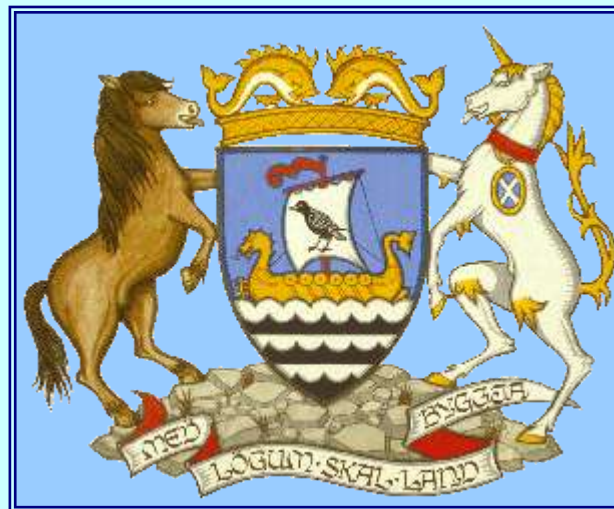


SHETLAND ISLANDS COUNCIL

Violence against Women – a Policy to Support Employees



Operational Date: 01/01/2020

Applies to: All staff groups

Document Information			
Document Name/Description		Violence against Women - a Policy to Support Employees	
Version Number e.g. V1.1		V0.4	
Author		Emilie Smith, HR Officer – Human Resources	
Lead Officer/Manager		Denise Bell, Executive Manager – Human Resources	
Final Approval Date		25/11/2019	
Approved by –		Policy and Resources Committee	
Review Frequency		Full review – 3 yearly	
Date of next planned review start		Summer 2022	
Summary of changes to document			
Date	Version updated	New version number	Brief description of changes

CONTENTS

1	Statement of Policy	3
2	Introduction	5
3	Roles and Responsibilities	6
4	Indicators of Success	8
5	Review, Impact Assessment & Monitoring	9
6	Confidentiality	10
7	Feedback and Appeals Process	18

Appendix 1 – What is Violence Against Women?

Appendix 1a – What About the Men?

Appendix 1b – Myth Busting Domestic Abuse

Appendix 2 – Sources of Help and Support

1.0 Statement of Policy

- 1.1 Shetland Islands Council recognises that violence against women affects all aspects of women's lives, and the workplace is no exception. Violence against women significantly impacts on women's day to day lives; it occurs in and outside of the workplace and has a drastic impact on women's experiences at work. It is critical that, as an employer, we understand the impact of gender-based violence on women, so that we are better able to support women to stay in work, and to access the support and services they may need.
- 1.2 This policy, supplemented by procedures, training and guidance for line managers, describes how the Council will support victim-survivors in the workplace, as well as how it will manage employees who choose to perpetrate violence against women.
- 1.3 Preventing violence against women is intrinsically linked to addressing women's inequality in all areas of society. This is because violence against women is a cause and consequence of gender inequality. Similarly, women's labour market inequality is also caused, and sustained, by wider gender inequality. Women's labour market and economic inequality reduces their financial independence, restricts their choices in employment and creates a conducive context for violence against women. Financial dependence and poverty can make it harder for women experiencing violence or abuse to move on and maintain employment. Addressing women's labour market inequality is therefore a necessary step in ending violence against women.
- 1.4 The Council considers that the safety and wellbeing of its employees is fundamental to delivering its objectives in line with its organisational values. The Council is committed to providing a working environment in which employees can disclose concerns relating to violence against women in a safe and confidential setting. The Council therefore seeks to foster a culture of zero-tolerance towards violence against women.
- 1.5 Through communication and training, the Council will raise awareness and develop the skills of line managers to enable safe disclosure and appropriate support. Managers will be supported to develop knowledge that will help them to recognise and supportively manage employees who are experiencing violence against women. Managers will be supported to develop skills and behaviours to create a work environment which does not tolerate violence against women. The Council will ensure that managers meet their duties under relevant legislation.
- 1.6 Shetland Islands Council provides support for employees experiencing violence against women through supportive line management, consideration of adjustments and access to free counselling support. Advice is available from HR, Health and Safety and the Staff Welfare Officer, and referrals can be made to

Occupational Health where their assistance is required. Employees can self-refer to the Staff Welfare Officer or be referred by their manager, and can access free counselling support via the Staff Welfare Officer. The provision of free counselling is normally limited up to six sessions, although an extension can be granted where there are extenuating circumstances. The Staff Welfare Officer works closely with specialist partner organisations such as Shetland Rape Crisis and Shetland Women's Aid and can refer staff for specialist support.

- 1.7 The Council will raise awareness of violence against women in the workplace through a programme of activities as part of its Equally Safe at Work accreditation and proactively engage in the fostering of a culture of zero-tolerance towards violence against women, in line with local and national initiatives and guidelines.
- 1.8 This policy, accompanying procedures and guidance for line managers describe the actions that support the delivery of the policy statement. The Violence Against Women - a Policy to Support Employees and its provisions are promoted through Induction, Management training and development, and through the staff magazine, InTouch.
- 1.9 Guidance is available to managers and employees on understanding violence against women issues and sources of support, both local and national. This includes practical guidance for managers, including a quick reference guide, template letter and monitoring form as well as more detailed procedures on Supporting and Protecting Victim-Survivors and Managing Alleged or Convicted Perpetrators. Appendix 1 gives a more detailed introduction to the topic and aims to dispel some myths about the causation of domestic abuse and Appendix 2 sets out sources of support, including helplines.
- 1.10 Any training and development opportunities in this area is communicated through the Workforce Development page of the Intranet including that delivered by local and national partners, such as NHS Shetland or Close the Gap. Online training will also be developed and subsequently available through the council's e-learning package, iLearn.
- 1.11 This policy, supporting procedures and guidelines form a core part of meeting the standards of Equally Safe at Work, an innovative and world-leading employer accreditation programme being piloted in Scotland's local government. It supports the implementation of Equally Safe, the Scottish Government and COSLA joint strategy to prevent and eradicate violence against women and girls. Equally Safe recognises that violence against women and girls is a cause and consequence of gender inequality. Eliminating women's workplace inequality and other

inequalities in society is therefore a fundamental step in preventing violence against women.

