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**Government consultation on Domestic Abuse and Workplace  
Support**

**Submission to the Department for Business, Energy and Industrial  
Strategy**

**Chartered Institute of Personnel and Development (CIPD)**

**September 2020**



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## **Background**

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 155,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Our membership base is wide, with 60% of our members working in private sector services and manufacturing, 33% working in the public sector and 7% in the not-for-profit sector. In addition, 76% of the FTSE 100 companies have CIPD members at director level.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

## **Introduction**

The Government has launched a consultation on the support that should be given to victims of domestic abuse. The consultation focuses on five areas, this includes:

- the practical circumstances that affect those experiencing domestic abuse in their work and their workplace
- what support can employers put in place for domestic abuse survivors
- what the Government can do to support organisations
- what practices should employers put in place to support people that are dealing with domestic abuse
- what else can be done to support those experiencing domestic abuse.

Our response to this consultation is largely based on our new guidance that we are producing in collaboration with the Equality and Human Rights Commission. This piece of guidance will be launched late September/ early October 2020.

## 1. **What practical circumstances arise in relation to domestic abuse and work?**

[Research](#) from the Equality and Human Rights Commission (EHRC) finds that 75% of those enduring domestic abuse are targeted at work. This abuse can range from harassing phone calls to abusive partners arriving at the office unannounced, to physical assaults, for example.

Further, [research by the TUC](#) has highlighted that of those who had experienced domestic abuse, over 40% were prevented from getting to work by the abuser, most commonly through physical violence or restraint (72%) followed by threats (68%).

Domestic abuse can negatively affect those being abused whilst they are at work, as well as workplace colleagues around them. For example, [Northern Ireland Business Info explains that:](#)

- a person can experience domestic abuse while they are at work through threatening phone calls and emails
- an employee may experience abuse when travelling to and from work
- domestic violence can affect an employee's performance, attendance, career prospects and job security
- colleagues can experience threatening or intimidating behaviour from the perpetrator.

However, importantly, the workplace can also be one of the few places that a person experiencing abuse can be separate from their abuser. Therefore, it can be the place someone can ask for support and access information.

### ***The impact of COVID-19-related restrictions***

The National Domestic Abuse helpline, run by charity Refuge, reported a concerning increase in calls and online requests for help since the 2020 lockdown in response to the COVID-19 pandemic. And according to new data published by the [UN Population Fund](#) (UNFPA), '*For every 3 months the lockdown continues, an additional 15 million additional cases of gender-based violence are expected*'.

[Scottish Women's Aid](#) also recognise that lockdown likely made it more difficult for women to seek support whilst they spend extended periods of time at home with their abuser. [Usage data](#) on Welsh Women's Aid's Live Fear Free Helpline, which is funded by the Welsh Government, revealed a decrease in calls at the beginning of lockdown, however, by the end of March and into April, the charity saw a 49% increase in contact with the helpline.

Refuge's chief executive, [stated](#) that '*...self-isolation has the potential to aggravate pre-existing abusive behaviours by perpetrators. While in lockdown or self-isolation, women and children are likely to be spending concentrated periods of time with*



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*perpetrators, potentially escalating the threat of domestic abuse and further restricting their freedom.'*

This is an important issue to consider as although the nationwide lockdown has been lifted, restrictions are being imposed at a local level as well as the need to confirm to quarantining requirements.

### **Post COVID-19 – new ways of working**

The new ways of working and economic climate we face post-pandemic, such as increased home-working and threat of redundancies, may also have the potential to exacerbate domestic abuse. It's essential that employers have support in place for their staff.

A [UN Women report](#) explains, '*...the COVID-19 pandemic adds greater health and safety risks for an employee working from home during a lockdown. These are relevant issues for the immediate future as lockdowns are lifted and in the longer-term where remote working is likely to be a more common feature of the future world of work. Keeping women safely in their employment, including when working remotely, with the possibility of financial independence, is critical to enabling women to survive domestic violence.*'

## **2. What support can be offered in the workplace to people experiencing domestic abuse?**

Domestic abuse can affect the workplace and employers are in a strong position to create a safe and supportive workplace culture by following good practice. For example, raising awareness of domestic abuse, having a policy on the issue, providing guidance for managers and employees and sign-posting employees to sources of support. We go into more detail on these points within the best practice section where we set out a suggested framework of support.

