DOMESTIC VIOLENCE PREVENTION PROTOCOL - EGS

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I. POLICY OF ZERO TOLERANCE TO DOMESTIC VIOLENCE

EGS considers acts or threats of domestic violence affecting the workplace to be a form of workplace violence. Domestic violence in the workplace, like any other form of workplace violence is strictly prohibited. Consistent with Puerto Rico Laws No. 217 of September 29, 2006 and No.271 of December 17, 2006, EGS will not tolerate domestic violence in the workplace, regardless of the victim’s or the perpetrator’s gender or position and will take appropriate measures to maintain a safe workplace that’s free of domestic violence and any other form of workplace violence.

No unfavorable employment actions shall be taken against any employee based on the fact that he/she is (or is perceived to be) a victim of domestic violence, sexual aggression or stalking. Some examples of domestic violence might be:

1. The perpetrator stalking the victim of domestic violence in the work premises; or
2. The perpetrator stalking the victim with his/her presence in places nearby the workplace, or through telephone calls, fax communications, e-mail or letters; or-
3. Aggression to the victim at the workplace or upon leaving or before arriving at work.

Complaints of domestic violence affecting the workplace and any other form of workplace violence should be reported immediately to your supervisor, manager or the Office of Human Resources. The company will also offer support including EAP assistance to anyone who may be experiencing the consequences of domestic violence.

II. LEGAL BASIS AND APPLICABILITY

- The Domestic Abuse Prevention and Intervention Act, Law No. 54 of August 15, 1989, as amended, establishes the Commonwealth of Puerto Rico’s public policy with regard to domestic violence, recognizing that domestic abuse is one of the gravest and most complex problems of our society and is strongly repudiated. The law provides legal, civil and criminal remedies for those who are the object of domestic violence acts.
- Law No. 217 of September 29, 2006 requires the implementation of a protocol for managing domestic violence situations at the workplace.
- Law No. 271 of December 17, 2006 amends Law No. 100 and prohibits discrimination against those persons who are or are perceived as victims of domestic violence, sexual aggression or stalking.
- Law No. 538 of September 30, 2004 amends Law No. 54, ante, and provides that an employer may request a protective order in favor of one of his/her employees, visitors or any other person in the workplace. Before initiating this procedure, the employer must give notice about his/her intention of requesting the protective order to the female or male employee who is or has been the victim of domestic violence or of conduct constituting a crime as typified in Law No. 54, ante.
- Law No. 542 of September 30, 2004 amends Law No. 54, ante, and provides that when the Court so deems or when it has issued a protection or anti-stalking order, the Court shall immediately order the defendant to surrender to the Puerto Rico Police for custody, any firearm belonging to the defendant for which a license to bear or own or carry firearms, or for target-shooting or hunting or of any other kind has been issued, as the case may be.

III. DEFINITIONS

For purposes of this Protocol the following terms shall have the meaning stated herein below:

A. Marital relationship – Shall mean the relationship between spouses, former spouses, live-in partners or former partners, those who have, or have had an intimate consensual relationship and those who have procreated a son or daughter by each other.
B. Workplace – Any place where a person performs his/her tasks as an employee.
C. Restraining or Protective Order – Shall mean every order issued in writing under the seal of the Court, which dictates the measures addressed to an abusing party to abstain from committing or performing certain acts or conduct which constitute domestic abuse or violence.
D. Domestic violence – Involvement of physical force, psychological or sexual violence, intimidation or persecution against a person by someone with whom he/she has or had a marital relationship to cause physical harm to their property or third parties to cause him/her grave emotional harm.
E. Psychological abuse – Shall mean a constant pattern of conduct directed to dishonoring, discrediting or scorning the personal worth, unreasonable limitation to access and handling of...
common property, blackmail, constant vigilance, isolation, deprivation of access to adequate food or rest, threats of deprivation of custody of sons or daughters, or destruction of objects held in esteem by the person.

