



## Article

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

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

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

### **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

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

### 17 *CSR and the role of the unions*

18  
19 Freeman and Hasnaoui (2011), through their extensive review of the 'many meanings of CSR', rightly  
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21 note its complexity. CSR can be seen both as a theoretical construct but also a very practical means by  
22  
23 which organisations can engage more ethically and, therefore, effectively with communities and  
24  
25 society (McWilliams *et al.*, 2006). It has been also argued that CSR is a potential vehicle for achieving  
26  
27 greater equality and wellbeing in society and in the workplace (Grosser and Moon, 2019).  
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29 Nonetheless, the traditional focus of CSR initiatives for organisations has been on how effective they  
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31 are in terms of the business case for delivering in the interests of shareholders as the dominant  
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33 stakeholders in the organisation (Crane *et al.*, 2019).  
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39 The conceptualisation of CSR by Archie Carroll continues to be particularly influential as a working  
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41 definition. His seminal model (1998; 2016) highlights for him the four key dimensions of CSR:  
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43 economic, legal, ethical, and philanthropic. The dimensions are non-hierarchical and mutually  
44  
45 supportive. The 'economic' dimension represents the cost benefits case for CSR and the 'legal'  
46  
47 dimension captures the social 'codified ethics' (Carroll 1998, p.2) of corporate behaviour. The 'ethical'  
48  
49 element of the model sets out what is expected by the firm's stakeholders from a moral perspective.  
50  
51 These, for instance, might be in terms of climate awareness or social citizenship. Finally, the fourth  
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53 level relates to CSR's more philanthropic contributions, that go beyond the other three in relation to  
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55 an organisation's relationship with, and broader responsibilities to, society.  
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3 Focusing specifically on domestic abuse, Larrieta-Rubin de Celis et al., (2017) emphasise the need for  
4 CSR to fully embrace the occupational health and safety needs of women as a key stakeholder. Katz  
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7  
8 *et al.*, (2017) also advocate that the impact of domestic abuse can be addressed through the utilisation  
9  
10 of CSR as a map for action.

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13 Crucially, from Flanders' 'sword of justice' (1970) to Hodder and Edwards (2015) model of the  
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15 'essence' of trade unionism, the ethical function of the union has been well articulated. This is  
16  
17 particularly so in terms of their traditional role "to defend the interests of the employee stakeholder"  
18  
19 (Preuss *et al.*, 2015 p.1). Framed within a discussion on the politics of CSR and the respective power  
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21 of different key stakeholders (Frynas and Stephens, 2015), writers globally have increasingly  
22  
23 recognised the specific role of unions in helping determine businesses' CSR strategy (Dawkins, 2010).  
24  
25 Equally significant is the distinction made by Matten and Moon (2008) of CSR as a more 'explicit'  
26  
27 element of corporate policies, typical within national institutions that encourage individualism, like  
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29 those in the US. This contrasts with countries whose corporate institutional practices are based on a  
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31 more 'implicit' CSR facilitated by a collective approach to policy deliberation; for instance, in countries  
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33 where union influence is stronger. Similarly, Gold *et al.*, (2015) in comparing the 'liberal market  
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35 economy' of the UK with more 'coordinated market economies' like Germany, highlight how variations  
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37 in capitalism can impact on the nature of CSR in different countries and, in the context of their study,  
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39 on unions' propensity to engage with CSR.  
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44 Delbard's (2011) studies of European unions also reveal that in relation to multinational corporations  
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46 (MNCs), the institutional culture of employee relations can determine whether it is perceived by  
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48 unions as an opportunity or threat. As Chun and Shin (2018) note, unions may oppose a CSR initiative,  
49  
50 for instance environmental, if it is seen to have an adverse effect on their members' wages.  
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52 Conversely, for Gold *et al.*, (2020), CSR can offer real opportunities for unions to revitalise their  
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54 influence.  
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3 At a more micro-level, Boodoo (2020) usefully identifies a correlation between union density at  
4 company level and the greater willingness of an organisation to negotiate on more employee as well  
5 as non-employee CSR issues. Snell and Gikara (2020) highlight specifically how, in this case to secure  
6 the employer's support for redundant workers, unions can effectively negotiate specific collective  
7 bargaining agreements within the aegis of CSR.  
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12 In this context, Schons and Steinmeier (2016) usefully argue that the level of 'proximity' of a  
13 stakeholder, such as a union, can dictate whether CSR strategy is merely 'symbolic' or more  
14 'substantive' in its outcomes. Significantly, the success of the union in achieving these substantive  
15 aims is assessed by Harvey *et al.* (2017) in terms of how effectively the union can utilise the  
16 'deliberative processes' open to them in influencing a firm's CSR policies and practice.  
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#### 28 *The ethical role of the unions in addressing the workplace impact of domestic abuse*

