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Making the ethical case for effective domestic abuse policy and practice: The role of trade unions

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Abstract

- Purpose: This paper focuses on the role of trade unions in policy and practice designed to address the workplace impact of domestic abuse. The paper will examine this union remit through the lens of corporate social responsibility (CSR).

- Methodology: In-depth interviews were conducted with 39 union representatives in a region of England to capture their views on and experiences of supporting members experiencing domestic abuse.

- Findings: There is a clear ethical model by which the unions might articulate the key moral, legal, and business drivers in determining effective domestic abuse policy and practice. Furthermore, the degree of 'proximity', in terms of union deliberation with employers and particularly joint action following disclosure, suggests that unions could play a key part in achieving 'substantive' domestic abuse policy and practice within organisations.

- Originality: Despite unions' capacity to offer significant support to employers and employees, the role of unions in addressing the workplace impact of domestic abuse is under-researched. With reference to the concept of CSR, the article adds to our knowledge of how to address the workplace impact of domestic abuse.

Keywords: trade unions; domestic abuse; corporate social responsibility; HR policies; people management; employee wellbeing

Research paper

Introduction

Domestic abuse research in several countries has highlighted its direct impact on employees' productivity, attendance, and employment prospects (Bell *et al.,* 2002; de Jonge, 2018). MacQuarrie *et al*., (2019) provide a useful summary of international efforts generally with respect to better addressing the impact of domestic abuse in the workplace, including the role of the International Labour Organization (ILO). However, with a few exceptions (Macgregor *et al.,* 2016, 2017, 2022; Wathen *et al.,* 2018), there has been limited academic research that recognises the role of trade unions in addressing the workplace impact of domestic abuse. Conversely, the ethical role of unions in influencing corporate social responsibility (CSR) is an area of growing interest within the literature (Harvey *et al.,* 2017; Goerke, 2022). Given that the 'essence' of trade unionism is to represent, provide advice and lobby for their members, very often in terms of their mental, physical, and emotional wellbeing (Hodder and Edwards, 2015), the aim of this paper is to explore the role of trade unions in potentially making the ethical case for effective domestic abuse policy and practice. For these reasons, it is argued that trade unions, working with employers, play a key role in making the workplace a potential source of valuable support for employees who are experiencing abuse (Reeves and O'Leary-Kelly, 2009; Wilcox *et al.,* 2020). For instance, as highlighted by MacGregor et al. (2022), working with management, trade unions can assist those employees affected to access confidential counselling. To give context to the discussion, the United Nations (2020) recently referred to the global rise in domestic abuse during Covid-19, with reduced access to support or to escape perpetrators, as the 'shadow pandemic'. Crucially, even before Covid-19 in the UK, 28.9% of women and 13.2% of men had experienced some form of domestic abuse since the age of sixteen (ONS, 2018).

The article is structured as follows. A critical review is presented of the relevant literature on CSR and the role of the unions in promulgating its core objectives. The workplace impact of domestic abuse is then considered. The methodology for the research follows, outlining the nature of the methods

chosen to investigate the research question under consideration. The article turns subsequently to a discussion of the research findings. It closes with a critical reflection on the implications of the findings in terms of a better conceptual understanding and the practical actions that can be taken to operationalise an effective strategy. Furthermore, it critically assesses the key role that trade unions play in that process.

Literature review

CSR and the role of the unions

Freeman and Hasnaoui (2011), through their extensive review of the 'many meanings of CSR', rightly note its complexity. CSR can be seen both as a theoretical construct but also a very practical means by which organisations can engage more ethically and, therefore, effectively with communities and society (McWilliams *et al*., 2006). It has been also argued that CSR is a potential vehicle for achieving greater equality and wellbeing in society and in the workplace (Grosser and Moon, 2019). Nonetheless, the traditional focus of CSR initiatives for organisations has been on how effective they are in terms of the business case for delivering in the interests of shareholders as the dominant stakeholders in the organisation (Crane *et al.,* 2019).

The conceptualisation of CSR by Archie Carroll continues to be particularly influential as a working definition. His seminal model (1998; 2016) highlights for him the four key dimensions of CSR: economic, legal, ethical, and philanthropic. The dimensions are non-hierarchical and mutually supportive. The 'economic' dimension represents the cost benefits case for CSR and the 'legal' dimension captures the social 'codified ethics' (Carroll 1998, p.2) of corporate behaviour. The 'ethical' element of the model sets out what is expected by the firm's stakeholders from a moral perspective. These, for instance, might be in terms of climate awareness or social citizenship. Finally, the fourth level relates to CSR's more philanthropic contributions, that go beyond the other three in relation to an organisation's relationship with, and broader responsibilities to, society.

