

Developing a Workplace Policy on Domestic and Sexual Abuse

Guidance for Employers

Revised
October 2022



Department of
Health

An Roinn Sláinte
Mánnystrie O Poustie
www.health-ni.gov.uk



Department of
Justice

An Roinn Díl agus Cirt
Mánnystrie O tha Laa
www.justice-ni.gov.uk

CONTENTS

- 1: PURPOSE OF THE GUIDE**
- 2: WHAT IS DOMESTIC AND SEXUAL ABUSE AND WHY IS IT A WORKPLACE ISSUE?**
- 3: HOW A WORKPLACE POLICY CAN BENEFIT BUSINESS**
- 4: THE LEGAL IMPLICATIONS**
- 5: WHAT SHOULD A WORKPLACE POLICY COVER?**
- 6: SUPPORT AND SAFETY MEASURES IN THE WORKPLACE**
- 7: PERPETRATORS WHO ARE EMPLOYEES**
- 8: INFORMATION, ADVICE AND PATHWAYS TO SUPPORT**

ANNEX 1: CASE STUDY

ANNEX 2: SAMPLE WORKPLACE POLICY

ACKNOWLEDGMENTS

1. PURPOSE OF THE GUIDE

- 1.1 This Guidance has been produced by the Department of Health and the Department of Justice. Both Departments lead jointly on the delivery of a regional strategy to tackle domestic and sexual abuse which is [available here](#).
- 1.2 The Guidance has been developed in partnership with key stakeholders to provide advice on how employers across the public, private, voluntary and community sectors can develop increased awareness and more effective responses to domestic and sexual abuse, for the benefit of all staff.
- 1.3 Domestic and sexual abuse is a serious problem in Northern Ireland. It occurs right across our society and it has devastating consequences for victims and their families.
- 1.4 In 2021/22 there were 11,568 calls, 11,418 web chat messages and 318 e-mails to the 24 Hour Domestic and Sexual Abuse Helpline and yet we know that the majority of incidents go under-reported and many victims remain silent.
- 1.5 This guide focuses on supporting employees who have been affected by, or are at risk of, domestic and/or sexual abuse. By considering these guidelines and by drawing up a workplace policy and associated support mechanisms, employers can fulfil their duty of care to their employees and help create a safe and supportive workplace for all.

2. WHAT IS DOMESTIC AND SEXUAL ABUSE AND WHY IS IT A WORKPLACE ISSUE?

Domestic Abuse

2.1 Domestic abuse is a form of trauma and can include, but is not limited to, the following types of behaviour:

- **Coercive control** – controlling or coercive behaviour that can take the form of an act or number of acts of assault, threats, humiliation and intimidation, or other abuse that is used to harm, punish or frighten the victim. This pattern of behaviour is designed to make a person dependent on their abuser by isolating them from support, exploiting them, depriving them of freedom of action and/or regulating their everyday behaviour.
- **Psychological/emotional abuse** – which can include verbal abuse (yelling, insulting or swearing at the victim), rejection and gaslighting (making the victim doubt themselves, including their sanity, by manipulation of the truth), put-downs, publicly embarrassing them or blaming them for everything. The aim of emotional abuse is to chip away at the person's feelings of self-worth and independence, leaving them feeling that there's no way out of the relationship, or that without the abuser, they have nothing.
- **Physical abuse** is any physically aggressive behaviour and/or indirect physically harmful behaviour. This may include, but is not limited to, a range of violent acts such as hitting (with or without an object), kicking, biting, slapping, shaking, punching, choking, beating, scratching, pinching, pulling hair, burning, threatening with a weapon or threatening to physically assault.
- **Sexual abuse** is any situation when a person is forced (without consent) to participate in unwanted, unsafe or degrading sexual activity. Forced sex, even by a spouse or intimate partner with whom you have had previous consensual sex with, is an act of sexual abuse.
- **Economic and financial abuse** is where one person deprives their partner or family member of financial resources or the ability to make money. This might involve taking out loans in their name or ruining their credit score. This creates a financial dependency, controlling them or preventing them from leaving the relationship.
- **Online and technological abuse** is where abusers exploit the use of technology, social media or other online means to control or coerce victims. This may involve monitoring or controlling passwords or limiting who they can follow or contact.