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30 That domestic abuse continues to be seen by many as a 'private' matter remains a key barrier to the  
31 development of strategies to address its effects in the workplace. For many victims/survivors there  
32 exists a perceived stigma to disclosing their abuse, which leads to many organisations assuming that  
33 it is not something that impacts upon their workplace or that they need to consider (CIPD/EHRC,  
34 2020). In contrast, however, a review of the literature discussed in this article demonstrates that there  
35 are clear legal, economic, and moral arguments driving the overall ethical case for why the workplace  
36 impact of domestic abuse should be addressed.  
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#### 48 *The legal case*

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50 Since 2015, UK laws have incorporated the concepts of coercive and controlling behaviour to highlight  
51 the range and complexity of behaviours that were reflected in lived experiences of domestic abuse.  
52 The definition of domestic abuse is "any incident or *pattern of incidents* of controlling, coercive or  
53 threatening behaviour, violence or abuse between those aged 16 or over who are or have been  
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3 intimate partners or family members regardless of gender or sexuality” (Stark and Hester 2019, p.83).

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5 Domestic abuse can cover psychological, physical, sexual, financial, and emotional abuse.

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7 Building on the legal duty of police to disclose the previous history of perpetrators to an individual  
8  
9 who may be at risk, as enshrined within ‘Clare’s Law’ (Fitz-Gibbon and Walklate, 2017), a significant  
10  
11 move by the UK Government has been the enactment of the more comprehensive Domestic Abuse  
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13 Act 2021. A key aim of this new legislation is, through giving a clear and extensive definition of  
14  
15 domestic abuse, to extend powers to police and the courts and prioritise the accommodation needs  
16  
17 of victim/survivors of abuse. Furthermore, its intention is to challenge the underlying attitudes and  
18  
19 norms that underpin all aspects of abuse. Both these laws need to be understood by employers in the  
20  
21 context of developing effective policy. Additionally, whilst there are some ‘new workplace protections’  
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23 (Atkins, 2021), with the exception of Northern Ireland (Lewis Silkin, 2022) and in contrast to legislation  
24  
25 in Australia, New Zealand, Canada and parts of the US, there is no stipulation to specifically recognise  
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27 the need for paid or at the least unpaid leave rights for employees who are experiencing domestic  
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29 abuse (Baird *et al.*, 2014; Katz *et al.*, 2017; Donne 2021; Government of Canada, 2022). The legal driver  
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31 for employers to address the impact of domestic abuse, particularly with respect to their duty of care  
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33 under broader health and safety legislation (Larrieta-Rubin de Celis *et al.*, (2017), is also a feature of  
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35 the discussion that follows.  
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#### 43 *The business case*

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45 Many of those experiencing domestic abuse are in employment (CIPD/EHRC,2020). This, therefore,  
46  
47 strengthens the argument that employers should take this issue seriously, given that the economic  
48  
49 costs of domestic abuse are increasingly apparent. It has been estimated that the costs to the UK  
50  
51 economy amounted to over £14 billion as “lost output due to time off work and reduced productivity  
52  
53 as a consequence of domestic abuse” in 2016/17 (Oliver *et al.* 2019, p.6). Furthermore, despite being  
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55 suffered primarily by the employee (for instance lost wages), economic costs can be incurred by  
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3 employers, and by the State, specifically in terms of health care and criminal justice costs. In the US,  
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5 for instance, costs can run into trillions of dollars (Peterson *et al.*, 2018).  
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8 Although it is difficult to quantify, domestic abuse also affects the ability of the victim/survivor to  
9  
10 maintain adequate performance (ILO, 2019). The most common workplace impact of domestic abuse  
11  
12 is reduced attendance at work. The reasons for absence can range from actions by the perpetrator  
13  
14 preventing an individual from getting to work (for example, hiding car keys), to victims/survivors being  
15  
16 unable to attend work because of the physical, emotional, or psychological effects of the abuse  
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18 (Trades Union Council (TUC), 2014; Showalter, 2016; Wathen *et al.*, 2018). Significantly, research data  
19  
20 reveals a clear business case in terms of the organisational benefits of reducing absence due to abuse,  
21  
22 and the improved performance of victim/survivors (Swanberg *et al.*, 2005; de Jonge, 2018). Domestic  
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24 abuse can also impact on employee turnover. This impact, however, will often be one that is hidden  
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26 since it is not uncommon for an employee simply to leave their job or to be dismissed for disciplinary  
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28 breaches, without ever having disclosed the role that domestic abuse played in this outcome (de  
29  
30 Jonge, 2018; CIPD/EHRC, 2020). Hart and Heybrock state that employers should, therefore, see  
31  
32 “violence prevention plans as an investment in human capital rather than an expense” (2017, p.9).  
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### 39 *The moral case*

