supports victims and survivors through the provision of services such as counselling, accompaniment to police stations and court processes and referrals to shelters and social services.

Contact details:

1 Robinson Ville

Belmont

Port of Spain

Tel: (868) 623-0402

Email: cadv@ttcadv.net

National Domestic Violence Hotline

Tel: (868) 800-SAVE or (868) 800-7283

Families in Action:

Helpline: 24 hours, 7 days per week Emergency/crisis intervention

Telephone: (868) 628-2333 or (868) 622-6952

Legal Aid and Advisory Authority

TTMA Building No. 42, Tenth St, Barataria

(868) 638-5222

Rape Crisis Society: The Society offers free face-to-face professional counseling and referral services to persons in the following areas:

- Rape
- Child Sexual Abuse/Incest
- Domestic Violence
- Family Problems
- Personal Conflicts

Contact Information:

North Office: No. 1 Robinson Ville, Belmont, Port-of-Spain

Tel. No: . (868) 627-7273 (Hotline 24-hour service)

Tel/fax: (868) 622-1079 Tel/fax

South Office: 12 San Fernando Street,

San Fernando

Tel: (868) 657-5355 (Hotline 24-hour service)

E-mail: rapetnt@tstt.net.tt

Victim and Witness Support Unit

Trinidad and Tobago Police Service

Tel: (868) 624-8853