

WHAT LEGAL RESPONSIBILITIES DO EMPLOYERS HAVE REGARDING DOMESTIC VIOLENCE?

Employers have a duty of care to the people they employ. Employers are familiar with this, as they are familiar with anti-harassment discrimination and bullying within their codes of conduct. They do not tolerate it in their workplaces as a result of these codes.

In addition to this, employers are responsible for the health and safety of their employees, be it physical or emotional, under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulation 1992. This gives employers legal responsibility should an employee be targeted at work to protect both the one enduring and their co-workers.

Furthermore, if an employee is dismissed on the basis of gender, sexual orientation, age, race, etc and are simultaneously enduring domestic violence, the company can be held legally responsible for discrimination.

Crucially, under the Employment Rights Act 1996, a company can be held liable if someone uses workplace collateral in the commission of a crime. For example, if an employee uses a company phone to stalk a former partner, the company is culpable.

Time and time again we at The Alliance hear that an Employers Assistance Program and/or the Occupational Health Department, will mitigate these legal requirements. However, they do not. They cannot skirt the law. Businesses have frameworks to address

harassment and abuse, but are unprepared for dealing with domestic violence.

The 16 Days website and toolkit are excellent ways to initiate a conversation and make your company aware of domestic violence; both encouraging disclosures and creating a workplace where employees are educated and aware. However, it is also crucial for management for set up an infrastructure to deal with domestic violence outside these 16 Days. The Alliance is here to do that for you.