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41 This case premises the actions needed to support a victim/survivor, because it is right and proper to  
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43 do so as a good employer but also that those actions will realise economic benefits. Fundamentally  
44  
45 and morally, as the TUC have commented, “supporting employees who are experiencing domestic  
46  
47 violence is crucial. Without a job and a source of income, those experiencing the abuse are less likely  
48  
49 to find a way of escaping the abusive relationship” (TUC, 2014, p.7). It can also improve the employee’s  
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51 sense of self-esteem, motivation, ‘economic empowerment’ and go some way to countering negative  
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53 messages from abusive partners (Reeves and O’Leary-Kelly, 2009).  
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57 Nevertheless, maintaining employment can be difficult. Where victims/survivors feel they have no  
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59 option but to quit a job, this can result in a downward spiral of reduced income and fragmented work  
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3 histories that make sustaining a viable income increasingly difficult (Showalter, 2016; Women's Aid,  
4 2019). Sadly, research on financial abuse (where an abuser appropriates their partner's wages for their  
5 own use, for example) demonstrates that just because a victim/survivor has a good income it does not  
6 necessarily mean that they either control it or could use it to escape from the situation (Sharp, 2008;  
7 Sharp-Jeffs, 2016).

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9  
10 This said, enlightened workplaces potentially remain a key place in which to 'break the silence' about  
11 domestic abuse, by raising awareness and being supportive in order that employees feel supported  
12 should they decide to disclose about their own experiences. Crucially, it should not be necessary for  
13 victims/survivors to disclose to gain support, as this can jeopardise their safety, wellbeing, and career  
14 (Swanberg *et al.*, 2005; O'Doherty *et al.*, 2016). Instead, confidential access to a range of support,  
15 whether they choose to disclose or not, should be available (World Health Organization (WHO), 2014;  
16 Macgregor *et al.*, 2022). Where employers do act to address domestic abuse, the response should  
17 take the form of a policy and procedure (CIPD/EHRC, 2020), underpinned by training and awareness  
18 raising activities to generate a supportive organisational culture (O'Leary-Kelly *et al.* 2008).  
19 Nonetheless, it is currently not known what the most effective ways are of providing support to  
20 domestic abuse victims/survivors in the workplace, as there has been little evaluation work in this  
21 area (Adhia *et al.*, 2019).