2.0 Introduction

2.1 Scope

- 2.1.1 The Violence against Women- a Policy to Support Employees and associated procedures apply to all Shetland Islands Council employees.
- 2.1.2 This Policy is designed to complement other Shetland Islands Council Human Resources policies including Disciplinary, Grievance, Bullying & Harassment, Equality & Diversity and Maximising Attendance policies.
- 2.1.3 To promote a workplace culture in which violence against women is recognised and addressed, this issue should be incorporated explicitly into health & safety risk assessment programmes and core training programmes, including induction.

2.2 Aim

The aim of the Violence against Women - a Policy to Support Employees and supporting guidance is to:

- a) Provide reasonable and appropriate support to victim-survivors.
- b) Foster a culture of zero-tolerance towards violence against women.
- c) Ensure issues relating to violence against women are managed safely and effectively.
- d) Help employees to safely access support.

2.3 Legislation

2.3.1 Health and Safety Legislation

Health and safety laws are designed to ensure that workers have the right to work in a safe environment where risks to health and wellbeing are considered and dealt with effectively. An effective workplace policy, procedures, guidance and training on violence against women helps to ensure that employers are complying with these laws. This extends to wherever the workplace may be, including people who work from home. There are four main areas of health and safety legislation in the workplace relevant to domestic abuse:

- a. Health and Safety at Work Act 1974
- b. Management of Health and Safety at Work Regulations 1992
- c. Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

- d. Health and Safety (Consultation with Employees) Regulations 1996

2.3.2 Domestic Abuse and the Law

2.3.2.1 The Domestic Abuse (Scotland) Act 2018 came into force on 1st April 2019. The Act creates an offence with respect to the engaging by a person in a course of behaviour which is abusive towards that person's partner or ex-partner. The new law covers not only spouses, civil partners and cohabitants, but also people in intimate personal relationships who do not live together. As well as physical abuse, it covers other forms of psychological abuse and coercive and controlling behaviour that could not be easily prosecuted under previous law.

2.3.2.2 The Act provides a description as to what constitutes abusive behaviour. It includes behaviour which is violent, threatening or intimidating and behaviour that is designed to have one or more of the following effects on the victim or would be considered by a reasonable person to be likely to have one or more of the following effects:

- a. Making them dependent on or subordinate to the perpetrator.
- b. Isolating them from their friends, relatives or other sources of support.
- c. Controlling, regulating or monitoring their day to day activities.
- d. Depriving them of, or restricting their freedom of action.
- e. Frightening, humiliating, degrading or punishing them.

2.3.2.3 The above could include for example preventing the victim having access to money or from having access to their phone or other forms of communication. Further it could include controlling the victim's movements; abusive name calling and playing mind games with the victim that cause them to doubt their sanity. Often children can be involved in some way by either the child witnessing the abuse or by the perpetrator of the abuse involving the child in their behaviour. The offence covered under the Act will be aggravated if there is a child involved and therefore recognises the profound impact of domestic abuse on the child/children of the relationship.

3.0 Roles and Responsibilities

3.1 Organisation Responsibilities

Shetland Islands Council recognises that developing a life free from violence against women is a process not a one-off event and will provide ongoing support for employees who disclose. We will also work cooperatively with other agencies to help staff experiencing violence against women. The Council will create a culture of zero-tolerance towards violence against women through policy development, training and capacity building, as well

as responding appropriately to employees, on a case-by-case basis who are alleged or convicted perpetrators of violence against women.

3.2.1 Managers' Responsibilities

- 3.2.1 Individual Line Managers, in consultation with staff in HR, can play a key role in supporting staff that are being subjected to, or have experienced violence against women. However, Managers must not feel that they are responsible for resolving this issue. Managers will be advising staff of the provisions within the policy and procedures to assist in providing the most appropriate support available, and providing contacts to ensure that employees who wish to seek assistance have access to the most appropriate professional help available.
- 3.2.2 Managers have an overall responsibility for the health, safety and wellbeing of the employees they manage; they also have a role to address the needs of employees who have experience of violence against women. In responding to staff, they are expected to be available and approachable; to listen and reassure; respond in a sensitive and non-judgemental manner and discuss how the organisation can support them.
- 3.2.3 In cases where a member of staff raises their experience of violence against women, managers should endeavour to provide flexible support, tailored to meet the circumstances of each individual, taking account of any additional needs that they may have. Managers should be aware of the potential barriers that make it difficult for employees to seek support and should be conscious not to make judgements or to provide counselling or advice.
- 3.2.4 When responding to employees, managers should refer to other relevant policies developed in line with and act in accordance with child/adult protection procedures, referring to Occupational Health and Human Resources as appropriate.
- 3.2.5 Although managers should try to be as supportive as possible, employees should, nonetheless, have a clear understanding of what is expected of them in relation to performance, conduct and attendance. If an employee discloses experience of violence against women during procedures in relation to performance, attendance and conduct, this should be taken into account. If it is felt that the issue can be resolved by addressing the support/safety needs of the employee, then the relevant process may be suspended as a reasonable adjustment.
- 3.2.6 A manager can support staff by:
 - a. Being aware of the possibility that staff members could be affected by past or current violence against women.

- b. Recognising potential signs of violence against women.
- c. Initiating discussion if you have concerns about violence against women.
- d. Responding sensitively to disclosure.
- e. Helping a staff member assess their level of risk and supporting them to plan their safety at work in cases of domestic abuse.
- f. Considering what workplace supports you could provide within the scope of current policy provisions.
- g. Providing information about other sources of help.
- h. Keeping good records, documenting discussion and actions taken, ensuring that information is stored confidentially.

3.2.7 Managers must be aware that it is often very difficult for a person experiencing domestic abuse or sexual violence to admit to the reality of the situation. The decision to break free from abusive relationships is the employee's alone. This must be acknowledged and respected throughout the process of support.

