



Dissertation

By

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**UNIVERSITY OF CAPE
TOWN**

**Domestic Violence and Employment: an
Examination into Retail Employer's
Awareness of and Responses to the Impacts
of Domestic Violence on the
Workplace**

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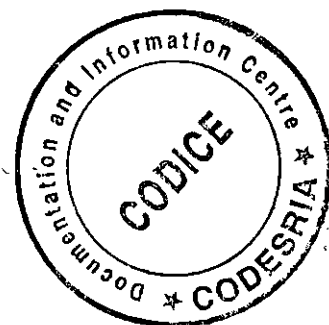
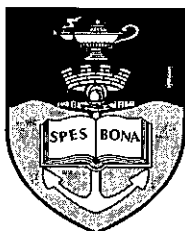
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Domestic Violence and Employment: an Examination into Retail Employer's Awareness of and Responses to the Impacts of Domestic Violence on the Workplace

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Research dissertation presented for the approval of Senate in fulfillment of the requirements for the *Masters of Philosophy in Labour Law* in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.

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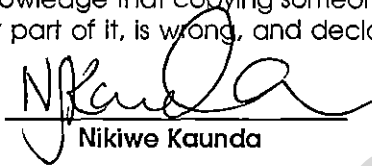
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Acronyms

AFSCME	American Federation of State, County and Municipal Employees
CEDAW	Convention on the Elimination of all forms of Violence Against Women
CFT	Clothing, Footwear and Textile sector
COSATU	Congress of South African trade Unions
CSI/CSR	Corporate Social Investment/ Corporate Social Responsibility
DV	Domestic violence
ESP	Employee Support Services
FAMSA	Family and Marriage Society of South Africa
HIV/AIDS	Human Immuno-deficiency Virus Acquired Immune Deficiency Syndrome
HR	Human Resources
IR	Industrial Relations
NICRO	National Institute for Crime Prevention and Reintegration of Offenders
RS	Retail Store
SABCOHA	South African Business Coalition on HIV/AIDS
SACCAWU	South African Commercial, Catering and Allied Worker's Union

Abstract

There is increased recognition that employees need to maintain a balanced work-home life in order to be successful and productive. One of the major threats to attaining this equilibrium is 'personal' issues such as HIV/AIDS, trauma and domestic violence. Such issues not only have economic impacts on a business' bottom line, but there are also social impacts that affect employment relations. The problem is further compounded by the difficulties that employers face in determining first the manner in which social problems become 'workplace' problems, and secondly, in deciding how they can meaningfully intervene. This research provides an exposé of the manner in which domestic violence related issues are perceived and dealt with in the South African workplace. The research specifically focuses on establishing whether employers in the clothing, footwear and textile (CFT) retail sector are aware of the impacts of domestic violence on workplace relations.

Questionnaires were sent out and interviews held with senior human resources managers at eight of South Africa's biggest clothing retail groups. Respondents were asked to identify what domestic violence was; to identify its socio-economic impacts and how these affected a business. Respondents were also asked to identify ways in which employers could meaningfully address domestic violence related issues in the workplace. Findings suggested that whereas employers are aware of the debilitating effects of domestic violence, they are sometimes unsure of how to address such a 'personal' problem. The conflict emanates from the conflict arising from trying to attain a balance between acting within a socially responsive manner, with meeting the business needs without invading an individuals' personal space. Because of the difficulties employers face in transcending the perceived boundaries between 'public' and 'private' concerns, some of these social problems are not effectively addressed, even though they may have negative impacts on a business. This problem is exacerbated by the absence of guidelines on how employers should address domestic violence.

Findings also suggested that the first step towards resolving such problems lies first in the ability of employers to identify the manner in which a social problem impacts on a business, and, secondly determining the best way in which employers can utilise existing resources and liaise with social service providers to address these concerns. Domestic violence is a prevalent social problem that requires the intervention of all segments of society. Employers need to start acting now, before the debilitating effects begin to disrupt workplace productivity on a larger scale.

Last night I heard the screaming
Loud voices behind the wall
Another sleepless night for me
It won't do no good to call
The police
Always come late
If they come at all

And when they arrive
They say they can't interfere
With domestic affairs
Between a man and his wife
And as they walk out the door
The tears well up in her eyes

Behind the Wall by Tracy Chapman

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Domestic Violence and Employment: An Examination into Retail Employer's Awareness of and Responses to the Impacts of Domestic Violence on the Workplace

Chapter One

Introduction

Despite there being studies that have illustrated the effects of domestic violence on an organisation's bottom line¹, there is no evidence that employers are paying attention to these findings. Employers' failure to recognise that domestic violence actually *has* an impact on business is further compounded by the prevailing contention that domestic violence is a private issue. In order for employers to deal with this contention, there is a need to identify the specific role that they are to play in addressing domestic violence.

A number of studies have been undertaken worldwide documenting the impact of domestic violence on an employee's workplace performance and practices². Findings have linked the impacts of domestic violence on workplace productivity and efficiency and its eventual impact on a businesses' bottom line. However, there are two very significant shortfalls: the first being that none of the large-scale studies documenting the impacts of domestic violence on the workplace have been undertaken in South Africa, and the second being that a significant proportion of these studies focus only on the economic impacts of domestic violence. Although ultimately economic impacts cannot be disassociated from these costs, there are other significant and non-direct costs of domestic violence to a business that need to be acknowledged³. This project seeks to analyse the extent to which socio-economic impacts of domestic violence (DV) on the workplace are perceived, identified, acknowledged and addressed. While there is generally some information and statistics on the costs incurred by employers as a result of domestic violence, this study will look at a broader range of effects, primarily because domestic violence is a social problem and it affects people's relationships with others – be it at home or in the workplace.

This research will fill a void in the current labour and employment research arena by providing a qualitative exposé of the manner in which domestic violence related issues are perceived and dealt with in the South African workplace. The research specifically focuses on establishing whether employers in the clothing, footwear and textile (CFT) retail sector are aware of the impacts of domestic violence on workplace relations and, if they are, to determine how domestic violence features in a companies' human resource development policies or employee support programmes. The research also looks at exactly how these companies deal with domestic violence, and examines employers' perspectives on their moral obligations and perceptions on the need to create a legal obligation for addressing domestic violence.

¹For instance, see the work of Johnson and Gardner (1999 and 2000); Wilkinson (2001) and UIOWA (2001). There have, however, been no such studies conducted in South Africa.

²Ibid, as at 1.

³ See referenced study reports by UIOWA (2001); Laing and Bobic (2002) and Wilkinson (2001).

A significant outcome of this study was the realisation of new data – specific to South Africa – that provided insight into the social impacts of domestic violence on the workplace. This information was useful in establishing the need for some degree of harmonisation between labour in the workplace and labour within the home.

This thesis is structured into five parts. The first section provides a background to the topic, chiefly outlining the nature of the identified problem and conceptualising utilised terms. The second section provides a contextual and theoretical background on various themes related to domestic violence and the workplace. Section three outlines the methodological approaches employed in the study. Section four contains the findings, which are presented, interpreted and discussed. The fifth section concludes the report, with a brief discussion and recommendations.

1.1 Background

Domestic violence is a widespread phenomenon in South Africa. Although there is a recognition and acknowledgement that in some domestic violence cases the victims are men, the reality is that the majority of victims are women. Of the documented cases that are reported in the Western Cape, 73%⁴ are cases involving women who have experienced rape, assault or verbal abuse at the hands of their intimate partners. Furthermore, the research indicated that of the studied cases where age was indicated, 61% of women aged 21 to 30 years⁵ stated that they had experienced or were currently experiencing domestic violence. These statistics provide an arguably direct reflection of what is happening nationwide, although there are currently no statistics or police records to support this.

A disaggregation by sex indicates that a significant proportion of workers in the clothing, footwear and textile (CFT) sector are women. Although the absence of studies and statistics on domestic violence and the workplace makes it more difficult to establish a direct correlation between the numbers of women experiencing domestic violence and reduced workplace performance, the existing statistics (both national and provincial), are significant for the purposes of this study in that they help to better understand both the direct and indirect economic impacts of domestic violence. The premise underlying this viewpoint is that if large numbers of women of a working age in South Africa are victims of domestic violence, and they make up a significant proportion of the workforce in the clothing, footwear and textile (CFT) retail sector, then there is a probability that domestic violence is a problem for employers in the CFT sector and that there are debilitating effects on the firms in this sector.

⁴ Figures taken from a study on domestic violence that was conducted in the Western Cape areas of the City of Cape Town, Mitchell's Plain and George. Research report by Parenzee, Artz, Moul (2001: 27). In the absence of national and regional statistics, these are the most recent and accurate records of Domestic Violence –as acts of domestic violence are not criminalised and thus are not crimes in their own right, per se.

⁵ Ibid, p25.

1.2 Evidence of the Socio-economic Costs of Domestic Violence for the Workplace

Research that has been undertaken to investigate the links (albeit not directly causal), between domestic violence and the workplace, has established that there are impacts on productivity levels. Research has also shown that workplace relations are often characterised by high levels of absenteeism, prolonged absences from work, and sometimes even violence towards colleagues and co-workers. The costs have been identified as having a negative impact not only on the bottom line of the affected employer, but also on the affected individual and the general economy⁶.

A quasi-quantitative study undertaken by Walby (2004) in association with the United Kingdom's Department of Trade and Industry estimated the economic costs of domestic violence to the state and employers to be at £23 billion annually⁷. Costs to justice administration and social services (including healthcare, housing and civil legal services) were estimated at £3.1 billion and the economic loss was valued at an estimated £2.7 billion annually. The costs directly borne by the employer were estimated to be £1.3 billion. These estimates may be considered conservative figures, but the real costs may actually be higher, because to date no comprehensive studies on domestic violence have been undertaken.

Another study undertaken by Laing and Bobic (2002) under the auspices of the Australian Domestic and Family Violence Clearinghouse examined six quantitative studies on the costs of domestic violence – four of which involved women who had experienced domestic violence, and the other two which specifically examined the impacts of domestic violence on organisations and business. A compilation of Laing and Bobic's analyses yielded information which illustrated that domestic violence did indeed have economic impacts on other social settings – although these impacts were not always directly perceived⁸. Laing and Bobic extensively quoted from the most recent Australian study on the economic costs of domestic violence to business that was undertaken by Henderson in 2002⁹.

Henderson found that an estimated AUS \$1.5 billion was lost by employers annually due to absences, staff turnover, distractions and disruptions that were related to domestic violence. Although he calculated the cost of each individual case to be within the region of AUS \$10 000, the collective costs incurred annually by employers due to lost productivity was estimated at \$425 to 605 million. Absenteeism and staff turnover costs were \$34 million. Likewise, the State of Tennessee noted that studies undertaken in the state had found that one fifth of working days were missed as a direct result of workers experiencing domestic violence; 56% of female victims of domestic violence were often late to work; 28% of victims left work early and 54% of domestic violence victims tended to miss work completely¹⁰. This study also found

⁶ Department of Trade and Industry, Sylvia Walby. (2004: 1). Research Summary of a report entitled *The Cost of Domestic Violence*. September 2004.

⁷ *Ibid*, at pp1 and 3.

⁸ Lesley Lang and Natasha Bobic (2002). *Economic Costs of Domestic Violence*. Australian Domestic and Family Violence Clearinghouse, April 2002. pp24 – 26.

⁹ Henderson, 2002. A study entitled 'Impacts and Costs of Domestic Violence on the Australian Business /Corporate Sector'.

¹⁰ State of Tennessee Economic Council on Women's Report of *The Economic Impacts of Domestic Violence to Business* (2006:3).

that 96% of battered women experienced work performance problems because their abusers “called the employer, harassed other employees and stalked the workplace”¹¹.

Henderson’s study also found that employers incurred costs due to their inability to circumvent domestic violence, for instance through their failure to provide a buffer in the workplace through the adoption and implementation of “safe work practices”. This failure in turn resulted in such employers being held financially liable¹². The study provided evidence of the non-direct socio-economic costs that were incurred by employers such as the increase in levels of tax that employers had to pay (taxes that went into the provision of social support and preventive services such as hospitals, the criminal justice system, legal aid centres, education services, victim support and corrective services for perpetrators of domestic violence)¹³.

1.3 Domestic Violence as an Employment concern? Mapping out the Nature of the problem

Domestic violence is a prevalent social problem – the high statistics documenting incidents; amounts of funding spent on domestic violence and associated problems; and the existence of specialised agencies that address violence-related issues further attests to this. Despite this, domestic violence is not a concern that is readily or openly addressed or dealt with in the employment sphere. This could be attributed, in part, to the failure of institutions to implement existing laws effectively – a problem that is compounded by the notable absence of laws and practices that define what various social stakeholder’s (including employers’) responsibilities are for addressing domestic violence. Domestic violence is also not directly addressed within the workplace because there is no specific legislation or ‘soft’ law (regulation or code of good practice) which regulates the involvement of employers in seemingly ‘private’ matters.

Given the current legislative background for addressing domestic violence¹⁴, the prevalence of domestic violence, as well as an employment profile of the CFT retail

¹¹ Ibid, pp3.

¹² Lesley Laing and Natasha Bobic (2002: 29).

