

Ending domestic violence

Workplace important link

If a woman is to escape a world of domestic violence her workplace has to assist. **Anneke Meerkotter** explains how an employer can make a crucial contribution.

Domestic violence is widespread in South Africa and there is an urgent need to create a response to prevent such violence, as well as addressing its consequences. This need extends to the workplace which has been conveniently forgotten in the struggle against domestic violence and the promotion of gender equality in the workplace.

The impact of domestic violence on women's health has been widely documented. It impacts on women's physical and mental health. This includes induced abortions and miscarriages as well as other gynaecological complaints including vaginal bleeding, urinary tract and other infections and genital irritation and other injuries. Mental health problems also loom large including depression, anxiety, low self-esteem and post-traumatic stress disorder. There is also a link between domestic violence and increased risk of HIV infection.

Inevitably, domestic violence impacts on the workplace. It can lead to frequent absenteeism as the victim has to access service providers such as the police, social worker or health worker. The ineffectiveness of our court system

also dramatically increases days off to attend a criminal case, apply for maintenance, obtain a protection order, or attend to a divorce or a children's court.

Unfortunately the courts malfunctioning contributes to a vicious cycle where victims may avoid accessing services if this means taking more time off work which threatens their employment. In such cases, the domestic violence does not get addressed and the violence and its consequences recur.

Victims of abuse may also avoid work when they are bruised on the face and the anxiety caused by the abuse can also affect their work performance and relationships with colleagues.

Where children are involved, this is more difficult because the worker is preoccupied with their well-being. Childcare is often difficult for working women to arrange and with domestic violence the pressure increases as the woman has to find time to access other services or find alternative accommodation and schools at short notice.

Women in violent relationships struggle to find support and remedies to stop the violence. But workplaces are well placed to

intervene and assist. Such interventions must be based on consent and confidentiality.

WHAT CAN EMPLOYERS DO?

The law encourages flexibility in accommodating the needs of employees in abusive relationships. The Promotion of Equality and Prevention of Unfair Discrimination Act provides that 'no person may unfairly discriminate against any person on the grounds of gender, including gender-based violence'.


Section 6 of the Employment Equity Act includes gender, sex, pregnancy, marital status, family responsibility and harassment as grounds of unfair discrimination. The Code of Good Practice on Integration of Employment Equity into Human Resources policies and practices provides that 'in certain circumstances, the refusal to make reasonable accommodation of an employee's needs and circumstances where this can be done without undue hardship to the employer, can constitute unfair discrimination.'

The Code further recommends that employers should conduct an audit, analysis and regular monitoring of their employment policies, practices and work environment, identify actual or potential barriers, and consult about strategies to eliminate barriers to employment equity.

What then can be done by the workplace to address domestic violence?

A supportive human resources department is crucial. This requires adequate training and open communication channels,


**WOMEN have the right to live
FREE from abuse & fear**



**DOMESTIC VIOLENCE
IS A WORKPLACE
ISSUE** - talk to your union representative

FOR HELP, ADVICE & SUPPORT CONTACT *
Womens Aid National Helpline
0845 7023468
10am to 9pm Monday to Saturday

FOR LOCAL ADVICE CALL *
Leaflet available



The British trade union GMB ran a project involving workers and employers to address the serious problem of domestic violence.

'All crime has harsh effects on society. What distinguishes domestic violence is its hidden, repetitive character and its immeasurable ripple effects on our society, in particular on family life. It cuts across class, race, culture and geography, and is all the more pernicious because it is so often concealed and so frequently goes unpunished.'

The ineffectiveness of the criminal justice system in addressing family violence intensifies the subordination and helplessness of victims. This also sends an unmistakable message to the whole of society that the daily trauma of vast numbers of women counts for little. The terrorisation of the individual victim is thus compounded by the sense that domestic violence is inevitable. Patterns of systemic sexist behaviour are normalised rather than combated.'

Sachs J, *S v Baloyi* 2000

particularly in cases of danger. Employers can assist with access to services by being flexible in allowing time off.

In many areas, health and social services, legal aid and courts are only available during weekdays and working hours and often require return visits. For poor employees who cannot access a lawyer or private doctor, it is crucial that an employer is aware of the difficulties in accessing services and does not become irritated with the employee when government services are ineffective.

Employers and unions can also assist employees with information about remedies and give appropriate referrals to services.

