

**Testimony of Laura A. Fortman  
Commissioner, Maine Department of Labor**

**before the Senate Subcommittee on Employment and Workplace Safety**

**April 17, 2007**

**Hearing "*Too Much, Too Long?: Domestic Violence in the Workplace*"**

Good morning, Senator Murray and Members of the Committee. My name is Laura Fortman and I am the Commissioner of the Maine Department of Labor. Prior to being appointed by Governor Baldacci, I was the Executive Director of Maine Women's Lobby a state-wide nonprofit, nonpartisan membership organization advocating for women and girls. During my tenure I, along with Maine's Coalitions against domestic and sexual violence and the leadership of Representative Mike Saxl, worked to pass the country's first victim leave law. In my current position, my agency is responsible for the enforcement of that law.

Therefore, I am especially grateful to you for inviting me to share the experience we have had in Maine in addressing domestic violence. As you know, domestic violence is a multifaceted problem that requires multi-pronged strategies to address. Some of the strategies that I will discuss today include research, employer initiatives as well as state policy and law.

First a quick snapshot of Maine. We are a small state with 1.3 million people spread over roughly 35,000 square miles. Our largest city is Portland with a population of 64,000 people. Maine is consistently rated as one of the safest places to live in the country.

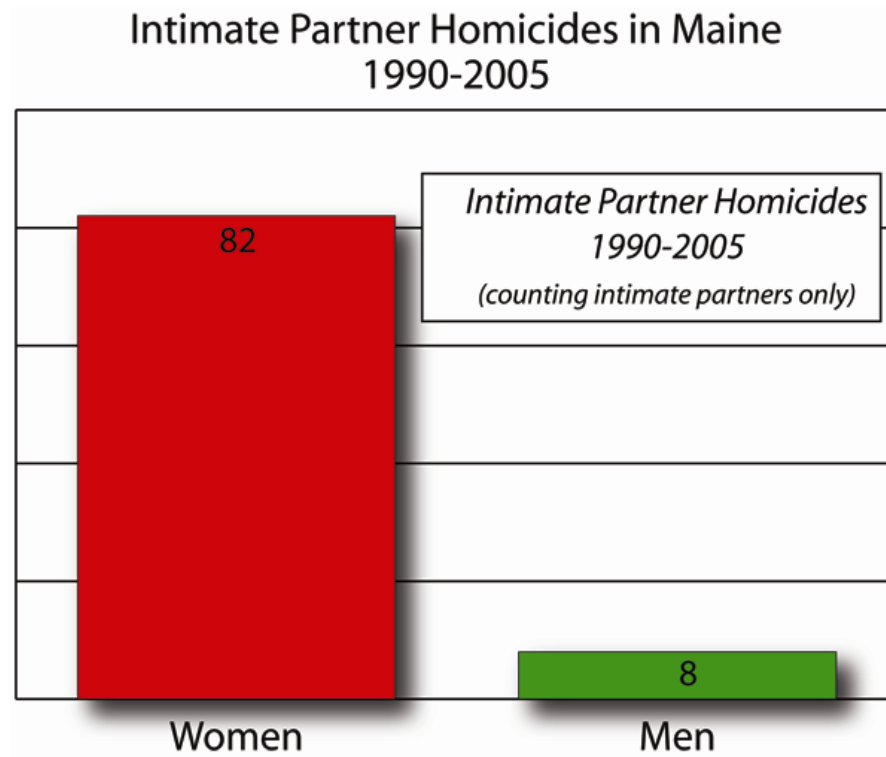
Yet, Maine also has a serious problem with domestic violence.

Former Governor Angus King focused on the issue in his 2000 State of the State address. In his remarks he named domestic violence as Maine's Public Enemy Number One. He stated that for victims "day-to-day life is a living hell of fear and intimidation, fear of the monstrous violence that takes place behind closed doors and is no respecter of geography or social position."

