

Domestic Abusers and the Workplace



JOHNNY LEE
www.peaceatwork.org
919.274.5515

Objectives

1. Stopping domestic violence through employer influence
2. Support Victim Employee Work Initiatives
3. Protect the workplace from violence and liability
4. Outreach plan to serve employers

Anything else?

Issues covered

- Impact on Employers
- Off-Duty Conduct Policy
- Victim/Abuser Co-Workers Situations
- Intervention
- Outreach to Businesses



Review of Case Examples

**Impact - Educating employers why
“it is their business”**

Inability to concentrate- mistakes on the job
While working, abuser may continue to

- Stalk
- Harass and threaten
- And assault victim



Using company resources such as

- Company cars, Phones,
Computers and TIME!

Potentially Violent at Work

**Public Relations Risk
October 4th, 2006 Huntsville, Alabama**

John Powell is accused of calling in a threat to two schools, prompting lockdowns at New Hope High School and Owens Cross Roads Elementary School.



Powell's wife reportedly is employed at the one of the schools and their children attend each school.

Police were able to trace the phone calls to Powell's workplace.

2004 Maine Study-
ME DOL and Family Crisis Service

- 152 abusers surveyed
- 70 missed work due to court, jail, etc.
- 155,222 hours of work time was missed costing \$200,000 to the companies.

- 78% use company resources
 - phone, computer, car, etc.
- Made safety mistakes at work due to distraction.

Study by EADV Employers Against Domestic Violence

Impact on job performance

- Not at work due to
 - Court, jail, court dates
 - Often bailed out by their employer to get back to work

- Rarely any treatment mandates or disciplinary actions

Study by EADV

Impact on job performance

Participant Disclosure:

One respondent stated that he was so obsessed thinking about victim, he cut through his safety chaps with a chainsaw while up in a tree!

North Carolina Study-
17 Abuser Treatment Programs

- 14% have admitted to engaged in DV behavior while at work.
 - Including calling victim's boss to complain as a client

- 28% have worked with their victims

- Employers, if they did know, did not do anything

Public Relations Impact

March, 2010 - PA

Restaurant manager of Olive Garden, Kevin Wesley Smith, assaulted his ex when she came to confront him about breaking into her house.

Smith then assaulted his employee who tried to restrain him. He then fled to be found near the ex's home which was on fire.

Man charged with planting bomb in wife's car in day care parking lot

"Lawrence Hoagland, **who co-owns a Morena-area photography studio,** was booked into county jail in downtown San Diego on suspicion of attempted murder."



Company Liability

If an employee commits abuse/violence at work, the employer may be liable for:

- Negligent hiring
- Negligent supervision
- Negligent retention

Tort Case - 1991
Braswell vs. Braswell Lawsuit

- Deputy killed his wife
- A claim against the Pitt Co. Sheriff's department of negligent supervision and retention
- Had to know he was a danger and that his employment led to the murder
- Lost Case: Standard not met- no liability for sheriff's department.

Osceola County, FL
April 2008

- U.S. Customs and Border Protection officer, Edwin Barbot, accused of stalking a woman, jamming a pistol into her chest and threatening to kill her.
- She claims Barbot, wearing his federal uniform and bearing his badge and gun, harassed her at work.



South Africa
April 16, 2007

- A security guard fatally shot his girlfriend, injured her friend then turned the gun on himself shooting himself in the head.
- **Allegedly, the gun used in the murder belonged to the employer.**



Violence at Abuser's Workplace

August 2005 Wisconsin

- Jeffrey Lane Hallock's ex-wife visited him at his workplace but was held captive when she tried to leave.
- Hallock also threatened to e-mail "naked" pictures of his ex-wife to her co-workers in an effort to "ruin her career."

Abusers May Kill their Boss too

- While many abusers may appear to be average, "nice guys", they are capable of horrendous violence.
- There are many cases of abusers committing violence at home and then continuing at their workplace.

Battering as a Risk Factor for Workplace Violence

Workplace homicides that began at home

- April 24, 1996; Jackson, MI: Firefighter Kenneth Tornes, 32, killed his estranged wife then went to the fire station to murder four superiors.
- April 20, 2006; St. Louis, MO: Herbert Chalmers killed his former girlfriend and another woman before continuing to his workplace where he murdered the wife and daughter of his employer. He claimed that he paid too much in child support.
- February 2000; Florida: Tracy Moss strangled both his ex-wife and his girlfriend, then drove to his workplace, where he shot his boss to death.

August, 2010
Manitoba, Canada

Melvin John Nickel
killed Brandy Lenton
at her home and then
went to his
employers, L.E.T.
Construction, where
he killed himself in
the yard.



Additional Company Liability

Title 7 - Sexual Harassment
EEOC complaint

If the victim and abuser work together, there is
an increased risk

NEVER have an employee supervised by an
intimate partner!