Focusing specifically on domestic abuse, Larrieta-Rubin de Celis et al., (2017) emphasise the need for CSR to fully embrace the occupational health and safety needs of women as a key stakeholder. Katz *et al.,* (2017) also advocate that the impact of domestic abuse can be addressed through the utilisation of CSR as a map for action.

Crucially, from Flanders' 'sword of justice' (1970) to Hodder and Edwards (2015) model of the 'essence' of trade unionism, the ethical function of the union has been well articulated. This is particularly so in terms of their traditional role "to defend the interests of the employee stakeholder" (Preuss *et al.,* 2015 p.1). Framed within a discussion on the politics of CSR and the respective power of different key stakeholders (Frynas and Stephens, 2015), writers globally have increasingly recognised the specific role of unions in helping determine businesses' CSR strategy (Dawkins, 2010). Equally significant is the distinction made by Matten and Moon (2008) of CSR as a more 'explicit' element of corporate policies, typical within national institutions that encourage individualism, like those in the US. This contrasts with countries whose corporate institutional practices are based on a more 'implicit' CSR facilitated by a collective approach to policy deliberation; for instance, in countries where union influence is stronger. Similarly, Gold *et al.,* (2015) in comparing the 'liberal market economy' of the UK with more 'coordinated market economies' like Germany, highlight how variations in capitalism can impact on the nature of CSR in different countries and, in the context of their study, on unions' propensity to engage with CSR.

Delbard's (2011) studies of European unions also reveal that in relation to multinational corporations (MNCs), the institutional culture of employee relations can determine whether it is perceived by unions as an opportunity or threat. As Chun and Shin (2018) note, unions may oppose a CSR initiative, for instance environmental, if it is seen to have an adverse effect on their members' wages. Conversely, for Gold *et al.,* (2020), CSR can offer real opportunities for unions to revitalise their influence.

At a more micro-level, Boodoo (2020) usefully identifies a correlation between union density at company level and the greater willingness of an organisation to negotiate on more employee as well as non-employee CSR issues. Snell and Gikara (2020) highlight specifically how, in this case to secure the employer's support for redundant workers, unions can effectively negotiate specific collective bargaining agreements within the aegis of CSR.

In this context, Schons and Steinmeier (2016) usefully argue that the level of 'proximity' of a stakeholder, such as a union, can dictate whether CSR strategy is merely 'symbolic' or more 'substantive' in its outcomes. Significantly, the success of the union in achieving these substantive aims is assessed by Harvey *et al.* (2017) in terms of how effectively the union can utilise the 'deliberative processes' open to them in influencing a firm's CSR policies and practice.

The ethical role of the unions in addressing the workplace impact of domestic abuse

That domestic abuse continues to be seen by many as a 'private' matter remains a key barrier to the development of strategies to address its effects in the workplace. For many victims/survivors there exists a perceived stigma to disclosing their abuse, which leads to many organisations assuming that it is not something that impacts upon their workplace or that they need to consider (CIPD/EHRC, 2020). In contrast, however, a review of the literature discussed in this article demonstrates that there are clear legal, economic, and moral arguments driving the overall ethical case for why the workplace impact of domestic abuse should be addressed.

The legal case

Since 2015, UK laws have incorporated the concepts of coercive and controlling behaviour to highlight the range and complexity of behaviours that were reflected in lived experiences of domestic abuse. The definition of domestic abuse is "any incident or *pattern of incidents* of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been

intimate partners or family members regardless of gender or sexuality" (Stark and Hester 2019, p.83). Domestic abuse can cover psychological, physical, sexual, financial, and emotional abuse.

Building on the legal duty of police to disclose the previous history of perpetrators to an individual who may be at risk, as enshrined within 'Clare's Law' (Fitz-Gibbon and Walklate, 2017), a significant move by the UK Government has been the enactment of the more comprehensive Domestic Abuse Act 2021. A key aim of this new legislation is, through giving a clear and extensive definition of domestic abuse, to extend powers to police and the courts and prioritise the accommodation needs of victim/survivors of abuse. Furthermore, its intention is to challenge the underlying attitudes and norms that underpin all aspects of abuse. Both these laws need to be understood by employers in the context of developing effective policy. Additionally, whilst there are some 'new workplace protections' (Atkins, 2021), with the exception of Northern Ireland (Lewis Silkin, 2022) and in contrast to legislation in Australia, New Zealand, Canada and parts of the US, there is no stipulation to specifically recognise the need for paid or at the least unpaid leave rights for employees who are experiencing domestic abuse (Baird *et al.,* 2014; Katz *et al.,* 2017; Donne 2021; Government of Canada, 2022). The legal driver for employers to address the impact of domestic abuse, particularly with respect to their duty of care under broader health and safety legislation (Larrieta-Rubin de Celis *et al.,* (2017), is also a feature of the discussion that follows.