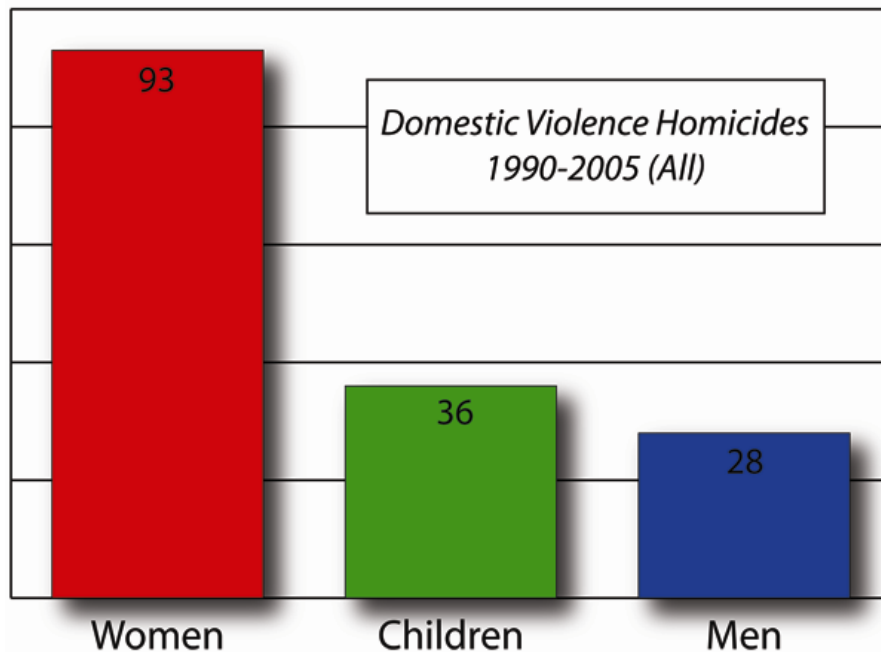
Our present Governor, John Baldacci, has continued the state's commitment to take every step to prevent domestic violence and to provide support for victim survivors. Governor Baldacci issued an Executive order requiring all state agencies to develop a policy to address domestic violence. (See Attachment I)

You may be puzzled by level of attention domestic abuse has received in Maine. I am sorry to say that it is not just because we are a caring, compassionate state. Unfortunately, our concern is prompted by the harsh reality that domestic abuse

homicides account for over half of all homicides in Maine. This statistic has been true for the past 15 years. The victims are overwhelmingly adult women. However, twenty-three percent of victims are children. Of course, this homicide data does not account for the trauma experienced by the surviving children who are left to cope with this pain for the rest of their lives.



## Domestic Violence Homicides in Maine 1990-2005 *(intimates, family members, and bystanders)*



As in other states, Maine has a wonderful network of domestic abuse projects. In 2006 over 13,000 people received services from the Maine Coalition to End Domestic Violence. Nearly 97 percent of the people served were women and children.

However, it is not only because of the tragic loss of life and emotional distress experienced by families that domestic abuse is an important public policy issue. It is also important to grapple with domestic abuse because of the impact it has on the workplace.

Many Americans are developing their strongest friendships and support systems at the workplace. For these workers, their place of employment has become, "the new American neighborhood".

Numerous studies have shown that although domestic abuse may occur behind closed doors –it does not stay there. When either the victim or the perpetrator walks out their front door domestic abuse follows them into their neighborhood---the workplace. And it impacts the employer and other employees. This impact is felt even though domestic abuse is often invisible. It is hidden for a number of reasons, including shame on the part of the victim, and fear that disclosure will result in her being fired.

You may believe that it is sufficient to have a supportive employer. Unfortunately, even when an employer is supportive a victim may still not feel supported.

This “victim perspective” became painfully clear to me in my own workplace. One of my employees came to the office very upset. She had ended an abusive relationship with her husband. She was worried that her abuser was going to follow her to work and was terrified because he had access to a weapon. A co-worker brought the situation to the attention of a supervisor. The woman’s supervisor invited her in to his office. His intent was to express his personal support for her, do safety planning and provide contact information for the local domestic violence project. The woman burst into tears---she thought her supervisor was planning to fire her.

This situation had a “happy” ending. The woman was kept safe and is still with the Maine Department of Labor today. Also, staff has received additional training in both domestic violence and workplace violence and we now have a workplace violence policy.

We believe that employers with policies that support victims and encourage disclosure of domestic violence have safer worksites as a result of those practices. The guiding principle of all (OSHA) workplace safety training programs is to recognize hazards in the workplace and develop strategies for prevention. It is impossible to effectively respond to unknown dangers, and we know that domestic violence is an under-reported problem in workplaces. Workplaces that don’t actively support and engage employees in disclosing incidences of domestic violence are suppressing reporting of potential workplace hazards and are missing important opportunities to prevent the real hazard of domestic violence spillover in the workplace.