¹³ Ibid, pp19 – 20. For similar findings in the USA, see also the State of Tennessee Economic Council on Women’s Report of The Economic Impacts of Domestic Violence to Business, January 2006. The report was published based on public hearings and submissions by local businesses. The summary states that the commission’s findings illustrated that “Dealing with domestic violence has become a multi-million dollar business. Between the money expended to imprison the offenders to the increasing costs of maintaining a safe working environment or paying the litigation expenses of not doing so, domestic violence is making a significant negative economic impact”.

¹⁴For instance, the 1998 enactment of the Domestic Violence Act, and the 2006 amendment of the Sexual Offences (and related crimes) Bill. The former act increased protection to victims of violence and elucidated the duty of police and peace officers in assisting members of society. It also put in place the State’s obligations – such as the provision of shelters, trained personnel to attend to victims as well as emphasising the importance of prompt medical and psychological support. The Sexual Offences (amendment) Bill brought about extended protection to victims of violence – for instance through the allowance of the use of closed circuit televisions during trials; re-defining the definition of rape to include anal penetration and forced sex, and affording increased protection to children, the mentally handicapped and vulnerable persons in society. Rape is a highly prevalent crime, one that predominantly occurs between people who know each other and are, or have, at one time been, in a ‘domestic relationship’.

sector, it would be expected that domestic violence would be a major concern to employers. Currently, there is no evidence of this being the case.

The problem identified is that employers fail to make a link between domestic violence and employment. This in turn affects not only productivity levels and the bottom line, but also has effects on individual employees. The problem goes further - the impact of domestic violence when it spills over into the workplace, leads to the inevitable distortion of workplace relations and domestic violence causes disequilibrium within the workplace. For instance, relations between employees and their co-workers may be characterised by stress, fear, inability to work together as a team, or, if violence, assault and harassment take place within the workplace, such an environment may “victimise other employees as well, causing them extended physical and/or psychological harm, [and in turn causing] lowered productivity, absenteeism and turnover”¹⁵.

The same can be said about more vertical work relations that exist between the employee and the employer: the effects of domestic violence include low productivity, tardiness/distractedness at work, taking time off work to deal with domestic violence related matters, and is sometimes characterised by frequent absences from the workplace (absenteeism). Moe and Bell¹⁶ further argue that employer liability includes “increased security costs and medical expenses....abused women us[ing] work time and resources to source social and legal or economic support”.

1.4 Research question

The research is primarily aimed at establishing whether employers are aware of the possible impacts that domestic violence has on employment relations and a businesses’ bottom line. To aid this process, the central research questions asked are:

1. Are employers aware of their employee’s experiences of domestic violence?;
2. Do employers establish a link between acts of domestic violence and the workplace i.e. (not only in terms of economic costs, but also in terms of other effects, for instance the occurrence of workplace violence being directly linked to violence taking place at home?)¹⁷ and;
3. How do employers perceive their role in terms of addressing domestic violence?

As a largely exploratory study, the working assumption that the research was premised on was that employers did not make a connection and/ or failed to acknowledge the impacts of domestic violence on employment relations largely due to two reasons: (i) the impacts of domestic violence on the workplace were usually indirect and thus go unnoticed and (ii) domestic violence is seen as a matter that does

¹⁵ Moe, A. M. and Bell, M.P. 2004. *Abject Economics: The effects of Battering and Violence on Women’s Work and Employability*, pp 34.

¹⁶ *Ibid* (2004: 34).

¹⁷ See Johnson and Gardner (2000: 197) where they state that “Three people are murdered in the workplace every day in the USA – while an estimated 1 million workers – 18, 000 a week – are assaulted each year...Business recognises that perpetrators of workplace violence can be a client, a colleague or co-worker. However, a new perpetrator of workplace violence – the domestic abuser – has entered the scene, causing the business community increasing concern. Many acts of workplace violence are linked to domestically-abusive relationships”.

not affect employment relations. This may largely be because domestic violence is not seen as a pertinent employment problem, and precisely because of the private domain in which such violence typically occurs, domestic violence is then regarded as a non-employment matter. This perhaps is one of the factors that contribute to employers' unwillingness to traverse little known territory, as they may be unsure about how they should address the problem. There is no concrete evidence from South Africa on the costs of domestic violence, nor any studies that have been undertaken to illustrate that there is awareness in the corporate world of the link between domestic violence and the workplace. There is also an absence of a code of conduct that conveys legal good practice or moral obligations to alert employers of the need to address domestic violence in their workplace settings.

1.5 Objectives of the study

The primary theoretical objective of this study is to engage debate on the private - public divide issue with respect to employee welfare by identifying the roles and responsibilities of the employer in addressing domestic violence. This will include identifying the extent to which an employer can *reasonably* and *constructively interfere* (meaningfully involve themselves) in addressing an employee's personal matters with regard to domestic violence.

The secondary objective of the study is to provide evidence and support for the development of a code of good practice for addressing domestic violence in the workplace. Although the Domestic Violence Act specifies the roles and responsibilities of peace officers such as the police, the roles of other key social service providers such as medical personnel, counselors, social workers and employers are not articulated. Despite this, and the existence of Codes of Good Practice dealing with HIV/AIDS and sexual harassment, there is no accepted specific practice or guideline for dealing with domestic violence. As such, a code of good practice detailing the effects of domestic violence on employment relations and one that articulates the role of employers in adopting a holistic manner of addressing domestic violence might be needed.

1.6 Conceptualisation of Terms

Clothing, Footwear and Textile (CFT) Retail Stores: these are stores that primarily sell fashion merchandise, particularly clothing. The respondents were identified from units of analysis that fit this profile. The stores were essentially clothing retailers but they also sold fashion accessories including footwear and jewelry.

Domestic violence: for the purposes of this study, the meaning given to the term domestic violence is the same as that ascribed to in the Domestic Violence Act 116 of 1998, Section 1 (vii) (a – j). The Act describes domestic violence as follows:

“ (a) physical abuse; (b) sexual abuse; (c) emotional, verbal and psychological abuse; (d) economic abuse; (e) intimidation; (f) harassment; (g) stalking; (h) damage to property; (i) entry into the complainant's residence without consent, where the parties do not share the same residence; or (j) any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant”.

However, because this definition is quite broad, the context of this study will specifically consider acts of domestic violence perpetrated against women by their intimate partners. A narrower definition than that contained in the Domestic Violence Act of 1998 will therefore be used.

Employee Support Programmes/Services (ESP's)

ESP's are the organisational policies and programmes that are established to help employees within a specific work setting to address problems that are perceived to have an impact on achieving or maintaining a successful work-life balance. Such policies and programmes generally provide support and counseling services, occupational health and safety services, mediation services and other assistance programmes. Employee Support Services provide avenues for referrals to be made to specialised providers, allowing employees to seek appropriate professional assistance¹⁸. Although often outsourced, ESP's are "adjunct services to management"¹⁹ and are an integral part of modern human resource departments.

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¹⁸ For instance, see article by Donna R. Kemp (1985) State Employee Assistance Programmes: Organisation and Services. Public Administration Review Vol. 45 No. 3 pp 378-382.

¹⁹ Willa Bruce (1989: 326). Educating Supervisors to deal with the Problem Employee. Public Productivity Review Vol.12 No. 3 pp 323-329.

Chapter Two

Literature Review

The literature review is divided into three sections. The first section looks at the implications of the public-private divide debate on addressing domestic violence in the workplace. Secondly, to illustrate the complexities of such a topic, questions are asked of the role Corporate Social Responsibility (CSR)/ Corporate Social Investment (CSI) theories play in helping employers to undertake domestic violence interventions among their workforces. This would help to illustrate the manner in which the CSR/CSI principles help in bridging the public-private divide by bringing issues such as domestic violence within the public intervention realm. The section also contains evidence of the social and economic costs of domestic violence for the workplace. The third section looks at comparative approaches towards addressing domestic violence, briefly articulating how successful best practices can be borrowed from countries with innovative, nationwide employer responses to domestic violence.

2.1 The public-private debate and the work-home divide

The public-private theory asserts that identities and roles are socially constructed to draw boundaries between public spaces and the private (or personal) sphere. It is this division that creates stereotypes of how men and women should behave, and dictates what 'suitable' activities and pursuits they may engage in. The debate is based on the premise that there should be a differentiation between issues that are dealt with in the public arenas (economic, social and political spheres), and those which should be relegated to the private (or familial) arena.

In relation to domestic violence, the private-public debate could be used to explain why domestic violence is not dealt with in the work setting. This is essentially because domestic violence primarily occurs within the confines of one's home, and/or it involves a perpetrator with whom the complainant has what is deemed a 'domestic relationship'. The public-private debate is therefore utilised to explain why 'non-domestic' parties are reluctant to intervene in addressing or resolving such matters. Intervention by such actors would inevitably lead to domestic violence being consigned into the 'public' domain.

The public-private divide is also peculiar in that it is a 'convenient' reason often utilised to further arguments for maintaining the status quo. For instance, with regard to domestic violence, it is often argued that the workplace and the home are two distinct arenas, that they are separate and that there should be no attempts to 'create' a connection between the two spheres. Indeed, this should not come as a surprise as it is argued by some scholars that the manner in which laws, legislation and policies are formulated (or the absence of such processes), is an attempt at further increasing the separation of these two spheres²⁰. Furthermore, the constructed dichotomy between the 'public' and 'private' actually serves a function beyond just maintaining the status quo: the disconnection further helps to preserve the role of the state and other social players as non-intervening players in matters considered 'private'²¹:

²⁰ Nikolas Rose in *Beyond the Public/ Private Division: Law, Power and Family* (1987: 64).

²¹ According to Nancy Fraser in 'Rethinking the Public Sphere: A contribution to the Critique of Actually Existing Democracy' (1990: 73).

“The rhetoric of domestic privacy seeks to exclude some issues and interests from public debate by personalising and/or familiarising them; it casts these as private-domestic or personal-familial matters in contra-distinction to public, political matters....the result is to enclave certain matters in specialised discursive arenas and thereby to shield them from general public debate and contestation”.

Some may argue that this non-intervention and avoidance of public scrutiny in ‘personal’ matters helps to uphold the individual’s rights to privacy. However, it should be borne in mind that once one person’s rights have been violated or encroached upon by another, it becomes a matter where third parties, including persons or entities with an interest, may intervene. In this way, because domestic violence not only harms the individual, but the effects may be seen in other social arenas, including the workplace, employers *should* consciously find a way to intervene to minimise or eradicate the problem of domestic violence, as well as its side-effects. Nikolas Rose (1987: 64) supports this by illustrating why it is imperative that social actors make conscious efforts to transcend the public-private divide, primarily because it is fallacious and a constructed reality:

“Analyses of the legal regulation of marriage, divorce, sexual behaviours and domestic violence are deployed to show that the ideology of individual choice and personal freedom in the private domain of home and family legitimates a refusal by public authorities to intervene into certain places, activities, relationships and feelings. Designating them personal, private and subjective makes them appear to be outside the scope of the law as a fact of nature, whereas in fact non-intervention is a socially-constructed, historically variable and inevitably political decision”.

In an abstract manner, demarcating private discourse from public would perhaps be possible, but in reality it is not possible to completely separate ‘home’ issues when at the workplace and vice versa. This is due to the fact that the workplace and the family have a common function – both being areas where the social reproduction and development of labour takes place²² (where such functions include the nurturing of values and attitudes that are essential to the workplace, influencing career interest and the amount of effort put into a job, etc). In addition, people normally spend on average 8 hours of their day at the workplace. This is why on the other hand, leading proponents of human and women’s rights²³ (including feminists) argue that although distinct, the ‘public’ and ‘private’ spheres are connected, and that what happens in the home can and does influence what happens in the workplace and vice versa. The manner in which the HIV/AIDS pandemic has been dealt with provides a remarkable example of how the private-public divide was transcended by both the state and other public players, including employers.

See also Catherine Moore (2004) on Women and Domestic Violence: The Public/ Private Dichotomy in International Law.

²² Bridget Kenny (2000: 1). “We are nursing these jobs: the impact of labour market flexibility on South African retail sector workers. A paper presented at the South African Sociological Association meetings at the University of the Western Cape, Bellevue, July 2000.

²³ See Catherine Moore (2003) on Women and Domestic Violence: The Public/ Private Dichotomy in International Law, in *The International Journal of Human Rights*, Volume 7, No.4 (Winter 2003), pp 93 – 128.

2.1.1 Lessons from the HIV/AIDS approach

Employers ask themselves questions such as: – ‘Is domestic violence a workplace issue? Is domestic violence a matter to be confined to the home setting and to be kept out of the public sphere i.e. because it takes place outside the employer’s premises (although the effects are also felt within the workplace); and should an employer play an overt role in addressing domestic violence? Why these are contentious questions is difficult to fathom, especially if we consider that with regard to HIV/AIDS, the approach adopted by employers is that ‘the personal is public’ and thus employer’s roles and boundaries have been redefined as reflected by the manner in which they assist their employees to deal with HIV/AIDS. This is not to say that all or a majority of employers address HIV/AIDS²⁴. Rather, it is a manner of illustrating that HIV/AIDS is increasingly being viewed by employers as a matter that affects business²⁵.

