

# SEXUAL VIOLENCE & THE WORKPLACE

## A GUIDE FOR EMPLOYERS

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# SEXUAL VIOLENCE & THE WORKPLACE

## A GUIDE FOR EMPLOYERS

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**S**exual violence has a profound impact on the workplace and society at large. Due to the complex potential effects of sexual violence on physical and mental health, family, safety, and other aspects of life, many survivors<sup>1</sup> of sexual violence may need time off from work, workplace accommodations, and/or flexibilities.

One study found that 19.4% of female rape victims and 9.7% of male rape victims reported that their victimization caused them to lose time from work (Tjaden & Thoennes, 2006). When sexual violence occurs in the workplace, it can create a climate of fear and reduce productivity and wellness of the entire staff.

The purpose of this guide is to provide employers with information that might help

facilitate their engagement in creating a comprehensive violence prevention and response plan in collaboration with community-based sexual violence centers. These collaborations are critical in creating workplace cultures that are healthy and free from violence. For help identifying a community-based sexual violence center, employers can contact the National Sexual Violence Resource Center (NSVRC) at [resources@nsvrc.org](mailto:resources@nsvrc.org).

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<sup>1</sup>Throughout this document, the terms "victim" and "survivor" are used interchangeably to be inclusive of the various ways people who have experienced sexual violence may identify. The National Sexual Violence Resource Center (NSVRC) recognizes and supports the use of person-first terminology that honors and respects the whole person, which is also reflected in this document. Finally, NSVRC acknowledges that individuals should ultimately choose the language that is used to describe their experiences and therefore, supports advocacy approaches that are person-centered and that use the terminology preferred by individuals they serve.

# CREATING A WORKPLACE PREVENTION & RESPONSE PLAN



## WHAT IS A WORKPLACE PREVENTION & RESPONSE PLAN?

A workplace prevention and response plan is an agency-wide, multilayered plan that outlines the responsibility of a workplace or organization in preventing and responding to workplace violence. A workplace prevention and response plan is an umbrella term that incorporates the following: workplace anti-violence policies, staff education and training, implementation and response, and evaluation. For some workplaces, this might be a part of the overall operations manual, personnel policies, or

emergency/disaster response plans.

While all forms of violence should be addressed in such a plan, this guide will focus on preventing and responding to sexual violence. For more information on preventing and responding to other forms of violence, please see *Workplace violence prevention strategies and research needs* (U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety [NIOSH], 2006) and the Occupational Safety and Health Administration website at <http://www.osha.gov/SLTC/workplaceviolence>.

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TODAY, EMPLOYERS INCREASINGLY RECOGNIZE THE IMPORTANCE OF TAKING PROACTIVE STEPS TO ENSURE AND SUPPORT A SAFER WORKPLACE FOR THEIR EMPLOYEES.

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## WHY DO EMPLOYERS NEED A PREVENTION & RESPONSE PLAN?

Employers have a legal and ethical obligation to keep their employees safe while at work. Employers can set an example in their community by developing and implementing a violence prevention and response plan. By demonstrating their leadership as well as their care, and concern for violence prevention, employers can recruit and retain quality staff and attract customers and constituents.

While there is no federal law that addresses workplace violence, employers have been cited by the Occupational Safety and Health Administration (OSHA) when violent incidences have occurred in the workplace under the *General Duty Clause* [29 USC 654 (a) (1)]. The *General Duty Clause* requires employers to ensure safe and healthy working environments (U.S. Department of Health and Human Services, Centers for Disease and Control and Prevention [CDC], 2006). Title VII of the Civil Rights Act of 1964 prohibits sexual harassment in the workplace, which the courts have interpreted to include quid pro quo (coerced sexual exchanges) and a hostile work environment (unwanted sexual attention) (Equal Employment Opportunity Commission [EEOC], 1990 ). Some employers could be held liable if the employer negligently hires, supervises, trains or retains

## WHAT IS SEXUAL HARASSMENT?

Sexual harassment can include (EEOC, n.d.):

- Unwelcome sexual advances
- Requests for sexual favors
- Other verbal or physical harassment of a sexual nature
- Offensive or sexist remarks

an employee that commits violence (Lies & Powers, 2008).

Sexual violence can impact the workplace whether the violence occurs inside or outside of the workplace. Today, employers increasingly recognize the importance of taking proactive steps to ensure and support a safer workplace for their employees in order to maintain financial stability and promote growth (NIOSH, 2006). Every workplace needs an effective, well-publicized, and manageable plan to prevent and respond to sexual violence.