3.3 Individual Responsibilities

- 3.3.1 The chances are that you know someone who is experiencing domestic abuse. If you know or suspect that someone you know is experiencing domestic abuse or sexual violence it can be upsetting, and difficult to know what to do. For most people, their first instinct is to try to 'save' someone from the relationship, and to tell the person being abused that they have to leave their relationship. Unfortunately it is almost never that simple.
- 3.3.2 There are lots of reasons why people stay with abusive partners, and leaving is often the most dangerous time for a woman and her children. It's really important that you don't put pressure on her to end the relationship; she can only do this when she is ready, and there are other ways you can help her until then.
- 3.3.3 It's important that if you do suspect domestic abuse, you do not ignore it. Women experiencing abuse are often scared, ashamed and confused, and many don't want to accept that their partner is abusive. If you are worried about someone you know, speak to your line manager if it's in a work setting or get in touch with Scotland's 24 hour Domestic Abuse and Forced Marriage Helpline on 0800 027 1234 who can help you to talk through your options.

3.4 HR Responsibilities

The Human Resources Service has the central responsibility of developing a policy and procedures that advises both employees and managers on violence against women. They will also review and update other policies, procedures and practices which are linked and could affect the implementation of this policy to ensure that awareness and support mechanisms are instigated and applied, for example, health and safety management,

performance and absence management, special leave, flexible working and redeployment. Their direct involvement will be one of consultancy, support and advice to Managers and staff.

4.0 Indicators of Success – How Will We Know this Policy is Working?

- 4.1 In order to measure how successful the policy has been in operation, it is important to establish a baseline position. Where possible, this should be achieved by carrying out a general staff survey and undertaking a comparison survey at the end of the first year. Other indicators include:
- a. Staff awareness that a policy exists and they have an understanding of how it works.
 - b. Management and staff using the policy.
 - c. Evaluation of training for key staff.
 - d. Improvements in responding to the issue of Violence against Women.
 - e. Discussion at Staff Consultative Committees on the implementation/effectiveness of the policy.
- 4.2 Information should be recorded and collated on the use of the policy, ensuring anonymity of staff with experience of abuse, i.e. numbers of staff seeking support, action taken, outcomes for employees, where known, and numbers of allegations of abuse against employees.
- 4.3 Other information will include feedback from staff through disclosures and training sessions, online/other questionnaires.

5.0 Review, Impact Assessment and Monitoring

Shetland Islands Council is committed to the continuing development of the policy and procedures and will endeavour to maintain their accuracy and relevance. This Violence against Women Policy will be reviewed as necessary following any changes in relevant legislation or operational experience or requirement. The policy will be made available in accessible formats on request. An Equality Impact Assessment has been carried out in respect of this policy. Clearly, as the central purpose of the policy is to support and address gender bias at its most fundamental level, the impacts of implementation for disadvantaged groups are positive. Whilst some men may indirectly feel marginalised by the focus of the policy, it is not inherently discriminatory against men as a gendered-analysis helps to make sense of the disproportionate scale and impact of violence against women. The policy also looks at intersectionality, which goes further in looking at how violence against women affects women with more than one protected characteristic.

6.0 Protecting Confidentiality

- 6.1 All disclosures of violence against women experienced by employees should be treated confidentially, the key exception being situations where there is reason to believe that there may be a risk to others, such as where the employer needs to act to protect the safety of employees, or when there are concerns about children or vulnerable adults, where local child/adult protection procedures should be followed.
- 6.2 Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission.
- 6.3 Where domestic abuse, sexual violence or other forms of violence against women in a same sex relationship is disclosed, due regard will be paid to the double disclosure of confidential information particularly where the individual recipient of abuse may not be out at work.
- 6.4 In circumstances where Shetland Islands Council has to breach confidentiality it will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible.
- 6.5 As far as possible, information will only be shared on a need-to-know basis.
- 6.6 All records concerning violence against women will be kept strictly confidential. No local records will be kept of absences related to violence against women and there will be no adverse impact on the employment records of victim-survivors of violence against women.
- 6.7 Confidentiality is particularly important if the police have been involved and in smaller rural communities, where there is greater likelihood of people in the community knowing each other. Where the employee is also a service user, it is important that you don't use their service user information to inform their employment issues, for example their MARAC assessment notes or score.
- 6.8 Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.
- 6.9 Recording of information on violence against women will have no adverse impact on the employee's work record.

7.0 Feedback and Appeals Process

- 7.1 Employees are encouraged to feed back their experience to management, to help the organisation better understand how well the policy is implemented and whether we are responding appropriately to disclosures relating to violence against women.
- 7.2 In the circumstance in which an employee feels dissatisfied by the reporting process they have the option to raise concerns through a route they feel comfortable with, such as via their next level of line management, the Human Resources Service or through the Staff Welfare Officer. Concerns can be raised in writing or in person, and in responding managers should follow the guidance set out in section 6 above, ensuring an appropriately sensitive approach.

Appendix 1 – What is Violence against Women?¹

Violence against women² is perpetrated at epidemic levels; it affects all aspects of women's lives, and the workplace is no exception. It is critical that, as an employer, we understand the impact of gender-based violence on women, so that we are better able to support women to stay in work, and to access the support and services they may need.

Three million women each year in the UK experience some form of violence against women with many more women living with past experiences of abuse.³ Violence against women is a violation of a women's human rights and an enduring social problem that undermines workplaces and communities.

Equally Safe, Scotland's national strategy to prevent and eradicate violence against women⁴, defines violence against women as:

- Physical, sexual and psychological violence including domestic abuse, rape, and incest.
- Sexual harassment, bullying and intimidation in any public or private space, including work.
- Commercial sexual exploitation, including prostitution, pornography and trafficking.
- Child sexual abuse, including familial sexual abuse, child sexual exploitation and online abuse.
- So called 'honour-based' violence, including dowry-related violence, female genital mutilation, forced and child marriages, and 'honour' crimes.

They are grouped together by the term violence against women to highlight that they are a cause and consequence of women's inequality. Women's experiences of violence against women vary according to their other aspects of their identities.

