

Support in the workplace for victims of domestic abuse

TUC Response to BEIS call for evidence

Support for domestic abuse victims in the workplace

Introduction

The TUC is the voice of Britain at work. We represent more than 5.5 million working people in 48 unions across the economy. We campaign for more and better jobs and a better working life for everyone, and we support trade unions to grow and thrive. Promoting equality is central to what the TUC and all trade unions do. Whether that's fighting for equal pay, challenging sexism and racism in the workplace or supporting workers experiencing domestic abuse.

For the TUC and our affiliated unions domestic abuse is a key workplace issue. Anyone can experience domestic abuse, regardless of gender, age, ethnicity, socio-economic status, and sexuality. However, it is predominantly women who are the victims and who suffer from the most severe abuse. 1 in 3 women and 2.5 percent of men will experience domestic abuse in their lifetime.¹

As domestic abuse is most likely to be perpetrated by men towards women and children, domestic abuse is a gendered form of violence. Other forms of gendered violence include incidents related to domestic abuse including controlling or coercive behaviour, sexual harassment, rape and other sexual offences, stalking, harassment, so-called 'honour-based' abuse including forced marriage, female genital mutilation, modern slavery and human trafficking focusing on sexual exploitation, prostitution, pornography and obscenity.

Domestic abuse sits within a wider, systemic experience of violence against women and girls at home, in the workplace, in education and in public and digital spaces. Recognising the gendered nature of domestic abuse is crucial in ensuring there is an understanding of the unequal power relations between women and men, which are a cause and consequence of the violence and abuse that women and girls experience. Violence against women and girls is rooted in structural inequalities that result from unequal value afforded to men and women and an unequal distribution of power, resources and opportunity.

It is essential to understand the differing experiences and support needs of women. Some groups of women are at higher risk of experiencing domestic abuse. Young women, disabled women, bisexual women, migrant women, pregnant women and those living in low income households report higher levels of domestic abuse.² Disabled women, BME and migrant women also face additional barriers to accessing support.³

Support for survivors should therefore be offered through the established international framework for responding to domestic abuse as a form of violence against women and girls

¹ [Office for National Statistics \(2019\) Domestic abuse in England and Wales overview: November 2019](#)

² ONS (2018) [Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017](#)

³ Public Health England (2015) [Disability and domestic abuse: risk, impacts and response](#)

(VAWG) and as part of a wider strategy to promote gender equality across all areas of society, including the workplace.

Preventing and tackling domestic abuse is a key part of an employers' duty of care towards their employees and their legal responsibility under the Health and Safety at Work Act to ensure a safe working environment. We welcome the government's recognition that employers should and could do more to support workers experiencing, or at risk of, domestic abuse and welcome the opportunity to respond to this call for evidence.

Summary of key recommendations

Based on the wealth of evidence on this issue, current best practice and employers' legal requirements under Health and Safety legislation the TUC recommend government take the following action:

1. Amend the Domestic Abuse Bill to clarify for employers their duty of care towards workers experiencing domestic abuse. This should include a requirement for employers to:
 - a. Have a robust, internal workplace domestic abuse policy, developed with trade union representatives and in line with international VAWG frameworks
 - b. Offer flexible working arrangements for survivors and a period of paid employment leave, to support them to cope with and recover from their experiences
 - c. Provide training to their staff, developed with specialist VAWG services and trade union representatives, to ensure their first response to survivor employees is safe and appropriate. Enhanced training should be provided for line managers and HR professionals
- i) Government should investigate the discriminatory exclusion of the reporting and recording of violent incidents in the workplace related to domestic abuse which result in major injury, death or being incapacitated for over seven days and take steps to ensure that these incidents are recorded and reported
- ii) Ensure the Health and Safety Executive has sufficient additional resources to prioritise compliance and enforcement of existing Health and Safety legislation in relation to preventing and tackling domestic abuse in the workplace
- iii) As a priority, BEIS must deliver on the promise of flex working as default rather than request-based exception system by giving all workers a day one right to flexible work
- iv) The Government Equalities Office should, where necessary, redraft the Gender Equality Roadmap to reflect the current context, to account of domestic abuse as a workplace issue and include a clear timetable for delivery

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Q1. What practical circumstances arise in relation to domestic abuse and work?