Having a violence prevention plan in place prevents violence and benefits employers in multiple ways, yet 70% of employers do not have a workplace violence prevention program or policy and many do not specifically address sexual violence as a distinct form of violence if it falls outside of intimate partner violence (U.S.

Department of Labor, Bureau of Labor Statistics [BLS], 2006). Preventing workplace sexual violence can address workplace productivity and turnover issues because employees will feel safer at work. In a 2005 study of workplace violence prevention, almost 40% of employers experiencing workplace violence within the last 12 months experienced effects on their workplace in the forms of absenteeism, turnover, fear levels, productivity, morale and increased health insurance premiums (BLS, 2006). Having a prevention and response plan also could reduce insurance premiums because violence-related insurance

## BACKGROUND CHECKS

Additionally, employers can try to prevent sexual violence in the workplace by conducting background checks and references of potential employees during the hiring process (Cohen, Duffy, Eisenberg, Heffernan, & Moll, 2008).

claims could increase rates.

Employers should contact their insurer to see if they offer workplace violence prevention discounts.

## SECTION TWO

### POLICY DEVELOPMENT



Community-based sexual violence programs are located throughout the United States. Advocates and preventionists in such programs have tremendous expertise in sexual violence prevention and intervention strategies. They are a critical partner for employers in developing a successful and comprehensive violence prevention and response policy. Advocates also are an invaluable resource to employers in educating them on the importance of analyzing their organization's ability to prevent and respond to sexual violence.

A well-publicized and widely distributed anti-sexual violence policy confirms that an employer is committed to its employees' safety and health (NIOSH, 2006). The plan should send a clear message that any form of sexual violence will not be tolerated in the workplace and every effort will be put forth to prevent violent acts from occurring. A workplace sexual violence



prevention and response planning group is a critical part of any plan. This group should include key personnel and local community partners, such as local rape crisis centers. Connecting with community-based sexual violence centers is important; local advocates and preventionists can provide expertise and skills around sexual violence prevention and intervention. *Workplaces Respond to Domestic and Sexual Violence: A National Resource Center* (n.d.a) provides an online policy creation tool, at [www.workplacesrespond.org/policy\\_tool/begin](http://www.workplacesrespond.org/policy_tool/begin).

Workplace violence prevention and response policies should:

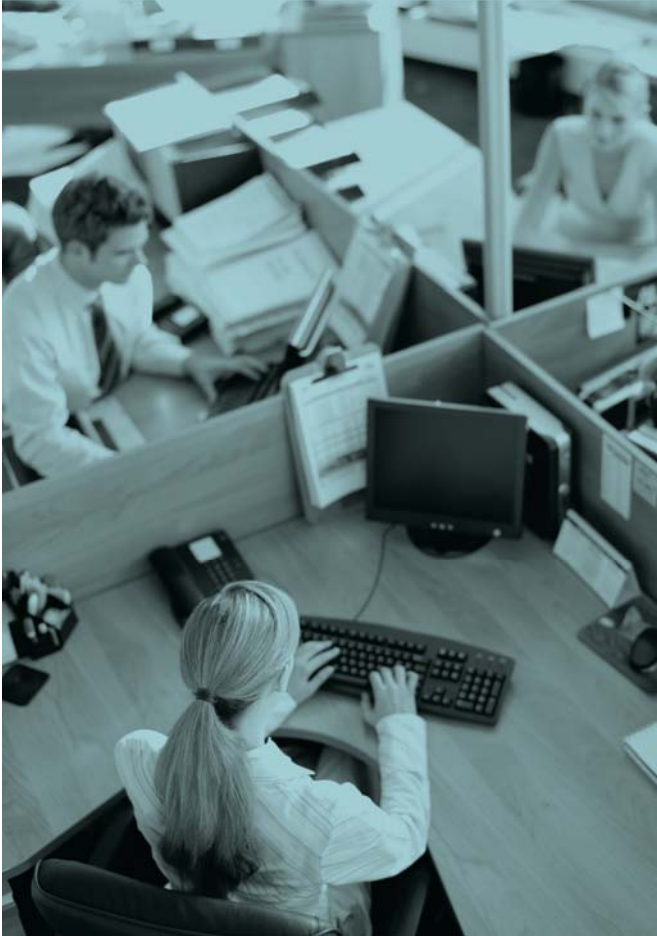
- Address the full range of sexual violence.
- Include a section on confidentiality in reporting sexual violence as well as who has access to personal information related to sexual violence.