2.2 Women still make up the largest proportion of domestic and sexual abuse victims but it is also important to recognise that men can also be victims of domestic and sexual abuse. It is also important to highlight that Lesbian, Gay, Bisexual,

Transgender, Queer or Questioning, Intersex and asexual individuals (LGBTQIA+) can also be victims. Domestic and sexual abuse can also take place in teenage relationships as well as elderly relationships.

Domestic Abuse Offence – domestic abuse is a crime

2.3 Sections 1 to 3 of the **Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021** contain a domestic abuse offence for Northern Ireland. This came into force on 21 February 2022.

2.4 It is an offence for a person to carry out a **course of behaviour** which is abusive of someone that they are (or have been) **personally connected to** (see paragraph 2.6 for the relationships which this covers). A course of behaviour involves behaviour on **at least two occasions**. This is to capture abuse that typically occurs over a period of time¹ in order for an individual to exert control over another. As set out above, abusive behaviour is not limited to physical or sexual violence. It can also capture emotional and psychological abuse and coercive control.

2.5 Two further conditions must be met for the domestic abuse offence to be committed. These are:

- that a reasonable person would consider that the behaviour in question would be **likely** to cause physical and/or psychological **harm** (hurt or damage, including fear, alarm and distress)² and;
- that the behaviour is carried out with the **intent** to, or is **reckless**³ as to whether or not it would, cause such **harm**. This condition could be met, for example, where the abuser is repeatedly verbally abusive and demeaning towards their partner/connected person but claims that they did not intend the behaviour to cause harm, and the court is satisfied that the accused's behaviour would cause such harm.

2.6 The domestic abuse offence covers a range of relationships. It includes those that:

- are, or have been, married;
- are, or have been, in a civil partnership;
- live together (or have lived together) as if they were married or in a civil partnership;
- are or have been in an intimate personal relationship – this is intended to cover relationships between two individuals (including young/teenage and same-sex relationships), although the relationship need not be sexual, nor long-term; or
- are close family members.

¹ There is no set timeframe over which the course of behaviour must take place, rather it is dependent on the circumstances of the case.

² The court would also be entitled to take account of any particular vulnerability of the partner/connected person, in considering whether the offender's behaviour would be likely to cause them to suffer physical and/or psychological harm.

³ Disregarding the consequences or danger; lacking caution; rash.

- 2.7 A close family member includes a person's parent,⁴ grandparent, child or step-child, grandchild or sibling (including half siblings). It also includes a person's 'in-laws' (the parent, grandparent, child, grandchild or sibling of the person that they are in a relationship with i.e. their spouse, civil partner, or someone they live with as if they are married or in a civil partnership). Half-blood and step-relationships are also covered. Relationships where an adult has parental responsibility for a child under 16 (including foster and kinship relationships) would come under the parental responsibility exclusion.
- 2.8 It is important to recognise that domestic abuse does not only occur within an intimate relationship, but that it can also take place within familial relationships.

THE FACTS

- PSNI recorded **33,186 domestic abuse incidents between 1st April 2021 to 31st March 2022, an increase of 1,990 (6.4 per cent) on the previous 12 months.**
- **A domestic abuse incident is reported, on average, every 16 minutes each day in NI.**
- **1 in 4 women and 1 in 7 men** have experienced domestic abuse.
- On average, there are **8 domestic homicides** in NI each year.
- Domestic abuse often **starts or escalates during pregnancy.**

Sexual Abuse

- 2.9 Sexual abuse is an act that frequently aims to express power and dominance over the victim. It can take many forms, involving both contact and non-contact activity and it can include taking advantage of an individual's incapacity to give informed consent.
- 2.10 Sexual abuse is any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability).
- 2.11 It is very often perpetrated by someone whom the victim knows or trusts but it can also be perpetrated by a stranger.
- 2.12 It is also important to recognise that sexual abuse may overlap with sexual harassment (unwanted behaviour of a sexual nature). Sexual harassment occurs where a job applicant or employee is subjected to unwanted verbal, non-verbal or physical conduct *of a sexual nature* and where that conduct has the purpose, or

⁴ In relation to domestic abuse against a child by their parent, the offence only applies if the child is over 16 years of age. If the child is under 16, child protection provisions should be considered.

the effect, of violating their dignity, or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment also occurs where a person is treated less favourably than others for having rejected, or submitted to, unwanted conduct of the kind just described.

