

Survivors of domestic violence, sexual assault, or stalking may be affected by the violence at work. The abuser or perpetrator may call you, stalk you, make threats against you or your children, or attack you at work. These efforts may affect your ability to work or jeopardize your job. You may be able to reduce the impact that violence has on your job through safety planning.

1. What is a workplace safety plan? Do I need to create one?

You may want to create a safety plan for your job to reduce the chance that the abuser or perpetrator will be able to harass or harm you at work. To start, review your daily routine and think about changes you can make to keep you and your children safe while you are at work.

2. What should I think about when creating a work safety plan?

Telling Someone at Work About Your Situation

Consider telling a trusted coworker about your situation. A coworker may be able to help you by looking out for the abuser or perpetrator, calling the police if you are threatened or harassed at work, or providing support. Think carefully about who you choose to tell and ask them to keep it confidential. Learn about your legal rights, so that you are prepared in case your employer takes actions against you if the fact that you are a survivor of domestic violence, sexual assault, or stalking becomes known. (See the **Employment Rights for Survivors of Abuse** guides listed on page 3 for information about your employment rights.) If you decide not to tell a coworker, there are still steps you can take to keep yourself safe.

Changes at Your Job

There may be changes you or your employer can make to your job that will improve your safety at work. These changes may help prevent a violent incident from occurring, may reduce the frequency of harassment at work, or may help you feel safer so that you can worry less about harassment or violence.

Examples of changes to think about include:

- Change your phone number or extension.
- Route your calls through the office receptionist.
- Keep your home address and telephone confidential.
- Request a transfer to a different desk, department, shift, or work site.
- Have a security guard or other coworker escort you to your car or to the nearest public transportation stop.
- Lock the door to your office or department.

- Register your protective order with the security department or security personnel.
- Post a picture of the abuser or perpetrator at the security desk and inform the security guards not to allow him or her into the building.
- Ask your employer to get a restraining order against the abuser or perpetrator for you in addition to your own restraining order.

Commuting to Work

Think about how you get to work. Does the abuser or perpetrator know where you work and how you get there? How far is the parking lot, train station, or bus stop from your job? If your current transportation is risky, consider changes that would make it safer, such as:

- Commute with a coworker;
- Vary the route you take to get to work, or the time when you normally commute;
- Ask a coworker or a security guard to walk you to your car or to the train or bus.

Child Care

Review the safety of your childcare arrangements. Does the abuser know the location of the child care center you use? Consider telling your child's caretaker about the abuser, giving the child care center a copy of any restraining orders or custody orders that you may have, or changing child care providers, if that is possible. Be aware that telling your child care provider about your situation may raise your provider's concerns about her own safety and that of the other children, and may jeopardize your child care arrangement.

3. How should I talk to my employer or supervisor about my domestic or sexual violence situation?

Although there are steps you can take on your own, it may be necessary to tell your employer or supervisor about your situation. Before you ask your employer to help you, think about what you need and how to ask for it.

Start by asking your employer to keep your situation confidential. Be aware that there may be times when your employer may disclose what you tell them. For example, if you tell your employer that you are afraid that the abuser or perpetrator may harm you at work, your employer may think that it must take steps to inform other employees of your situation in order to improve safety in the workplace. There is also the risk that your employer may believe you must be fired to keep the workplace safe. Talk with a lawyer or advocate for more information.

Tell your employer the steps you are already taking to keep yourself safe.

Think about your employer's perspective and interests: she probably wants all of her workers to be safe and do their jobs well. How will your plan affect your productivity and that of your coworkers? Will your plan make the workplace safer for everyone? Your employer may be more likely to grant your request if you talk about your plan as a way to do a better job and make the workplace safer for everyone.

Find out if other people have been granted similar requests or if your situation is covered by a workplace policy (see below). The more your request sounds like a request to do something your

employer has done before, or something that is in its policies, the more likely your employer will be to make the changes you suggest.

4. How do I find out if my employer has policies that can help?

Your employer may have employment policies that can help you to be safer at work, keep your job, or take time off to go to court or recover from injuries caused by the abuser without losing your job. Check if your employer or union gave you an employee handbook or policy manual when you started work. Employment policies may be posted at public spaces at work. Ask to see a copy of your employer's policies. Your supervisor, union representative, or the human resources department should also be able to tell you about your employer's policies. Some examples of policies that might be helpful include:

- **Leave Policies.** Your employer may have paid or unpaid leave policies. In addition, you may be eligible for leave under the Family and Medical Leave Act or similar local laws.
- **Disability Policies.** Your employer may provide paid disability leave. In addition, you may be eligible for a job accommodation for disabilities caused by domestic violence under the Americans with Disability Act or similar local laws.
- **Collective Bargaining Agreements.** If you belong to a union, your collective bargaining agreement may cover your situation. In addition, some unions have adopted workplace violence or domestic violence policies that explain how your employer's workplace policies apply in domestic violence cases.
- **Sexual Harassment Policies.** If the abuser or perpetrator is your coworker or supervisor, and he harasses or sexually assaults you at work, then your employer's sexual harassment policy may cover your situation.
- **Domestic Violence or Workplace Violence Policies.** Some employers have adopted domestic or sexual violence or workplace violence policies that may be helpful to you.

5. How can I learn about my legal rights?

There are many employment laws that may help in your situation. **Employment and Housing Rights for Survivors of Abuse** has developed a variety of guides that further explain abused women's employment rights:

- *Answering Questions From Employers About Criminal Records or Arrests*
- *Disabled Victims of Domestic and Sexual Violence*
- *Domestic Violence or Sexual Assault at Work*
- *Eligibility for Unemployment Insurance Benefits*
- *Employment Discrimination Against Abused Women*
- *Lesbian, Bisexual and Transgender Domestic Violence Survivors*
- *Medical Leave For Survivors and Family Members*
- *New York City: Employment Rights and Benefits for Survivors of Domestic and Sexual Violence*
- *New York State: Welfare-to-Work*
- *Safety Planning in the Workplace: Protecting Yourself and Your Job*
- *Time Off To Participate in Criminal Proceedings*
- *Domestic Violence & Unemployment Insurance, A Manual for Clients & Advocates*
(published by the New York City Women, Welfare & Abuse Task Force)

6. Consult the appropriate agency or an attorney about your rights.

This guide is intended to provide accurate, general information regarding legal rights relating to employment. Yet, because laws and legal procedures are subject to frequent change and differing interpretations, Legal Momentum cannot ensure the information in this guide is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights in your particular situation. If you need assistance in finding a lawyer, contact Legal Momentum, the bar association in your state, or your local legal services office, domestic violence coalition, sexual assault coalition, or service provider.

For more information or assistance, please contact 212-925-6635 or ehrsa@legalmomentum.org.

This guide is available for downloading at www.legalmomentum.org.

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