The business case

Many of those experiencing domestic abuse are in employment (CIPD/EHRC,2020). This, therefore, strengthens the argument that employers should take this issue seriously, given that the economic costs of domestic abuse are increasingly apparent. It has been estimated that the costs to the UK economy amounted to over £14 billion as "lost output due to time off work and reduced productivity as a consequence of domestic abuse" in 2016/17 (Oliver *et al*. 2019, p.6). Furthermore, despite being suffered primarily by the employee (for instance lost wages), economic costs can be incurred by

employers, and by the State, specifically in terms of health care and criminal justice costs. In the US, for instance, costs can run into trillions of dollars (Peterson *et al*., 2018).

Although it is difficult to quantify, domestic abuse also affects the ability of the victim/survivor to maintain adequate performance (ILO, 2019). The most common workplace impact of domestic abuse is reduced attendance at work. The reasons for absence can range from actions by the perpetrator preventing an individual from getting to work (for example, hiding car keys), to victims/survivors being unable to attend work because of the physical, emotional, or psychological effects of the abuse (Trades Union Council (TUC), 2014; Showalter, 2016; Wathen *et al.,* 2018). Significantly, research data reveals a clear business case in terms of the organisational benefits of reducing absence due to abuse, and the improved performance of victim/survivors (Swanberg *et al*., 2005; de Jonge, 2018). Domestic abuse can also impact on employee turnover. This impact, however, will often be one that is hidden since it is not uncommon for an employee simply to leave their job or to be dismissed for disciplinary breaches, without ever having disclosed the role that domestic abuse played in this outcome (de Jonge, 2018; CIPD/EHRC, 2020). Hart and Heybrock state that employers should, therefore, see "violence prevention plans as an investment in human capital rather than an expense" (2017, p.9).

The moral case

This case premises the actions needed to support a victim/survivor, because it is right and proper to do so as a good employer but also that those actions will realise economic benefits. Fundamentally and morally, as the TUC have commented, "supporting employees who are experiencing domestic violence is crucial. Without a job and a source of income, those experiencing the abuse are less likely to find a way of escaping the abusive relationship" (TUC, 2014, p.7). It can also improve the employee's sense of self-esteem, motivation, 'economic empowerment' and go some way to countering negative messages from abusive partners (Reeves and O'Leary-Kelly, 2009).

Nevertheless, maintaining employment can be difficult. Where victims/survivors feel they have no option but to quit a job, this can result in a downward spiral of reduced income and fragmented work

histories that make sustaining a viable income increasingly difficult (Showalter, 2016; Women's Aid, 2019). Sadly, research on financial abuse (where an abuser appropriates their partner's wages for their own use, for example) demonstrates that just because a victim/survivor has a good income it does not necessarily mean that they either control it or could use it to escape from the situation (Sharp, 2008; Sharp-Jeffs, 2016).

This said, enlightened workplaces potentially remain a key place in which to 'break the silence' about domestic abuse, by raising awareness and being supportive in order that employees feel supported should they decide to disclose about their own experiences. Crucially, it should not be necessary for victims/survivors to disclose to gain support, as this can jeopardise their safety, wellbeing, and career (Swanberg *et al*., 2005; O'Doherty *et al*.,2016). Instead, confidential access to a range of support, whether they choose to disclose or not, should be available (World Health Organization (WHO), 2014; Macgregor *et al*., 2022). Where employers do act to address domestic abuse, the response should take the form of a policy and procedure (CIPD/EHRC, 2020), underpinned by training and awareness raising activities to generate a supportive organisational culture (O'Leary-Kelly *et al*. 2008). Nonetheless, it is currently not known what the most effective ways are of providing support to domestic abuse victims/survivors in the workplace, as there has been little evaluation work in this area (Adhia *et al*., 2019).

Methodology

Utilising concepts drawn from a critical analysis of domestic abuse research and the literature that has investigated the degree of influence and involvement of trade unions in relation to CSR, the following research question is critically assessed - What ethical arguments might unions put to encourage employers to introduce a domestic abuse policy and to make those policies work effectively in practice?