Domestic abuse is a workplace issue with very serious and practical considerations for employers. High profile cases of domestic abuse victims murdered in their place of work show just how serious the consequences of domestic abuse can be and that violence can also take place on work premises. One such case is that of Clare Bernal who in 2005 was murdered by her ex-boyfriend (also an employee in the same workplace) while she was at work. Another is the 2014 case of Hollie Gazzard who was murdered by her abusive partner at her place of work in a hairdressers.

We are unable to include the full figures of women killed or injured at work as a result of domestic abuse because there is currently no requirement to record or report these in the same way that there is for other serious injuries or deaths at work.

The fact that domestic abuse often leads to and is linked to workplace violence is not the only reason employers need to take this issue seriously. Even where all the abuse happens outside of the workplace, domestic abuse can have a huge impact on an individual's working life and on their colleagues, resulting in unexplained absences, lateness and negatively impacting performance.⁴ This puts survivors' jobs and incomes at risk. No one should lose their job or income as a result of experiencing domestic abuse.

Evidence

Research by the TUC found that domestic abuse often follows individuals into the workplace.⁵

- Over one in ten of those who experience domestic abuse report that the abuse continues in the workplace
- In the majority of instances (81 per cent) this is through harassing or abusive emails or phone calls
- For nearly half (47 per cent) domestic abuse at work took the form of their partner turning up at their workplace or stalking them outside their workplace
- For 16 per cent of those who had experienced domestic violence, their abusive partner worked in the same place of work as them

TUC's research uncovered the hugely detrimental impact domestic abuse has on victims' working lives:

- Nearly 9 out of 10 workers experiencing domestic abuse said it impacted their performance at work
- Over half of those experiencing domestic abuse have to take time off work as a result of abuse and nearly half were late to work

⁴ TUC (2014) Domestic violence and the workplace <https://www.tuc.org.uk/research-analysis/reports/domestic-violence-and-workplace>

⁵ "

- Of those who had experienced domestic abuse, over forty per cent said it had affected their ability to get to work because they were injured, threatened or had their car keys or money stolen to prevent them getting to work by their abuser

As well as affecting the safety of the individual, domestic abuse may also affect the safety of other employees and impact negatively on the working environment.⁶ Over a quarter of co-workers had been threatened or harmed by a colleague's abuser. 90 per cent of those experiencing domestic abuse said it had created conflict and tension with their colleagues.

The economic and social cost of domestic abuse is largely borne by victims themselves. The Home Office estimates the physical and emotional harm suffered by the victims themselves cost individuals around £47 billion.⁷ Over one in five working women have taken time off of work because of domestic abuse and one in fifty women lose their jobs as a consequence of experiencing domestic abuse⁸

There is a £14 billion cost per annum to the economy in lost output due to time off work and reduced productivity as well as costs to public services such as health and social care.⁹

Q2. What support can be offered in the workplace to victims of domestic abuse?

We know that work is often a place of safety for those experiencing domestic abuse. It is important therefore that employers raise awareness of domestic abuse through workplace policies and training, as well as playing an active role providing practical help such as flexible working arrangements, paid time off and offering safe access to specialist services and information.¹⁰ Employers should ensure those experiencing domestic abuse are not disadvantaged within the terms and conditions of their employment and that all reasonable steps are taken to offer support, flexibility and workplace adjustments to those experiencing domestic abuse. For example, adjusting working hours or location, changing telephone or email address or providing paid leave to survivors of domestic abuse.

To fulfil their duty of care towards workers, employers should have the following practical support in place:

- a) Have a robust, internal workplace domestic abuse policy, developed with trade union representatives and in line with international VAWG frameworks
- b) Offer flexible working arrangements for survivors and a period of paid employment

⁶ TUC (2014) Domestic violence and the workplace <https://www.tuc.org.uk/research-analysis/reports/domestic-violence-and-workplace>

⁷ Home Office (2017)

⁸ Figures on domestic violence victims taking time off work are from *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey Home Office Research, Development and Statistics Directorate*, March 2004; and from Walby, S & Allen, J.

