

## **DOMESTIC & SEXUAL VIOLENCE AND THE WORKPLACE**

Domestic violence is widespread in the United States, affecting individuals of every racial, ethnicity, gender, age, and socioeconomic group.

Studies indicate that one of the best predictors of whether a victim will separate from her abuser is the victim's degree of economic independence. However, domestic and sexual violence can jeopardize a victim's ability to keep a job.

Female domestic and sexual violence victims are more likely than other women to be unemployed, and to suffer from health problems that can affect employability and job performance.

### **Who Are the Victims of Domestic and Sexual Violence?**

Women are disproportionately the victims.

A recent Department of Justice study reports that 85% of victims of domestic violence are female and 15% are male.

The Centers for Disease Control recently reported that 23.6% of women and 11.5% of men surveyed reported at least one lifetime episode of intimate partner violence.

### **What is the Impact of Domestic & Sexual Violence in the Workplace?**

#### **For Victims:**

- **Missed Work:** Victims of intimate partner violence lose 8 million days of work each year, the equivalent of 32,000 full-time jobs and over 5 and a half million days of household productivity.
- **Lost Jobs:** Between one-quarter and one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence.
- Fifty percent of sexual violence victims had to quit or were forced to leave their jobs in the year following their assaults due to the severity of their reactions.
- **Discrimination:** Domestic violence victims are often subjected to employment discrimination by co-workers and employers, including harassment, denial of promotions, and firing.
- **Harassment:** A recent study found that between 56 and 88 percent of surveyed women experienced on-the-job harassment, including stalking, by their abusive partner.

- **Medical Costs:** A study in Seattle found that annual health-care costs were significantly higher for the women who were victims of domestic violence, averaging more than \$5,000 per year.
- In 2008, researchers estimated that each rape cost approximately \$151,423.

**For Employers:**

- **Decreased Productivity:** The Centers for Disease Control and Prevention estimates that the annual cost of lost productivity due to domestic violence equals \$727.8 million. Sixty-one percent of recently surveyed senior executives stated that domestic violence has a harmful effect on their company’s productivity and 70% said domestic violence negatively affects employee attendance.
- **Security Concerns:** 94% of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.
- **Medical Costs:** The Centers for Disease Control and Prevention found that the costs of direct medical and mental health care services related to intimate partner violence total nearly \$4.1 billion a year.

**Why Are Workplace Protections Necessary?**

Victims of violence sometimes lose jobs because of absences or related job performance problems, yet: Victims need time for court appearances, obtaining legal assistance, medical assistance, counseling, meeting with DV advocate or attorney, finding a new place to live, arranging transportation, child care, etc.

Victims also lose jobs because of: Stereotypes or fear of domestic or sexual violence, lack of workplace accommodations, or changes that an employer deems costly, fear regarding an abusive partner disrupting the workplace, or actually causing disruption in the workplace.

Without protection, victims are often too afraid to: Pursue legal remedies, seek medical treatment, take important steps to ensure her physical safety.

Importantly, even small, low-cost changes at work can help a victim keep her job and stay safe, including: Changing a telephone extension, working in a different office or branch, coming in/going out through an alternative door, changing work hours or shifts.

**Does the Law Protect Domestic & Sexual Victims in the Workplace?**

**Legislation – Anti-discrimination and Leave**

- No federal legislation currently protects victims from employment discrimination or grants them leave related to dealing with the violence.
- The SAFE (Security and Financial Empowerment) Act includes employment discrimination protection and 30 days of leave (in a 12 month period) for victims of domestic violence, dating violence, sexual assault, or stalking, among other protections.

- SAFE (HR 1229/Senate bill not yet introduced) is sponsored by Rep. Roybal-Allard and Sen. Murray.
- Only 6 jurisdictions specifically prohibit employment discrimination against victims (Illinois, NYS, NYC, Westchester City, Hawaii and Oregon).
- 13 states allow victims to take some form of job-protected leave to deal with the violence (vary as to size of employer covered, amount of leave, paid/unpaid, purposes of leave, forms of documentation).
- More than half the states have leave provisions for crime victims, but vary significantly as to purposes (some states only permit leave if a victim is subpoenaed to testify in criminal court; others allow a victim leave to meet with prosecutor or prepare for testimony; to accompany a family member who is a crime victim; or to seek an order of protection).

### **Paid Family Leave**

- FMLA (Family & Medical Leave Act): DV victims can only use FMLA leave (assuming they qualify) to deal with serious health conditions connected with the violence, not for any other reason (such as going to court, relocating, finding a new place to live, going to counseling, etc).
- Paid leave overlaps with DV/employment leave because many states/localities have proposed legislation that would provide paid sick leave to workers, and allows victims to use that leave for DV-related purposes (such as legal assistance, counseling, etc).
- A number of localities have enacted paid sick leave, including : San Francisco, DC, Milwaukee, Portland, Jersey City, Seattle, and Connecticut.
- Federal legislation – Healthy Families Act, HR 1286
  - Would allow victims to use sick leave for DV purposes.

### **DV and Unemployment Insurance (UI)**

- Legislation
  - SAFE includes a provision that as a federal matter, victims of DV, SA and stalking who leave a job because of the violence will be eligible for UI.
  - Two major federal changes occurred in 2009: 1) the Recovery Act (or stimulus law) provided incentive funding to states that allow access to benefits for DV victims. Worker, Homeownership, and Business Assistance Act of 2009 (H.R. 3548) provided incentive funding to states that allow access to benefits to sexual assault victims.
  - As of July 2013 (post ARRA), 33 states, plus DC and the U.S. Virgin Islands, have enacted laws extending access to unemployment insurance benefits to survivors.
  - An additional 4 states make these benefits available administratively, or by custom.
- Why extend access to benefits to victims of dating violence, sexual assault and stalking?

- Domestic and sexual violence, dating violence and stalking have major consequences for victims' economic security, especially employment.
- Without leave, and other supports, it can be too difficult for survivors to manage the many issues in play in their lives: court cases, medical problems, child care issues, etc.

**Conclusion:**

Progress is being made, including state and local protections in the law and a growing awareness of the issue by employers.

Federal Legislation, modeled on successful state initiatives, would provide consist nationwide protection.

Job security and protections can assist women to escape abusive situations, allow them to provide for and protect themselves and their children, and help employers keep the workplace safe and productive.

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  - As of July 2013 (post ARRA), 33 states, plus DC and the U.S. Virgin Islands, have enacted laws extending access to unemployment insurance benefits to survivors.
  - An additional 4 states make these benefits available administratively, or by custom.
- Why extend access to benefits to victims of dating violence, sexual assault and stalking?

- Domestic and sexual violence, dating violence and stalking have major consequences for victims' economic security, especially employment.
- Without leave, and other supports, it can be too difficult for survivors to manage the many issues in play in their lives: court cases, medical problems, child care issues, etc.

**Conclusion:**

Progress is being made, including state and local protections in the law and a growing awareness of the issue by employers.

Federal Legislation, modeled on successful state initiatives, would provide consist nationwide protection.

Job security and protections can assist women to escape abusive situations, allow them to provide for and protect themselves and their children, and help employers keep the workplace safe and productive.