- 2.13 Equality Law in Northern Ireland prohibits harassment, including sexual harassment and it is the responsibility of employers to protect their employees from harassment. Every employer should have a separate written policy that prohibits sexual harassment in the workplace along with clear reporting procedures.

THE FACTS

- Sexual abuse is a **crime**.
- It can happen to anyone and it is **never the fault of the victim**.
- **1 in 7 adults** have experienced some form of sexual abuse.
- **4,097 sexual offences** were recorded by PSNI during 2021/22.
- It can have a profound effect on **physical and mental health**.
- **21,425 counselling sessions** were offered by Nexus NI in 2021/22 and **17,935** were delivered.

Why is this a Workplace Issue?

- 2.14 Home and work issues cannot always be separated and domestic and sexual abuse can impact greatly on the working life of someone who is being abused. A person can continue to experience the abuse in the workplace through, for example, offensive or threatening phone calls or emails and can be particularly vulnerable going to or from their place of work. All of this can affect their performance, attendance, timekeeping, career prospects and job security.
- 2.15 Other workers and colleagues can also be affected as they too could experience threatening or intimidating behaviour from the perpetrator and more particular issues can arise where both the perpetrator and the victim work in the same workplace or location.
- 2.16 A survey conducted by the Irish Congress of Trade Unions in 2014 into the impact of domestic violence on the workplace found that a third of the 1,734 people in Northern Ireland who responded had experienced domestic violence. Nearly all respondents said they thought that it had an impact on the working lives of employees.⁵
- 2.17 By having a Domestic and Sexual Abuse Workplace Policy in place it is possible to create a safe and supportive working environment.

⁵ <https://www.ictuni.org/publications/ictu-domestic-violence-survey-results/>

How to recognise Domestic and Sexual Abuse

2.18 Possible signs include:

- Arriving late, leaving early or high absenteeism rate without explanation;
- Uncharacteristic withdrawal, depression, fatigue, anxiety, distraction or problems with concentration;
- Changes in the quality of work performance for no apparent reason;
- Receipt of repeated upsetting calls or emails;
- Obsession with time or needing regular time off for appointments;
- Inappropriate or excessive clothing;
- Repeated injuries, or unexplained bruising or explanations that do not fit the injuries displayed; and
- Increased hours being worked for no apparent reason.

2.19 This is not an exhaustive checklist. Some victims may display no signs of abuse. Everyone's reaction is different and changes in behaviour may be evident or they can be difficult to identify. It is also important to remember that whilst there are similarities in responses, domestic and sexual abuse will affect women, men and LGBTQIA+ people in different ways and victims may need specialised support.

3 HOW A WORKPLACE POLICY CAN BENEFIT BUSINESS

- 3.1 In Northern Ireland the direct cost of domestic and sexual abuse to services and lost economic output is estimated to amount to **£931 million**.⁶ It therefore makes sound business and economic sense for employers to have a workplace policy that supports employees experiencing domestic and sexual abuse. Below are some key business reasons why it is a good investment for employers to have a workplace policy:

Recruitment and Retention

- 3.2 Creating a team of trained and experienced staff costs money. Having a workplace policy is a good investment for an employer helping to retain skilled, trained and experienced staff and thereby reducing the cost that occurs when staff leave. An employer who promotes health and wellbeing through their policies will be attractive to a much wider pool of potential applicants.

Staff Morale and Productivity

- 3.3 A workplace policy on domestic and sexual abuse can help create a positive working environment. If staff feel that they are fully supported and confident in approaching their employer for help this can increase their morale, loyalty and commitment which in turn can have a positive impact on productivity.

