

Applied Feminism & Work Paper Proposal 2015

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Using the NFL as model? Considering Zero Tolerance in the Workplace for Batterers

In 2014, the Baltimore Ravens running back Ray Rice, was thrust into the public consciousness as a result of punching his fiancé in the face and rendering her unconscious. The brutality of the attack as well as the calm manner in which Rice dragged her body from the elevator was caught on tape and when released, shocked the viewing public. More than just sensationalist television, the video footage of the assault provided, for many, a rare window into intimate partner violence. Moreover, the ensuing efforts by the NFL to respond to these events has led to a public discussion about the role employers can play in responding to batterers. Although Rice is not alone in being subject to public scrutiny for abusing his partner, the series of steps and missteps taken by the NFL in response has heightened public awareness that employers can play a critical role in responding to domestic violence. Very few “employers” who have written domestic violence policies that address employees who are abusers. In fact, most employers lack any consistent policy of responding to batterers. This presentation queries whether the NFL policy should serve as a model for reaching employees who batter. The paper examines the rate of domestic violence and how intimate partner violence affects the workplace of the abuser as well as the victim. Although there are far fewer studies on the effects of domestic violence on abusers and their workplace, these limited studies seem to indicate a negative effect on employment. In addition, there is evidence that the current approaches to domestic violence that are largely focused on the use of civil protection orders and reliance on the criminal justice system have not appreciably reduced recidivism rates and may have the effect of disempowering women and increase state control over their lives. As a result, the paper assesses the possible effectiveness of employer based sanctions. It reviews how often employers address abuser violence and describes the NFL Personal Conduct Policy provisions relating to domestic violence, the efforts of other employers to respond to intimate partner abusers in their employ as well as outlining some model domestic violence employment policies. It addresses the legal and practical problems of adopting and enforcing an employer policy that focuses on batterers as well as analyzing whether such policies would be legally enforceable. It attempts to deal with concerns such as how batterers would be identified in the workplace, what kind of employee behavior would trigger an employer response, what kinds of employer responses would be appropriate, and whether employer enforced discipline that could result in termination would be appropriate. In assessing the effectiveness of expanding employer domestic violence policies to address abusers, the paper compares these policies to other “personal conduct” employment policies. As a result of some studies finding that the abuser being employed and having a “connection” to one’s community may have the effect of reducing domestic violence recidivism, the paper also responds to concerns that employment based sanctions may render victims less safe and less willing to come forward. The paper asks whether such policies will serve to uncover private violence that has escaped court response or drive it further underground. It explores, therefore, whether an employer based responses would empower women. Finally, the paper explores how race and class may have affected the willingness of the public to voice their outrage over Ray Rice’s behavior and whether an employment based response would have a differential impact on workers based on race and class. *(Submitted for consideration for presentation & publication)*