- Disabled women are twice as likely to experience domestic abuse and sexual violence as non-disabled women, particularly when the abuser is also their carer.⁵
- Black and minority ethnic (BME) women face additional barriers to accessing race-sensitive support; they may be unwilling to seek help from statutory agencies because of fear of racism or that their culture will be judged.⁶

¹ <https://www.equallysafeatwork.scot/>

² We recognise that gender-based violence not only affects the lives of women, but also girls, and this is captured in the overarching descriptor 'violence against women and girls'. This policy uses the shortened 'violence against women' because of its employment focus.

³ Coy, M., Kelly, L. & Foord, J. (2009) Map of gaps 2: The postcode lottery of violence against women support services in Britain, London: End violence against women.

⁴ Scottish Government (2014) Equally Safe: Scotland's strategy to eradicate and prevent violence against women and girls

⁵ Breiding, M.J., Armour, B.S. (2015) "The association between disability and intimate partner violence in the United States", *Annals of Epidemiology*;25(6): 455-457, doi:10.1016/j.annepidem.2015.03.017

⁶ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

- Older women are less likely to report their experiences of domestic abuse.⁷
- Lesbian and bisexual women can be vulnerable to abusers who threaten to 'out' them to colleagues, employers or family members.⁸
- Younger women are more likely to experience sexual harassment,⁹ and are less likely to feel able to report because of their propensity to be in insecure work and think that their job would be at risk if they did.¹⁰
- Transgender women are particularly vulnerable to transphobic emotional abuse, and can be reluctant to access support services or contact the police for fear they may be met with prejudice or that they may not be understood.¹¹
- Pregnancy can be a trigger for domestic abuse and existing abuse may get worse during pregnancy or after giving birth.¹²

The Link between violence against women and Women's Inequality in the Labour Market

Preventing violence against women is intrinsically linked to addressing women's inequality in all areas of society. This is because violence against women is a cause and consequence of gender inequality. Similarly, women's labour market inequality is also caused, and sustained, by wider gender inequality. Women's labour market and economic inequality reduces their financial independence, restricts their choices in employment and creates a conducive context for violence against women. Financial dependence and poverty can make it harder for women experiencing violence or abuse to move on and maintain employment. Addressing women's labour market inequality is therefore a necessary step in ending violence against women.

The gender pay gap is the key indicator of women's labour market inequality, and the persistently divergent experiences men and women have in the workplace, and in education, training, care and domestic labour. While there are commonalities experienced by all women at work, disabled women¹³, BME women¹⁴, Muslim women¹⁵, lesbian and

⁷ Business in the Community (2018) Domestic abuse: a toolkit for employers

⁸ Unison (2017) Domestic Violence and abuse: a trade union issue. A UNISON guide 2016

⁹ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

¹⁰ Equality and Human Rights Commission (2018) Turning the Tables: Ending sexual harassment at work

¹¹ Scottish Transgender Alliance (2010) Out of sight, out of mind? Transgender People's Experience of Domestic Abuse

¹² Business in the Community and Public Health England (2018) Domestic abuse: a toolkit for employer

¹³ Close the Gap (2018) Response to the Scottish Government Consultation on Increasing the Employment of Disabled People in the Public Sector 19 Scottish Commission on Older Women (2015) Older Women and Work: Looking to the future

¹⁴ Close the Gap (2019) Still not visible: Research on BME women's experiences of employment in Scotland; and Scottish Parliament Equal Opportunities Committee (2016) Removing Barriers: Race, ethnicity and employment

¹⁵ House of Commons Women and Equalities Committee (2016) Employment Opportunities for Muslims in the UK

bisexual women¹⁶, trans women¹⁷, refugee women¹⁸, young women¹⁹, and older women²⁰ experience different, multiple barriers to participation in the labour market, and to progression within their occupation.

Socioeconomic background also has an influence on women's labour market outcomes, with working class women less likely to be represented in higher paid jobs, and more likely to be in lower paid, stereotypically female work. This can result in financial inequality or instability which diminish women's resilience and options in the face of violence.

Gender norms and stereotyping about women's capabilities and interests results in a stark segregation in the types of work that men and women do. In local government, this means women are more likely to work in homecare, admin, primary teaching, and early years and childcare, while men tend to work in IT, refuse collection and trades. A lack of quality part-time and flexible jobs, coupled with women's disproportionate responsibility for caring, finds women underrepresented in management and senior roles. While pay modernisation programmes in the public sector, including Single Status in local government, have addressed some of the historical gendered pay inequalities, some women are still paid less than men for doing equal work.

To address violence against women it is essential to address gender inequality in the workplace. By advancing women's labour market equality we can reduce and prevent violence against women.

The Cost of Violence against Women

It is estimated that violence against women costs the UK economy £40 billion each year²¹. This includes the cost to public services and the lost economic output of the affected women. Domestic abuse is estimated to cost the UK £16 billion per year²², which includes an estimated £1.9 billion lost due to decreased productivity, administrative difficulties from unplanned time off, lost wages and sick pay. It therefore makes good business sense for employers to support employees who have experienced gender-based violence, and to take steps to address gender inequality at work and prevent violence against women.

¹⁶ Stonewall (2014) The Double-Glazed Glass Ceiling: Lesbians in the workplace

¹⁷ House of Commons Women and Equalities Committee (2015) Transgender equality

¹⁸ Scottish Refugee Council (2014) One Step Closer

¹⁹ YWCA Scotland (2016) Status of Young Women in Scotland

²⁰ Scottish Commission on Older Women (2015) Older Women and Work: Looking to the future

²¹ Jarvinen, J., Kail, A., & Miller, I. (2008) Hard Knock Life: violence against women – a Guide for Donors and Funders. London: New Philanthropy Capital. 21Walby, S. (2009) The Cost of Domestic Violence: Update 2009.

²² Walby, S. (2009) The Cost of Domestic Violence: Update 2009.

The impact of violence against women on staff and the council

Violence against women significantly impacts on women's day to day lives; it occurs in and outside of the workplace and has a drastic impact on women's experiences at work.