⁹ Home Office (2019) The economic and social cost of domestic abuse available at <https://www.gov.uk/government/publications/the-economic-and-social-costs-of-domestic-abuse>

¹⁰ A list of employers that already offer this is available in the Annexe 1

leave, to support them to cope with and recover from their experiences

- c) Provide training to their staff, developed with specialist VAWG services and trade union representatives, to ensure their first response to survivor employees is safe and appropriate. Enhanced training should be provided for line managers and HR professionals

The TUC and our affiliated unions have called for the government to amend the Domestic Abuse Bill to strengthen support for workers, providing a legal guarantee to survivors of their right to the above support in the workplace.

As part of their domestic abuse policy, employers should take responsibility to:

- **Train workers to identify warning signs:** Because people who experience domestic abuse are more likely to report it to a co-worker than to others in the workplace, all workers - including those on agency contracts, freelancers and zero-hours contracts - should be trained to recognise the warning signs and risk factors for domestic abuse
- **Establish a support network:** Train individuals within the workplace, such as a nominated trade union representative, to offer support and assistance to workers experiencing domestic abuse. Working together in a team which may include the line manager, trusted co-worker, human resources, Employee Assistance Program (EAP) provider and union representatives may be a helpful approach to providing a supportive network
- **Develop a safety plan:** Workplaces can create an individualised personal and workplace safety plans to address the situation of the worker and other employees. Update the plans as circumstances change. Share the plans with anyone who needs to know about the situation in order to ensure safety.

Evidence

Given the scale of this issue, employers of all sizes are likely to have both victims and perpetrators of domestic abuse working within their organisation. However, currently only 5 per cent of employers have a specific domestic abuse policy.¹¹ The lack of proactive action by employers adds to a culture of silence around domestic abuse making it more likely that the burden will continue to be borne by those experiencing abuse. These attitudes further isolate people experiencing domestic abuse creating a barrier between the victim and those who may be in a position to provide valuable support and assistance.

Having a domestic abuse workplace policy raises awareness of and demonstrates an employers' commitment to preventing and tackling domestic abuse in the workplace. It should specify how an employer will provide support for workers and take action against perpetrators. Research suggests 78% of male perpetrators use workplace resources such as email or a work phone to threaten and check up on their partners.¹² A policy should therefore cover perpetrators of domestic abuse. It should signpost individuals to specialist support services, such as Respect charity and make clear that the misuse of company

¹¹ *Durham University Research Report, November 2017*

¹² Respect (2019) Toolkit for work with male

property to perpetrate domestic abuse is gross misconduct that could merit instant dismissal.

Good workplace policies on domestic violence often offer advances on pay to help survivors of domestic abuse get through a period when they may have no access to cash or their own money is being withheld by an abusive partner.

A specific workplace policy should be reinforced through effective training for staff and managers on the signs and symptoms of domestic abuse, how to respond, and where to seek further help. This should be mandatory for all staff at induction and repeatedly regularly, particularly for line managers.

Line managers play a vital role in providing workplace support and should be skilled and confident in facilitating sensitive conversations. In cases where a line manager or employer is unaware of or unsympathetic to the reasons for lateness, or unexplained absences, victims can find themselves being disciplined or even dismissed.¹³

Losing a job and an independent source of income is a disastrous outcome for anyone experiencing domestic violence. There is well-documented correlation between socio-economic status, income and domestic violence.¹⁴ Lack of access to money creates additional barriers to fleeing abuse. The loss of economic independence is even worse given that unemployed women are nearly twice as likely to experience domestic abuse than those in employment.¹⁵

Maintaining employment and economic independence is also a key part of a survival strategy for those fleeing domestic abuse.¹⁶ The ability to take paid leave from work, where necessary at short or no notice, without facing disciplinary action or losing out on pay is crucial for survivors of domestic violence who are trying to flee an abusive relationship. A TUC survey found more than 80 per cent of respondents said they thought that workplace entitlements such as paid leave could reduce the impact of domestic abuse in the workplace.¹⁷ Essential steps such as finding a new home, getting a place at a refuge, securing new school places for kids, seeking legal advice, opening a new bank account and seeking medical help and counselling all take time.