The argument therefore is that until ‘private’ problems (like domestic violence) are examined in a more holistic manner, and their economic impacts are recognised, their effects on other social systems will not be acknowledged. The results will be a lose-lose situation between the employer and the employee.

This has been strongly attested to by the HIV/AIDS epidemic²⁶ and the manner in which it has been addressed. As a result of employers’ active involvement (and in a lot of cases one may venture to say voluntary – although in reality forced by circumstances), employees are assisted in managing or treating HIV/AIDS. The reasoning behind employer’s involvement is that the provision of information, resources, medicine and healthcare on HIV/AIDS would help to minimise the debilitating effects on the workplace. What is worthwhile remarking is how employers have managed to transcend the private-public divide that twenty-five years ago prevented them from addressing HIV/AIDS. It is interesting to note the shift in perspective: employers now not only perceive the economic costs of the pandemic to companies, but also acknowledge the magnitude of the problem. Employer’s recognition that HIV/AIDS is a *social* problem which can only be effectively addressed in a systematic manner is one of the factors that has led to the epidemic being dealt with in the workplace.

When, during the late 1990’s governments the world over started developing HIV/AIDS policies and drafting sectoral responses, one of the South African responses was to establish the Business Coalition on HIV/AIDS (SABCOHA) in 1997. This was a milestone achievement, considering that HIV/AIDS is essentially a disease where the most prevalent form of infection occurs in the privacy of one’s abode. Yet employers have apparently overlooked the (very) private nature of HIV transmission, and stepped in to assist employees. The seemingly ‘private’ issue of HIV infection is now out in the public domain. That is why it is not uncommon to find

²⁴ In fact, HIV/AIDS interventions are most prevalent in labour-intensive sectors, and in field that require specialised skills, for instance the mining, engineering, medical and teaching fields.

²⁵ See James D. Slack, 1996. *Workplace Relations and the Americans with Disabilities Act: Lessons from the Municipal Government’s Management of HIV/AIDS*; and Solomon R. Benatar. 2001. *South Africa’s transition in a Globalising World: HIV/AIDS as a window and a mirror*.

²⁶ View the SABCOHA website at <http://www.redribbon.co.za/business/default.asp>

that employers have specific workplace policies on how to deal with HIV/AIDS through awareness campaigns, counseling services, testing and access to treatment, or all of these. Something as intimate and personal as HIV infection has been successfully addressed by the employer. Seemingly, perceptions regarding public-private divide between the home and workplace were totally sidestepped, probably due to the effectiveness of the advocacy campaigns by interest groups in illustrating the debilitating and significant impacts of HIV/AIDS on the business sector.

The questions that arise, however, are what were the motivating factors behind employer's involvement in responding to HIV/AIDS? Was it purely a bottom-line decision – seeing that there are major economic costs associated with HIV/AIDS and the loss of productivity in the workplace²⁷? Some scholars attribute the change in HIV/AIDS policy to the rising pressures of globalisation: the need for countries to do well economically and to be competitive in their productivity compels industry (and therefore employers), especially in labour-intensive industries, to address the debilitating effects of HIV²⁸. However, the issue may be bigger – that HIV/AIDS is such a big problem affecting so many people (and wide array of industries), that it is now identified as a social problem. Therefore, various social players are seeing it as their responsibility to 'make a small but significant contribution' in addressing the problem²⁹?

In line with this perspective, the next section examines the potential manner in which various social investment theory and approaches may influence the public-private divide. Corporate Social Responsibility (CSR)/ Corporate Social Investment (CSI) principles are discussed. The manner in which these approaches may assist employers in transcending the public-private divide is also examined.

2.2 Bridging the Public-Private Divide: Arguments that may inform employer's approaches towards addressing domestic violence

Three main approaches will be looked at in order to establish how they may assist employers to overcome the public-private divide in their involvement with domestic violence related matters:

- a. Corporate Social Responsibility/ Investment (CSR/CSI) approach.
- b. Occupational Health and Safety approach.
- c. Is 'Soft Law' the answer? Identifying the Role of Codes of Good practice

a. Corporate Social Responsibility/ Investment (CSR/CSI) approach.

According to Carroll, the definition of CSR has evolved so much since its initial inception in the 1950's. Then, it was merely defined as a businessperson's obligations of pursuing lines of action that were acceptable by societal standards i.e. that social

²⁷ Loss of skilled personnel; reductions in the size of the workforce and increased costs of healthcare for the labour force are some of the oft-quoted reasons. See article by: Keith Hansen (2003) *Journal of Foreign Policy*;

²⁸ Dennis Altman (1999): *Globalisation, political economy and HIV/AIDS in Journal of Theory and Society* Vol. 28, No. 4 pp 559-584.

²⁹ As evidenced in the spiralling effects of HIV/ AIDS on for instance (i) overburdening the health sector (which has led to an increase of Hospices and home-based care services); (ii) an increase in the numbers of orphaned and vulnerable children because of loss of parents due to AIDS related illnesses; (iii) increased loss of skilled human resources.

responsibility places expectations that signify that a “legitimate business would act in a particular manner to effect a social contract” and thus fulfill the principle of social legitimacy³⁰. But for a more comprehensive definition, two other principles are utilised to explain the intervention of organisations in addressing social problems. The stakeholder approach – which argues that organisations undertake social interventions to assist people whom it perceives, would be affected by its actions/ in-actions or those who would have an effect on the organisation³¹. The social contracts approach takes this definition further by stating that under this approach, an organisation’s CSR activities is a fulfillment of a social contract between the organisation and the larger society – with interventions being seen as systemic responses to prevailing social challenges.

Some scholars may argue that the adoption of CSR/CSI principles help in bridging the public-private divide by bringing issues such as domestic violence within the public realm for intervention. There are meaningful lessons to be learned here about how employers can be encouraged to (i) tackle domestic violence, (ii) identify their roles in addressing domestic violence- related problems and (iii) in developing coordinated, collaborative efforts to assist their employees. However, it should be borne in mind that responding to domestic violence is an employment concern – a concern about the welfare of employees - and therefore is more inclined towards being addressed within the sphere of human resources as a health and safety issue.

b. Domestic violence as a workplace health and safety concern

The overlooking of the public nature of domestic violence related problems is compounded by the absence of defined approaches to the problem: approaches that link workplace productivity and safety issues to domestic violence. This section identifies two common arguments that are usually made to support employer intervention in domestic violence matters.

The first is the ‘Occupational Health and Safety’ argument, which relies on the precept that because employers are responsible for the health and safety of their employees in the workplace, they are responsible for eliminating all possible forms of danger and threatening hazards. In terms of domestic violence, then, employers will step in by ensuring that domestic violence victims and perpetrators do not pose a risk to their co-workers by for instance, endangering them by exposing them to likely contact with the aggressor, for example when a victim is harassed at work and receives unsolicited or abusive phone calls³². Although South Africa has such provisions in its Occupational Health and Safety Act³³, no such arguments have been

³⁰ Moir, L. 2001. What do we mean by Corporate Social Responsibility?

³¹ Moir, L. 2001. What do we mean by Corporate Social Responsibility?, p19.

³² For example when a victim is harassed at work, stalked, experiences abuse over the telephone, or shootings occur at work etc (Landy & Conte, 2004; Wilkinson, 2001).

³³ Occupational Health and Safety Act No 181 of 1993 s8 (2) (e) and (h) state respectively that employer’s duties towards ensuring the safety of their employees include (e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees; and (h) enforcing such measures as may be necessary in the interest of health and safety. Although traditionally referring to plant machinery and physical premises, it can be argued that considering a broader purposive understanding of this concept can be utilised and in that way include other factors that pose a danger to the safety of employees that include sexual harassment, threats and stalking.

made, to date, to support the need for employers' interventions in addressing domestic violence.

It is useful to note that this approach is only useful when adopted with an already existing domestic violence policy that articulates the 'public and social nature' of domestic violence as a problem, and identifies the roles of various role-players. In the United States, this approach is particularly clear and useful because more than just defining the roles of various stakeholders, there exists a categorisation of 'workplace violence' that is utilised nationwide. In addition, the federal Occupational Health and Safety laws of the USA clearly place a positive duty on employers, requiring them to not only maintain a safe working environment, but also stipulating the policies and structures that they could put in place in order to play a role in addressing domestic violence³⁴.

The determination of domestic violence as an occupational health and safety problem (by relating incidents along the charted continuum as illustrated in Table 1 below), involves drawing the parameters and extent of an employer's responsibility to their employees. The utilisation of this approach undoubtedly raises questions as to the nature of this responsibility and the principles on which it is founded i.e. is it based on a moral duty of the employer, is it a sound-business approach to limit employer liability for acts of violence as well as to reduce associated economic costs, or is it merely a result of a well established corporate social responsibility role defined and supported by legislation?

Category of Violence	Target	Characteristic Behavioural Patterns
Type 1	Criminal Intent	<ul style="list-style-type: none"> - Violence is usually a by-product of a crime being committed against the organisation. - Examples include robbery, shoplifting.
Type 2	Customer/ client	<ul style="list-style-type: none"> - Perpetrator has "legitimate relationship" with the business and thus usually includes clients and service beneficiaries attacking employees (UIOWA, 2001: 4). - - Examples usually involve verbal threats and assault (Wilkinson, 2001: 156).
Type 3	Worker-on-worker	<ul style="list-style-type: none"> - The perpetrator of violence is an employee or former employee and targets are co-workers or organisational representatives. - This form of violence is usually characterised by threatening (UIOWA: 2001; Wilkinson: 2001), bullying (Landy and Conte, 2004:626) and stalking or harassment.
Type 4	Personal relationship	<ul style="list-style-type: none"> - This is where the perpetrator has a personal relationship with the victim and involves instances where the intended victim is assaulted or threatened whilst at work (UIOWA, 2001; Johnson and Gardner 1999). It is usually characterised by what Wilkinson (2001: 156) terms a "spillover of interpersonal disputes into the work environment and otherwise is usually not work-related".

Table 1: Categorisation of sources and types of violence affecting the workplace. Sourced from UIOWA (2001:4) and Wilkinson (2001: 156).

³⁴ Office for the Prevention of Domestic Violence (OPDV). State and Federal Laws Related to Domestic violence. Sourced at <http://www.opdv.state.ny.us/workplace/laws.html> New York State.

Although machines and technology are of great importance to the work setting, the 21st century can be seen as a moral regeneration period. Workers the world over demand better working conditions and issues regarding the need to promote and realise employee welfare and a balanced home-work life have gained prominence. The influence of moral standards cannot therefore be divorced from the legislative framework for establishing employer responsibility for addressing domestic violence. The second question then is, is the health and safety of employees an issue that should be left for each employer to make unilateral and arbitrary decisions?³⁵ If domestic violence is not classified as a health and safety issue, then under what ambit does it fall? Alternatively, if domestic violence is considered a matter concerning employee welfare, on what grounds should an employer pursue the matter - on the grounds of helping employees realise their rights; as a privilege conferred on employees; or as an act of goodwill addressed on humanitarian grounds? I argue that the answers to some of these questions may lie in the formulation of workplace policies that specifically deal with domestic violence. The following section examines this approach more extensively.

c. Is 'Soft Law' the answer? Identifying the Role of Codes of Good practice

Some answers to the afore-mentioned questions may lie in the legislative intervention of the state through the drawing up codes of good practice. This involves drafting specific policy which articulates the employer's role in addressing domestic violence.

Hart's Theory of Law

The Hart Theory of Law³⁶ introduced the idea of the *Rule of Recognition*, which stipulates that there is a relationship between morality and law. Thus, it is the relationship between society's view of morals and the legislative structure that allows for social norms to be weighted with laws. It is this validation of norms that gives them as much authority as laws³⁷. The law itself does not require sanctions in order for it to be 'pure' nor does it need to be validated by morals or ethics, but it has to be recognised and accepted by the majority of the society as a common standard³⁸.

The Theory of Law also distinguishes between 'primary' and 'secondary' laws: the former is understood as the "rules of conduct" which stipulate and define the parameters of how people should behave. The latter is defined as the rules established for officials, allowing them to define, re-define, vary and resolve disputes that may arise related to the observance (or lack thereof), of rules of conduct³⁹. The premise of Hart's theory is that "social practices, legislation, adjudication and administrative action", *contribute* [emphasis added] to the recognition and validation of a law⁴⁰. This lends credibility to the argument that because of the nature of soft law or codes of good practice (their strong leaning towards and emphasis on moral or acceptable social norms) and their ability to create or encourage the existence of legal rules, they may make a positive contribution in helping to address domestic violence within the

³⁵ Of course such decisions and arrangements have to fall within the parameters set by existing legislation, particularly Occupational Health and Safety regulations.

³⁶ Propounded by H.L.A. Hart (1994). *The Concept of Law*.

³⁷ http://en.wikipedia.org/wiki/H.L.A._Hart

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ Robert S. Summers. 1983:482. MacCormick on H.L. A. Hart's Legal Theory in *The American Journal of Comparative Law*, Vol. 31, No. 3, p481-488.

workplace. This is despite the assertion by some authors, who argue that it is erroneous to state that soft laws (and their moral bases) constitute social rules.⁴¹ Contrary to these assertions, it is argued that their normative nature means that in societies where such social rules are already in existence, there are some visible contributions by such laws.

