

# Economic Justice and Domestic Violence ADVISORY COUNCIL

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*Recommendations*  
*February 2022*



*The Economic Justice and Domestic Violence  
Advisory Council is made possible by:*



# Background

The goal of the [National Network to End Domestic Violence \(NNEDV\) Economic Justice and Domestic Violence Advisory Council](#) is a long-term, in-depth collaboration of national experts in the domestic violence field working to advance survivors' economic empowerment and financial well-being. NNEDV virtually gathered those working at the intersection of domestic violence and economic justice to identify gaps and strategize ways to expand awareness and solutions through recommendations. It was our intention members would coalesce around a set of mutual goals and principles identified by the Council. Ultimately, the Council aims to inform public policy advocacy and program design, in addition to highlighting resource gaps and emerging issues.

The Advisory Council virtually met four times in 2020, and as a result, produced a recommendations document regarding future public and private funding committed to ending violence against women and all forms of interpersonal violence (IPV). Racial justice and accessible flexible funding were the top two areas for formal recommendations.

**The 2020 recommendations are as follows:**

## **Expanding funding for culturally specific programs.**

To provide truly survivor-centered, trauma-informed, anti-racist services, including economic justice programming, services and programs must be designed and carried out within communities in which they serve.

The Economic Justice and Domestic Violence Advisory Council recommended 25% of all future federal and private IPV-related funding be directed towards culturally specific programs and programming.

## **Status Update**

In March 2021, Congress passed the American Rescue Plan Act, which included nearly \$50 million for culturally specific services for domestic violence and sexual assault survivors in order to address the disproportionate impact of COVID-19 on Communities of Color. While Congress has not yet passed fiscal year 2022 appropriations, both the House and Senate bills include culturally specific funding, \$75 million and \$45 million respectively. Moreover, the Family Violence Prevention and Services Improvement Act (H.R. 2119/S. 1275) would expand support for and access to culturally specific programs by authorizing a new grant program to provide enhanced access to services for racial and ethnic minority populations (2.5% of FVPSA formula grants). The House recently passed H.R. 2119, and S. 1275 has passed out of Committee in the Senate and is awaiting a final vote.

## Increasing survivors' access to flexible funds.

We must trust survivors. This means hearing what they need and providing it when possible. Survivors' lack of access to low- and no-barrier flexible funds decreases safety for themselves and their children. [Access to flexible funding](#) and pathways to economic security can help insulate survivors from harms that make them especially vulnerable due to financial instability.

The Economic Justice and Domestic Violence Advisory Council recommended *at least* 10% of all future federal and private IPV-related funding be directed toward survivor-directed flexible funds as identified by survivors, with low or no-barriers to access.

### Status Update

Direct cash assistance for survivors is also gaining traction in Congress. In its fiscal year 2022 appropriations for the Family Violence Prevention and Services Act (FVPSA), the House included \$175 million for direct cash assistance for survivors of domestic violence. Similarly, the Senate's fiscal year 2022 appropriations will allow domestic violence programs to use up to 40% of FVPSA funds for direct cash assistance for survivors. Additionally, as a result of the passage of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (VOCA Fix Act), victims of domestic violence, sexual assault, and other crimes have reduced barriers to receiving direct reimbursement for medical costs, funeral expenses, lost wages, or other crime-related expenses. The VOCA Fix Act amended the law not to require compensation programs to promote victim cooperation with law enforcement if the program determined such cooperation would be impacted due to a victim's circumstances.

While we are pleased to see some significant movement and victories in these areas, we recognize that more needs to be done to help private funders better understand the necessity and value of supporting flexible and culturally specific funding.

NNEDV is committed to lifting up our partners working at this intersection and our shared goal to end gender-based violence where it exists.

## 2021 Recommendations

In its second year, the Advisory Council began meeting in May 2021 to discuss the most pressing economic justice issues and needed reforms for survivors' economic security in light of the nation's economic downturn. The Council ultimately chose Workplace Protections: At Home & Away as the focus of its 2021 work and met six times this year to further develop the work in this area.

**This Council's work is focusing on three primary areas under this topic: Employer Policies, Employer/Advocate Partnerships, and Public Policy Reforms.**

### Employer Policies

For many victims of domestic violence, maintaining employment is critical to economic independence from a harm-doer; however, the domestic violence itself can **interfere** with work **productivity**, attention, and retention of survivors and perpetrators who are employees, customers, or otherwise present in a workplace. Ensuring victims have access to a safe and secure workplace is critical to their economic and physical safety. We all agree that working while sick, especially outside of the home, could put many people in harm's way. The same can be said for employees who are not safe from abusers, since harm-doers' impact and actual behavior often extends well beyond the home and can impact the workplace.

A **Society for Human Resource Management (SHRM)** survey revealed that 16% of organizations have experienced domestic violence incidents at the workplace in the past five years; 19% of those had an issue within the last year.