¹³ TUC (2014) Domestic violence and the workplace <https://www.tuc.org.uk/research-analysis/reports/domestic-violence-and-workplace>

¹⁴ ONS (2018) [Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017](#)

¹⁵ ONS (2018) [Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017](#)

¹⁶ Swanberg, J; Logan, T (2006) Intimate partner violence, women and work: Coping on the job' *Journal of Interpersonal Violence* 27.3:587-619

¹⁷ Trades Union Congress (TUC). (2014) Domestic Violence in the Workplace

Q3. What is possible within existing framework?

All employers have a duty of care towards their workforce. Health and safety laws ensure workers have the right to work in a safe environment where risks to health and well-being are considered and dealt with efficiently.

The Equality Act 2010 includes a public sector equality duty and those subject to the this must have due regard to the need to promote equality and eliminate unlawful discrimination, harassment and victimisation.

As part of an employers' duty of care, employers should take all steps which are reasonably possible to ensure the health, safety and wellbeing of their staff. An employer can be deemed to have breached their duty of care by failing to do everything that was reasonable in the circumstances to keep the employee safe from harm. Requirements under an employer's duty of care are wide-ranging and may manifest themselves in many different ways, such as:¹⁸

- d) Ensuring a safe work environment
- e) Providing adequate training
- f) Protecting staff from bullying or harassment, either from colleagues or third parties
- g) Protecting staff from discrimination
- h) Providing communication channels for employees to raise concerns
- i) Consulting employees on issues which concern them

Failing to consider and take appropriate steps to prevent and tackle domestic abuse therefore could result in employers being in breach of their duty of care.

There are four main areas of health and safety law relevant to violence at work:

- Health and Safety at Work etc Act 1974
- Management of Health and Safety at Work Regulations 1999
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- Safety Representatives and Safety Committees Regulations 1977

An effective workplace policy on domestic abuse can ensure that employers are complying with these laws. Regulatory bodies and inspectorates should be able to tackle breaches and enforce these laws.

Regulators, especially the Health and Safety Executive, should be required to prioritise developing a robust and comprehensive enforcement framework in relation to domestic abuse and the workplace.

However, despite the clear health and safety implications of domestic abuse in the workplace and the fact that it is widely accepted that domestic abuse is a workplace issue

¹⁸ Acas (2012) Defining an employers' duty of care available at <https://archive.acas.org.uk/index.aspx?articleid=3751>

there appears to be gaps in health and safety protections HSE guidance on workplace violence states that:¹⁹

“Acts of non-consensual violence to a person at work that result in death, a major injury or being incapacitated for over-seven-days are reportable. A physical injury inflicted on one employee by another during a dispute about a personal matter, or an employee at work injured by a relative or friend who visits them at work about a domestic matter, is not reportable.”

The Health and Safety Executive’s workplace violence statistics explicitly exclude incidents in which there was a domestic relationship between the offender and victim (current or former partners, relatives or household members).²⁰ It is difficult for regulators to target their work in the absence of systematically collected evidence. Domestic abuse is a workplace issue and there are steps that employers can and should be taking to ensure the safety of their workers. For too long, those experiencing domestic abuse have been silenced and the impact on them minimised and sidelined as a trivial matter. It is unacceptable that the implementation of regulations such as RIDDOR, designed to promote the safety of workers, appear to reflect this. Like other workplace issues, injuries and deaths of workers as a result of domestic abuse need to be systematically recorded, reported and lessons learned at a workplace and national level. The failure to require deaths and major injuries that are caused by domestic abuse to be recorded and reported is inconsistent with Health and Safety law and is discriminatory toward women given that domestic abuse causes loss of women’s lives at work²¹.