## 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 **Methodology**

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

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57 The findings reported in this paper are based on research that captured the views and experiences of  
58 a cross-section of 39 union representatives from a range of unions and organisations they represented  
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3 in a region of England. Approval was obtained from the University ethical research committee. A  
4 formal informed consent procedure was used as part of that process. Following presentations to  
5 regional TUC women's and executive committees, interviews were arranged through 'snowballing' to  
6 contacts provided by those attending the presentations. Further participation came through a variety  
7 of channels to ensure a broad sample for the region. Broad brush demographics of the sample are set  
8 out in table I. Given the sensitive nature of domestic abuse, detailed information cannot be given,  
9 and all respondents are anonymised. Respondents were mostly female and represented by a range of  
10 trade unions including GMB, UCU, USDAW, NEU, Unite, RCN, UNISON, FBU, RCM, CWU, PCS and the  
11 TUC.  
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23 Interviewees' union roles covered branch and area secretaries, branch and regional officers, shop  
24 stewards, organisers, project workers, learning reps, and other education roles; and their members  
25 were from an array of industrial sectors including local government, education, retail, manufacturing,  
26 transport, and emergency services. Respondents' experience was limited to partner abuse.  
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32 Critically, whilst based on the perspectives and experiences of key 'supporters' in the workplace  
33 (Gregory, 2017), we cannot presume to suggest that we are 'giving voice' to the victim/survivor  
34 themselves. Nevertheless, it is of note that a significant minority (10) of respondents revealed during  
35 the interview that they themselves been victim/survivors of abuse. It could be argued, therefore, that  
36 they could speak with insight and empathy about the experience of supporting their members.  
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43 Interviews were recorded and full transcribed. The interviews lasted for an hour on average. The  
44 interviews focussed on several key areas:  
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- 48 • How effective were the domestic abuse policies and practice of the employers with whom  
49 they had contact?
- 50
- 51 • How had members disclosed to them that they were experiencing abuse?
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- 53 • What types of ethical arguments might representatives potentially put forward to employer  
54 to address domestic abuse issues?
- 55
- 56 • How successful might such a strategy be?
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3 The data were analysed using template analysis (King *et al.*, 2018). Interview transcripts were first  
4 thematically analysed to explore key issues through the construction of an initial template. In this way,  
5 early categorisation could be made based on the initial questions put to the respondents. Coding was  
6 undertaken by both researchers and cross-referenced for consistency throughout the analysis of  
7 transcripts. Further coding revealed the moral, legal, and economic imperatives articulated by  
8 respondents.

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16 **Table I. HERE**

## 17 18 19 20 21 **Findings**

### 22 23 *The lack of domestic abuse policy*

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25 In line with the literature, few of the respondents were aware of dedicated a policy related to domestic  
26 abuse at the organisations in which they supported members (Kulkarni and Ross, 2016; de Jonge,  
27 2018). This was also reflected in the comments of one trade union education tutor who noted that 15  
28 of the 16 delegates on a recent union course, from a cross-section of public-sector organisations,  
29 reported that their organisation had no domestic abuse policy.

30  
31 This absence of policy suggests that, for many employers, domestic abuse is not perceived as having  
32 an impact within their organisation and, therefore, requires no action (CIPD/EHRC, 2020). Predictably,  
33 for most respondents, persuading employers that domestic abuse is a workplace issue was not always  
34 straightforward. A typical sentiment was expressed by one respondent who stated that, "I think if we  
35 [the union] went in and said domestic violence, I think they would sort of like go "oh, but nobody  
36 suffers from that here" (Interviewee 3).

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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:

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3 “A lot of them will say they’ve got them, but nobody’s aware of them or nobody can read  
4 them because they’re not readable. So, they need writing and designing and delivering or  
5 whatever in a way that people understand” (Interviewee 1).  
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10 Similarly, despite the good intentions of all parties to a negotiated agreement at corporate level, it  
11 counts for little if it isn’t acted on in practice. The following quote illustrates that even where a policy  
12 had a measure of ‘symbolic’ validity (Schons and Steinmeier, 2016), if there was no awareness of the  
13 policy and no training offered to those who were responsible for its implementation, it was of limited  
14 ‘substantive’ (ibid.) utility:  
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21 “When it comes to practise a lot of people aren't even aware that these policies exist, they're  
22 hidden away on the internet somewhere. So, like we were all happy with it when it was  
23 finished, and all read it and it was formally signed off. It was agreed by the unions and there's  
24 a press statement about it and this kind of stuff. But I think the actual implementation of it  
25 with regards to like training for management and stuff like that and making people aware of  
26 it was non-existent probably” (Interviewee 22).  
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34 Furthermore, for a typical union officer, the role of HR was central in recognising the need for good  
35 policy and practice:  
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39 “It would be great if...Organisations like CIPD [Chartered Institute of Personnel and  
40 Development] were to endorse this as good practise. That would get your HR managers  
41 listening...That would get them talking about the kind of the holistic approach to managing  
42 staff retention, they’d probably get less disciplinaries...HR managers would listen as well as  
43 unions working together, because quite often you know, we both want the same thing for the  
44 people we represent...Like CIPD are really supporting our health and wellbeing programme  
45 that we've got” (Interviewee 14).  
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3 *Absence and performance issues: Making the business case*  
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5 In accord with the literature (Hart and Heybrock, 2017; de Jonge, 2018), recognising domestic abuse  
6 as the real reason for absence resonated generally with interviewees' experiences as a key factor for  
7 making a business case for employer action. Most respondents reported that infringements of an  
8 absence policy and the resulting managerial intervention were often what led to disclosure. The most  
9 common issues appear to be frequent and unexplained absenteeism or irregular attendance patterns.  
10 As the following, and typical, contribution from one union officer representing staff in the food and  
11 drink industry graphically illustrates:  
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21 "They'd gone off sick...[were] not even [in] a frame of mind, a stable state of mind, to actually  
22 inform the employer, so it was an unauthorised absence, that's why it was a little bit less dealt  
23 with empathetically [by management]. But...I have to say, this individual was in no fit frame  
24 of mind to do anything about it, at that moment in time" (Interviewee 34).  
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30 Many of the organisations where interviewees represented members had absence and attendance  
31 policies that automatically trigger action when several absences have been recorded. These are often  
32 part of a suite of measures linked to capability and performance reviews with disciplinary sanctions  
33 leading to dismissal as a final stage. For the representatives who had experience of supporting  
34 victims/survivors within these workplaces, disclosure often only occurred when an employee faced  
35 some form of organisational sanction as part of these processes.  
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43 Further, in line with the literature (TUC, 2014; Wathen *et al.*, 2018), respondents reported several  
44 specific reasons why an employee who is experiencing domestic abuse might present with a pattern  
45 of absenteeism or poor attendance at work, including having been beaten and being physically unable  
46 to attend work or needing to stay at home to care for children. Therefore, this can lead to a pattern  
47 of absenteeism that is problematic from an employer perspective but the causes of which are not  
48 understood. As this respondent, who represents members in Government services, noted:  
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57 "They'll have a sickness policy and normally you will find somebody who is experiencing,  
58 you know, horrific beatings at the weekends will not come into work on a Monday...they  
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3 don't ask the person about why they've been off, they just say, oh you've been off again  
4  
5 another Monday and they make an assumption, oh it's because you've had a heavy  
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7 weekend, you know, you've had too much to drink, or you know, you're just  
8  
9 exhausted...[Whilst] really it's a day of rest for that person from the abuse, or the physical  
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11 attacks that they're experiencing when their partner goes to work or leaves the house"  
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14 (Interviewee 33).

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16 It is at this point that the absence system triggers a management intervention. As another  
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18 interviewee, who represented workers in the transport sector, reported:

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21 "That's why I say that reps can identify the problems. Because they're the first point of  
22  
23 contact when members are off on the sick, they've been invited into a sickness review,  
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25 which we know is going to get a sanction, so the rep is always that first point of contact"  
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28 (Interviewee 10).

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30 In some cases, this can lead to disclosure. Conversely, an employee may simply leave their job rather  
31  
32 than disclose, irrespective of reassurances from the representative. The examples above graphically  
33  
34 illustrate the duty that the representative and the manager have to be fully supportive of the  
35  
36 individual experiencing abuse, whilst recognising that it must remain for the victim/survivor to decide  
37  
38 whether, how and to whom to disclose. Those examples also highlight how seemingly routine  
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40 approaches to absence management can cause palpable problems in the context of domestic abuse.

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42 Respondents from across sectors felt that in addition to supporting staff, it could reduce employer  
43  
44 costs if absence and performance management policy were less rigid and more transparent, allowing  
45  
46 managers to interpret employee behaviour more sensitively. An interviewee from the TUC  
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48 supporting union reps across many sectors opined:  
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3 “If we were to build a business case to the employers around...If you're looking at them  
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6 [victim/survivors], they're more likely to stay with you...[if you] invest in your workers  
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10 and safeguard them to an extent” (Interviewee 14).