### **A duty of care**

Employers have a duty of care for the health, safety and wellbeing of their staff and are in a strong position to create a safe and supportive workplace environment.

Employers should in particular take reasonable steps to prevent an employee being targeted by their abuser at work. While there is no specific legislative protection against abuse or harassment by third parties under the Equality Act 2010, employers who do not take reasonable steps to prevent or respond to third party harassment could potentially be held liable in other ways, depending on the circumstances. For example, for direct or indirect discrimination under the Equality Act 2010 or for constructive dismissal under the Employment Rights Act 1996. Detailed guidance on when employers may find themselves liable in relation to abuse or harassment of employees by third parties at work can be found at paragraphs 4.34 to 4.51 of the EHRC's technical guidance: [Sexual Harassment and Harassment at Work](#).

### **3. What is possible with the existing framework?**

A CIPD survey of UK employees suggests that just under a quarter (24%) are aware of their employer having a policy or support in place on domestic abuse<sup>1</sup>.

There is a tendency for organisations to see this as personal rather than a workplace issue so it is really important for the Government to work with employers and professional bodies, like the CIPD, to raise awareness of how domestic abuse can impact workplaces and the difference organisational support can make to employees experiencing domestic abuse. There is a real opportunity for organisations to go beyond any legal obligations to embed comprehensive good practice, which we outline below.

Case studies of forward-thinking practice can be particularly useful to spur on other employers to take action and look at the support they can provide, as well as a framework of support such as the one we outline below which can help those employers who are well-intentioned but are not sure where to start or are concerned about doing the wrong thing.

It's also important to communicate to employers that much of the support they can provide will be low-cost and is not the privilege of large organisations with an abundance of resources – SMEs have a vital role to play in supporting their staff and given the number of SMEs in the UK, it's vital they too look at how they can support people. We recommend using existing networks and infrastructure to communicate the key messages and guidance out to these businesses as they are typically hard to reach.

### **4. What does current best practice look like?**

The CIPD in partnership with the EHRC, is producing guidance for employers on domestic abuse workplace support. This guidance will be launched at the end of Sept/ beginning of October 2020 and we would welcome the opportunity to discuss our findings and recommendations with you. The guidance has been reviewed by a number of leading organisations and experts in the area of domestic abuse.

We recommend that organisations have a domestic abuse policy in place, develop an effective framework around domestic abuse support and create open cultures that help to break the silence around this important issue. We propose what such a

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<sup>1</sup> Data was collected as part of a CIPD survey of a representative sample of UK employees and is based on responses from 1080 working adults. The survey was conducted online by YouGov in June 2020. Figures have been weighted and are representative of all UK working adults (aged 18+).



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framework of employer support could look like, comprising 4 steps. Within our guidance we detail points to consider within each of these 4 steps and suggest supportive actions. The four steps are:

- Recognise the problem
- Respond appropriately to disclosure
- Provide support
- Refer to the appropriate help.

We would be happy to share a draft of the guidance with you so you can see the detailed points within each step. However, here we summarise ten good practice recommendations, which we would encourage employers to adopt:

### **Ten key recommendations**

1. Develop a domestic abuse policy and create an effective framework around domestic abuse support.
2. Where an organisation has a recognised trade union, policies should be reviewed and agreed with union representatives.
3. Employers have a duty of care for the health, safety and wellbeing of their staff and are in a strong position to create a safe and supportive workplace environment.
4. Think about the safety/security measures that may be required.
5. Treat everyone as an individual as everyone's situation will be different. It's important not to make assumptions about what someone is experiencing or what they need, or the gender of the perpetrator.
6. Create open work cultures that help to break the silence around this important issue and ensure people know that the organisation will support people experiencing domestic abuse to seek help.
7. Offer flexibility to enable people to attend counselling, legal and finance appointments, get support from professional organisations and make arrangements, for example concerning childcare and housing.
8. Outline people's different roles and responsibilities when it comes to supporting employees experiencing domestic abuse. For example:
  - **HR** should take central responsibility for developing a policy and procedures on domestic abuse and facilitating awareness-raising training.