Domestic Abuse

Domestic abuse is a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, including sexual violence, by a partner or ex-partner²³. It affects women from all economic, educational, cultural, age, racial and religious demographics. One in five women in Scotland will experience domestic abuse in her lifetime²⁴, and three quarters of women are targeted at work.²⁵

Perpetrators of domestic abuse often use a number of tactics to disrupt women's employment including:

- Using workplace resources such as phone and email to threaten, harass or abuse them.
- Isolation from their colleagues by not allowing them to attend social events or insisting on attending with them.
- Destroying personal documents which may prevent them from applying for jobs.
- Preventing them from going to work by locking them in, or by hiding their keys or purse.
- Offering to provide childcare and not turning up.
- Following them into their workplace or waiting outside for them.
- Verbal harassment or assault when women leave to go to work, or at the workplace.
- Assault or threats of assault.
- Sending abusive and threatening phone calls, text messages or emails to their personal phone while at work.
- Following them to and from work
- Controlling the finances to prevent them from paying for transport costs
- Sabotaging their work clothes
- Threatening to take the children if they go to work. For non-English speakers, preventing them from learning English which would enable them to work.
- Discouraging them from applying for promotion or positions where they would become the primary earner in the household.
- Securing their own employment with the same employer to more closely monitor her activities and increase access to her whilst at work.

²³ 22Scottish Women's Aid, What is domestic abuse? Available at [womensaid.scot/information-support/what-is-domestic-abuse/](https://www.womensaid.scot/information-support/what-is-domestic-abuse/)

²⁴ 23Engender (2017) Gender Matters Roadmap: Towards women's equality in Scotland.

²⁵ Equality and Human Rights Commission (2013) Managing and Supporting Employees Experiencing Domestic Abuse

Women report experiencing trauma, stress and other mental health problems as a result of domestic abuse, which affects their work performance due to being distracted, tired or unwell.²⁶ It can also cause financial instability or loss of employment because of unexplained absences, or moving house or job to avoid perpetrators. The effects of domestic abuse are significant, and multifaceted, and therefore affect women's productivity, absenteeism and job retention.²⁷

Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.²⁸ Examples of sexual harassment include unwelcome physical contact, sexual comments, inappropriate and sexist jokes, and displaying sexually graphic pictures.

As a result of the #MeToo movement,²⁹ the prevalence of sexual harassment in the workplace is now a high-profile issue and there is increasing pressure for employers to take action. In the UK, more than half (52%) of women have experienced sexual harassment, with this figure rising to two thirds of women aged 18-24.³⁰ Experiences range from unwelcome sexual comments to serious sexual assaults.³¹ Research found that 70% of women in Scotland had witnessed or experienced sexual harassment.³² Experiences of sexual harassment are under-reported because of fear of being blamed or not being believed, feeling embarrassed, and a lack of confidence in the complaints procedure.³³

Women who have reported sexual harassment stated that it had a negative impact on their mental health, making them less confident at work, and inducing them to avoid certain work situations in order to avoid the perpetrator.³⁴ All of these effects and responses are likely to diminish their performance at work, and their propensity to apply for and be appointed to promoted posts. Sexual harassment therefore contributes to the glass ceiling, to women's subordinate role in the workplace, and to the gender pay gap.³⁵

Women's experiences of sexual harassment are often minimised by colleagues, and dismissed as 'banter'. Women may be considered humourless or unable to take a joke by

²⁶ Equality and Human Rights Commission (2013) Managing and Supporting Employees Experiencing Domestic Abuse

²⁷ Swanberg, J.E., and C. Macke (2006) Intimate Partner Violence and the Workplace: Consequences and disclosure, Affilia

²⁸ EHRC (2017) Turning the table: Ending sexual harassment at work

²⁹ #MeToo is a movement started in 2006 that gained global prominence in 2017. The movement highlights the widespread prevalence of sexual assault and harassment and sexual assault.

³⁰ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

³¹ House of Commons Women and Equalities Committee (2018) Sexual Harassment in the Workplace Inquiry

³² Zero Tolerance (2017) Sexism is a waste: The need to tackle violence and misogyny in Scotland's workplaces

³³ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

³⁴ Ibid.

³⁵ Engender (2018) Submission to the Independent Review of Hate Crime Legislation in Scotland

colleagues if they challenge or report inappropriate behaviour. Experiences may be framed as 'flirty' behaviour or that it should be taken as a compliment. This can have a significant effect on women's self-esteem and confidence, and trust in the reporting process.

Research has demonstrated that sexual harassment can have serious professional, financial, and psychological impacts.³⁶ The impact of sexual harassment on employees includes

- Feelings of embarrassment, shame and humiliation.
- A sense of being undermined professionally.
- Avoiding certain work situations include meetings, training courses, or particular shifts.
- Feeling less confident at work.
- A significant detriment to their mental health.
- Leaving a role or job.

Stalking

Stalking is a persistent and unwanted attention that aims to curtail freedom. It is defined as two or more incidents of behaviour directed towards a victim-survivor which causes physical or psychological harm, or fear for the safety of the victim-survivor.³⁷ It can involve following a person, watching or spying on them or forcing contact with them through any means, including social media. Stalking is a common tactic used by perpetrators of domestic abuse, but can also be perpetrated by acquaintances such as colleagues, neighbours and friends, and strangers. The most common stalking behaviours are unwanted telephone calls, repeatedly asking for a date having previously been refused, and unwanted texts.

Research has shown that in episodes of stalking that progress from texts and harassment on social media to physical stalking such as waiting outside of workplaces, 71% of victims were women.³⁸ Victims of stalking are often targeted at work, and perpetrators will use workplace resources such as phones and email to threaten, harass and abuse the victim-survivor. The effects of stalking include:

- Increased fear, stress, anxiety and isolation.
- Loss of safety or trust.
- A fear that they will not be taken seriously or that others will not understand, which is played out when trying to report acts which in themselves are not criminal.
- Worry that it will impact their work, and their job.

³⁶ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

³⁷ Police Scotland, Stalking available at www.scotland.police.uk/keep-safe/personal-safety/stalking

³⁸ Scottish Government (2014) Bringing Together Scotland's Crime Statistics: Analysing using the comparable crime subset

- Financial instability because they may have unexplained absences or change jobs to avoid their stalker.