Victim and Abuser Co-workers

Restraining Orders

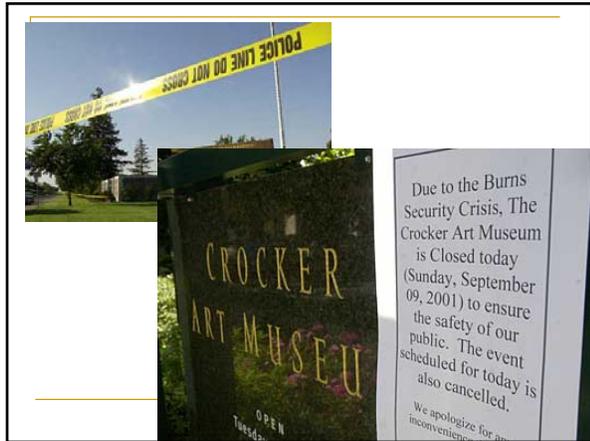
- Obligation of the defendant (abuser) to follow the order
- Workplace often indicated on the order

Increased Liability

Knowledge of an order is a clear warning to the
employer that there is a potential threat.

Joe Ferguson
Sacramento,
CA
September
2001









Prevention and Intervention

- Warning Signs of Batter Employees
- Off Duty Conduct Policy
- Effective Treatment



Warning Signs of a Batterer employee

- No single type or profile
- Indications of abuse activity while on the job
 - Sending personal emails and phone calls
 - Uncertain location of driver
 - Increased agitation or personal problems

Professions of abusers

- Men who work in female-dominated professions, such as office clerks and classroom aides, are 47 percent more likely to commit IPV
- Men in 'physically violent occupations' such as police, military, correctional (43 percent higher);
- Men in 'dangerous occupations' such as working with explosives, mining, emergency workers (23 percent higher)
- Compared to a control group of white-collar managers

Scott Melzer, a post-graduate sociologist at the University of California at Riverside

Personnel Policy

- Equipment Use and Time
 - Statement that company property is to used only for company businesses
- Code of Conduct/Ethics
- Domestic Violence or Workplace Violence Policy
 - Statement that violations apply when **anyone** is harassed, threatened or assaulted.

Off-Duty Conduct

Workplace Violence Policy

- An employee's actions outside of work may impact their employment
- Rational nexus between the crime and their job responsibilities



NC State Personnel Policy

An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal.

In these situations, the agency must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a State employee's ability to perform the assigned duties and responsibilities.

What if they sue for wrongful termination? (for off duty conduct issue)



Basis for Disciplinary Action for Off Duty Conduct

- Moral Turpitude
 - Incident is so offensive that it conflicts with company/employer ethics
- Public Relations Impact
 - Image of company affected
- Rational Nexus
 - Position responsibilities impacted

Intervention Options

Disciplinary Action

NOT

- Anger Management Classes
- Marital counseling
- Substance Abuse

Batterers Intervention Services

Service to EAP programs

Consult on cases

Employee Training

Additional services

Power and Control Issues at work too

Working with Employers

- Much headway has begun addressing victim employees.
 - Corporate Alliance to End Partner Violence
 - Safe at Work Coalition
 - [The Workplaces Respond to Domestic and Sexual Violence: A National Resource Center](#)
- Outreach to the business community

Toolkit and Resources

www.peaceatwork.org

Workplace Campaign to End Domestic Violence

RSS Feed to DV Assault at Work cases

Business Association Chapter Finder

Finding your audience

-Difficult going to companies directly

Speaking Engagements

- Business association meetings
- Chamber events
- Conference Workshop



Links to Professional Association Membership Organizations

- Society of Human Resource Managers
- American Society of Safety Engineers
- American Association of Occupational Health Nurses
- ASIS
- Employee Assistance Programs

Society of Human Resources
SHRM

Concerns and Roles

- Legal issues
- Policy
- Intervention
 - Referral to EAP
 - Disciplinary Measures



Employee Assistance Programs

- Counseling services for employees
- Broad topics
 - Substance abuse
 - Financial
- Mandated and volunteer
- Key referral partner



Safety Professionals

- Security
- Facility safety

- Mostly men
- Manufacturing, transportation, government agencies



American Association of Occupational Health Nurses

Warning signs

Administrative support



ASIS

■ Security

- Security
- Safety planning
- Many are ex law enforcement or military



Thank you!!



www.peaceatwork.org

[The Workplaces Respond to Domestic and Sexual Violence: A National Resource Center](#)

[ABA Commission on Domestic Violence](#)
American Bar Association- Laws, Resources, Legislation

[Ramsey County PH- Workplace Resource](#)
Training program, awareness material and more

[Legal Momentum: Workplace Resources](#)
Legal help - Laws, Resources, Legislation

[Corporate Alliance to End Partner Violence](#) -Coalition of employers- very helpful and extensive resource listing

[FVVF - Workplace Resources](#)
Place to order their training materials, Free videos and more

[Family Violence Prevention Fund: Programs: Workplace: Workplace Resources](#)

[RSS Feed - "dv cases" via Peace at Work](#)