The utilisation of codes of good practice to address domestic violence has been proven to work – as the following literature review section shall illustrate. This is essentially because drawing up codes of good legal practice involves elucidating the role of the employer by examining concerns related to, *inter alia*⁴²:

- Identifying what domestic violence is and how its effects are manifested within the workplace setting;
- Establishing the numerous ways in which a business is affected by it;
- Providing assistance to victims of domestic violence (either directly or through referrals);
- Providing assistance to known perpetrators of violence;
- Providing education and awareness on domestic violence related issues to employees;
- Providing contacts and referrals to e.g. support groups, counsellors, advisors, police etc, and reinforcing the employer's role as a coordinator; and
- Clearly identifying and stipulating how human resource managers/ employee relations managers should address domestic violence i.e. in terms of matters that have an influence over workplace structure, performance and operations like (i) leave and (ii) promotions and career advancement options for the individual employee.

Codes of good practice seem to be the best option because there already exists a law on domestic violence (Domestic Violence Act No. 118 of 1998). Promulgating another law would merely lead to duplication of an already existing law. Also, because the review and amendment of laws is an onerous process that is embarked upon every couple of years, it would take longer to await these amendments than it would take for leading social agencies to establish soft law. Also, the idea behind developing soft law is to increase awareness and enhance observance of existing law. Thus, codes of good practice could be viewed as the vehicle through which social norms and workplace practices lend credence to and validate the law against domestic violence.

⁴¹ Eleni Mitrophanous (1997:621). Soft Positivism "[Soft positivism] allows for an unacceptable degree of uncertainty in the identification of valid law. Secondly, that it is unable to draw key distinctions between its account of law. Thirdly, that it cannot contain its incorporation of morality".... (1997: 641). "Soft Positivism is caught in the following dilemma. It wants to admit that moral criteria *may* be accepted by judicial practice but does not want to allow that they constitute a normative rather than a social rule. The price it pays to this is that its application to certain systems where general moral criteria is accepted is fruitless. In such systems it would be, at least, misleading to say that a social rule of recognition exists". Oxford Journal of Legal Studies Vol. 17, No. 4.

⁴² For instance, view the United Kingdom's policy documents explaining the importance of employer involvement in addressing domestic violence at <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.htm>; the United States of America policy documents <http://www.opdv.state.ny.us/workplace/index.html>.

2.2.1 Positive duty ascribed to by existing legislation: The question of extending the concept of due diligence and liability to non-state actors

This section looks at comparative approaches to addressing domestic violence, examining how successful best practices can be borrowed from countries with innovative, nationwide employer responses to domestic violence.

The establishment and articulation of legal codes of good conduct is not a concept that has been conjured but one that activists argue⁴³ stems directly from a nation's ratification of the Convention on the Elimination of all forms of Violence Against Women (CEDAW). It is argued that in essence, what this declaration does, is place an onus on the state to provide avenues through which women's safety in all social settings may be realised. This has brought about the development of the concept of 'due diligence' which compels the state to "prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the States or by private persons"⁴⁴.

Under the due diligence principle, the state is tasked with the responsibility of "respect[ing], fulfil[ing], protect[ing] and promot[ing] human rights[to] create a virtuous circle of good practice" (Liu, 2006:3). As a signatory to this convention, South Africa is expected to ratify it by domesticating the legal principles in existing law, or promulgating law that upholds the principles contained therein. In the context of addressing domestic violence, this would inevitably involve the formulation of policies instigated first by the state, and further implemented by the voluntary involvement of other non-state social actors, such as employers. Thus, the development of codes of good practice would be useful not only for state actors, but also non-state actors such as employers in the private sector. The examples quoted below of the United Kingdom and the USA illustrate how the due-diligence principle has been utilised to skillfully involve non-state actors in enabling the state to uphold its obligations towards protecting the safety and well-being of its citizens.

2.3 International Comparative approaches: learning from 'best practice' models for addressing domestic violence in the workplace.

Two countries where employers are actively involved in addressing domestic violence as an employment concern are the United Kingdom (UK) and the United States of America (USA). Their initiatives illustrate the manner in which the concept of due diligence can be implemented by the state and other social actors. Both countries have legally binding codes of good practice and specific domestic violence legislation. In 2004, the UK introduced the Domestic Violence, Crime and Victims Act, an effort that unified and updated a myriad of domestic violence laws. Comprehensive public sector initiatives have been established: specialist courts to deal with cases; national help lines; and guidelines for police, health workers and other professionals⁴⁵. Also, a specialised unit known as the Women and Equality Unit, collaborates with non-state actors, including employers. This Unit assists employers to formulate policy and implement programmes that help to minimise the impacts of social economic burdens

⁴³ Amnesty International, See referenced articles by Liu (2006) and Molero (2006). .

⁴⁴ Molero (2006:4). See also United Nations Declaration on the Elimination of Violence Against Women, 1993.

⁴⁵ Refer to: <http://www.crimereduction.gov.uk/dv/dv01.htm>

arising from domestic violence⁴⁶. In addition to these efforts, the national Crime Reduction office also runs what it terms “Good Practice Seminars” on a wide range of topics, including how to deal with violent crime, robbery, teenage offenders, and domestic violence. With particular regard to domestic violence, private sector attendants are taught how to develop responsive policies on domestic violence, and to establish holistic ways of addressing domestic violence⁴⁷.

In the USA, all state and federal government departments have to have a mandatory (standardised) policy for addressing domestic violence. Although there may be slight variations depending on the state in which the code is operating, all state departments (and, increasingly, private sector corporations and big business) develop workplace domestic violence policies⁴⁸. These policies are aimed primarily at:

- Creating a safe working environment by putting in place mechanisms that would help the employer identify domestic violence patterns as soon as possible so as to prevent the occurrence or re-occurrence of violence. It also involves putting in place vigilant measures that would help the employer identify domestic violence victims or perpetrators.
- Undertaking disciplinary action for any employee found to have violated this workplace policy – regardless of whether the offence was committed within the workplace precincts or within a home environment⁴⁹.
- Providing support and counseling for victims.
- Providing counseling for perpetrators.

The US state policies are in-line with several federal policies. For instance, Labor Law Section 593(1) allows victims of domestic violence to voluntarily exit employment – as a result of the abuse being faced – and to register for unemployment benefits. Likewise, a 1996 review of the Penal Law Section 215.14 made it a criminal offence for employers to:

“penalise an employee who, as a victim or witness of a criminal offense, is required or chooses to appear as a witness, consult with the district attorney, or to exercise

⁴⁶ Ibid.

⁴⁷ Refer to: <http://www.crimereduction.gov.uk/gp/gpdv02.htm>

⁴⁸ See studies undertaken by Liz Claiborne. Liz Claiborne Inc. has developed a model domestic violence policy for the workplace. Utilising a holistic approach towards addressing domestic violence, the organisation has interventions through its Employee Assistance Programme (EAP's), Security division and Human resource departments. It also utilises the services of other community organisations. Liz Claiborne Inc. is also at the forefront of developing policies to fight against the impacts of domestic violence within the employment sector.

⁴⁹ This is particularly important when it is considered that in places like Spain, the UK and USA, employers have the obligation to act upon domestic violence. These positive duties therefore mean that there is a due diligence principle that places responsibility and liability on employers who fail to implement the domestic violence act provisions accordingly.

his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law⁵⁰.

Furthermore, this law requires employers to allow employees time off to address domestic violence – whether they are pursuing legal action, reporting to the police, or are witnesses. This is provided the employee notifies the employer at least a day prior to taking the leave. There exists two separate policies – one for all state departments, and another for private sector employers⁵¹.

Both the UK and USA have identified the specific responsibilities to be undertaken by the employer in assisting victims of violence as well as in dealing with aggressors and perpetrators of violence. South Africa needs to devise ways in which domestic violence can best be dealt with in the workplace, especially considering that there is an already existing Domestic Violence Act⁵², existing state and non-governmental infrastructure, and positive duties identified for state service providers. For instance, the police and peace officers have positive duties as articulated by the Domestic Violence Act. Other social service providers such as social workers and medical personnel also play important roles, but their duties are not specifically dealt with in the Act. The Domestic Violence Act also articulates the procedures to be followed by the police, courts and medical personnel, stipulating their duties, the services they ought to render, and providing time frames within which these institutions are supposed to act.

2.4 Conclusion

The impacts of domestic violence on the workplace cannot continue to be overlooked: to address the social problem of domestic violence, concerted and holistic efforts need to be undertaken in order for the problem to be resolved. After all, what currently exists is a web in which efforts to address domestic violence within various social settings exists (particularly the community, social welfare, protective services and security institutions, and the medical arena). What is significantly absent, however, is the workplace: a place where people spend at least eight hours away from other social institutions; a place where people are under obligation to provide services and be productive. Is it not time for the corporate world to take the lead and address domestic violence without waiting for the destabilising effects of domestic violence within the workplace? In order for domestic violence to be successfully tackled, the role South African employers could be playing needs to be identified and highlighted. But most importantly, it is imperative to establish what it is employers are currently doing to address domestic violence. To aid this process, this research will provide some evidence and support illustrating the need for consideration to be made of the social costs to human capital that can be associated with domestic violence.

⁵⁰ Office for the Prevention of Domestic Violence (OPDV). State and Federal Laws Related to Domestic violence. Sourced at <http://www.opdv.state.ny.us/workplace/laws.html> New York State.

⁵¹ Office for the Prevention of Domestic Violence (OPDV). Model Domestic Violence Employee Awareness and Assistance Policy for Private Businesses. Sourced at: <http://www.opdv.state.ny.us/workplace/privatepolicy.html>. New York State

⁵² Domestic Violence Act Number 116 of 1998.

Chapter Three

Methodology

The study undertook an exploratory review and analysis of human resource approaches towards employee welfare. It specifically examined the manner in which domestic violence issues were dealt with by employers. The focus of the study therefore was on employers and how they perceived their role in assisting their employees to deal with domestic violence. i.e. what they have to do to assist their employees; how they should do this; and why they should do it. Due to the exploratory nature of the study, the research was descriptive – providing accounts of industry practice in addressing domestic violence. The advantage of this approach was that it created an opportunity to provide in-depth knowledge of industry practice. This enabled the researcher to establish whether or not there was a formal workplace procedure for addressing domestic violence, and to analyse the existing assistance mechanisms within their existing workplace setting.

The research was set within a qualitative framework. The flexibility of this approach allowed for the use of a semi-structured interview schedule. With the open-ended questions, respondents were provided with the opportunity to respond to the questions in a reflective manner – by accounting their perceptions and experiences.

3.1 Units of Analysis⁵³

The retail sector is service-oriented and is characterised by organisations that spend a lot of money on advertising, customer satisfaction and very visible corporate social responsibility programmes. A visible component of such institutions is their ‘people first’ values – which indicates the high regard that they place on employee welfare and job satisfaction⁵⁴.

The main units of analysis are South Africa’s major clothing, footwear, textile and accessories (CFT) retail groups. They were identified in terms of their share size of the market and their market domination. Because the focus of the study was on an analysis of the provision of support services by employers to their employees, the research focused on human resource departments and their representatives.

A judgmental probability sampling method was therefore utilised because it allowed the researcher greater control on determining who the respondents were. This sampling method involves identifying a target group of respondents specifically because they possess the credentials, knowledge and experiences that may allow them to provide information that may add value to a research process. The sampling method therefore allowed for the selection of a target population that possessed knowledge that was of relevance to the research. A degree of sampling bias could therefore not be avoided.

⁵³ Appendix 5 contains more detailed profiles of the units of analysis.

⁵⁴ For instance, of all the retail groups involved in this study, two of them (Edgars and Ackermans) are classified among the Top 50 best companies to work for in South Africa, with the Edcon Group being voted industrial leaders in the retail sector. This is an annual survey undertaken among employees by Deloitte and Financial Mail under the Best Company to Work For 2005 Survey banner.
<http://www.bestcompany.co.za/default.asp?pageID=503&menuID=09>

South Africa has eight major retail groups. A senior human resources representative from each retail group was contacted and either interviewed in person, emailed or faxed:

1. Edgars Consolidated Stores Limited (Edcon) Group.
2. Foschini.
3. Mr. Price Group.
4. Pepkor Group.
5. Rex Trueform (Queenspark).
6. Stuttafords.
7. Truworths.
8. Woolworths.

3.2 Location

The headquarters of each retail group was targeted. However, where the employee support programmes at headquarters were only guidelines to the subsidiaries of a retail group, it was imperative that the largest chain store of each retail group (in terms of employee size as well as revenue generation) be approached to determine the manner in which domestic violence matters were addressed. For a reflective balance, attempts were therefore made to obtain and examine the employee support programmes (ESP's) and policies of the retail groups.