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

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26 Summarising these contributions, the overall potential impact that the unions could have, in  
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28  
29 relation to making the strategic business case for an effective domestic abuse policy is articulated well  
30  
31 by a public sector regional officer:

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

#### 49 *Making the legal case for effective policies*

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



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3 representatives felt that trade unions should be involved in campaigning for employment law changes,  
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5 which would also enable representatives to provide better support.  
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7  
8 A further justification for employer action cited by many interviewees was with respect to the  
9  
10 employer's duty of care, specifically in relation to health and safety legislation. As one typical  
11  
12 respondent from the TUC stated:  
13

14 "I think there's recognition that employers have a responsibility to provide staff...[with] a safe  
15  
16 working environment. You know, a duty of care and recognise that...domestic violence and  
17  
18 abuse can actually impact on people's workplace performance because obviously when you  
19  
20 come to work you bring all of your personal issues with you as well. And I think a clear  
21  
22 recognition that the workplace should also be somewhere where people should be trained to  
23  
24 spot these things or have a policy" (Interviewee 14).  
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27  
28 For another union representative, it was about 'using the law' to win the support their member  
29  
30 needed:  
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32 "She [the manager] said the application for special leave has been denied, so I just said, 'Well  
33  
34 in that case then, we need to be following law'. And she looked at me...and said, 'What's that?'  
35  
36 I went there's a four-year-old child involved here, and she wants to apply for parental leave.  
37  
38 And she just said oh, right, and how much? And I just said she wants the lot. She wants it all  
39  
40 in one go. I think that were 18 weeks. Because of childcare issues" (Interviewee 13).  
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44 Similarly, a regional officer supporting workers in the food and drink sector, used health and safety  
45  
46 obligations in his discussions with a management:  
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48 "I just kept re-emphasising that obviously their duty of care in relation to supporting the staff,  
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50 you know, even though it's initially from outside the workplace, in making reasonable  
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52 adjustments" (Interviewee 34).  
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57 *The moral case for recognising and addressing the stigma of experiencing abuse*  
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3 There is a clear moral case outlined in the literature which was also implicit in respondents' views. For  
4 instance, the recognition that victim/survivors need to maintain a belief in their competence and  
5 ability to do the job (MacGregor *et al.*, 2019; CIPD/EHRC,2020) can be a powerful reason behind non-  
6 disclosure. For many respondents this was not only due to a sense of personal identity. It was also to  
7 do with the very real fear that if one is seen as a victim/survivor of domestic abuse this could  
8 compromise that person's job prospects and negatively affect how work colleagues and managers  
9 perceive them. As put succinctly by one TUC educator:

18 "It's for the person like saving face, nobody...wants you to know their business and I think  
19 the person often feels as though, well obviously their self-esteem has been stripped, but  
20 like "oh I can't face [other] staff", and it's awkward for the other [staff], it's almost like  
21 the elephant in the room. Do we talk about it?" (Interviewee 3).

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

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43 "As a rep I think you try to persuade your member that actually it's in their interest to  
44 be like for full disclosure so that then both us and the employer can support them. But  
45 in real life people don't feel comfortable doing that for whatever reasons and what  
46 usually happens...was that people would 'call in' because either they'd had a domestic  
47 violence incident, or they were dealing with the repercussions of one. They'd been at  
48 hospital or something like that and they'd just tell their line manager "oh, I've got flu"  
49 or "I've got a cold". So, what would happen was that they would have all these unrelated  
50 periods of absence, so the manager would have to deal with it on that basis, so on a  
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3 sickness basis rather than dealing with that as a domestic violence issue” (Interviewee  
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5 19).

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7 Representatives were aware that if workers were unable to tell their managers about the abuse, their  
8 attendance policies meant that ‘sickness’ could lead to dismissal, whereas domestic abuse may be  
9 treated more sympathetically. Conversely, representatives have a difficult role, if a member discloses  
10 to them, in informing the worker of the potential options and outcomes whilst ensuring they do not  
11 feel pressured to disclose to others. Mirroring Kulkarni and Ross’s (2016) findings, trust is a key aspect  
12 of disclosure that was mentioned by several interviewees. It not only covered trust in managers or  
13 human resource professionals, who could be seen as being the route to accessing a policy, but as the  
14 quote above suggests, even to trusting their union representative. It is difficult to under-estimate how  
15 strongly these aspects influence victims/survivors and prevent them from disclosing their situation.  
16 This can lead them to be in breach of organisational rules regarding attendance and it is why it is often  
17 only when a crisis occurs that their silence is broken. As a representative of workers in a large  
18 Government department conceded, “there is such a stigma and it is so difficult for people to say, isn’t  
19 it?” (Interviewee 5).