## **Research**

Two recent studies by the Maine Department of Labor and the Maine Coalition to End Domestic Violence shed more light on the impact of domestic violence in the workplace of both the victim and the perpetrator. The first study interviewed offenders and the second study focused on victim/survivors.

The offender study was one of the first in the nation where workplace impact of domestic abuse was examined through the lens of the offender’s behavior. (See Attachment II)

The offender study included 124 domestic abuse offenders attending a court mandated Batterer Intervention Program. All of the participants were volunteers. One of the most revealing findings of this study was the impact that offender’s actions had on their employers. Behaviors that negatively impacted employers included workplace accidents, lost work time, and inappropriate use of business resources.

Some findings from the report are:

- 78% were using workplace resources including company car to check up, harass, and threaten their partner
- 85% contacted their victim from the workplace. 75% used the company phone.

- 48% reported difficulty concentrating due to thinking about how to continue their perpetration
- 19% of offenders had a workplace accident or near miss
- 15,221 hours of work time were lost to Maine employers due to arrests of 70 men in study, equaling over \$200,000

## **Survivor Study**

The survivor study also demonstrated the significant impact of domestic violence in the workplace. Participants in the study were a self selected group of 120 women who were recruited through outreach to employers, press releases, posters, visits to shelters, etc. They were employed by a diverse group of employers and industries in Maine. (See Attachment III)

Highlights from the report include:

- 60% of domestic violence victims/survivors lost their job (43% fired, 57% quit)
- 13% reported the abuser assaulted them at work
- 83% were harassed at work by the abuser who repeatedly called their workplace.
- 78% reported being late to work as a result of the abuse
- 47% were assaulted before going to work
- 46% reported abuser stalked them at workplace
- 23% of abusers violated a court order by contacting the victim at work

## **Maine's Action Plan**

Based on the data that we have collected and our experience, Maine has focused efforts in the following areas:

1. Employer Initiative--Developing safety plans at work and an environment that encourages victim/survivors ask for help
2. Providing a safety net, unemployment insurance, for victims who need to leave their jobs
3. Providing leave to victim/survivors to receive treatment, attend court or access other necessary services

## **Maine's Legislation**

Maine has some important laws in place to provide employment protections to victims of domestic violence, and a safety net for those who lose their jobs because of abuse.

### **Employment Leave for Victims of Violence**

*26 MRSA § 850*

Requires employers to grant reasonable and necessary leave from work if an employee or employee's daughter, son, parent, or spouse is a victim of domestic abuse, sexual assault, or stalking.

## **Unemployment Compensation Disqualification Clause**

*26 MRSA §1193(1)(A)(4)*

States that an individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

## **Unemployment Compensation Misconduct Clause**

*26 MRSA §1043(23)(B)(3)*

States that misconduct may not be found solely on actions taken by the employee that were necessary to protect the claimant or an immediate family member from domestic violence if the employee made all reasonable attempts to preserve the employment.

Unemployment claims resulting from domestic violence are charged to the general unemployment fund, not to the individual business in which the worker was employed.

## **Maine Business Support**

Employers in Maine have been supportive of these measures. One of our large employers, Wright Express, asked me to share the following comments with you:

Wright Express Corporation employs over 700 employees with more than 600 employees located in Maine. We have supported Maine legislation to protect the victims of domestic violence and have taken steps to collaborate with local family crisis agencies and law enforcement officials to protect our employees in the workplace who are victims of domestic violence. We understand the devastating impacts of domestic violence and the importance for victims to feel that their workplace can provide safety and support at a time when their lives outside of work may be turned upside down. We have flexible paid time off benefits and employee assistance programs that can be helpful to employees who are dealing with this issue. We support Maine's Victims Leave law that provides for reasonable leave needed to address issues of family domestic violence. We feel this makes good business sense since it helps keep employees productive during times of personal crisis and it is the right thing to do.