The findings reported in this paper are based on research that captured the views and experiences of a cross-section of 39 union representatives from a range of unions and organisations they represented

in a region of England. Approval was obtained from the University ethical research committee. A

formal informed consent procedure was used as part of that process. Following presentations to

regional TUC women's and executive committees, interviews were arranged through 'snowballing' to

contacts provided by those attending the presentations. Further participation came through a variety

of channels to ensure a broad sample for the region. Broad brush demographics of the sample are set

out in table I. Given the sensitive nature of domestic abuse, detailed information cannot be given,

and all respondents are anonymised. Respondents were mostly female and represented by a range of

trade unions including GMB, UCU, USDAW, NEU, Unite, RCN, UNISON, FBU, RCM, CWU, PCS and the

TUC.

 Interviewees' union roles covered branch and area secretaries, branch and regional officers, shop

stewards, organisers, project workers, learning reps, and other education roles; and their members

were from an array of industrial sectors including local government, education, retail, manufacturing,

transport, and emergency services. Respondents' experience was limited to partner abuse.

Critically, whilst based on the perspectives and experiences of key 'supporters' in the workplace

(Gregory, 2017), we cannot presume to suggest that we are 'giving voice' to the victim/survivor

themselves. Nevertheless, it is of note that a significant minority (10) of respondents revealed during

the interview that they themselves been victim/survivors of abuse. It could be argued, therefore, that

they could speak with insight and empathy about the experience of supporting their members.

Interviews were recorded and full transcribed. The interviews lasted for an hour on average. The

interviews focussed on several key areas:

- How effective were the domestic abuse policies and practice of the employers with whom

  they had contact?

- How had members disclosed to them that they were experiencing abuse?

- What types of ethical arguments might representatives potentially put forward to employer

  to address domestic abuse issues?

- How successful might such a strategy be?

The data were analysed using template analysis (King *et al*., 2018). Interview transcripts were first thematically analysed to explore key issues through the construction of an initial template. In this way, early categorisation could be made based on the initial questions put to the respondents. Coding was undertaken by both researchers and cross-referenced for consistency throughout the analysis of transcripts. Further coding revealed the moral, legal, and economic imperatives articulated by respondents.

 Table I. HERE

Findings

The lack of domestic abuse policy

In line with the literature, few of the respondents were aware of dedicated a policy related to domestic abuse at the organisations in which they supported members (Kulkarni and Ross, 2016; de Jonge, 2018). This was also reflected in the comments of one trade union education tutor who noted that 15 of the 16 delegates on a recent union course, from a cross-section of public-sector organisations, reported that their organisation had no domestic abuse policy.

 This absence of policy suggests that, for many employers, domestic abuse is not perceived as having an impact within their organisation and, therefore, requires no action (CIPD/EHRC, 2020). Predictably, for most respondents, persuading employers that domestic abuse is a workplace issue was not always straightforward. A typical sentiment was expressed by one respondent who stated that, "I think if we [the union] went in and said domestic violence, I think they would sort of like go "oh, but nobody suffers from that here" (Interviewee 3).

 Several interviewees commented that, even where a policy existed, what happened in practice was not necessarily aligned to that policy. For those respondents, it was more about 'box ticking' rather than actions of real substance. As a union project worker who dealt with many organisations stressed:

"A lot of them will say they've got them, but nobody's aware of them or nobody can read them because they're not readable. So, they need writing and designing and delivering or whatever in a way that people understand" (Interviewee 1).

Similarly, despite the good intentions of all parties to a negotiated agreement at corporate level, it counts for little if it isn't acted on in practice. The following quote illustrates that even where a policy had a measure of 'symbolic' validity (Schons and Steinmeier, 2016), if there was no awareness of the policy and no training offered to those who were responsible for its implementation, it was of limited 'substantive' (ibid.) utility:

"When it comes to practise a lot of people aren't even aware that these policies exist, they're hidden away on the internet somewhere. So, like we were all happy with it when it was finished, and all read it and it was formally signed off. It was agreed by the unions and there's a press statement about it and this kind of stuff. But I think the actual implementation of it with regards to like training for management and stuff like that and making people aware of it was non-existent probably" (Interviewee 22).

Furthermore, for a typical union officer, the role of HR was central in recognising the need for good policy and practice:

"It would be great if…Organisations like CIPD [Chartered Institute of Personnel and Development] were to endorse this as good practise. That would get your HR managers listening…That would get them talking about the kind of the holistic approach to managing staff retention, they'd probably get less disciplinaries…HR managers would listen as well as unions working together, because quite often you know, we both want the same thing for the people we represent…Like CIPD are really supporting our health and wellbeing programme that we've got" (Interviewee 14).