20  
21 As the previous quotes illustrate, the first stage for many of the interviewees was being fully  
22 supportive of the employee that they may, if they so wished, disclose to them. This was in order that  
23 they could more fully represent their case to HR and to the manager. However, another barrier to  
24 overcome to this end could be the stigma of people not believing you. As one representative who had  
25 also experienced abuse personally, declared:

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28 “Sometimes when you talk about it to people, you’re aware of how you might sound and  
29 you think, You sound like one of these people who’s trying to get attention and making  
30 things up” (Interviewee 1).

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32 Similarly, as another representative reported reflecting also on their own experience of abuse, an  
33 additional barrier was ‘victim blaming’:

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3 “We have to raise an awareness...because it’s still very, it’s still a very not talked about  
4 subject. And you’ve still got the whole problems of victim blaming, where people without  
5 realising say stuff that puts blame on the victim... I've had people ask me questions, “Well  
6 why did you stay with him so long?”. “Why didn’t you just walk away?”, “Why don’t you  
7 do this?”, “Why don’t you do that?”. And it’s not that simple” (Interviewee 16).  
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14 In closing this section and returning to some of the reoccurring themes in the literature (Navarro *et*  
15 *al.*, 2014; Adhia *et al.*, 2019), for one senior officer the moral imperative is clear:  
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18 “The manager’s need to be trained to understand immediate disclosure, it’s like mental  
19 health. Mental health at the moment as you say, the number one reason for absenteeism  
20 is the stigma with mental health, a bit like domestic violence, people feel that they’ve done  
21 something wrong or it’s a failing, so they don’t disclose and then they end up in a lot of  
22 trouble and, near the end of the line we get a disclosure and we’re trying to pull it back”  
23 (Interviewee 33).  
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### 39 **Discussion and conclusion**