- Outline intervention procedures, should sexual violence occur, including grievance and reporting procedures and expectations of supervisors and coworkers should they receive a report. See *Responding to Employment Needs of Survivors of Sexual Violence & the Workplace: Bulletin* (NSVRC, 2013).

- Include workplace flexibilities and accommodations available to victims of sexual violence.
- Explain what will happen should the perpetrator of sexual violence be an employer or coworker.
- Include contact information for local programs and services to assist survivors of sexual violence.
- Outline training and education programs that are available and/or required of staff about sexual violence and its prevention.

## SECTION THREE

### EDUCATION & TRAINING



#### WHAT IS A BYSTANDER?

“A bystander, or witness, is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence” (NSVRC, 2011, para. 2).

Prevention is one of the main components of a workplace sexual violence prevention and response plan. To be the most effective, prevention activities should be incorporated in a multilayered way and offered in multiple sessions over time. It is important for supervisors and management to be leaders in modeling new policies as well as having a written policy that emphasizes clear expectations of employees and responsibilities of employers.

Sexual violence preventionists, working in community-based sexual violence centers, are essential in providing training and ongoing workshops for organizations about developing and maintaining an effective prevention strategy. The goal of this collaboration is the creation of positive and healthy workplace norms. Developing prevention strategies is not only the right thing to do, but by doing so, employers also may avoid liability for acts of sexual violence in the workplace where it is shown that the employer conducted training for employees on the topics of workplace violence prevention and response. Trainings may be most effective when they are provided to employees, supervisors, and managers, and address prevention and intervention topics, including:

- Primary prevention of sexual violence, including how various staff within the workplace can contribute to creating and sustaining of positive workplace norms through bystander intervention. For more information on bystander intervention, see *Engaging Bystanders in Sexual Violence Prevention* (NSVRC, n.d.).





- Risk and protective factors for sexual violence, including the continuum of sexual violence and its effects on individuals, coworkers, employers, and society.
- The location and operation of all safety systems and procedures.
- Tips on how employers and employees

- can get involved in community-based sexual violence prevention efforts or volunteer opportunities at a local sexual violence center.
- Resources for victims and survivors, such as community-based sexual violence programs, legal resources and options, grievance procedures, and workplace accommodations.

## EXPLAINING THE CONTINUUM

Sexual violence occurs on a continuum. The continuum includes rape and sexual assault as well as acts and behaviors that are normalized in our society, such as sexually degrading language, sexist attitudes and behaviors, sexual harassment, and pornography (McMahon, 2011).



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## SECTION FOUR IMPLEMENTATION

Collaboration between employers and sexual violence preventionists and other multidisciplinary partners is critical to implementation of a workplace violence prevention and response plan.

An effective collaboration consisting of employers, sexual assault advocates, law enforcement, and legal advocates will help facilitate access to services and support for healing as well as the development of effective sexual violence primary prevention strategies. It is essential to identify and engage partners, determine roles, develop strategies and plans, and establish programs prior to a violent incident. The following are possible strategies to consider when advocating on behalf of sexual violence victims in the workplace:

- Develop a collaborative response team, consisting of crisis partners such as employers, rape crisis centers, law enforcement, legal advocates, and an Employee Assistance Program (EAP).
- Establish procedures and identify how reports of sexual violence should be reported and allow for alternative methods of reporting.
- Discuss the workplace violence prevention and response policy with new employees and review the policy with current employees on a regular basis.
- Clearly communicate the workplace violence prevention and response policy to all employees and provide examples of unacceptable behavior.

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ALL EMPLOYEES WILL BENEFIT FROM A  
CONSISTENTLY FOLLOWED POLICY AND PROCEDURE.

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SECTION FIVE  
RESPONSE

If sexual violence occurs at the workplace, it is important to follow the steps of the workplace violence prevention and response policy. All employees will benefit from a consistently followed policy and procedure. The following are key components to remember when sexual violence is reported by an employee:

- Investigate all reports of sexual violence that occurred at the workplace.
- Have a plan in place for keeping survivors safe – in the fullest sense of the word – from perpetrators during an investigation.
- Be sure employees do not face retaliation for making reports.
- Hold employees accountable for violating the policy.
- Keep all materials confidential.
- Provide resources to employees for community-based sexual violence centers as well as Employee Assistance Programs and have them readily available that anyone can access without disclosing sexual violence they may have experienced. Employees should be informed that these services are confidential.
- Allow leave for survivors and flexible schedule options to help support survivors who might need to attend appointments and address physical and mental health needs.



