



Supplemental Comments from EANJ

As you are aware, the New Jersey State Legislature recently implemented the Domestic Violence Policy for Public Employers which requires state human resources officers (HROs) to undergo training on the appropriate ways to address and assist employees impacted by domestic violence. In supplement to our prior comments proposing mandatory sex harassment training for all employers, we recommend that New Jersey likewise encourage (though not require) all private employers to adopt a comparable domestic violence policy for their organizations. As we explain below, domestic violence has been shown to have a significant, negative impact on employees and workplaces. Increased training can help bring awareness to this societal problem and reinforce the strides New Jersey already has taken to improve the lives and productivity of the State's residents and businesses.

State of New Jersey Domestic Violence Policy for Public Employers

On October 15, 2019, New Jersey announced the Domestic Violence Policy for Public Employers. This policy is designed to encourage employees in state and local government who are impacted by domestic violence to seek assistance from their HROs. The policy further mandates that designated HROs be trained to assist domestic violence victims by, among other things, treating their concerns confidentially, referring them to other resources, and notifying them of their rights to certain benefits, such as leave under the New Jersey Security and Financial Empowerment Act (NJ SAFE Act). Enacted on October 1, 2013, the NJ SAFE Act provides employment protections, including 20 days of unpaid leave, for employees who have to deal with the aftermath of domestic violence. Another of the State's effort to address domestic violence, the NJ SAFE Act recognizes the disruption domestic violence can wreak on an person's life and employment.

Domestic violence impacts workplaces.

Statistics show the impact of domestic violence in workplaces nationally. As the U.S. Centers for Disease Control (CDC) summarized regarding its 2010 National Intimate Partner and Sexual Violence Survey ("2010 Survey"), "[o]n average, nearly 24 people per minute are physically abused by an intimate partner in the United States. Throughout one year, this equates

to more than 12 million women and men.”¹ The 2010 Survey also reported that in New Jersey, 26.2% of women and 29.3% of men experience intimate partner physical violence, intimate partner rape and/or intimate partner stalking in their lifetimes.² In New Jersey alone, the implications of the foregoing statistics are staggering. The Bureau of Labor Statistics (BLS) estimates that approximately 4,356,700 people are presently employed in New Jersey.³ If we apply the rates of domestic violence from the 2010 Survey to the size of New Jersey’s employed labor force suggests that over 1,000,000 working New Jerseyans may be subjected to some form of domestic violence in their lifetime.

Employers cannot ignore the likelihood that domestic violence will impact the workplace at some point in time. A 2009 study by the U.S. Bureau of Justice Statistics (BJS) concluded that on average 1 in 8 stalking victims will lose time from work and more than half will lose 5 days of work per year.⁴ Likewise, a 2003 study by the CDC estimated that 5.3 million domestic violence incidents against U.S. women occurred each year and resulted in 8 million days of lost work and pay.⁵ Undoubtedly, those absences result in financial instability for employees, and lost productivity for employers. The effects of domestic violence are felt, however, even when employees are at work.

In 2005 the Corporate Alliance to End Partner Violence (CAEPV) conducted a national telephone survey which focused on the ways in which domestic violence impacts both victims and their workplaces. The CAEPV Survey found that 64% of victims report their ability to work is “significantly” to “somewhat” affected.⁶ The survey revealed that co-workers are impacted as well. For example, according to the survey, 27% of adults who have experienced domestic violence’s effect on their workplaces reported that they had “extremely” or “somewhat

¹ U.S. Centers for Disease Control (2011). *Sexual Violence, Stalking, and Intimate Partner Violence Widespread in the US*. [online] Available at:

https://www.cdc.gov/media/releases/2011/p1214_sexual_violence.html [Accessed 5 Dec. 2019].

² Centers for Disease Control and Prevention (2014). Lifetime prevalence of rape, physical violence, and/or stalking by an intimate partner by state of residence— U.S. women, NISVS 2010; http://www.cdc.gov/violenceprevention/nisvs/state_tables_74.html; Centers for Disease Control and Prevention (2014). Lifetime prevalence of rape, physical violence, and/or stalking by an intimate partner by state of residence— U.S. men, NISVS 2010; http://www.cdc.gov/violenceprevention/nisvs/state_tables_75.html.