Disciplinary Action

- 3.4 The effects of domestic and sexual abuse can impact on attendance, punctuality, work performance, health and safety and productivity. A clear policy on domestic and sexual abuse that enables employees to feel comfortable confiding in the appropriate person (such as Trade Union representatives, or Human Resources) can prevent unnecessary disciplinary action against an employee.

Public Image and Reputation

- 3.5 Employers who have a policy on domestic and sexual abuse are communicating a powerful message to both employees, potential employees and the wider community that they are committed to supporting employees, the principles of equal opportunities and community investment. It underpins a strong sense of corporate social responsibility.

⁶Estimated in the Stopping Domestic and Sexual Violence and Abuse Strategy

4 THE LEGAL IMPLICATIONS

- 4.1 Having in place an effective workplace policy can help employers comply with the following health and safety laws:
- The **Health and Safety at Work (NI) Order 1978** under which employers have a duty of care to ensure as far as is reasonably practicable, the health and safety at work of their employees.
 - The **Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2006** which requires employers to assess the risks of violence to employees and make arrangements for their health and safety by effective planning, organisation and control.
 - The **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (NI) 1997** and the **Health and Safety (Consultation with Employees) Regulations (NI) 1996**, also relevant to violence at work.
- 4.2 A workplace policy can also help public authorities comply with their duty under the **Human Rights Act 1998**, to protect the human rights of individuals and ensure they are not being violated. Domestic and sexual abuse constitutes a clear violation of a person's human rights and failure to address this issue in the workplace could be regarded as an infringement of the Human Rights Act.
- 4.3 Section 75 of the **Northern Ireland Act 1998** also requires designated public authorities, in carrying out their functions, to have due regard to the need to promote equality of opportunity and good relations.
- 4.4 In addition to the above legal obligations, employers have an ethical and moral duty to protect and support employees experiencing domestic and sexual abuse. For the victims the workplace must be a place of safety, help and support.
- 4.5 The **Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022**, once commenced, will introduce a statutory provision of at least 10 days paid leave in each leave year for workers/employees that are victims/survivors of domestic abuse.
- 4.6 Safe Leave is paid leave from work that can be used by a worker/employee who is a victim/survivor of domestic abuse. It can help mitigate some of the barriers that victims/survivors face when attempting to seek help and support. It can also help address some of the costs of domestic abuse for employers.

5. WHAT SHOULD A WORKPLACE POLICY COVER?

- 5.1 The checklist below identifies the key areas that should be included within a workplace policy and the following link provides a sample policy produced by the Belfast Area Domestic and Sexual Violence and Abuse Partnership:

<https://belfastdvp.co.uk/themainevent/wp-content/uploads/DV-Workplace-policy-update-2020.pdf>

<input checked="" type="checkbox"/>	CONTENT
	A robust policy statement and organisational commitment to a zero-tolerance approach to domestic and sexual abuse.
	A clear definition of 'Domestic Abuse' and 'Sexual Abuse' (see section 2) with useful facts and figures.
	Reporting procedures including roles, responsibilities and contact details of Human Resources, Line Managers, employees and Trade Union representatives where relevant (see section 6).
	Information about the practical and supportive measures which can be accessed by employees. This may include diverting phone calls or alerting reception and security staff (see section 6).
	A list of support services (see section 8).
	A commitment to prioritise confidentiality where possible.
	A communication plan to, for example, publish the policy on the organisation's intranet and staff newsletter/handbook so that all staff can be made aware of its aims.
	Information about staff training on the implications of domestic and sexual abuse in the workplace and what the policy offers.
	A process for monitoring and reviewing the policy on a regular basis.

- 5.2 Even with limited resources there are steps that can be taken to address the effects of domestic and sexual abuse in the workplace. In many cases it is about being aware and sign posting to organisations that provide specialist support. This can include displaying posters and leaflets within the workplace and working in partnership with Trade Unions.