Sexual Assault and Rape

Sexual assault and rape can be defined as any behaviour of a sexual nature which is unwanted and that takes place without consent or understanding. Sexual assault covers other sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual. Rape is when a man penetrates another person against their will, either vaginally, anally or orally.³⁹

Experiences of sexual assault or rape can severely impact on the victim-survivor's life in various ways, and the workplace is no exception. Research⁴⁰ has found that the impact of sexual assault and rape on women's employment can include:

- Difficulties in holding down a job after experiencing sexual violence, as a result of needing to take extended periods off because of emotional and physical impacts, or frequent shorter periods to attend other appointments.
- Low self-esteem and depression making it difficult to carry out normal work or participate socially or professionally at work.
- Leaving a job they enjoy and value without being able to discuss what happened or why their performance dropped; Fear of disclosing at work and worry that people will treat them differently.
- Experiences of trauma which can make it difficult to be in work situations which may involve groups of men or being alone with men.

Experience of child sexual abuse can also have a lasting impact on victim-survivors. It can have long-term emotional and psychological effects, including trauma, lack of trust, inability to develop meaningful relationships, lack of self confidence, flashbacks and harmful coping strategies. Many victim-survivors of child sexual abuse do not seek support or access services for a long time.

So-Called 'Honour-Based' Violence

So-called 'honour-based' violence is a form of violence and abuse that is committed to protect family and community honour.⁴¹ It is the belief that family and community honour is rooted in women's behaviour, appearance, and sexuality, and is to be guarded by men.⁴² It includes restricting women from doing certain things that are perceived as going against culture, family, community and religion, and can involve physically and sexually harming a

³⁹ Rape Crisis Scotland (2013) Rape and sexual violence

⁴⁰ Walden, I & McFerran, L. (2013) Report on a scoping study into the effects of sexual violence on employees and the workplace, Safe at Home, Safe at Work project. Gendered Violence Research Network. UNSW Australia.

⁴¹ Shakti, So-called 'honour-based' violence, available at shaktiedinburgh.co.uk/what-is-domesticabuse/

⁴² Dryer, E. (2015) 'Honour' killing in the UK, The Henry Jackson Society

woman, forcing marriage and isolating them from friends and family. It can also involve controlling finances, preventing women from learning the language of their new country, restricting movement and using their immigration status to threaten to send them away.

In many cases of 'honour-based' violence, victim-survivors have multiple perpetrators which can include partners and family members. Women can be subject to 'honour-based' violence for having a relationship or socialising with someone that the family and community disapprove of, becoming too 'western', refusing a forced marriage or wearing make-up or certain clothing. Victim-survivors of 'honour-based' violence are also policed by members of their wider community, particularly around socialising with people from different cultures.

A woman's behaviour is not only linked to the family's honour, but also her dowry price which can drastically decrease if it is perceived that she has not behaved in line with her family and community's strict expectations. The concept of dowry is practiced in different ways by different communities, but dowry-related abuse is often associated with the wider family, and occurs when a husband and his family believe the dowry to be inadequate, where the dowry has not been paid or where the dowry has been devalued as a result of the woman's behaviour.

'Honour-based' violence has similar impacts to those of domestic abuse on women's experiences of the workplace. In addition to the impacts of domestic abuse listed above, 'honour-based' violence can also affect women's experiences of work by:

- Being coerced into specific occupations.
- Being coerced into not going for a promotion because it is seen as inappropriate for a woman, or because they will be expected to interact with men.
- Shaming and judging a woman for wanting a job.
- Threatening to have a woman deported or send her away unless she stops going to work.
- Preventing women from applying for a job by restricting access to a language course.

Commonalities in Experience

Violence against women has a long-lasting effect on the lives of victim-survivors. Although violence against women takes many forms, and impacts different groups of women in a variety of ways, there are also many commonalities in experiences. By developing violence against women-sensitive employment practice and creating a positive workplace culture you can create a supportive and responsive workplace for women to feel safe to disclose their experience and maintain their employment, including in managing incidences where the alleged perpetrator is also an employee.

Zero Tolerance

Creating a culture of zero tolerance sends a powerful message to the workforce that addressing violence against women is a priority. It creates a supportive and responsive workplace for different groups of women to feel safe disclosing their experience.

Zero tolerance towards violence against women means creating a culture whereby violence against women is not accepted. In practice, it means that when a victim-survivor discloses or reports violence against women, then it's taken seriously and handled according to the best practice. This includes prioritising and identifying their support needs and informing them of what policies are available in the council. As well, zero tolerance can include responding to perpetrators in the workplace when there's clear reasons for the employer to take action. This will be determined on a case by case basis.

It's important to highlight that employers have a duty of care to both the victim-survivor and alleged or convicted perpetrator. Therefore, employers will take this into consideration when managing perpetrators in the workplace.

When we use the term 'zero tolerance' in relation to managing perpetrators of violence against women, we mean that:

- There is never an excuse for perpetrating violence against women; where employees choose to do so, it will not be treated as a 'private issue' and allegations will not be brushed under the carpet. Abusive behaviour is a choice and is always unacceptable; it will likely constitute criminal behaviour.
- All allegations and disclosures will be subject to thorough and robust formal investigation, will be taken seriously and may be subject to disciplinary action, in particular where employees work with vulnerable people or bring the organisation into disrepute. Shetland Islands Council views the perpetration of violence against women by an employee, wherever this occurs, as a breach of the organisation's Code of Conduct for disciplinary purposes.
- It is possible for perpetrators to change if they recognise they have a problem and take steps to change their behaviour – a zero tolerance approach means we expect employees who perpetrate violence against women to make efforts to change.
- Continued and/or serious abuse may affect the perpetrator's contract of employment.

In a wider context, by fostering a culture of zero tolerance, we want all employees and managers to feel confident to challenge sexist or misogynistic behaviours, and not become bystanders. By allowing sexist behaviour to go unchallenged we merely condone it; any employee found to be assisting an abuser in perpetrating violence against women may be subject to disciplinary action, as may employees displaying sexist or misogynistic workplace behaviours.