3.3 Data Collection

3.3.1 Use of Semi-structured interview schedules

Interviews were held with employers. An interview schedule containing several open-ended questions was utilised to enable the capturing of detailed and organisation-specific data. Interviews were scheduled for half an hour to an hour and a half (30min to 01h30min), and took place at the respondent's workplace. Of the 8 respondents who were approached, one declined to participate, and two could not respond within the required framework, due to time constraints. There were therefore 5 responses. Where interviews could not be arranged in person, the interview schedule were sent out by email or fax and the respondents were given two to six weeks (2 to 6 weeks) to respond.

Attempts were also made to contact the major trade union representing the majority of workers in the retail sector. No formal interview could be obtained, although a brief telephonic conversation was held with a union organiser.

3.3.2 In-depth Interviews

Attempts were made to have in-depth interviews with the chief/ group Human Resource (HR), Industrial Relations (IR), or Corporate Social Investment (CSI) managers at each retail group. This was undertaken in order to (i) establish whether their organisations had policies or clauses that addressed domestic violence in their employee support programmes; (ii) identify what other means there were for addressing domestic violence in their respective workplaces; (iii) to identify the perceived impacts of domestic violence on the workplace and (iv) to establish the manner in which management / employer's representatives perceived their organisational role in addressing domestic violence. Due to time constraints and the

respondent's hectic schedules, only three of the respondents were interviewed face-to-face. Of the remaining two interviews, one was emailed and another was faxed.

3.4 Data Capturing and Analysis

Although an interview schedule was utilised, data was also transcribed separately by the researcher during the interview process. Most of the documented data did not have direct significance to the research topic, but the information provided useful background information that helped to explain practice and attitudes held by respondents. This information helped to hone the researcher's perspective in that the information obtained helped to contextualise the respondent's responses. Data was analysed over an eight week period, beginning in December 2006 to the end of January 2007.

3.5 Research duration⁵⁵

The data collection process begun in October 2006 and ended in November 2006. The entire research duration commenced in February 2006 and ended in February 2007.

3.6 Study Limitations

The topic was largely unexplored and there was very little literature specific to South Africa. Striking a balance between South African experiences and situating these within existing research findings and theoretical approaches was therefore difficult.

With regard to data collection, locating the respondents and establishing relationships with them was an arduous process that required time and extensive use of resources. Non-responsiveness, late responses and unavailability of respondents were problems that had to be contended with. The same problem was experienced with Trade Union representatives: obtaining an interview was difficult and the researcher was referred to a number of union representatives without obtaining the necessary information.

The data collection period was also extended due to problems associated with late responsiveness. This could however be attributed to the fact that the data gathering process was undertaken at a particularly busy time of year for the retail sector (October to December).

3.7 Ethical Considerations

Domestic violence is a very personal problem – although it has debilitating effects on other social arenas and has impacts that affect more than the individuals involved. In light of this, and bearing in mind that the general perception was that domestic violence was a 'personal problem', the researcher had to find ways of not being judgmental and of allowing respondents to express themselves freely. The University of Cape Town's research ethics were adhered to. The contact details of respondents and the information obtained from them was utilised for the specified research purposes only. In particular, the following ethical considerations were strictly adhered to:

⁵⁵ A detailed research schedule is attached as Appendix A.

- i. Objectivity and rationality were exercised by the researcher as much as possible during all stages of the research process.
- ii. Prior to participating in the study, respondents were briefed, given written copies of the questionnaires, and were provided with the opportunity to decline to participate. Respondents had to voluntarily consent to partake in the study.
- iii. Respondents were asked not to provide the personal details of employees involved in domestic violence matters, and no personal employee records were requested. All examples that were given had to be anonymous and respondents were asked not to divulge employee-specific information.
- iv. None of the questions were formulated or expressed in a manner that may have provoked or invaded the privacy of the respondents.
- v. Respondents were assured of anonymity and confidentiality.

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Chapter Four

Findings and Data Analysis

Only five of the eight targeted respondents participated in this study. On average, five out of the eight respondents reported that 70-91% of their staff were female, and this included both full time as well as casual workers. All the companies surveyed had stores throughout South Africa – in both urban and rural locations. Staff compliments ranged from approximately 850 people to 15 000 employees.

4.1 Understanding what Domestic Violence is

Respondents seemed to be able to identify what domestic violence was and what type of behaviours it was characterised by. They identified the following factors (in order of frequency) as the impacts of domestic violence on a victim: psychological and emotional impacts; lower self-esteem; lower morale and productivity at the workplace; absenteeism and physical side-effects.

4.2 What type of workplace problem is domestic violence?

Consistent with the literature, there was inconsistency with the categorisation of domestic violence as a social problem: only one respondent categorised it as an occupational health and safety issue, whilst the remaining respondents perceived it more as employee wellness issue. The manner in which domestic violence is identified as a problem determines (i) the extent to which the impacts of domestic violence on the workplace are perceived, and (ii) the type of interventions undertaken to address domestic violence. It is, perhaps, the lack of a strong categorisation of domestic violence issues that contributes to the absence of responsive domestic violence assistance to employees.

4.3 Identifying the impacts of domestic violence on the workplace

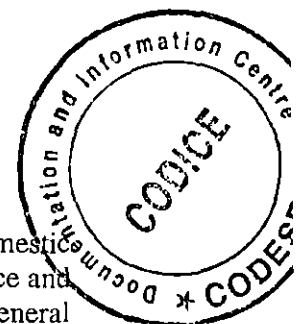
In determining the extent to which impacts of domestic violence were perceived in the workplace, respondents were asked to list the most frequent reasons that their employees gave for taking leave. Sick leave and family responsibility leave were the most frequent, with maternity leave and attending funerals the next common reasons. Dealing with substance abuse and depression were next on the list. Also, in determining the extent to which employers perceived the possible impacts of domestic violence on the workplace, respondents were asked to state which problems they experienced on a regular basis. Late coming, leaving work early, absenteeism and a high staff turn-over were identified. Job transfers and requests to utilise flexible work schedules ranked least.

Because firms did not delve into the details why their employees took 'sick leave' or 'family responsibility leave', it was difficult to link this in any way to domestic violence. This was further compounded by the fact that there was no consistency in the manner in which individual firms addressed domestic violence; and there was also no fixed procedure for reporting domestic violence. Therefore there was an ad hoc basis of record keeping, and little or no documentation on the occurrence and impacts of domestic violence (if at all records were kept).

One problem that was identified through the respondent's responses was that although these problems were frequent and *could* be attributed to domestic violence, respondents never did make this linkage. Nor did employers make further

investigations to establish why these problems are so highly prevalent were also not made. This however, may be consistent with the findings that employers were reluctant to intervene in such a manner as to be seen as violating the privacy of their employees' and were only willing to consider domestic violence being the main problem if they were given a positive indication of it being so.

"On the question of privacy, we respect the individual's privacy. If they choose not to tell you, we don't act. When an individual consciously tells you to stay out, we approach them and some talk and some do not. We respect this but if it seriously impacts on work, we talk to them 'this is the problem, we can help'" (RS4).



When specifically asked to relate what they perceived to be the impacts of domestic violence on the workplace, absenteeism, low staff morale, poor work performance and the inefficient use of work time were noted as the major problems. The general psychological state of the employee and the impact of an abused employees' behaviour on co-workers were also mentioned, specifically that domestic violence often led to "[poor] relationships with others at work" (RS 5). Another respondent added that domestic violence often led to dysfunctional rather than violent behaviour within the workplace, reasoning that male and female employees react differently to traumatic experiences:

"[we witness] disruptive or obstructive behaviour and rarely aggressive behaviour – possibly because we work with a lot of women" (RS 1).

Although there was a general recognition amongst respondents that psychological and emotional well-being impacted on workplace relations, two important issues stand out: the first being that the impacts of a perpetrator's behaviour is hardly acknowledged and that the focus is often on the victim. This may be construed as the result of the difficulties of identifying patterns of abuse based on behaviour i.e. often the victim is disempowered and less in control of the situation, and tends to withdraw whereas for the perpetrator, research shows that they are able to 'mask' their abusive behaviour by being extremely 'nice', professional etc. It may thus make it more difficult to identify a perpetrator of domestic violence within the workplace⁵⁶.

The second issue is directly linked to this first point: a respondent stated that because women deal with pain, anger and abuse differently from men, it is difficult to identify that they are victims of domestic violence. Several reasons explaining this phenomenon were advanced by some respondents: the first was that the psychological impacts on women rarely manifested themselves in aggressive behaviour, but was rather seen in "disruptive or obstructive behaviour":

"...we have such a high ratio of female employees, they tend to support each other – create a safe haven. That goes a long way in explaining why we don't see so many problems linking to domestic violence". (RS 1)

The reason advanced to explain this behavior was that because women tend to support each other more, in a working environment that is dominated by women, it would be

⁵⁶ Lenora Walker's Cycle of Domestic Violence.

difficult for employers to pick up who was experiencing domestic violence because the co-workers would generally support each other or create a supportive environment.

4.4 Should employers address domestic violence? Constructing the line between private and public

One respondent (RS 3) reported that domestic violence should not be dealt with by employers because “it’s a private matter that is separate from the workplace” and saw no other interventions that employers could undertake other than adopting flexible working hours and extending leave “within reason”.

Four out of five respondents stated that domestic violence was a matter that had to be addressed by employers. The main reason given was that companies could play a significant role, especially since domestic violence is the scourge of South African society and is so highly prevalent.

“It [domestic violence] is a priority in South Africa because it is more prevalent than in other countries”. (RS 4)

These assertions, however, go against the findings of this research as they fail to explain why, when domestic violence is perceived to be a social problem, employers fail to address it. There are no specific policies in workplaces and there is an absence of procedural guidelines on how to address domestic violence-related problems. These findings therefore fail to explain why there exists a relaxed approach towards addressing domestic violence. What exists is an ad hoc and minimalist interventions by companies. This illustrates the predicament that employers face in trying to strike a balance between acting in a socially responsible way, and in a manner that is responsive to employee’s needs whilst taking into account the interests of the business. But most importantly, this situation illustrates the actual difficulties that employers face in trying to transcend the public-private divide.

Noting the unavoidable spillover of ‘domestic issues’ into the workplace arena, some respondents, upon being asked whether domestic violence should only be dealt with privately by their employees, provided ambiguous responses. Their perspectives often reflected the problems employers encounter when trying to disassociate home and work. Their responses also reflected some of the constraints faced when trying to keep workplace matters ‘purely professional’ whilst acknowledging that personal matters have a significant influence on work. For instance, a respondent stated that

“Issues happening at home cannot be separated from the workplace – they are all interlinked”. (RS 5)

Another respondent stated the dilemma thus:

“As an employer, we employ someone who is a whole person. Therefore, if the rest of the segments are filled with worries, it does not bode well for the person. I see it as ‘employing healthy people to contribute positively to society’. (RS 1)

These responses relate the difficulties that employers face when dealing with perceived personal problems – they are often aware of the inter-linkages between

different spheres of life, but are unsure about how to address the negative impacts on the workplace. Some respondents however felt that this problem was partially resolved by the individual actively seeking assistance from their employer when faced with domestic violence related concerns. This illustrated the apparent discomfort that employers may have in trying to transcend the public - private barrier, and showed that they would rather the responsibility (and lead) is taken by their employees instead:

“It [domestic violence] is not exactly personal because it affects the workplace. On the question of privacy, we respect the individual’s privacy. If they choose not to tell you, we don’t act. When an individual consciously tells you to stay out, we approach them and some talk and some do not. We respect this but if it seriously impacts on work, we talk to them “this is the problem, we can help”. (RS 4)

This illustrates an important challenge in the employee/employer relationship over matters affecting the individual (even though such matters may indirectly affect productivity and profit levels of the organisation). It also indicates that there is a discrepancy in the employment world, of when, why and how to balance employee’s needs with the interests of the company.

4.5 Domestic violence interventions as employee wellness or corporate social responsibility obligations?

Two companies identified their intervention in domestic violence matters as being built on a corporate social responsibility obligation, more than anything else. Addressing domestic violence was therefore perceived as a manner in which companies could get involved in addressing social problems that were affecting the society at large. Only one out of the five respondents saw addressing domestic violence as a moral obligation, and one other respondent saw domestic violence as chiefly an occupational health and safety concern. Rather surprisingly, only one out of the five respondents reported that domestic violence should be dealt with by firms because of its potential to harm the bottom line and thus impact on the profitability of the company.

The literature stipulated that one of the impacts of domestic violence was a distortion of workplace relationships. The manner in which a company chooses to address domestic violence related matters either absorbs its impacts, or accentuates it. None of the five respondents indicated that they provided specific protection for co-workers of known domestic violence victims or perpetrators. The reasons for the absence of an active intervention by employers varied, from stating that employers were not always aware of domestic violence issues taking place in an employee’s life (RS 1), and that it was therefore difficult to protect workers when there was no indication of domestic violence occurring. The second reason provided was that precisely because most of the employees were female, their behavioural patterns tended to ‘mask’ the impacts and occurrence of domestic violence in their lives. This support hindered the employer from providing the necessary protection and support that co-workers may have needed. One respondent put it thus:

“It is usually responsive – we react after the fact therefore it is difficult to protect when we are not aware of the domestic violence

issues. But after it's happened – we deal with the trauma of the experience". (RS 1)

Again, there was incongruence with earlier findings in which most respondents noted that one of the major impacts of domestic violence on the workplace was lowered productivity, and inefficient use of time. This perhaps illustrates that at the core, employers may actually not be aware of the debilitating financial impacts of domestic violence on the workplace. This is also inconsistent with other international study findings which tend to focus on the economic cost impacts of domestic violence, rather than the social impacts (as seems to be the case with the Clothing Footwear and Textile (CFT) industry respondents that were interviewed for this study).