IV. UNIFORM MEASURES FOR THE HANDLING OF DOMESTIC VIOLENCE SITUATIONS

A. Support and Orientation:

The personnel experiencing domestic violence that may affect the workplace should notify his or her supervisor, manager or Human Resources representative to initiate and receive the support or assistance available that he/she needs to handle the situation. Those persons who are experiencing a domestic violence situation will not be discriminated against because he/she is a victim of domestic violence.

B. Interview with the Victim Employee

Should a supervisor or manager be aware or perceive that an employee may be experiencing a domestic violence situation, he/she must talk to the person about this matter. The supervisor must assure him/her that the information will be kept confidential as far as possible to comply with the Protocol. If the person has stated that he/she is a victim of domestic violence, the supervisor, Human Resources representative, and/or the Company’s designated person must do the following:

1. Respect his/her need for confidentiality.
2. Inform the employee that other management personnel, law enforcement and security may be notified as appropriate.
3. Listen to the person without judging him/her.
4. Gather all of the relevant factual information available including information regarding the act or threat of an act.
5. Determine if a danger is imminent. If it is, contact local security or law enforcement.
6. Contact Human Resources to convene the company’s workplace violence threat assessment team.
7. Determine whether the employee has a protective order in effect (in force). If he/she does not have one, provide orientation to the person as to public assistance and Employee Assistance Program (EAP).
8. Assure the employee that he/she will not be subject to disciplinary action based on the fact that he/she is a victim of domestic violence, stalking or sexual aggression.

C. Confidentiality

The supervisor, manager and/or Human Resources representative in charge of handling domestic violence situations shall maintain the victims confidentiality and will only share such information on a need to know basis, except when there is a situation that puts at risk the life or safety of the victim or a minor or any other person, when there is a judicial order or for security reasons.

D. Individual Security Plan

Complaints or reports of domestic violence situations affecting the workplace shall be dealt with through the American Airlines Workplace Violence Prevention Plan (“Plan”). As part of the provisions of the said Plan, upon a determination of a level of concern warranting further response, a security plan may be prepared. This plan is a tool to help the victims develop strategies to provide them security. Said plan does not guarantee absolute protection from the perpetrator’s behavior but is a practical tool and helps the person to feel less as a victim and more as a survivor.

The physical location of the victim’s workspace can make him/her more vulnerable to violence. The security measures are incorporated in the Plan, though the company recognizes that security decisions have to be made individually, in accordance with the risk to which the employee may be exposed. The following actions, among others, may be taken in consideration consistent with job duties, space available, existing security measures and applicable work rules and union contracts:

1. Relocate the workspace to a more secure area or another location, should the facilities allow it.
2. As appropriate, provide the victim with a security escort to and from the facility.
3. Upon the employee/victim’s request, assist the employee/victim in identifying other positions.
available in the company.

4. Assist the employee/victim in identifying local shelters or agencies that assist victims of domestic violence.

5. If available, obtain a picture of the perpetrator so that he/she can be identified by security and reception area personnel.

6. Offer EAP assistance.

7. As appropriate, screen the victim’s calls to help him/her avoid threatening or harassing calls from the perpetrator.

8. Explore the possibility of obtaining a protective order for the employer.

E. Time Away From Work Options for Victim Employees

Victims of domestic violence may use company leave policies and unused vacation. These leaves have certain legal and/or policy requirements which must be met. Time Away from work options that may be available include:

1. Sick leave – is used to receive health treatment related with the domestic violence situation.

2. Family Medical Leave – subject to policy and legal eligibility requirements.

3. Vacation – may be used to handle any personal situation or a relative’s situation.

4. Witness Duty in Criminal Cases – may be used if criminal charges are filed against the partner.

F. Effective Date

This Protocol shall be effective immediately. EGS reserves the right to eliminate or amend this Protocol as it deems necessary, without prior notice.

QUESTIONS/CONCERNS

For questions or if you need clarification on the Attendance Control Policy please contact your supervisor or the Human Resources Department.