Examples of sexist or misogynistic workplace behaviours include:

- **Expectations of stereotypical tasks:** some employers expect women to accomplish certain job duties, such as answering the phone, filling out paperwork, getting coffee or setting up meetings. A manager may tell a female worker to accomplish these secretarial tasks even if they are not relevant to her job.
- **Descriptive biases:** many people automatically assume women are sensitive, emotional and caring. While these are not necessarily negative characteristics, they can have harmful consequences for women who work in positions that are usually held by men. For example, a male employer may say that a woman does not fit into a particular role because he assumes she has stereotypical traits and is not strong enough to handle a leadership role.
- **Negative comments about feminism:** feminism is a term that has many negative connotations. Some people view feminists as intolerant, aggressive and bitter. This inaccurate stereotype often makes its way into workplaces, where some people will make derogatory comments about feminism and feminists.
- **Constant interruptions while talking:** sometimes men feel like it is okay to interrupt women while they are speaking. Men cutting off women mid-conversation can be annoying at best, but if it is a consistent problem, it may contribute to a hostile work environment. This behavior is common and often overlooked, but is a serious issue.
- **Jokes or statements** suggesting anger towards women or a belief that they are inherently beneath men.
- **Sexual pictures in the workplace**, e.g. calendars, posters, centrefolds displaying naked or semi-naked women or any images that degrade or objectify women and reinforce outdated gender roles.
- **A man who assumes a patronizing tone** when explaining a concept to female colleague, even something about which they're familiar.
- **Criticising women for behaviors tolerated in men;** in an office setting or otherwise, someone who criticises a woman for behavior they accept or even laud in men is a sign that they are unfairly biased against women.
- **Disparaging measures that promote equality:** someone who displays negative reactions or anger about legislation and other measures taken to promote equality, such as the women's rights movement, with no bearing on whether they actually affect them may be unfairly biased against women.
- **Male colleagues believing they are entitled** to certain "things" from women. They may, for example, believe that women owe them sex or loyalty.

- **Dismissing a woman's, or all women's, opinions:** someone biased against women may not place any value in what a woman has to say and will generally view her beliefs as irrelevant. Meanwhile, they may well put stock in what other men have to say.

Appendix 1a

What About the Men?

The Case for a Gendered Analysis of Violence Against Women

This policy is not intended to diminish men's experience of violence or domestic abuse. Whilst it is acknowledged that men experience violence within intimate relationships, they do not necessarily experience it *because* they are men, whereas violence against women is a recognised cause and consequence of women's status in society.

'Gender based violence is a function of gender inequality, and an abuse of male power and privilege... By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'⁴³

United Nations

While men may be victims of violence and abuse, a gendered-analysis helps to make sense of the scale and impact of violence against women. Statistics show that women are disproportionately affected by sexual harassment, rape and sexual violence, domestic abuse, commercial sexual exploitation and other forms of violence against women.

In comparison to men, women's descriptions of abuse indicate a pattern which typically includes tactics of control, humiliation and degradation and the abdication of responsibility of the man and the blame of the woman.⁴⁴

Moreover, the impact of violence and abuse is often different for women than it is for men with 31.1% of women affected by domestic abuse reporting experiencing four or more psychological effects, compared to only 8.8% of men.⁴⁵

Research shows there is a causal story between gender inequality and violence and abuse, with societies with fewer economic, social or political differences between men and women experiencing lower rates of violence against women.⁴⁶

⁴³ This definition is based on the United Nation's Declaration on the Elimination of Violence Against Women (1993), available at <http://www.un.org/documents/ga/res/48/a48r104.htm>

⁴⁴ For more information please see, The Scottish Government (2010), What Does Gender have to do with Violence Against Women, available at <http://www.gov.scot/Publications/2010/02/05102715/0> and McNeish and Scott (2014), Women and Girls at Risk: Evidence Across the Life Course, available at <http://lankellychase.org.uk/wp-content/uploads/2015/12/Women-Girls-at-Risk-Evidence-Review-040814.pdf>

⁴⁵ Scottish Government (2016), Scottish Crime and Justice Survey: Partner Abuse, available at <http://www.gov.scot/Resource/0050/00500328.pdf>

⁴⁶ Scottish Government (2016), Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls

Appendix 1b - Myth Busting Domestic Abuse⁴⁷

There are many myths surrounding domestic abuse. How you understand an issue will determine how you address it. If your understanding of domestic violence is clouded by myths and inaccuracies then you will not be able to address the problem effectively. Understanding the real facts helps to deconstruct these misconceptions so employers can develop truly effective support for their employees.

Myth: Alcohol and drugs are to blame

Fact: Many people are abusive when they are sober. Most people who drink alcohol are not domestic abusers. Blaming drink or drugs is an excuse, a way of denying responsibility.

Myth: It only happens to families from lower socio-economic backgrounds

Fact: People experiencing domestic abuse come from all walks of life, and can be any race, sexuality or religion.

Myth: People who are being abused would leave if it was that bad

Fact: It can be extremely difficult to leave an abusive partner. People experiencing domestic abuse may fear what a partner will do if they leave, particularly if the partner has threatened to kill her/him or the children. They may believe that staying is better for the children. Those who suffer abuse are often at the greatest risk of harm at the point of separation or after leaving a violent partner. The person experiencing abuse may feel ashamed of what has happened and believe it is their fault. They may hope that the partner will change, remembering good times at the start of the relationship and hoping they will return. They may not have access to money, or anywhere to go. They may not know where to turn for help, particularly if English is not their first language.

Myth: Abusers grow up in violent homes

Fact: Growing up in a violent home is a risk factor, and some children who experience abuse do go on to be abusive in their relationships. But many do not. Instead they may be repelled by violence because they have seen the damage it causes. Abusers may learn to be violent from the society within which they grow up but people who blame violence solely on their childhood experiences are avoiding taking responsibility for their actions. Violence is a choice an abuser makes; they alone are responsible.

Myth: Some people like violence

Fact: Most people who are abused live in fear of their abuser. This is a way of blaming the survivor for what is happening.

Myth: Some people ask for it. They get what they deserve

Fact: Violence and intimidation are not acceptable ways to solve conflict in a relationship. People using abusive behaviours will often attack their partner for no apparent reason.