Absence and performance issues: Making the business case

In accord with the literature (Hart and Heybrock, 2017; de Jonge, 2018), recognising domestic abuse as the real reason for absence resonated generally with interviewees' experiences as a key factor for making a business case for employer action. Most respondents reported that infringements of an absence policy and the resulting managerial intervention were often what led to disclosure. The most common issues appear to be frequent and unexplained absenteeism or irregular attendance patterns. As the following, and typical, contribution from one union officer representing staff in the food and drink industry graphically illustrates:

> "They'd gone off sick…[were] not even [in] a frame of mind, a stable state of mind, to actually inform the employer, so it was an unauthorised absence, that's why it was a little bit less dealt with empathetically [by management]. But…I have to say, this individual was in no fit frame of mind to do anything about it, at that moment in time" (Interviewee 34).

Many of the organisations where interviewees represented members had absence and attendance policies that automatically trigger action when several absences have been recorded. These are often part of a suite of measures linked to capability and performance reviews with disciplinary sanctions leading to dismissal as a final stage. For the representatives who had experience of supporting victims/survivors within these workplaces, disclosure often only occurred when an employee faced some form of organisational sanction as part of these processes.

Further, in line with the literature (TUC, 2014; Wathen *et al.,* 2018), respondents reported several specific reasons why an employee who is experiencing domestic abuse might present with a pattern of absenteeism or poor attendance at work, including having been beaten and being physically unable to attend work or needing to stay at home to care for children. Therefore, this can lead to a pattern of absenteeism that is problematic from an employer perspective but the causes of which are not understood. As this respondent, who represents members in Government services, noted:

> "They'll have a sickness policy and normally you will find somebody who is experiencing,
>
> you know, horrific beatings at the weekends will not come into work on a Monday…they

don't ask the person about why they've been off, they just say, oh you've been off again

another Monday and they make an assumption, oh it's because you've had a heavy

weekend, you know, you've had too much to drink, or you know, you're just

exhausted…[Whilst] really it's a day of rest for that person from the abuse, or the physical

attacks that they're experiencing when their partner goes to work or leaves the house"

(Interviewee 33).

It is at this point that the absence system triggers a management intervention. As another

interviewee, who represented workers in the transport sector, reported:

"That's why I say that reps can identify the problems. Because they're the first point of

contact when members are off on the sick, they've been invited into a sickness review,

which we know is going to get a sanction, so the rep is always that first point of contact"

(Interviewee 10).

In some cases, this can lead to disclosure. Conversely, an employee may simply leave their job rather

than disclose, irrespective of reassurances from the representative. The examples above graphically

illustrate the duty that the representative and the manager have to be fully supportive of the

individual experiencing abuse, whilst recognising that it must remain for the victim/survivor to decide

whether, how and to whom to disclose. Those examples also highlight how seemingly routine

approaches to absence management can cause palpable problems in the context of domestic abuse.

Respondents from across sectors felt that in addition to supporting staff, it could reduce employer

costs if absence and performance management policy were less rigid and more transparent, allowing

managers to interpret employee behaviour more sensitively. An interviewee from the TUC

supporting union reps across many sectors opined:

"If we were to build a business case to the employers around…If you're looking at them [victim/survivors], they're more likely to stay with you...[if you] invest in your workers and safeguard them to an extent" (Interviewee 14).

For another participant, who supported workers in the communications industry, when asked whether a business case could be persuasive, commented that, "if you've got someone being off sick, or going off with stress…you lose productivity and so you hit [employers] with those words" (Interviewee 4).

Summarising these contributions, the overall potential impact that the unions could have, in relation to making the strategic business case for an effective domestic abuse policy is articulated well by a public sector regional officer:

"Unfortunately, a lot of [sector named] employers have quite punitive policies in place when it comes to things like attendance management. So, there's certainly a massive job for the union in making sure that the employers' policies have provision so that they don't end up penalising people who are victims of domestic abuse…[and]…have time off of work as a result of that…It's really important that we educate the reps so that they can go back and review those policies….it could end up making a huge impact" (Interviewee 17).

Making the legal case for effective policies

Making the legal case for domestic abuse policies was less prevalent in the interviews. It was argued, however, that the 'business case' could be strengthened if there was legislation in place to support victims/survivors of domestic abuse in the workplace. This reflected the criticism of the Domestic Abuse Act 2021 in the UK reported earlier (Donne, 2021; Atkins, 2021). In addition, most

representatives felt that trade unions should be involved in campaigning for employment law changes, which would also enable representatives to provide better support.