³ Bureau of Labor Statistics. “Economy at a Glance: New Jersey,” November 27, 2019. <https://www.bls.gov/eag/eag.nj.htm>.

⁴ Baum, Katrina, Shannan Catalano, Michael Rand, and Kristina Rose. “Stalking Victimization in the United States.” National Crime Victimization Survey. Washington, D.C.: U.S. Department of Justice Bureau of Justice Statistics, January 2009.

<https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.

⁵ National Center for Injury Prevention and Control. “Costs of Intimate Partner Violence Against Women in the United States.” Atlanta, GA: Centers for Disease Control and Prevention, 2003. <https://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.

⁶ Group SJR. “National Benchmark Telephone Survey on Domestic Violence in the Workplace.” Corporate Alliance to End Partner Violence, 2005. <http://www.ncdsv.org/images/CAEPVSurvey.WorkPlace.pdf>.

frequently” had to “do the victim’s work for them,” and 25% resented their co-workers from “some” to a “great extent” because of their situation’s effect on the workplace. Finally, the survey showed that 38% of adults surveyed were “extremely” or “somewhat concerned” for their own safety when they “[find] out a co-worker [is] a victim,” in part because 30% reported that the abuser frequently visited the workplace.⁷

All Workplaces Need Resources to Address Domestic Violence.

The Domestic Violence Policy for Public Employers is a valuable asset and should be made available to all New Jersey employers. Again, statistics show that workplaces are sorely lacking in the resources and skills to effectively engage and address domestic violence victims. The Bureau of Labor Statistics reported in 2006 that over 70% of United States workplaces did not have formal programs or policies addressing workplace violence; of the organizations which did have programs or policies, just 44% had policies or programs dealing with domestic violence.⁸ Additionally, the CAEPV Survey indicates that employees who attempt to help coworkers who are experiencing domestic violence do so informally and without resources rather than by directing those victims to professional channels. While 68% of adults report that they would “reach out to a potential victim,” only 30% would “report concerns to a supervisor” and 26% would “contact human resources or personnel.”⁹ This statistic suggests that countless employers may be unaware that their employees are experiencing life and work-disrupting events. Most significantly, those employees who experience the personal and professional upheaval caused by domestic violence may take longer to find the help they need.

Conclusion

There is a need for more resources for New Jersey employers who want to assist employees impacted by domestic violence.¹⁰ The NJ SAFE Act has raised all employers’ awareness of the impact that domestic violence has on victims and their families and their need for time to address the resulting harm. While that legislation has provided workers invaluable time they need to address their domestic violence issues, those employees still need effective

⁷ Group SJR. “National Benchmark Telephone Survey on Domestic Violence in the Workplace.” Corporate Alliance to End Partner Violence, 2005. <http://www.ncdsv.org/images/CAEPVSurvey.WorkPlace.pdf>.

⁸ U.S. Department of Labor Bureau of Labor Statistics. “The Economics Daily: Workplace Violence Prevention Programs and Policies.” Bureau of Labor Statistics, October 31, 2006. https://www.bls.gov/opub/ted/2006/oct/wk5/art02.htm?view_full.

⁹ Ibid, pg. 4.

¹⁰ For example, a bill drafted by New Jersey’s Assembly in 2008 sought to empower employers to obtain a restraining order on behalf of an employee who has been a “victim of an assault, harassment, stalking or has suffered a credible threat of violence from any individual, which can reasonably be construed to be carried out . . . at the workplace” The bill would also have enabled the courts to review employers’ decisions to discipline or terminate a harasser if the harasser was also an employee. Unfortunately, the bill died in committee. A.1159, 213th Leg. (N.J. 2008). <https://www.workplacesrespond.org/role/employer/>

resources to help them maneuver challenges effectively and without undue disruption to their employment or workplaces. The Domestic Violence Policy for Public Employers could provide all employers a valuable addition: a trained HRO to serve as a central resource for victims and managers regarding the appropriate, respectful and confidential ways to respond to and assist victims of domestic violence. We believe this Policy will have an even greater impact and offer broader protections if private sector employers are encouraged to implement such a domestic violence policy as well.

Respectfully submitted,

Employers Association of New Jersey

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