⁴⁷ Public Health England: Domestic Abuse: A Toolkit for Employers

Again, this is a way of making excuses for the abuser's behaviour. It allows an abusive person to avoid taking responsibility for their actions.

Myth: People using abusive behaviours have a mental illness

Fact: The vast majority of people who abuse are not mentally ill. Research shows that the proportion of abusers with mental health problems is no higher than in society as a whole.

Myth: Stress is to blame for domestic abuse

Fact: Some people who abuse their partners do suffer from stress. Again, this is a factor – not the underlying cause of the abuse. Many people who are stressed are never abusive.

Myth: They lose their temper sometimes, that's all Fact: It often is said that people who use abusive behaviours "lose their temper" or are "out of control". The truth is that they are very much in control. Abusers are usually selective about when they hit their partner, for example in private or when the children are asleep. They choose not to mark their face or other parts of the body which show. They never "lose their temper" with other people.

This suggests they are very aware of what they are doing and are "in control". Many abuse their partners emotionally and psychologically, without ever using physical violence. This shows the extent of their control.

Myth: Domestic abuse is a private matter, you shouldn't get involved

Fact: For far too long domestic abuse has been allowed to happen behind closed doors. People think what goes on in the home is private, and not their problem. Domestic abuse is a crime wherever it occurs. It is against the law. We are all affected by domestic abuse; we all have a responsibility to speak out against it. Only then can we tackle it effectively.

Myth: Men can't experience domestic abuse

Fact: Although women are disproportionately affected by domestic abuse, it is certainly a very real issue for male survivors too, in heterosexual, gay and other kinds of relationships.

Myth: Perpetrators of domestic abuse cannot change

Fact: Perpetrators can change. Treatment and support is available.

(Source: Public Health England - Employers Toolkit – Domestic Abuse)

Key messages

- No victim or survivor of violence is responsible for the abuse they experience
- An abuser's behaviour will only change if they recognise that they have a problem and are prepared to take responsibility for changing their violent behaviour
- Domestic violence is everyone's responsibility - we all have a role to play in ending domestic violence - don't ignore it

Appendix 2 – Sources of Help and Support

I Need Help, Who Can I Talk To at Work?

If you want to talk confidentially to someone at work about domestic abuse, sexual violence or any other form of violence against women, there are lots of sources of support for you. It is important that you disclose your experience to someone you trust who can give you the support that you need. You may choose to speak to your line manager or a colleague, a trade union representative or someone from the Human Resources Team.

The Council has a dedicated Staff Welfare Officer, Wendy Borrill, who is located at 8 North Ness, Lerwick. If you would like to speak to Wendy you may either telephone her on 01595 744580 or e-mail wendy.borrill@shetland.gov.uk. Appointments can be arranged at Wendy's office, in your own workplace, at your home or at a suitable neutral venue.

Shetland Women's Aid - provides counselling, support, advice and information for women of all ages and young people up to age 18 who have experienced or are experiencing physical, emotional or sexual abuse. They also offer refuge to women and children needing safe accommodation.

Tel: 01595 692070 / Email: office@shetlandwa.org / Website: www.shetlandwa.org

Scotland's Domestic Abuse and Forced Marriage Helpline

Tel: 0800 027 1234 / Email: helpline@sdafmh.org.uk / Website: <http://sdafmh.org.uk/>

Shetland Islands Citizens Advice Bureau

Tel: 01595 694696 / Address: 14 Market Street, Lerwick, ZE1 0JP

Shetland Rape Crisis

Tel: 01595 747174 / Email: contact@shetlandrapecrisis.scot / Website: www.shetlandrapecrisis.scot

Rape Crisis Helpline

08088 01 03 02 (daily 6pm – midnight) / www.rapecrisisscotland.org.uk

National Stalking Helpline

Tel: 0808 802 0300 (Monday, Tuesday, Thursday and Friday from 9.30am to 4.00pm; Wednesday from 1.00pm to 4.00pm) / Email: advice@stalkinghelpline.org / Website: www.stalkinghelpline.org

Scottish Women's Aid

0131 226 6606 / www.scottishwomensaid.org.uk

The Scottish Women's Rights Centre can help you with free legal advice, for example about court orders to protect you from abuse and reporting the abuser to the police.

Helpline: 0808 801 0789 (Tuesdays 6-9pm, Wednesdays 1.30pm-4.30pm)

Website: www.scottishwomensrightscentre.org.uk

Respect promotes, supports and develops effective interventions with perpetrators of abuse across the UK. Useful information can be found on its website: www.respect.uk.net
Helpline: 0845 122 8609 and the website can be visited at: www.respectphoneline.org.uk

Broken Rainbow LGBT DV (UK) offers advice, support and referral services to LGBT people experiencing homophobic, transphobic and same sex domestic abuse.

Helpline: 0300 999 5428 Mon & Thurs 2-8pm; Wed 10am – 1pm / www.broken-rainbow.org.uk

Galop National LGBT Domestic Violence Helpline

Tel: 0300 999 5428 or Freephone 0800 999 5428 (Monday and Thursday 10.00am to 8.00pm; Friday 1.00pm to 5.00pm; Tuesday and Wednesday 10.00am to 5.00pm with Tuesday 1.00pm to 5.00pm being a Trans specific service).

Admin: 08452 605 560 / Email: help@galop.org.uk / Website: www.galop.org.uk

Fearless is a Scottish support service anyone from the LGBT+ community affected by domestic abuse. The service is available in many, but not all areas of Scotland. To refer yourself or someone else to the service use the online form or email.

Tel: 0131 624 7266 - this is not a support line and calls may go to answer machine

Email referral: fearlessinfo@sacro.org.uk / Website: <https://fearless.scot/>

Online referral form available at: <https://fearless.scot/make-a-referral/>

There's specialist advice for Asian, black and minority ethnic women and children:

Hemat Gryffe Women's Aid

Tel: 0141 353 0859 / Website: www.hematgryffe.org.uk

Shakti Women's Aid

Tel: 0131 475 2399 / Website: www.shaktiedinburgh.co.uk