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41 Although it has been a huge societal issue for many years, in the context of this study MacGregor *et*  
42 *al.*, (2019) note in their recent review of the extant literature that there has been a proliferation in  
43 interest in the workplace impact of domestic abuse in the last decade. Furthermore, the reported  
44 increase globally in the incidence of domestic abuse during the Covid-19 lockdown, with more  
45 employees at risk whilst working at home, has further highlighted the need for action (Elliott, 2020;  
46 Sánchez *et al.*,2020; United Nations, 2020). Against this backdrop and utilising a research question  
47 derived from a review of the current domestic abuse and CSR literature, the focus of the article has  
48 been on the ethical arguments unions might utilise to encourage employers to introduce effective  
49 domestic abuse policy and procedures. The research question facilitated an investigation into the  
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3 specific moral, legal and economic arguments, framed within a model of CSR (Carroll, 2016), that  
4 unions put to encourage employers to introduce a domestic abuse policy and to make that policy and  
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6 procedures work effectively in practice.  
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16 From the discussion it can be argued that the moral case is specifically captured in the narratives of  
17 the union respondents with respect to their and employers' duty to victim/survivors to first recognise  
18 and then seek ways to ameliorate the stigma of domestic abuse, in order that they may feel able to  
19 disclose. Respondents' references to the employer's duty of care for victims/survivors, in terms of  
20 health and safety obligations, also had resonance with the legal implications for not introducing  
21 appropriate policy highlighted in the literature (Larrieta-Rubin de Celis *et al.*, 2017). Furthermore, a  
22 key outcome of the research is the strong business case for why employers should address domestic  
23 abuse, all demonstrated through the core, social value of working with the unions.  
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34 Significantly, and in accord with the literature, respondents reported that members experienced  
35 multiple types of domestic abuse including physical, mental, financial, and emotional (TUC, 2014;  
36 Wathen *et al.*, 2018). In addition, there was clear evidence, in terms of CSR and specifically in relation  
37 to the moral, legal, and business cases (Schwartz and Carroll, 2003; Carroll, 2016; Hocking, 2017), for  
38 why employers should address the workplace impact of domestic abuse.  
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45 Crucially, there are several key issues that arise. Practically, the findings revealed that the drivers  
46 should be viewed as non-hierarchical (Carroll, 2016). This inter-relationship was evident in that, for  
47 the respondents, the drivers are multi-dependent and of equal value in driving the overall ethical case  
48 for addressing the impact of abuse in the workplace. Secondly, in terms of CSR theory and practice,  
49 the degree of 'proximity' evidenced in the findings relating to union deliberation with employers and  
50 particularly joint action following disclosure, suggests that unions could have some real influence in  
51 achieving 'substantive' domestic abuse policy and practice within organisations (Schons and  
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3 Steinmeier, 2016). Furthermore, utilising Harvey *et al.*'s (2017) 'dimensions of trade union voice  
4 efficacy' in the context of CSR, this research suggests that more senior union officers should be able  
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6 to also negotiate a change a policy with management through 'internal communication'. Unions could  
7  
8 also use 'external mobilisation' to put pressure on government to mainstream domestic abuse as a  
9  
10 key people management policy and part of the legal obligations of all employers. The findings of this  
11  
12 research further suggest that stakeholder 'buy in' from senior management, line managers,  
13  
14 employees and HR colleagues is central to the success of any CSR initiative, particularly when viewed  
15  
16 by stakeholders with respect to the key driver of health and wellbeing (Wibberley *et al.*, 2018).  
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20 In addition, reflecting on the link between union strength and influence and the ability to negotiate  
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22 successfully with employers within the CSR agenda, it is apparent that with sufficient bargaining power  
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24 and justifiable arguments, specific groups within the workplace, in this case employees experiencing  
25  
26 domestic abuse, can be the focus of effectively negotiated collective agreements (Boodoo, 2020; Snell  
27  
28 and Gikara, 2020).  
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32 In terms of recommendations arising out of the research, it can be argued that the discussion above  
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34 offers a strong case for all organisations to introduce an effective domestic abuse policy based on clear  
35  
36 business, legal and moral arguments. This then leads to the question of how best could this objective  
37  
38 be achieved? In answer to this it is important to note several key issues. Reflecting further on the  
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40 evidence from the study, few organisations known to the respondents have a specific domestic abuse  
41  
42 policy. Furthermore, this lack of policy meant that most managers and HR professionals in those  
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44 organisations appeared not to have any specific training in relation to domestic abuse. Even where  
45  
46 there was a policy, there needed to be more practical advice about what both employees and  
47  
48 managers can or should do in response to domestic abuse (CIPD/EHRC, 2020). Conversely,  
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50 organisational responses tended to be reactive and ad hoc and, although often positive, it would  
51  
52 require a huge leap of faith for a victim/survivor of abuse to disclose to anyone when it is unclear from  
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54 the outset how this information will be received. Disclosure is normally triggered by a crisis and the  
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3 interviewees' experiences in our study echo those in the wider literature (Reeves and O'Leary-Kelly,  
4 2009; CIPD/EHRC, 2020). All of these points need actioning as part of an effective policy.  
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8 In addition, problems, as reported within our sample, with performance, attendance and absence  
9 that are most commonly the result of domestic abuse, would be typically brought to a manager's or a  
10 union representative's attention only at that crisis point. Therefore, with the move to more formalised  
11 and wide-ranging performance management practices and the increased devolution of responsibility  
12 for people management to the line, recognising and addressing the potential workplace impact of  
13 domestic abuse is something that should at the least be included in managerial training on  
14 performance management (Kulkarni and Ross, 2016; Adhia *et al.* 2019). Conversely, policies and  
15 support that rely on victims/survivors' disclosure are not helpful and should be avoided. As the WHO  
16 (2014) recommends, victims/survivors should not in any way be pressured to disclose. All these learning  
17 outcomes from the research would, it is argued, positively inform the introduction and practice of the  
18 recommended policy for all organisations.  
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33 In closing, this research has limitations, in that it is only based on the perspectives and experiences of  
34 trade union representatives. Further, it is a relatively small study involving respondents who were  
35 more likely to take part because of their having supported members experiencing domestic abuse.  
36  
37 Conceptually however, it can be argued that, from a critical review of the literature and the  
38 subsequent analysis of the research data, there is a clear ethical model by which the unions may  
39 potentially articulate the key moral, legal, and business drivers for introducing an effective domestic  
40 abuse policy and practice. Furthermore, in resonance with other writers (de Jonge, 2018; Macgregor  
41 *et al.*, 2016, 2017), within this model there exist persuasive wellbeing reasons for why that policy  
42 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

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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

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