The ongoing evaluation of a violence prevention and response policy is necessary to determine its overall effectiveness and to identify changes that need to be made. Planning the evaluation should begin at the same time as planning the violence prevention program so that evaluation feedback could inform program development. Employers might find it helpful to engage partners, such as sexual assault advocates, law enforcement, and legal advocates about their suggestions and visions of a successful program evaluation.

Possible evaluation and assessment questions of employees:

- What does safety mean to you in the workplace?
- Do you feel safe in your workplace?
- What is the employer doing well to ensure your safety?
- What would make you feel safer in your workplace?
- What can the employer do to increase safety in the workplace for victims and survivors of sexual violence?
- Do you know how to report sexual violence should it occur in the workplace?
- What workplace accommodations are available for people who have experienced sexual violence?
- Do you know how to participate in the prevention of sexual violence in the workplace? What are three things you can do to create a violence-free workplace?



- What can the employer do to strengthen its prevention efforts to ensure the workplace is free from sexual violence?

Possible factors to track for evaluation purposes:

- Instances of violence

- Workers compensation claims related to violence
- Absenteeism and leave related to violence
- Employee turnover
- Workplace violence prevention and training costs

It is important to note that an increase in reports of sexual violence could occur once a sexual violence prevention and response policy has been implemented or improved. This might be due to a number of factors, including effects of training, a more supportive workplace culture, and increased awareness among staff about sexual violence and reporting options. Survivors could be more likely to come forward when the larger workplace demonstrates a commitment to sexual violence prevention.

Additional resources on successful program and policy evaluation can be found on *Workplaces Respond to Domestic and Sexual Violence: A National Resource Center* (n.d.b) at <http://www.workplacesrespond.org/evaluate>.



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## SECTION SEVEN CONCLUSION

**A** workplace sexual violence prevention and response plan serves as a guide to employers on how to approach a potential threat of violence, what to do in the aftermath of sexual assault, and how to respond to the effects that sexual violence can have on an individual and workplace. It also provides guidelines on preventing workplace sexual violence through the development of healthy social norms and other prevention strategies. New policies and procedures need to be proactive with a focus on prevention. Strong policies will clearly outline how to respond to workplace sexual violence and have the goal of fostering healthy, violence-free workplaces.

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## SECTION EIGHT RESOURCES

Connect with your community-based sexual violence program on local services such as victim compensation programs, legal resources, etc. The following resources are available online and could be helpful in creating your workplace violence prevention and response plan:

- **Equal Employment Opportunity Commission**  
<http://www.eeoc.gov/>
- **National Resource Center on Workplace Violence**  
<http://www.workplacesrespond.org>
- **National Institute for Occupational Safety and Health**  
<http://www.cdc.gov/niosh>

- **NSVRC Sexual Assault Awareness Month Campaigns on workplace sexual violence**  
<http://www.nsvrc.org/saam/workplace-resources>
- **Occupational Safety and Health Administration (OSHA)**  
<http://www.osha.gov>
- **Whitehouse Council on Women and Girls – Workplace Flexibility**  
<http://www.whitehouse.gov/administration/eop/cwg/work-flex-kit>
- **Workplace Flexibility 2010: Georgetown Law**  
<http://www.workplaceflexibility2010.org>

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## SECTION NINE PUBLICATION INFORMATION

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**Jennifer Benner** is the Resource Development Specialist at the National Sexual Violence Resource Center (NSVRC), where she is responsible for developing resources and materials on a range of sexual violence topics. Prior to joining the NSVRC, she worked in the reproductive justice field while obtaining her master's degree in public policy. Jennifer's interests include public policy research, social science research, and advocating for social justice.

### National Sexual Violence Resource Center

Founded by the Pennsylvania Coalition Against Rape in 2000, the National Sexual Violence Resource Center (NSVRC) identifies, develops and disseminates resources regarding all aspects of sexual violence prevention and intervention. NSVRC activities include training and technical assistance, referrals, consultation, systems advocacy, resource library, capacity-building, integrating research findings with community-based projects, coordinating Sexual Assault Awareness Month, cosponsoring national conferences and events, and creating Web-based and social networking resources.

For more information, contact the National Sexual Violence Resource Center at 877-739-3895 or visit <http://www.nsvrc.org>.

## SECTION TEN

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