Recommendations

The role of regulatory bodies and inspectorates should be strengthened. These organisations have a vital role to play in supporting employers and ensuring they are providing a safe working environment.

The TUC recommend:

1. Government should investigate the discriminatory exclusion of the reporting and recording of violent incidents in the workplace related to domestic abuse which result in major injury, death or being incapacitated for over seven days and take steps to ensure that these incidents are recorded and reported
2. Health and Safety Executive should prioritise tackling breaches of Health and Safety Law in relation to preventing and tackling domestic abuse in the workplace. They must be given appropriate levels of additional resources to enable them to do so

¹⁹ HSE, web page, Violence at work, what you need to do, available at <https://www.hse.gov.uk/healthservices/violence/do.htm>

²⁰ HSE (2019) Workplace violence statistics 2018 available at <https://www.hse.gov.uk/statistics/causinj/violence/work-related-violence-report-2018.pdf>

²¹ Women and Equalities Committee, Oral evidence: Sexual Harassment in the Workplace, HC 725, Wednesday 23 May 2018, available at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/sexual-harassment-in-the-workplace/oral/83394.html>

3. Acas should produce new guidance to help employers comply with their existing obligations within their duty of care and under Health and Safety at Work law

Q4. What does current best practice look like?

Research demonstrates the key role trade unions play in supporting members experiencing domestic abuse and helping employers better support their employees.²² Demand for this support has increased significantly since the Covid-19 pandemic began. Many workers have been, and still are, subject to social distancing measures that isolate them with their abuser, away from support networks. Since lockdown started, the National Domestic Abuse helpline has reported a 25% increase in calls and a 150% increase in visits to their website.

We highlighted the spike in domestic abuse since lockdown as a major impact of the coronavirus restrictions on women in evidence about the unequal impact of the Covid-19 pandemic on people with protected characteristics submitted to the Women & Equalities Select Committee. As part of the TUC's work responding to this emergency, we produced a free online resource for trade union reps and employers on spotting signs of and supporting workers experiencing domestic abuse.²³ It received over 1,000 individual hits in its first 12 hours online and was our most highly demanded learning guide of 2020 within 3 weeks of its release.²⁴

Union reps are an important part of the support available to individuals in the workplace. For those suffering abuse at home, the workplace can be a place of refuge and safety and a union rep often is the first port of call when seeking help. Reps support individual members in dealing with management and seeking time off work. Unions also have a role in bargaining for better workplace policies on domestic abuse. Our affiliated unions have successfully negotiated the following for members:

- Usdaw trade union negotiated 5 days paid domestic abuse leave for staff working at an employer with over 17,000 staff. In addition, the union has successfully reached agreements with 4 employers, both large and small organisations, to put domestic abuse policies
- A number of employers covering over 50,000 workers have signed up to GMB's 'Work to Stop Domestic Violence charter' that calls on employers to support employees experiencing domestic abuse to ensure they will not be disadvantaged at work, will be supported with access to services and information and that all employers train staff to be able to appropriately and confidently support staff
- In 2012 following a resolution from their Women's Conference, RMT union drew up a model domestic violence policy, in partnership with Women's Aid. This policy is now a core part of their standard set of workplace policies

²² TUC (2014) Domestic violence and the workplace; Wibberley et al (2016) Domestic abuse – a management issue: how trade unions can help

²³ TUC (2020) Domestic abuse and coronavirus – guide for reps and workplaces available at <https://learning.elucidat.com/course/5e875ae4d0715-5e8c6417dfc28>

²⁴ Unpublished TUC Education data (2020)

Unions in Australia have successfully campaigned on domestic violence as a workplace issue and have negotiated 20 days of paid leave in cases of domestic violence across the whole of the public sector.

The Philippines, a number of states in the United States and, most recently, New Zealand have all passed laws requiring employers to provide paid leave to victims of domestic abuse. There are also pockets of good practice within England. A number of employers are offering paid leave for employees affected by domestic abuse. Some offer fixed leave for 2 weeks, whereas others offer a flexible approach depending on the individual's situation.