A further justification for employer action cited by many interviewees was with respect to the employer's duty of care, specifically in relation to health and safety legislation. As one typical respondent from the TUC stated:

> "I think there's recognition that employers have a responsibility to provide staff…[with] a safe working environment. You know, a duty of care and recognise that…domestic violence and abuse can actually impact on people's workplace performance because obviously when you come to work you bring all of your personal issues with you as well. And I think a clear recognition that the workplace should also be somewhere where people should be trained to spot these things or have a policy" (Interviewee 14).

For another union representative, it was about 'using the law' to win the support their member needed:

> "She [the manager] said the application for special leave has been denied, so I just said, 'Well in that case then, we need to be following law'. And she looked at me…and said, 'What's that?' I went there's a four-year-old child involved here, and she wants to apply for parental leave. And she just said oh, right, and how much? And I just said she wants the lot. She wants it all in one go. I think that were 18 weeks. Because of childcare issues" (Interviewee 13).

Similarly, a regional officer supporting workers in the food and drink sector, used health and safety obligations in his discussions with a management:

> "I just kept re-emphasising that obviously their duty of care in relation to supporting the staff, you know, even though it's initially from outside the workplace, in making reasonable adjustments" (Interviewee 34).

The moral case for recognising and addressing the stigma of experiencing abuse

There is a clear moral case outlined in the literature which was also implicit in respondents' views. For instance, the recognition that victim/survivors need to maintain a belief in their competence and ability to do the job (MacGregor *et al.,* 2019; CIPD/EHRC,2020) can be a powerful reason behind non-disclosure. For many respondents this was not only due to a sense of personal identity. It was also to do with the very real fear that if one is seen as a victim/survivor of domestic abuse this could compromise that person's job prospects and negatively affect how work colleagues and managers perceive them. As put succinctly by one TUC educator:

"It's for the person like saving face, nobody…wants you to know their business and I think

the person often feels as though, well obviously their self-esteem has been stripped, but

like "oh I can't face [other] staff", and it's awkward for the other [staff], it's almost like

the elephant in the room. Do we talk about it?" (Interviewee 3).

The reported concerns that shape victims' perceptions reflected those in the literature (Kulkarni and Ross, 2016; MacGregor *et al*., 2016). Where that viewpoint of oneself can manifest itself in shame, embarrassment, fears about confidentiality, risks to their safety and wellbeing, and the belief that being a victim/survivor of abuse would in some way reflect badly on them. These negatives outcomes for staff experiencing abuse further highlighted for all the interviewees how crucial it was that union representatives worked closely with the line manager. Those 'moral' sentiments are encapsulated well in the following comments from a public sector local representative:

"As a rep I think you try to persuade your member that actually it's in their interest to

be like for full disclosure so that then both us and the employer can support them. But

in real life people don't feel comfortable doing that for whatever reasons and what

usually happens…was that people would 'call in' because either they'd had a domestic

violence incident, or they were dealing with the repercussions of one. They'd been at

hospital or something like that and they'd just tell their line manager "oh, I've got flu"

or "I've got a cold". So, what would happen was that they would have all these unrelated

periods of absence, so the manager would have to deal with it on that basis, so on a

sickness basis rather than dealing with that as a domestic violence issue" (Interviewee

19).

Representatives were aware that if workers were unable to tell their managers about the abuse, their

attendance policies meant that 'sickness' could lead to dismissal, whereas domestic abuse may be

treated more sympathetically. Conversely, representatives have a difficult role, if a member discloses

to them, in informing the worker of the potential options and outcomes whilst ensuring they do not

feel pressured to disclose to others. Mirroring Kulkarni and Ross's (2016) findings, trust is a key aspect

of disclosure that was mentioned by several interviewees. It not only covered trust in managers or

human resource professionals, who could be seen as being the route to accessing a policy, but as the

quote above suggests, even to trusting their union representative. It is difficult to under-estimate how

strongly these aspects influence victims/survivors and prevent them from disclosing their situation.

This can lead them to be in breach of organisational rules regarding attendance and it is why it is often

only when a crisis occurs that their silence is broken. As a representative of workers in a large

Government department conceded, "there is such a stigma and it is so difficult for people to say, isn't

it?" (Interviewee 5).

 As the previous quotes illustrate, the first stage for many of the interviewees was being fully

supportive of the employee that they may, if they so wished, disclose to them. This was in order that

they could more fully represent their case to HR and to the manager. However, another barrier to

overcome to this end could be the stigma of people not believing you. As one representative who had

also experienced abuse personally, declared:

> "Sometimes when you talk about it to people, you're aware of how you might sound and
>
> you think, You sound like one of these people who's trying to get attention and making
>
> things up" (Interviewee 1).