6. SUPPORT AND SAFETY MEASURES IN THE WORKPLACE

- 6.1 It is important that staff know from a workplace policy that there is someone they can talk to if they have been affected by domestic and sexual abuse. This could be:

Line Managers

Individual Line Managers (in consultation with Human Resources) can play a key role in supporting staff who have been affected by domestic and sexual abuse. Their role is not to deal with the abuse itself but to make a managerial commitment to assist the member of staff and outline what help is available to them. Managers should also be aware that some employees may feel more vulnerable because of their ethnic background, religion, age, sexual orientation or disability, for example.

Welfare Services or Occupational Health

Welfare Services can provide the necessary emotional support for victims of domestic and sexual abuse and can visit a member of staff should they be on leave from work due to sick absence. Welfare should also signpost the individual to other support services for information and advice (see section 8).

Human Resources

Human Resources has a central responsibility to develop and make available policy and procedures on supporting staff affected by domestic and sexual abuse and to advise managers and employees on its implementation.

Trade Union Representatives (where relevant)

Trade Union Representatives can offer support, encouragement and guidance to the person who has been affected by domestic and sexual abuse. They can ensure that the person is aware of the organisations workplace policy, discuss the various options open to them and agree a way forward. It is not their role to act as counsellor, this task can only be undertaken by a professionally qualified person.

Other Employees

Other employees can assist and support co-workers in gaining confidence to tackle and report domestic and sexual abuse. They should also be able to speak in confidence to their line manager or Human Resources/Personnel if they have concerns about the safety of a colleague.

Practical Support Measures

- 6.2 A workplace policy should also contain information on practical and supportive measures available in the workplace where possible. This may include:

- Diverting phone calls and emails.

- Alerting reception and security staff if the abuser/alleged abuser is known to come to the workplace.
- Allowing more flexible working or special leave to facilitate any practical arrangements (such as attending counselling or court).
- Checking the employee has arrangements for safely getting to and from home and if possible, provide a personal alarm.
- Ensuring the employee does not work alone or in an isolated area.
- Moving the employee out of public view i.e. ensuring that they are not visible from reception points or ground floor windows.
- Keeping a record of any incidents of abuse in the workplace, including persistent telephone calls, emails etc.
- If the employee is absent, a method of communication should be arranged with line managers so that they are aware that the individual is safe.
- Offering a salary advance where, for example, the employee needs to escape a violent or abusive situation or where their own money is being withheld by an abusive partner.
- Having in place a trained support officer or Domestic and Sexual Abuse Champion in the workplace, if resources permit.

6.3 Employers should also be alert to the fact that an alleged abuser/abuser and victim may both work together. It is important that employers rely on professionals to provide appropriate services. This could be training, support and advice or counselling services. There are many professional groups who are specifically trained to deal with this. Training from the experts in the field (such as Nexus NI, Women's Aid, Men's Advisory Project and Rainbow) is also useful for Human Resources/Line Managers or Support Officers, so that they can respond sensitively and appropriately. Employers can play an important supporting role by developing policies, raising awareness among the workforce and having trained staff who can provide a listening ear to help colleagues make the right decision on where to go next for advice and support.

6.4 An **e-learning package** which consists of 4 modules targeted at frontline professionals, across a range of sectors, who may come into contact with a victim of domestic abuse in the course of their work is available on the LINKS platform. Those organisations who do not have access to LINKS, but wish to receive the package to place on their own e-learning platform or staff intranet site should contact the Department of Justice via email: vap@justice-ni.gov.uk. Alternatively, a shorter awareness raising tool is available at: <https://www.daart-ni.co.uk/#/>

6.5 When an employee discloses domestic and sexual abuse the employer should encourage the individual to contact a specialist support agency (see section 8).