This includes:²⁵

Local Authorities including the London Borough of Barking & Dagenham; Royal Borough of Greenwich; Luton Borough Council; and Newcastle City Council

Bidwells (property & agribusiness consultants)

Catholic Bishops' Conference of England & Wales

CILEx (Chartered Institute of Legal Executives)

EY

Hestia (charity)

Lloyds Banking Group Places for People (property management, development & regeneration)

Vodafone Group (policy introduced globally)

The NHS Staff Council's Health, Safety and Partnership working group developed resources for NHS employers on designing a domestic abuse policy and how to take an organisational approach to supporting NHS staff experiencing domestic abuse²⁶.

Norfolk County have a freely available template workplace domestic abuse policy available for employers.²⁷

Best practice: Partnership working between TUC Northern Region and Northumbrian Police

During her time as police and crime commissioner for Northumbria, Dame Vera Baird, recognised domestic and sexual violence as a workplace issue and developed a scheme to

²⁵ EIDA (2020) Domestic Abuse Amendment Briefing

²⁶ NHS (2020) HSWPG Resources available at <https://www.nhsemployers.org/case-studies-and-resources/2017/11/domestic-violence-and-abuse-supporting-nhs-staff>

²⁷ Norfolk County Council (date unknown) Model domestic violence and abuse policy available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjpl5C3w-HrAhWuDmMBHSkaBJYQfjAEegQIARAB&url=https%3A%2F%2Fwww.norfolk.gov.uk%2F-%2Fmedia%2Fnorfolk%2Fdownloads%2Fsafety%2Fdomestic-abuse%2Femployer-and-workplace-policies%2Fdomestic-abuse-policy.docx%3Fla%3Den&usg=AOvVaw2TgaaJnAe6pz4cMk7w42sh>

promote trained domestic abuse workplace champions, working with employers, unions and the public sector in the region.

A template Domestic Abuse at Work policy²⁸ was developed that set out clearly the practical support employers can offer to workers. The TUC worked with union reps and the TUC Northern regions women's network to promote this policy, with reps negotiating with employers to add it to the set of workplace policies.

Around 600 domestic abuse workplace champions were trained as part of this programme, including 80 trade union reps. The champions are a safe, first point of contact for women experiencing domestic abuse and help to raise awareness around the issues of domestic and sexual abuse in workplaces. Champions had access to additional training and resources in order to provide this help and support to their colleagues.

Workplace champions were backed by a champions network which provided expert, front line support. Awareness raising materials were provided to inform workplaces of the champions role as was specialist information to ensure champions were aware of cultural differences and needs of survivors. This included understanding and being aware of specialist organisations to signpost survivors too following disclosures of domestic abuse.

Q.6 What is the potential to go further?

While trade unions and VAWG sector organisations have been successful in negotiating and advocating for improvements to workplace policies and practical support offered by employers, we cannot rely on voluntary adoption of good practice alone. We need a consistent approach across workplaces which can only be achieved through legislation.

The TUC and our affiliated unions UNISON and GMB have, alongside many violence against women and girls (VAWG) organisations, called for the Domestic Abuse Bill to improve employment support for survivors of domestic abuse. We continue to call for the Domestic Abuse Bill to include a statutory right to flexible working arrangements and a period of paid employment leave as well as a requirement on employers to provide training and have a workplace policy in place. We strongly encourage the Department for Business, Energy and Industrial Strategy (BEIS) to utilise the opportunity presented through the landmark Domestic Abuse Bill to ensure support for survivors in the workplace is legally guaranteed.

Once legislative change has been achieved and a minimum standard of support established, there is always potential for good employers to go further. Evidence collected by the Employers' Initiative against Domestic Abuse (EIDA) during lockdown found employers were already trying to do so:

- Lloyds Banking Group Emergency Assistance - Scheme arranging and providing temporary hotel accommodation for employees who need refuge from an abusive partner (Covid & post-Covid)

²⁸ Sent as an attachment to the call for evidence

- National Grid - Support employees with contract changes enabling people to move away from the area and offer financial support in the form of temporary hotel accommodation and hardship loans / gifts.