In some domestic violence situations, the abuser might be dangerous and it is crucial that employers have policies which prevent the disclosure of employees' phone numbers and addresses to third parties.

Child care adds to the burden on employees. The Code of Good Practice on Integration of Employment Equity into Human Resources states that employers should endeavour to provide an accessible, supportive and flexible environment for employees with family responsibilities. This includes considering flexible working hours and granting sufficient family responsibility leave for both parents. No doubt, the closure of the schools for a month during the soccer World Cup will increase the burden of care and the need for flexibility in the workplace.

Unfortunately current strict labour conditions require employees to choose between their well-being and their children's and their continued employment. This is unfair and does not promote standards of equity in the workplace. Family responsibility leave does not take into account the impact of domestic violence or

HIV/AIDS on employees and the community.

Women in violent relationships cannot always negotiate safe sex and often have sex forced on them. Where a woman can access post-exposure prophylaxis (PEP) to prevent HIV after such sexual encounters, she must take the medication for 28 days and it can have side effects which could affect her work.

Workplaces should develop policies which appreciate the impact of domestic violence and HIV/AIDS on employees. Failure to address these issues places an unfair burden on workers to deal with this societal problem and it inevitably further entrenches gender inequality within the workplace. LB

Anneke Meerkotter works at the Tshwaranang Legal Advocacy Centre.

Some stories: Taking up domestic violence

Support changes a life

'I'm a 34-year-old mother of two teenage girls. I suffered physical, emotional and verbal abuse at the hands of the man I called my husband and the father of my children. My kids watched helplessly as their father was swearing and beating me into a pulp, just for talking to another woman.

After sleeping on hospital benches for three nights without any food, bath, or ever being admitted, not knowing how my children were, a social worker took me to a shelter. I felt so defeated, after losing everything that meant the world to me, my children. Whilst planning on how I was going to kill myself, a social worker asked me what I wanted to do with my life. I told her that I needed a job but I didn't have any qualifications. I was counselled and this gave me hope.

I later obtained a job as a receptionist. I was helped by my employer to fetch my kids every day. My employer provided me with support, time off to attend to court and see lawyers. Our safety was so important to them.

Slowly but surely my invisible scars are getting healed - things get better everyday. The whole incident made me realise how precious life is. I don't need an abuser and a control freak in my life, and I don't need a man to make me whole, love doesn't hurt or kill. I am the first one in my family to say 'no' - my great grandmother was beaten by her husband, as were my grandmother, mother and aunt. We must break the cycle of abuse.'

I would have loved more support

'Domestic violence - when it happens little did I know that it will be so difficult to deal with! Having to access a protection order in our courts is the most difficult thing I've ever been through. Being beaten is painful and after a few hours or a day your body adjusts to the pain and the trauma and you become better. But when going to court for an order I had to go there prepared - remember, it has to be done during the week because courts don't operate on weekends. Which means I must take time off work.

The type of work that I do is not easy. It requires me to focus and be sane when I have to deal with clients. I found myself having to think about what am I going to say to my boss when I ask for time off to go to court for a protection order.

It means that I have to explain what happened for me to reach a state where in my life a protection order is needed for my safety. It gave my employer another picture of my life - maybe I can't choose the right man. But one thing that embarrassed me most was that I thought I'm the only one who experienced that type of life.

Finally I found courage to ask my boss for time to go to court. I had to take time from my leave which I would rather have spent with my kids. I went and my application was considered by the magistrate at 3:30pm. I had arrived at 8:30am. Now the order must be served and I don't have a car. The police station where I must take the order is not within walking distance from my place.

It means I have to go back to my boss and ask for a morning off, so I can go to the police station for my order to be served. Again I must beg my boss and reassure her that I will take a half day from my leave. It's another day wasted and I must also ask for a day off for a final order after another 30 days.

My focus on my work shifted. My interest was no longer the clients but my own. I was now thinking, "What if he follows me to work? What if he waits for me at the gate where I stay or at a taxi rank?"

I would have loved more time off work to deal with the process and more support or maybe my work load could have been lessened. Sometimes a call while waiting in a queue in court would have been nice. Just for someone to ask "How is the process going?", not only to be called to be asked about work. It would have meant a lot if I was really understood.

Another painful thing is being asked to prove that I really was in court, which means asking for a letter and some officials have a bad attitude. It made me feel sad that no one is sympathising about my safety. What is important is work and I come second.'