- **Line managers** should receive appropriate training on how to effectively support someone experiencing domestic abuse. They need to be clear on the practical steps outlined in this guidance to encourage the disclosure of abuse and signpost people to professional support. They also have an obligation to prioritise confidentiality wherever possible. **Managers should not try to solve people's problems or act as counsellors as they are not trained professionals in this area.** Instead they should signpost people to sources of support and provide the flexibility at work that enables people to access that support.

Effective training for line managers in people management more generally is also very important as this will help ensure that managers understand the importance of listening and being empathic and providing flexibility and support in their approach to managing their staff. It is these core behaviours that build trust and will make it more likely that individuals will talk to their manager if they have a problem, particularly if it is a sensitive issue.

- Supportive and empathetic **employees** and **co-workers** can assist an affected colleague in gaining confidence to seek support.
9. Make it clear that abusive behaviour is the responsibility of the perpetrator and misconduct inside and outside of work is viewed seriously – and can lead to disciplinary action.
  10. Signpost to supportive services, charities and organisations and outline the types of support that someone might need, such as: legal support, housing support, support with childcare, support in dealing with financial abuse, specialist counselling.

## 5. *What is the potential to do more?*

There is always the potential to do more and the better-informed employers are on issues relating to domestic abuse and the workplace, the more likely they are to want to do more to support employees experiencing domestic abuse. Our guidance highlights four areas in particular where employers could take a leading stance on workplace support.

### **Awareness raising**

A first step is to increase awareness among employers about domestic abuse and the role they can play in supporting people to get the help they need. It's important to have guidance (such as the upcoming CIPD/EHRC(1) guidance) available to employers. Such resources should be inclusive and tackle the stereotypes and assumptions that are often associated with domestic abuse. For example, pointing out the abuse is not necessarily physical, and that although the majority of those experiencing domestic abuse are women with a male perpetrator, it can be experienced by men and can happen in same-sex relationships.





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### **Upskilling HR and line managers**

HR need to be knowledgeable about domestic abuse, have a clear policy and supporting framework (as outlined above) and be able to support managers who are dealing with the issue in their team. They also have a key role in communicating to the workforce about the organisation's stance on it and the support available.

Regularly reminding people of this support is important, especially in difficult times such as during the pandemic and as our ways of working change. They may want to hold information sharing sessions such as 'lunch and learns' with employees about what's available which may then encourage someone to ask for support. However, promises of support need to be genuine and followed through on, and disclosures dealt with sensitively and appropriately.

Managers are typically employees' first point of call for support and so they need to feel confident and capable to deal with situations when one of their team members is experiencing domestic abuse. Training is important and, again, should take an inclusive approach where managers are advised to be empathetic and non-judgmental, recognising that each individual will have different experiences and needs and not to make assumptions, for example about what someone is feeling or about the gender of their partner. Our CIPD/EHRC guidance provides tips on asking difficult and sensitive questions.

They should not assume the role of counsellor as they are not a trained professional but do have an important role to play in signposting people to sources of support and then allowing flexibility in working arrangements to enable someone to access that support.

### **Risk assessment and safety planning**

A recent [UN Women's guidance](#) on domestic abuse in light of the COVID-19 pandemic, recommends that an example of leading practice workplace policy on domestic violence would include domestic violence workplace-wide risk assessment and safety planning as an integral part of occupational health and safety within organisations. However, it's important to consider where the expertise in conducting such an organisation risk assessment lies and many organisations will need external expertise to guide them. In supporting this, it would be useful for organisations to know where to go to access such expertise.

### **Paid leave**

Some large, forward-thinking organisations are providing paid leave for those experiencing domestic abuse to enable them to get the help they need. We support the call from [UN Women](#) for more employers to offer paid leave, in addition to the comprehensive framework of support we have outlined, if a person is struggling to do their work or needs to access essential services, '*to seek protection, attend court or police appointments, attend counselling or other specialized services*'. We also call on policy makers to support this call to employers.





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## **References**

1. CIPD and EHRC (2020): Managing and supporting employees experiencing domestic abuse  
A guide for employers (Forthcoming in Sept/ Oct 2020)