4.6 Examining existing employment practices for obtaining assistance in domestic violence related matters

In order to establish how domestic violence protection orders were handled, respondents were asked to indicate whether they had ever had to implement the conditions set in one. None of the respondents ever had to implement a protection order. All the respondents did however state that they would willingly comply with such an order, it being a court order. This suggested a couple of issues: firstly, that regardless of employer practice and efforts to assist employees, domestic violence matters were not usually addressed openly. Secondly, that employers may not have been made aware of domestic violence problems because they are 'masked' under other social problems. Thirdly, employees may not have felt comfortable to alert or inform their employers about domestic violence related problems and lastly, it could be that in reality, employers failed to create an environment conducive for employee's to approach the company and openly or freely seek assistance to deal with domestic violence.

a. The importance of Policy

Consistent with the absence of domestic violence clauses or specific policies on domestic violence, only one respondent (RS 5), indicated that they had procedural guidelines indicating how domestic violence victims and perpetrators could be identified within the workplace. Some of the reasons given for the absence of such guidelines were that the employee support function was outsourced and service providers were given instructions to address general "broad" social problems (RS 1). Another respondent, however, suggested that the presence of such guidelines did not guarantee that an employee dealing with domestic violence related problems could be easily identified and thus expeditiously or holistically assisted. The reason given for this was that sometimes the signs were not visible, and that it is usually only when such signs are manifested, that an employee can be assisted accordingly (RS 4). These responses implied that the formulation of workplace policies addressing domestic violence would not necessarily lead to companies successfully addressing domestic violence -related problems within the workforce. These perceptions are contrary to literature, where organisations such as Liz Claiborne Inc. have documented the positive contributions of workplace domestic violence policies.

Another respondent stated that the absence of guidelines is not negative, because rather than weaken the employer's ability to assist the concerned employee, the

employer was actually empowered to provide specific assistance that is responsive to the individual's needs:

“Because there is no specific policy, I think we have the ability to deal with the problem in a personal way. I think that our managers are equipped with a flexible approach, so that if something comes their way, they are able to help a person in a way that helps them. They are not bound by a specific process and that works for us”.
(RS 1)

It is interesting to note that the absence of standardised policies and procedures – rather than being seen as deviating from the provision of standardised responses, promotes the ad hoc provision of services to employees, and is actually perceived as something that promotes flexibility. It is also interesting to note the perceived duality of this flexibility – and how it is considered as an advantage to both employees (who can have more responsive, tailor-specific assistance), and employers (who are seen to be at liberty to provide non-conventional, non-standardised responses to their employees). The respondent's responses do however illustrate the current thinking on labour law in South Africa: a lot of employers see the existing legislative and policy framework as onerous and rigid, and there are calls for increased flexibility. The argument is that this flexibility would allow employers to set their own parameters of action, and to determine for themselves how to govern the employment relationship.

b. Reviewing existing procedures

Despite the absence of a formal policy or documented procedure for addressing domestic violence, efforts were made to establish the manner in which such issues were handled. In line with the initial research supposition, most employers did not have a formal or step-by-step procedure through which employees affected by domestic violence could be assisted (RS 2 and RS 3). There were general procedures used – such as the route taken when an employee was in need of psychosocial support, counseling etc.

Once an employee is identified as having domestic violence related problems, only two of the five respondents indicated that they followed the following procedure: (i) referred them to outsourced service providers usually after having seen their line managers first (RS 1) and (ii) that the line manager or concerned human resources official in the company conducted the initial assessment before making the referral (RS 5). Respondents identified the following service providers: trauma counseling institutions such as Life Line, Family and Marriage Society of South Africa (FAMSA), Rape Crisis and NICRO were mentioned⁵⁷. Professionals such as psychologists, social workers were also identified.

⁵⁷ National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) specialises in crime prevention and works with both victims and offenders, youth and entrepreneurs. Family and Marriage Society of South Africa (FAMSA) provides employees support services, counseling and training to help people attain and maintain healthy family relationships. LIFE LINE handles a wide range of social problems, addressing them through extensive counseling. They also offer a phone-in support service. RAPE CRISIS is an advocacy centre that focuses on legislative reform, rape counseling and education.

Respondents stated that they provided psychosocial assistance to both victims and perpetrators of domestic violence. Some respondents provided a more detailed narrative of the process (RS 5, RS 4 and RS 1), which included the following steps:

- i. First identifying the problem with the employee. However, one respondent indicated that even if the employer noticed anything unusual, and the problem was first identified by the employer, the company would only intervene if the individual allowed them to (RS 4).
- ii. Encouraging the employee to seek assistance through the Employee Assistance Programme. One respondent indicated that at this stage, the employer would discuss with the concerned employee “the consequences of their action or inaction” (RS 1), and would encourage them to seek professional assistance.
- iii. Referring the employee to an appropriate agency for support and assistance. The company’s often bore some costs e.g. giving time off work for the employee to attend these counseling and support sessions (RS 5 and RS 4), and paying for a limited number of consultations (one paid only for the first three, and another paid for between three and five sessions).
- iv. Respondents then indicated that they made follow ups and provided “constant support” to the employee. One respondent (RS 1) gave an example of this:

“If an employee within a store could not work with a person, we follow a process to re-integrate a person not necessarily discipline, [which] unlike the latter is not punitive. For instance, through [holding] workshops [which allow them] to air their views”.

However, one respondent stated that the employer hardly sought feedback unless the concerned employee ‘chose’ to inform them. It would be interesting to note how a balance is sought between protecting the interests of the employee, and the need of the company. This practice also illustrates how employers make the (often wrong) assumption that referring an employee to a professional and specialised support institution entails the resolution of their problems and that once they return to the workplace, their issues have been sufficiently resolved in a manner that ensures that there are no other disruptions in the workplace.

This ‘fear’ or reluctance amongst employers to actively engage in addressing domestic violence related issues may in turn explain why employers often outsource employee support services. It might actually be a means of reinforcing the public-private divide and limiting employer involvement and liability over employee health and safety matters. The section below discusses further the practice of outsourcing employee support programmes.

4.7 Examining existing practice's responsiveness to addressing domestic violence

4.7.1 Specific domestic violence assistance programmes

With specific regard to seeking assistance in domestic violence related matters, three out of five respondents reported that domestic violence was covered under their ESP. A quick perusal of online policy documents showed the contrary: domestic violence was hardly mentioned in specific terms. Rather, employee support and wellness policy documents articulated the provision of services, especially 'counseling and support' for trauma, HIV/AIDS treatment, counseling and stress management.

When examining the nature and structure of workplace programmes for addressing domestic violence, two of the five respondents stated that domestic violence was addressed in existing organisational policies. Through some discussions with some of the respondents, however, it transpired that most of these interventions are not stand alone domestic violence campaigns, but that domestic violence is covered as a component of topics such as HIV/AIDS and rape during campaigns such as World AIDS Day and 16 Days of Activism against Violence. The most common manner in which such programmes were undertaken was through (a) pamphlets and posters; (b) workshops and training; (c) referrals and (d) campaigns. Therefore, it is only in two cases where respondents specified that domestic violence was not a specific criterion on its own, although it was covered under social issues in general, such as HIV/AIDS and Rape (RS 1 and RS 4).

4.7.2 Outsourcing employee support services

The outsourcing of organisational functions is not a new phenomenon - although it is a fairly recent employment and labour law development. Usually, it is the non-core business functions of an organisation that are outsourced. However, with changing employment patterns (e.g. casual work, flexi-time, independent contractors and consultants), and labour increasingly being viewed as a commodity, human resource functions including recruitment, payroll management and employee support and welfare services, are being outsourced. This means that companies are no longer directly dealing with employee wellness, support and trauma counseling interventions. Rather, when they do intervene, it is minimal and usually not intensive, hence the tendency of companies to refer their employees to specialist psycho-social support centres. Three of the five respondents indicated that they had either an employee support programme (ESP) or an Occupational Health Intervention programme that were located both in-house as well as outsourced. Only one organisation (RS 2) indicated that this was a completely outsourced function.

Often, there is a strong working relationship between the company and the organisation chosen to provide the outsourced human resources function. Despite this, three out of five respondents indicated that there was a process for employees to obtain these services – it was therefore rare for an employee to go directly to the outsourced service provider. The process usually involved the employee first going through internal procedures and then being referred to the outsourced service provider. This referral was sometimes recommended at the first instance by the employer. Only in one instance did a respondent state that their company had a toll free number on which their employees could directly contact the outsourced employee support service provider (RS 2). The company contact person was normally the line

manager, on-site manager, occupational health practitioner and health advisor or human resource practitioner.

4.8 The future of employee-employer relations: Employer's perceptions on how to address domestic violence in the workplace

Seeing as there was an ad hoc practice for dealing with domestic violence, respondents were asked to relate what they perceived to be the most responsive means through which companies could address domestic violence. In order to gauge the willingness of employers to address domestic violence in a formalised, systematic manner, respondents were asked to illustrate the type of interventions that they thought were feasible. The reactions were mixed in that some respondents felt that existing policy, procedures and mechanisms could not be effectively utilised to address domestic violence, whilst others felt the contrary.

The table below illustrates the findings of the interventions employers thought were 'feasible' enough to implement.

Intervention	No. of Respondents in the affirmative
Screening phone calls	1
Arranging transfers	2
Increasing security	0
Implementing a Protection Order (P.O.)	5
Making referrals	5
Adopting flexible working hours	5
Providing extended family leave	2
Medical assistance	0
Counseling	5

Table 2: Feasible interventions that can be implemented by employers

4.8.1 Screening Phone calls

Only one respondent (RS 4) felt that they could screen phone calls within the workplace – in a limited manner. They said they would only go as far as not giving out private numbers and cell-phone numbers – in order to protect the employee. This respondent said they would be unable to screen phone calls because “it's a privacy issue” and the employer would be interfering with the privacy of their employees. All other respondents did not think that screening of phone calls was a feasible intervention for limiting the effects of domestic violence on the workplace.

Literature shows that a lot of domestic violence victims get harassed over the telephone by their perpetrators. Studies also indicate that colleagues are often affected by these phone calls – their frequency, the tone of the caller and sometimes the actual conversation may be abusive and this affects working relationships between colleagues. It is therefore interesting to note that the majority of respondents did not perceive the screening of phone calls as a feasible intervention. This is however consistent with initial assertions: employers are often unable to link the effects of domestic violence to the workplace. They also find it difficult to understand the impact of one employee's disruptive and abusive experiences on the behavioural and relational work patterns of the rest of his / her colleagues.

4.8.2 Promoting Flexibility

a. Arranging transfers

Only two respondents (RS 4 and RS 1) felt that transfers undertaken to remove a person from a domestic violence situation were feasible. The other respondents however, conceded that transfers were often requested for as a means of career progression (when one got transferred to a better position), or to be closer to family. However, one respondent elaborated on this practice, illustrating that it is not every employee who can afford to request a transfer – often their position and level (whether they are working at head quarters or store level), are major determinants.

“It’s always feasible. We have quite a high labour turnover and are always able to assist. A person needs to perform and have added value to take into account before transferring. It is easier at store level than at head quarters as the latter is very skills specific and would not go into a store environment. We have about 300 transfers at headquarters, it is increasing”. (RS 1)

This poses the question – how accessible is the transferal system and how responsive is it to an employee experiencing domestic violence. Perhaps the fact that the retail sector is big and has a significant number of stores and subsidiaries in locations countrywide means, in reality that arranging transfers is easier than being assumed – but it is difficult to ascertain this at the level of this research. What is evident, however, is that transfers in domestic violence cases are only effective if the victim of violence is completely (physically and geographically) separated from the perpetrator.

b. Adopting flexible working hours

Flexible working hours were available for employees at all the reviewed retail stores. All the respondents stated that they allowed their employees to utilise flexible working hours, although some respondents stated that this was conditional:

“This is feasible – the system provides four options with flexi hours but with conditions”. (RS 1)

“Flexible time for a period of time and as long as the person is taking action, dealing with it [addressing any problems that they may be having]”. (RS 4)

“[flexi-time is allowed] within reason”. (RS 3)

This was a reflection of the changing patterns of work and the desire of employees to attain a more balanced work-life schedule. Because flexi-time working options were part of general organisational regulations, this could be an indication that at some level, employers are aware of the challenges and pressures of employee’s personal lives. Although this practice also gives some indication that employers are aware that personal issues do impact on the employee’s workplace performance, it is also a reflection of employer’s belief of their need to have temporal flexibility within the workplace. Their ability to influence and control working hours has an impact on the number of workers employed and their wages. This ultimately impacts on the production lines, business costs as well as profit margins.

c. Providing extended family leave

With regard to extended family leave, the responses were a bit ambiguous. During discussions with some of the respondents, it was indicated that it is not often that the reasons for taking leave were 'investigated' or looked into in order to establish their true intent. This could be explained by the fact that it was not the norm for employees to declare their reasons for taking out extended family leave. Nor was it a practice of employers to enquire. This may be because employers find it difficult to draw the line between their employee's need for privacy, and the organisation's need to keep accurate records on leave taking.