Similarly, as another representative reported reflecting also on their own experience of abuse, an

additional barrier was 'victim blaming':

> "We have to raise an awareness…because it's still very, it's still a very not talked about
>
> subject. And you've still got the whole problems of victim blaming, where people without
>
> realising say stuff that puts blame on the victim… I've had people ask me questions, "Well
>
> why did you stay with him so long?". "Why didn't you just walk away?", "Why don't you
>
> do this?", "Why don't you do that?". And it's not that simple" (Interviewee 16).

In closing this section and returning to some of the reoccurring themes in the literature (Navarro *et al.,* 2014; Adhia *et al.,* 2019), for one senior officer the moral imperative is clear:

> "The manager's need to be trained to understand immediate disclosure, it's like mental
>
> health. Mental health at the moment as you say, the number one reason for absenteeism
>
> is the stigma with mental health, a bit like domestic violence, people feel that they've done
>
> something wrong or it's a failing, so they don't disclose and then they end up in a lot of
>
> trouble and, near the end of the line we get a disclosure and we're trying to pull it back"
>
> (Interviewee 33).

Discussion and conclusion

Although it has been a huge societal issue for many years, in the context of this study MacGregor *et al.,* (2019) note in their recent review of the extant literature that there has been a proliferation in interest in the workplace impact of domestic abuse in the last decade. Furthermore, the reported increase globally in the incidence of domestic abuse during the Covid-19 lockdown, with more employees at risk whilst working at home, has further highlighted the need for action (Elliott, 2020; Sánchez *et al.,*2020; United Nations, 2020). Against this backdrop and utilising a research question derived from a review of the current domestic abuse and CSR literature, the focus of the article has been on the ethical arguments unions might utilise to encourage employers to introduce effective domestic abuse policy and procedures. The research question facilitated an investigation into the

specific moral, legal and economic arguments, framed within a model of CSR (Carroll, 2016), that unions put to encourage employers to introduce a domestic abuse policy and to make that policy and procedures work effectively in practice.

From the discussion it can be argued that the moral case is specifically captured in the narratives of the union respondents with respect to their and employers' duty to victim/survivors to first recognise and then seek ways to ameliorate the stigma of domestic abuse, in order that they may feel able to disclose. Respondents' references to the employer's duty of care for victims/survivors, in terms of health and safety obligations, also had resonance with the legal implications for not introducing appropriate policy highlighted in the literature (Larrieta-Rubin de Celis *et al.,* 2017). Furthermore, a key outcome of the research is the strong business case for why employers should address domestic abuse, all demonstrated through the core, social value of working with the unions.

Significantly, and in accord with the literature, respondents reported that members experienced multiple types of domestic abuse including physical, mental, financial, and emotional (TUC, 2014; Wathen *et al.,* 2018). In addition, there was clear evidence, in terms of CSR and specifically in relation to the moral, legal, and business cases (Schwartz and Carroll, 2003; Carroll, 2016; Hocking, 2017), for why employers should address the workplace impact of domestic abuse.

Crucially, there are several key issues that arise. Practically, the findings revealed that the drivers should be viewed as non-hierarchical (Carroll, 2016). This inter-relationship was evident in that, for the respondents, the drivers are multi-dependent and of equal value in driving the overall ethical case for addressing the impact of abuse in the workplace. Secondly, in terms of CSR theory and practice, the degree of 'proximity' evidenced in the findings relating to union deliberation with employers and particularly joint action following disclosure, suggests that unions could have some real influence in achieving 'substantive' domestic abuse policy and practice within organisations (Schons and

Steinmeier, 2016). Furthermore, utilising Harvey *et al*.'s (2017) 'dimensions of trade union voice efficacy' in the context of CSR, this research suggests that more senior union officers should be able to also negotiate a change a policy with management through 'internal communication'. Unions could also use 'external mobilisation' to put pressure on government to mainstream domestic abuse as a key people management policy and part of the legal obligations of all employers. The findings of this research further suggest that stakeholder 'buy in' from senior management, line managers, employees and HR colleagues is central to the success of any CSR initiative, particularly when viewed by stakeholders with respect to the key driver of health and wellbeing (Wibberley et al., 2018).