Robert Cornett  
Senior Vice President Human Resources  
Wright Express Corporation

Human Resource professionals are also supportive. I recently spoke before a group of 40 HR professionals at a breakfast meeting of the Kennebec Valley Human Resources Association. I had been asked to attend and update the group on pending legislation in front of the Maine legislature. Since Senator Murray had just invited me to testify, I used

my time with the Kennebec Valley HR group to ask them how our current victim leave law and unemployment insurance program was working from their perspective. In general, they were not experiencing problems administering the leave. However, they felt that there were several things we could do to strengthen the programs. They told me that there was a lack of awareness of both the leave and the possibility of unemployment insurance. In the course of our conversation,

- They strongly recommended an awareness campaign either about the availability of the Maine Department of Labor voluntary domestic violence poster or that the poster becomes a mandatory poster.
- They also recommended that every workplace develop a workplace violence policy and that all supervisors receive training.
- Finally, many raised a concern about a victim's ability to take unpaid leave.

Maine's State Chamber of Commerce has been helpful as well. I have attached a copy of the testimony of Peter Gore, Senior Governmental Affairs Specialist, from the Maine State Chamber of Commerce. This testimony was given in 2002 in support of expanding the 1999 Victim Leave Law to cover family members. I will read a short excerpt from Mr. Gore's testimony. (See Attachment IV)

"Despite our original reservations the bill became law and has been in place for the last two years. During this time this organization has heard no complaints or concerns with its implementation.....While we hope that someday we will be in the position that individuals and families do not need to access leave for these very troublesome situations, we recognize that should they need to do so, such leave is appropriate and relatively unburdensome to the workplace"

#### Other Employer Initiatives:

Maine Employers Against Domestic Violence is an effort to educate employers about domestic violence in the workplace. The effort is spearheaded by the Maine Coalition Against Domestic Violence and Maine State Government. This initiative encourages major employers to take a leadership role on the issue. It also encourages all employers to develop a plan for their workplace that establishes internal policies, security, safety protocols and employee outreach. CEOs of businesses that join the Leadership Team commit to establish internal policies for their own workplace, sponsor an informational event for businesses, such as a Chamber "Eggs 'N Issues" breakfast, and encourage other employers to attend educational sessions that are held in the state about the problem. Major Maine businesses have joined the leadership team, including our major shipbuilder, Bath Iron Works, our largest utility, Central Maine Power, and our largest health insurer, Anthem Blue Cross Blue Shield. (See Attachment V)

State Government, which employs thousands of workers, is also working to make our own workplaces safe. As I mentioned earlier in my testimony, in October, 2004, Governor Baldacci issued an Executive Order requiring each state agency to partner

with the Maine Coalition to End Domestic Violence to develop workplace policies for their agency. Workplace plans must be detailed, including training for staff on assisting co-workers who are victims of domestic abuse, training for supervisors on being supportive and understanding even if the situation is affecting the victim's work performance, providing referrals to local domestic violence projects and employee assistance programs, developing workplace safety plans, offering necessary leave, taking corrective action regarding state employees who perpetrate domestic violence, including disciplinary action if perpetrating domestic abuse while they are working, as well as referring abusers to batterer intervention programs or employee assistance programs.

So far, 9,000 State employees have been trained. Workplace policies have been created across State Government. In addition to making Maine government workplaces safer, an unplanned side effect was the creation of an optional domestic abuse poster by the Maine Department of Labor. This poster is available on-line and may be downloaded by any employer. Online training has been developed and made available and, in general, awareness of the issues surrounding domestic violence in the workplace has been increased.

Yet, more must be done. We know that employees who are victims of domestic violence still feel unsafe, stigmatized and afraid to come forward to ask for help in their workplace. We think that Maine's efforts would be more effective if there was a coordinated national response to domestic violence.

Your Committee has an opportunity to raise awareness of the impact of domestic violence in the workplace and to firmly stand with victims and survivors who need your help. I hope that you can move forward to develop consistent national policies that create workplaces safe from domestic violence and that help businesses develop internal policies, including appropriate safety plans, that keep violence out of the workplace. Business policies must both protect the employee who is a victim and adopt a "zero tolerance" policy with respect to employees who are perpetrators. We would also welcome a consistent, national victim leave policy and encouragement for states to provide a safety net through their unemployment compensation systems.

I have attached copies of all of the key documents that I referenced in my comments to my testimony and want to thank you for your attention to this critical issue.