Some respondents did however concede that were an employee to relate 'domestic violence' as the reason why they needed extended family leave, this could be granted to them accordingly:

"Last week someone extended leave (her husband is dying) therefore we would grant it for domestic violence. It's the culture of the company". (RS 1)

This leaves room for the argument that some employees could actually be taking leave to address issues such as those related to domestic violence, without actually articulating this. Because the actual reasons for extending leave are not brought forth, this leads to inaccurate record-keeping, which is exacerbated by the lack of policies which illustrate the manner in which employers should address pertinent social problems, such as domestic violence.

4.9 Enhancing Protection Services

a. Increasing security

On the question of whether employers were willing to increase security, none of the respondents felt that this was a feasible intervention. Reasons for this varied, but had one commonality: that security and access control was generally provided at all stores and headquarters and that increasing their numbers would not bode well for the industry. As one respondent lucidly put it:

"I am not sure it's feasible – body guards are not welcoming to customers, but headquarters is a very secure environment where we can have that". (RS 1)

This explains the dilemma experienced by employers when trying to balance the needs of the employee, with their core business activities. The balance sought is commendable as it illustrates that employers are at least aware that their workers are always potentially in danger and that security control is an important aspect of the employment terms. However, partly due to the absence of specific domestic violence policies and practice procedures, there are no extra security measures for an employee who is violently confronted by an abusive partner. The [incorrect] assumption being made by employers is that existing security measures are adequate for protecting employees from domestic violence and that no special measures are needed to prevent debilitating domestic violence scenes within the vicinity of the workplace.

Another unconscious assumption being made is that violence and disruptions are conducted by strangers, customers, and people who are just walking into the store.

That perhaps explains why only ‘general’ security measures are adopted. These responses are interesting, because during the interviewing process, three respondents mentioned that they had had at least one experience where female employees were victimised within the workplace. Two respondents specifically mentioned that the employee was shot at by an intimate partner. Two of these incidents occurred at store level.

b. Implementing a protection order

All the respondents had no qualms with implementing a protection order – mainly because it is an official court directive. As respondents explained:

“There’s no choice [but to implement a court order]– the company will make it happen”. (RS 1)

“We would implement a protection order because it’s a court order”. (RS 4)

These findings also indicate that if the Domestic Violence Act had specific, clearly stipulated legal requirements on how employers should deal with domestic violence, employers would most likely develop policy in accordance with the legal provisions.

4.9.1 Providing Support

a. Making referrals

All the respondents indicated that they made referrals to third parties by arrangement. The assumption being made was that the employer was not equipped with the necessary personnel or qualified experts to effectively assist the employee. This could be looked at in part as an acknowledgement that issues like domestic violence need extensive and professional attention in order to be effectively addressed. On the other hand, it could also be an assertion that traumatic issues do not have a place in the workplace and could therefore be construed as a means by which the public-private divide is further accentuated. Whichever way in which this practice may be construed, it is commendable that employers allow their employees to take time off work to attend counseling and support sessions with external parties, and that some of the financial costs are borne by the employer.

b. Medical assistance

None of the respondents indicated that they provided medical assistance to their employees in response to domestic violence. It could be assumed, however, that in the event that a violent encounter took place on the premises or within the vicinity of the place of employment, employers might request for the necessary medical assistance. Although not within the scope of this study, further investigations could be made to determine the manner in which medical aid policies cover the need for medical assistance in domestic violence cases. It would also be worth investigating the extent to which costs are covered by the employer, and by the medical aid company, as this would illustrate the extent and level to which employers take liability for addressing domestic violence.

c. Counseling

All the respondents provided counseling to their employees. It might be assumed that trauma counseling is available for a wide array of issues – and that domestic violence is just one of the issues that could be dealt with. As mentioned before, extensive

counseling services were often sought from third parties with whom companies had formal arrangements.

4.9.2 Other interventions

When asked to suggest other means by which employers could intervene to help minimise the social and economic costs of domestic violence to the workplace, a number of suggestions were made.

a. Utilising a Telephone Helpline

The first suggestion made was that companies could utilise their existing hotlines as helplines, where employees could confidentially speak to a professional about their problems. In the case of domestic violence, this would allow employees to identify and chart the type of problems their employees were facing, and to develop company specific responses to such problems. It would also allow them to increase awareness on women's rights as suggested by another respondent (RS 5). However, the financial and human capital costs could initially be prohibitive, as one respondent viewed it:

“There is a system currently in place – a fraud and dishonesty hotline. That could be used for someone to report domestic violence, I suppose. But it would also mean adequately training people receiving the calls, and it's a process directing the calls”.

(RS 1)

This is an example of how existing organisational resources can be utilised to help reduce the impacts of domestic violence on the workplace. However, the above quote also illustrates that although these impacts may affect the bottom line of the business, the actual costs for deploying personnel to implement interventions is seen as prohibitive – thus the reluctance by employers, to address domestic violence. Employers need to be more forward looking, focusing on the long term and also examining the non-economic costs of domestic violence on a business. The distortion of workplace relations, in particular, should be of major concern to them, because this lowers productivity.

b. Developing a Domestic Violence Policy for the Workplace

Asked whether they thought developing a domestic violence policy would assist employers, respondent's reactions were mixed. Although perceived as a good move, it was also seen to be inflexible and too prescriptive – thereby limiting the employer's opportunities to respond in a manner they deemed appropriate. This perception could also be seen as a desire to avoid an arduous process of accountability – where employers will be bound to explain their actions or lack thereof, in response to domestic violence issues, to an external or monitoring body.

“Because there are is no specific policy, I think we have the ability to deal with the problem in a personal way. I think that our managers are equipped with a flexible approach, so that if something comes their way, they are able to help a person in a way that helps them. They are not bound by a specific process, and that way works for us because we have such a high ratio of female employees, they tend to support each other, create a safe haven. That goes a long way in explaining why we don't see so many problems linking to domestic violence”. (RS 1)

“A code of good practice is not good as it confines you. You always have to show when you acted, when not and why you were not responding all the

time and you move effort into a domestic violence policy. Also, testing for drug abuse – [especially among] lots of young employees”. (RS 4)

A code of practice or policy would not only highlight the corporate world’s responsibilities, but would also realistically promote and create avenues for the realisation of a holistic manner of addressing domestic violence as a social problem. There are numerous advantages to having a written code of practice – some of which are:

- Recognising the impact of DV on the workplace and recognising it as a workplace issue.
- Creating a supportive atmosphere for DV victims within the workplace at different levels:
 - i. Macro (between the employer and other social institutions. This is most commonly evidenced through a system of referrals, for instance).
 - ii. Meso (between management/ employer representatives and employees).
 - iii. Micro (among employees).
- Promoting easy access to information, services and other supportive measures.
- Establish what the company will do to assist its employees who are found to be perpetrators of violence

Chapter Five

5.0 Discussion and Recommendations

The exploratory nature of the study and the small sample size makes it difficult to generalise the findings. The findings do however indicate that there is an impact of domestic violence in the workplace, although these effects aren't always perceived or linked. More extensive research is needed to examine the work-life balance and various factors that impact on the attainment of an equilibrium. More in-depth research is also needed to examine the impact of 'personal' problems on employment relations, in particular changes to horizontal work relationships between co-workers. The involvement and intervention of employers in addressing such social problems, and the subsequent re-definition (and adaptation) of the work-home divide needs to be examined. There is also a need for increased union involvement in the provision of services that enhance the working conditions of workers, and helps them attain a balanced work-home life.

5.1 Developing a holistic approach towards addressing domestic violence

Employers are part of a social system and domestic violence is a social problem affecting all levels and dimensions of society in South Africa. There is a need for the role of employers and other social actors, to be clearly articulated. This is to ensure that they can establish a meaningful way in which to intervene in matters that have the potential to distort employment relations, such as domestic violence. This means that in the call to address domestic violence related issues, they do not need to do so alone. In fact, collaboration with existing organisations, agencies and the establishment of partnerships would go a long way in articulating the manner and extent to which employees should address domestic violence.

In order to gauge the extent to which employers understood this, respondents were asked to name the type of organisations that they could work with. Specialised trauma counseling institutions such as Life Line, Family and Marriage Society of South Africa (FAMSA), Rape Crisis and NICRO were mentioned⁵⁸. Professionals such as psychologists, and social workers were also identified. Mention was also made of private organisations, although no specific institutions were mentioned. However, no mention was made of the role that employee representatives – in particular, trade unions, could play in addressing domestic violence within the workplace. South Africa has a well structured formal employment system where relations between the state, employers and employee representatives are encouraged. Literature suggests that there is a significant role that can not only be played, but also driven, by trade unions⁵⁹.

⁵⁸ National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) specialises in crime prevention and works with both victims and offenders, youth and entrepreneurs.

Family and Marriage Society of South Africa (FAMSA) provides employees support services, counseling and training to help people attain and maintain healthy family relationships.

LIFE LINE handles a wide range of social problems, addressing them through extensive counseling, They also offer a phone-in support service.

RAPE CRISIS is an advocacy centre that focuses on legislative reform, rape counseling and education.

⁵⁹ Martin D. Hanlon and David A. Nadler. 1986. Unionist's Attitudes towards joint Union-Management Quality of Work-Life Programmes.

5.2 What is the role of Trade Unions?

Trade unions are employee representatives and they liaise with employers and their representatives to ensure that policies and programmes that enhance employee's work are implemented, and that employees realise their benefits. This is with regard to matters of mutual interest that affect both the employer and the employee, such as wage and salary levels, working times and duration, leave, and other work-related remuneration and benefits. As such, the union is in a very important position in terms of having avenues to persuade employers to adopt workplace practices that are beneficial to the employee.

According to the American Federation of State, County, and Municipal Employees (AFSCME), a Madison-Wisconsin based union federation (similar to the Congress of South African Trade Unions COSATU), domestic violence is:

A "union issue" because it is a "health and safety issue, a workplace issue, a discrimination issue, a family issue – and a human rights issue"

As a body instituted to address and advocate for social and economic justice as translated in the promotion of "higher standards of living....respect, civil and human rights, personal self-determination, and freedom from violence", the AFSCME sees itself as holding a mandate and responsibility towards its represented candidates to recognise domestic violence as an employment concern (AFSCME, 1998: 1). From as early as 1992⁶⁰, the AFSCME noted that domestic violence matters often spilled over into the employment arena, as evidenced by the high rates of absenteeism and lower productivity. During this time, the federation campaigned for law enforcement agencies to "work with employers to improve law enforcement in domestic violence cases" and also embarked on developing information and training materials to aid trade unions in the development of support programmes and workplace protocol for addressing domestic violence. This stance was further expounded in 1996, when the AFSCME emphasised the economic costs of domestic violence to business, and vowed to actively work with employers to

"develop effective workplace programmes and to increase public awareness of how violence at home and at work affects women.....[and] to work with employers to ensure Employee Assistance Programme coordinators are knowledgeable about domestic violence, to negotiate legal services benefitsand to negotiate leaves of absence which may be used by domestic violence for legal or other activities related to the domestic abuse". (AFSCME, 1996: 1-2).

In 1998, this position was further amended with an assertion by the AFSCME, to help address problems that included the "abuse of sick leave, or poor job performance" associated with domestic violence by establishing measures to assist both victims and perpetrators of domestic violence through the provision of work-based programmes that offered "security, legal assistance, leave provision, and counseling for both victims and batterers" (AFSCME, 1998: 1-2). Although it is evident that these

⁶⁰ AFSCME, 1992. Resolution No 65. on Domestic Violence, pp1-2. See also a brief by the Pennsylvania Coalition Against Domestic Violence (PCADV), entitled Workplace violence: work offers no escape sourced at <http://www.pcadv.org/publications/FactSheets/Workplace%20Violence.pdf>. Last accessed Wednesday 10 May 2006.

resolutions were developed and evolved over time, the mere fact that a union federation acknowledged that domestic violence was an employment concern is laudable. There are valuable lessons here for South African trade unions to draw from. Currently, there exists no evidence that trade unions in South Africa actively advocate for employers to address domestic violence as a problem that poses a threat to the safety and well being of the workers, or hampers their productivity. There is no acknowledgement that domestic violence tends to distort employment relations, or that it severely impacts on a business's bottom line⁶¹. This is despite that COSATU has a gender policy in place which indicates, among other priorities, that the Congress (and assumingly its affiliates) would be concerned with the following⁶²:

- Raising awareness amongst COSATU members of the prevalence of violence and abuse against women;
- Raising violence and abuse against women as a bargaining issue which affects job performance, causes absenteeism and stress; and
- Developing policy and appropriate redress for women workers affected by violence and abuse through bargaining agreements.