7. PERPETRATORS WHO ARE EMPLOYEES

- 7.1 It is often possible for perpetrators of domestic and sexual abuse to use workplace resources such as phones, email and other means, to threaten, harass or abuse an individual. They may also involve other colleagues, who may or may not be aware of their motives in assisting them.
- 7.2 Such abuse requires an effective employer response because it could be damaging and potentially dangerous for those being abused, as well as possibly bringing the organisation into disrepute. Please note that the circumstances of a case involving workplace resources and staff may be investigated by the police when a crime is reported.
- 7.3 Employers should make a clear commitment to challenge perpetrators. All employees should be aware that misconduct inside and outside of work will be viewed seriously and may lead to disciplinary action being taken. It is also the responsibility of an employee who is a perpetrator to inform their employer if they have been charged. Employers should also be clear about their responsibility to report matters which could be regarded as criminal to the relevant authority.
- 7.4 It may also be appropriate to help an employee, who is a perpetrator, to seek advice and information about addressing their behaviour (see section 8).
- 7.5 Employers should advise employees to liaise with Human Resources and their own internal policies.

8. INFORMATION, ADVICE AND SUPPORT

8.1 **Anyone in immediate danger should contact 999.**

8.2 There is a range of specialist organisations that are there to support victims and those who are working with them or their family and friends. For more information and advice about where to get help contact:



Domestic & Sexual Abuse Helpline

24/7 support for women and men

Freephone 0808 802 1414

email: help@dsahelpline.org



The Rowan Sexual Assault Referral Centre

24/7 support and services for anyone who has been sexually abused, assaulted or raped

Freephone 0800 389 4424

www.therowan.net



nidirect

www.nidirect.gov.uk/still-abuse

CASE STUDY

A nurse has had a series of periodic short-term absences. Her manager has noted that the nurse has become subdued and quite withdrawn. The manager has attended an awareness session on domestic abuse and is aware of some of the potential signs. During a return-to-work discussion, instead of recommending referral to Occupational Health or issuing a verbal warning, the manager asks if there are any issues at home – reluctantly the nurse discloses that there are problems in her relationship and that her partner has become verbally abusive to her.

With the nurse's consent, the manager phones HR for advice. The HR domestic abuse support officer outlines potential support for the nurse within the workplace and suggests that if the nurse wants to meet, they can do this. A meeting is arranged and during the course of the meeting, the nurse discloses that not only has her partner become verbally abusive over previous years, her partner has also physically assaulted her but only in areas where bruising or cuts are not visible. The support officer indicates that there are many practical ways in which she can be helped in the workplace and also signposts her to external specialist areas. The nurse decides to go away and think about it. Another meeting is scheduled for the following week and she indicates that she wants to leave the home however there is financial control in the relationship too – in that her partner takes her salary once it is paid into their joint account and allocates her a minimal allowance. The support officer arranges that the salary is paid in advance into a new account that the nurse has had set up. The support officer then suggests that the nurse may wish to telephone the 24Hr Domestic and Sexual Violence Helpline for further advice and support.

Once all the arrangements are in place, the nurse leaves the marital home and moves temporarily into a refuge with her children.

This can often be a dangerous time as the partner may feel that they are losing control and can often present risks for the victim. Her partner begins to come to the workplace and wait outside for her when she is coming off night shift. She contacts HR who arrange for her hours and her place of work to be changed and provide her with a personal alarm. With her permission, her colleagues are advised of the situation and further safety measures are put in place.

As a result of the support and advice provided by HR the nurse has remained in the workplace and has not been subject to disciplinary action due to her absences. She has been able to confide in someone and been able to make an informed decision regarding herself and her children's future. With internal and external sources of support and a salary advance, she has been empowered to make the choice to leave the abusive situation.

The safety measures put in place mean that the nurse can continue to work and stay safe too.

SAMPLE WORKPLACE POLICY

Provided by the Belfast Area Domestic & Sexual Violence and Abuse Partnership

<https://belfastdvp.co.uk/themainevent/wp-content/uploads/DV-Workplace-policy-update-2020.pdf>

ACKNOWLEDGMENTS

The Department of Health and the Department of Justice would like to express their gratitude to the following organisations for their contributions:

Belfast Area Domestic and Sexual Violence and Abuse Partnership

Irish Congress of Trade Unions

Nexus NI

Northern Ireland Council for Racial Equality

Northern Ireland Public Service Alliance (NIPSA)

South Eastern Domestic and Sexual Violence and Abuse Partnership

UNISON

Victim Support NI

Women's Aid Federation NI