 In addition, reflecting on the link between union strength and influence and the ability to negotiate successfully with employers within the CSR agenda, it is apparent that with sufficient bargaining power and justifiable arguments, specific groups within the workplace, in this case employees experiencing domestic abuse, can be the focus of effectively negotiated collective agreements (Boodoo, 2020; Snell and Gikara, 2020).

 In terms of recommendations arising out of the research, it can be argued that the discussion above offers a strong case for all organisations to introduce an effective domestic abuse policy based on clear business, legal and moral arguments. This then leads to the question of how best could this objective be achieved? In answer to this it is important to note several key issues. Reflecting further on the evidence from the study, few organisations known to the respondents have a specific domestic abuse policy. Furthermore, this lack of policy meant that most managers and HR professionals in those organisations appeared not to have any specific training in relation to domestic abuse. Even where there was a policy, there needed to be more practical advice about what both employees and managers can or should do in response to domestic abuse (CIPD/EHRC, 2020). Conversely, organisational responses tended to be reactive and ad hoc and, although often positive, it would require a huge leap of faith for a victim/survivor of abuse to disclose to anyone when it is unclear from the outset how this information will be received. Disclosure is normally triggered by a crisis and the

interviewees' experiences in our study echo those in the wider literature (Reeves and O'Leary-Kelly, 2009; CIPD/EHRC, 2020). All of these points need actioning as part of an effective policy.

In addition, problems, as reported within our sample, with performance, attendance and absence that are most commonly the result of domestic abuse, would be typically brought to a manager's or a union representative's attention only at that crisis point. Therefore, with the move to more formalised and wide-ranging performance management practices and the increased devolution of responsibility for people management to the line, recognising and addressing the potential workplace impact of domestic abuse is something that should at the least be included in managerial training on performance management (Kulkarni and Ross, 2016; Adhia *et al*. 2019). Conversely, policies and support that rely on victims/survivors' disclosure are not helpful and should be avoided. As the WHO (2014) recommends, victims/survivors should not in any way be pressured to disclose. All these learning outcomes from the research would, it is argued, positively inform the introduction and practice of the recommended policy for all organisations.

In closing, this research has limitations, in that it is only based on the perspectives and experiences of trade union representatives. Further, it is a relatively small study involving respondents who were more likely to take part because of their having supported members experiencing domestic abuse. Conceptually however, it can be argued that, from a critical review of the literature and the subsequent analysis of the research data, there is a clear ethical model by which the unions may potentially articulate the key moral, legal, and business drivers for introducing an effective domestic abuse policy and practice. Furthermore, in resonance with other writers (de Jonge, 2018; Macgregor *et al.,* 2016, 2017), within this model there exist persuasive wellbeing reasons for why that policy should be developed.

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Table I. Demographics of the respondents

Interviewee	Union	Sector	Role or area of activity in the union structure
1	GMB (The General Union)	Local government	Project worker
2	TUC (Trades Union Congress)	Various sectors	Regional
3	UCU (University and College Union)	TUC education unit	Education
4	CWU (Communication Workers Union)	Post and telecommunication	Regional
5	PCS (Public and Commercial Services Union)	Government	Shop steward
6	PCS	Government	Branch
7	NEU (National Education Union)	Education	Branch
8	NEU	Education	Branch
9	UCU	Trade union education unit	Education
10	Unite (The Union)	Transport, shipbuilding, and aerospace	Regional

11	Domestic violence support organisation	Voluntary sector	Domestic violence adviser
12	UCU	Post 16 education	Education
13	PCS	Government	Branch
14	TUC	Various	Regional
15	NEU	Schools	Regional
16	PCS	Government	Branch
17	PCS	Various	Regional
18	CWU	Telecommunications	Regional
19	GMB	Local government	Shop steward
20	RCN (Royal College of Nursing)	Health	Branch
21	UNISON (The Public Service Union)	Further Education	Organiser
22	USDAW (Union of Shop, Distributive and Allied workers)	Food retail and distribution	Shop steward
23	UNISON	Local government	Shop steward
24	USDAW	Food production	Shop steward
25	USDAW	Retail	Organiser

26	FBU (Fire Brigades Union)	Fire service	Branch
27	Unite	Various	Regional
28	RCM (Royal College of Midwives)	Health	Regional
29	USDAW	Retail	Regional
30	UCU	TUC education unit	Education
31	Unite	Various	Education
32	Unite	Voluntary sector	Organiser
33	PCS	Government	Regional
34	Unite	Food Drink and agriculture	Regional
35	Unite	Logistics	Regional
36	NEU	Schools sector	Area
37	UNISON	Health	Branch
38	UNISON	Local government	Branch
39	UCU	Further education	Education