Given this background, attempts were made to contact a COSATU affiliate – the South African Commercial, Catering and Allied Worker's Union (SACCAWU). This union is a majority union in most of the retail stores that were interviewed during the research⁶³. It is an affiliate of COSATU and represents a fair number (107 553) of retail sector countrywide, 16 358⁶⁴ of which are workers in the Western Cape Province – that is 15.2% of the national proportion. Telephonic enquiries were made with the union in order to obtain a comprehensive understanding of the manner in which trade unions assist employers in transcending the public-private barrier. Although a formal interview could not be obtained, an informal conversation confirmed that domestic violence was not a major concern dealt with by the union. Another finding was that domestic violence issues were more often than not dealt with at shop floor level, in factories, rather than in the retail industry itself (stores and head quarters). It is unfortunate that the union, as an affiliate of COSATU, does not implement its mandate more strongly. With its stature and the fact that it has

⁶¹ This argument can be furthered by arguing that because of a contract of employment and existing legislation as well as common law principles, the employer is bound to provide safety to its employees in the workplace, and to ensure that any obstacles that may interfere with the employee's job performance (in furtherance of the employer's economic activities), are dealt with accordingly. Likewise, there is an equal responsibility on the employee to ensure that she/he upholds and fulfils their obligations in terms of their employment contract by undertaking their work, delivering and meeting their employment obligations. Where this is not possible, and the employee is unable to meet these obligations, due to disturbances resulting from issues such as impairments, illness, psychological issues or matters arising out of, say domestic violence, it then becomes the employer's prerogative to ensure that there are mechanisms in place to help such an employee deal with such problems so that such an employee's inability to meet employment obligations (be productive and perform), do not compromise the employer's productivity.

⁶² Sourced from the COSATU Newsletter (The Steward) <http://www.cosatu.org.za/shop/shop0804-06.html>

⁶³ Refer to Appendix 6.

⁶⁴ Figure obtained from a Telephonic enquiry with the SACCAWU Regional Secretary, Mr. Crosby Boi. Wednesday 10 May 2006, 14h00hrs.

mobilised a significant proportion of workers in the CFT sector, SACCAWU would have enormous impact in helping to address domestic violence in the workplace.

Conclusion

The issue of addressing domestic violence within the employment sphere is a difficult one. Often, it is not that employers are unwilling to do so, but that firstly, they do not have evidence as to the high socio-economic costs of domestic violence to their businesses, and secondly they fail to establish links between effects of domestic violence, and unproductive workplace practices such as absenteeism, lateness at work, inefficiency and poor working relationships between workers. Although there exists a Domestic Violence Act, regulations do not stipulate the role that non-state actors can play in dealing with domestic violence. It would perhaps make a difference, if current legislation promoted a holistic approach towards addressing domestic violence, by, among other things, stipulating the various actions that employers could deploy.

Efforts to involve the employment sector in addressing domestic violence should however, not be one-sided. The role that trade unions can play is vital. The existence of a COSATU policy on gender and its articulation of the need to address the impacts of domestic violence are helpful starting points. There however needs to be an interrogation of why COSATU affiliates fail to uphold the provisions of this gender policy, and also to determine how affiliated trade unions can be assisted to implement the policy. Domestic violence is a prevalent social problem that requires the intervention of all segments of society. Employers need to start acting now, before the debilitating effects begin to disrupt workplace productivity on a larger scale.

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www.public-health.uiowa.edu/ipvc/nation.pdf

Appendices

Appendix 1: Interview Schedule

Good morning.

Thank you for agreeing to participate in this research project. This research is being conducted as part of my MPHIL (Labour Law) thesis through the University of Cape Town's Law Faculty. The topic under research is Domestic Violence and its impacts on the workplace.

A section of the questionnaire requires that you provide statistics. Your company's Personnel records may have to be consulted. Any such information will not be manipulated and will be used for this study's stated purposes only.

For any further questions or enquiries during or after this study, please use the following details to contact the researcher or supervisors:

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Confidentiality

Anything you say will be treated with the utmost confidentiality. Everything will be treated with anonymity and will not be linked directly to you as an individual, or to your organisation. You have the right to decline to participate in this study.

This interview should take approximately 45 minutes to complete. It comprises 30 questions in 5 sections. Please attempt each of the questions in as much detail as you can. **You have the right not to address any of the questions.**

Consent:

Thank you very much for your participation.

Introduction

- 1. What percentage market share does your company have? _____
- 2. What is the percentage of women customers? _____
- 3. How many employees does your company have? _____
- 4. How many of these employees are women (a percentage is allowed)._____

SECTION 1: POLICY ON DOMESTIC VIOLENCE

Establishing employer's perceptions of their role in terms of addressing domestic violence among their employees

CARD: Domestic Violence is defined broadly in the Domestic Violence Act of South Africa as: physical, emotional, psychological, sexual and verbal abuse; harassment, stalking, intimidation, damage to property, entering a complainant's residence without consent and other behaviours that are controlling, abusive or cause imminent harm to the complainant.

1. Is there anything you would like to add or change to this list?

2. What type of impacts does domestic violence have on the victim?

3. Do you think domestic violence impacts on the workplace in any way? If yes, Please provide some examples, if NO, please explain why not?

4. Do you see domestic violence as an issue that should be dealt with privately by your employees?

Examination of Employee Support Programmes (ESP's)

1. Who implements your organisational ESP i.e. is it in-house or outsourced? Please **Underline the Answer.**

b. If it is outsourced, what is the process for employees to access services?

c. Is there a point person in your organisation? **(The person's title / designation is adequate)**

2. Is domestic violence covered under the ESP?

3. Under what classification is domestic violence categorised in the ESP:

- a. occupational health and safety intervention?
- b. employee wellness programme?

c. Other (please specify).

4. Does your ESP have procedural guidelines on how to identify a domestic violence victim or perpetrator?

5. How does your ESP assist victims of domestic violence?

b. Does your ESP state how perpetrators of domestic violence can be assisted?

c. Does your ESP provide protection for the co-workers of known domestic violence victims or perpetrators?

d. Who is the point person / contact person in your organisation?

SECTION 2: PRACTICE ON DOMESTIC VIOLENCE - Examining workplace programmes and structures

1. Does your company have any programmes or policies or clauses in existing policies that specifically address domestic violence?

2. Which employer representative is tasked with the responsibility of implementing this policy or programme?

3. Does your company incorporate any of the following interventions to address domestic violence?

- Campaigns
- Pamphlets and posters
- Workshops and training
- Referral system
- Workplace safety plan e.g. tighter security or screening of telephone calls?

4. In what other ways is domestic violence addressed by your company?

A protection order (PO) is an order from Court that protects the person who has applied for it from the person perpetrating violence against them. In situations involving domestic violence, it limits or bars contact between people so as to prevent the abuse and any danger posed by the perpetrator/respondent.

5. Has your organisation ever been asked to assist with upholding conditions set in an employee's protection order? If yes, please provide an estimate of how often this has occurred.

- Often
- Rarely
- Sometimes
- Never

5b. What type of interventions were requested in the protection orders? You may List them

6. In a step-by-step process, please indicate the process a domestic violence victim would go through when being assisted.

SECTION 3: IMPACT OF DOMESTIC VIOLENCE ON THE WORKPLACE

N.B. The following section may require that you **REFLECT** on your personnel records. Please think about the answers according to gender.

1. Please list **5** reasons most likely given by **MALE** Employees for taking leave, in order of frequency:

2. 1. Please list **5** reasons most likely given by **FEMALE** Employees for taking leave, in order of frequency:

3. In the literature, domestic violence is often linked to a number of problems. Do you deal with any of these on a regular basis?

- | | |
|--|--------------------------|
| a. late coming | <input type="checkbox"/> |
| b. leaving work early | <input type="checkbox"/> |
| c. absenteeism | <input type="checkbox"/> |
| d. high staff turn-over | <input type="checkbox"/> |
| e. requests for job transfers | <input type="checkbox"/> |
| f. Requests to utilise flexible work schedules | <input type="checkbox"/> |

4. Have you ever had any reason to link any of these reasons to domestic violence?

SECTION 4: HOW SHOULD DOMESTIC VIOLENCE BE DEALT WITH BY FIRMS -Establishing the best approach towards addressing domestic violence in the employment arena

1. Do you think firms should be dealing with domestic violence? If no, why not.

b. If yes, what is the basis?

- i. corporate social responsibility intervention
- ii. An occupational health and safety concern
- iii. a moral obligation
- iv. impacts on profitability
- v. a legal obligation
- vi. a code of good practice

2. Are the following feasible interventions that your firm could implement?

Intervention	Tick	Comments
	√	
Screening phone calls		
Arranging transfers		
Increasing security		
Implementing a Protection Order (P.O.)		
Making referrals		
Adopting flexible working hours		
Providing extended family leave		
Medical assistance		
Counselling		
Others (please specify)		

3. If employers are to provide a wide range of assistance services like those in the table above, what types of organisations would you work with? Please list these.

4. Are there any other interventions that you can suggest?

Thank you very much for your participation.

CODESRIA-LIBRARY

Appendix 2: Trade Union Interview Guide

Good morning.

Thank you for agreeing to participate in this research project. This research is being conducted as part of my MPHIL (Labour Law) thesis through the University of Cape Town's Law Faculty. The topic under research is Domestic Violence and its impacts on the workplace.

A section of the questionnaire requires that you provide statistics. Your company's Personnel records may have to be consulted. Any such information will not be manipulated and will be used for this study's stated purposes only.

For any further questions or enquiries during or after this study, please use the following details to contact the researcher or supervisors:

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Confidentiality

Anything you say will be treated with the utmost confidentiality. Everything will be treated with anonymity and will not be linked directly to you as an individual, or to your organisation. You have the right to decline to participate in this study.

This interview should take approximately 15 minutes to complete. **You have the right not to address any of the questions.**

Consent:

Thank you very much for your participation.

1. What is the role of trade unions in addressing domestic violence in the workplace?
2. In what way do you work with employers to address domestic violence among?
3. As a majority trade union, do you have a policy that specifically addresses domestic violence? i.e. in line with the COSATU gender policy, to which the Union is affiliated
4. Do you have (a) a gender policy covering domestic violence?
(b) a forum for addressing and implementing domestic violence concerns?

Appendix 3: Research Schedule

Activity	Starting Dates	Finishing Dates	Duration
Literature Review	February 2006	Ongoing	
Drafting data collection Instruments	August 2006	August 21	3 weeks
Initial Interviews / Pilot study	September 2006	07 September	1 week
Interviews / data collection	October to November 2006	31 November	8 weeks
Data Analyses and write up	December 2006 to January 2007	January 2007	8 weeks
Write up and consolidation of 1 st Final Draft report	Ongoing	15 January	4 weeks
Final report ready		15 February 2007	

Appendix 4: Respondent's Geographic Locations/ Headquarters

A. Retail Stores

Johannesburg

Edcon
Stuttafords

Cape Town

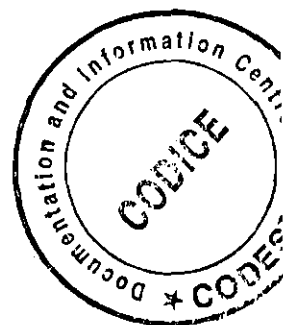
Foschini
Pepkor
Truworths
Queenspark
Woolworths

Durban

Mr Price

B. Trade Unions

SACCAWU – South African Commercial, Catering and Allied Worker's Union
Braamfontein, Johannesburg



Appendix 5: Retail Group's Profiles

Retail Group	Range of Stores	Company Size/ No. of Stores	Number of Employees
Edgars Consolidated Group	Edgars, Jet, Topics and Legit.	More than 900 stores in South Africa, Botswana, Namibia, Swaziland and Lesotho.	More than 20 000
Stuttafords	Stuttafords	Not available	Not available
Pepkor Group	Pep, Ackermans, Dunns, Pepco Poland, and Shoe City	Pep Stores (1310)	Pep (13 732)
Mr Price Group	Mr Price, Miladys, Heroes, Mr Price Sport,	Has more than 750 stores in South Africa and Southern Africa.	Not available
Truworhs Group	Truworhs, Truworhs Man, Identity, Uzzi, YDE, Daniel Hechter, Inwear, Fine Jewelry, Elements and LTD	More than 370 stores in South Africa and 14 Franchises in Africa and the middle east. 257 of these are Truworhs stores in South Africa.	Not available
Foschini Group	Foschini, (branded as Foschini, Donna Claire, Fashion Express and Luella), Markham and Exact!	1200 stores, with 342 Foschini stores (196 Foschini; 53 Donna Claire; 86 fashion Express and 7 Luella)	Foschini (3216) Donna Claire (332) Fashion Express (455) Total: 4 003 excludes Luella staff
Woolworths	Woolworths	269 stores in South Africa, Africa and the Middle East.	Not available
Rex Trueform/ Queenspark	Queenspark	Not available	Not available

Appendix 6: Retail Group's Union Representation

Retail Group	Representative/ Majority Trade Union
Edgars Consolidated Group	SACCAWU
Stuttafords	Not available
Pepkor Group	SACCAWU
Mr Price Group	SACCAWU
Truworhs Group	SACCAWU
Foschini Group	SACCAWU
Woolworths	SACCAWU
Rex Trueform/ Queenspark	Not available