**Recommendation:** All employers should have a workplace policy specifically addressing intimate partner violence.

As a best practice, employers' domestic violence policies need to address:

- ★ All gender-based violence and shared definitions of Interpersonal Violence (IPV), domestic violence (DV), sexual assault (SA), stalking, dating violence, and sexual harassment as well as other common terms such as protection orders/restraining orders/protection from abuse orders;
- ★ Cover all workers and those in the workplace (part-time, contractors, clients, etc.) in all work-related settings (i.e., work-related travel or events);
- ★ Conduct that occurs off-duty (perpetrator behavior/conduct);

- ★ Security concerns for both victims and other employees;
- ★ Violations of an employment agreement or other condition of employment;
- ★ Non-actionable conduct that nonetheless needs to be addressed because knowledge regarding the issue is raising concerns or otherwise disrupting the work environment;
- ★ Reasonable paid sick and safe leave and accommodations;
- ★ Realities and limitations of 'work from home' environments for survivors;
- ★ Mandatory training on IPV that includes the employer's responsibilities (e.g., non-discrimination, non-retaliation, confidentiality, reporting) and employee's rights;
- ★ Guidance on exercising employee rights;
- ★ Employer-based protection orders, which are not appropriate without employee consent;
- ★ Prohibitions on mandatory arbitration and pre-dispute nondisclosure agreements, and guardrails for post-dispute nondisclosure agreements;
- ★ Language access; documents such as employment agreements, company policies, and reporting documents should be accessible in the primary language of the employee with proper confidentiality and training provisions; and
- ★ Reference to all applicable federal, state, and local laws that: 1) prohibit discrimination in the workplace; 2) provide paid leave for survivors; and 3) address eligibility for unemployment insurance and any other applicable benefits and protections that may assist survivors.

Personnel policies should highlight the employer's acknowledgement that IPV happens and may affect the workplace or work product and that employers will do all they can to accommodate those experiencing it.

However, employers and employees must understand that they are not expected to take on an "advocate" role, but rather be part of a survivor's safety plan, while still honoring survivor autonomy. Employers should engage with local providers and resources to make meaningful referrals to potential services.

## Employer/Advocate Partnerships

There are over 2,000 local domestic violence programs across the county, many of which operate in cities and towns with major community employers. **Mass shootings**, including those at the workplace, can often be connected to incidents of domestic violence. Advocates are in a unique position to help employers make the connection between employee safety at home and health and welfare of their entire workforce.

**Recommendation:** Local domestic violence programs and advocates should receive training in IPV and workplace safety to become their community expert and work in partnership with local employers.

Advocates must have access to recognized, quality training. As many employment laws and protections vary by state, the 56 state and territorial domestic violence coalitions may be best suited to lead these efforts through a national technical assistance provider.

Training on IPV and workplace safety should include:

- ★ Understanding of basic human resources/employment protections/employee rights;
- ★ Consideration of union benefits and limitations (when applicable and appropriate);
- ★ Basic understanding of federal labor laws, as well as state-specific protections (any specific to DV/SA protections), including unemployment insurance;
- ★ How protection orders and other legal protection compliance should function at a workplace;
- ★ Protections and awareness for independent contractors (e.g., gig economy, seasonal workers, cleaning staff, etc.); and
- ★ Sample model policies.

Employers should provide funding and resources to support local service providers needed to train and respond to the anticipated referrals, especially for larger employers.

## Public Policy Reforms

We recognize that survivors often experience discrimination and harassment based on their status as survivors. This should be prohibited in federal law and policy. While there are some anti-discrimination protections for survivors, the protections do not reach all survivors. We also acknowledge there is no single law, policy or procedure that will singlehandedly create safety for all victims of IPV. However, we believe the following policy reforms will provide added protections and resources and significantly raise the profile of victim safety and perpetrator accountability within the context of workplace safety.

### **Recommendation:** Federalize eligibility for unemployment insurance (UI) benefits.

Although 42 states and the District of Columbia recognize that, at minimum, when domestic violence survivors need to leave employment, they have demonstrated good cause for doing so, the current unemployment system, fraught with delays and inconsistency, needs to be overhauled to ensure that survivors who need benefits on an emergent basis can receive them expeditiously.

In the short term, and responsive to the impact of the pandemic—where intimate partner violence and domestic violence homicides rose—all states should recognize that needing to leave employment because of domestic or sexual violence, stalking, or sexual harassment constitutes good cause. This will ensure that similarly situated survivors have the same level of access to benefits, regardless of where they live. Additionally, states should pay for these survivor benefits in order to avoid conflicts with or complaints from employers regarding these policies. In the longer term, access to UI for survivors, and indeed for all UI recipients, should be federalized. The federal government has underwritten, undercapitalized, and rendered insolvent state unemployment insurance systems for years, and moving to a national system would enable domestic and sexual violence service providers to better serve survivors of violence while simultaneously enabling the country's many national employers to respond to their employees' unemployment insurance claims in a consistent and efficient manner.

Additionally, the Council strongly recommends that all UI policy related work recognize the value and needs of guest or temporary workers, as well as those engaged in the fast-growing gig economy sector.

**Recommendation:** Pass paid sick and safe leave laws.

Allowing all victims and survivors to take paid leave to seek protections, meet with advocates or therapists, file or attend legal proceedings, relocate, or just recover emotionally and/or physically, must be enshrined in federal laws for all workers, reflecting that personal safety should be a basic employment protection upholding this human right. Survivors must be able to pursue physical and emotional safety, in whatever form, without risking their job or income.

Federal employees and a handful of states and local governments have already recognized that survivors of IPV need time to address their legal, medical, physical, and emotional needs. However, national uniformity and federal support are still necessary.

**Recommendation:** Support efforts to create and expand unions.

According to the [Economic Policy Institute](#), unions have proven to provide women with higher wages and better benefits, often regardless of their race or ethnicity. The [gender wage gap is significantly smaller](#) among Black unionized workers than their nonunion counterparts. In addition, access to a protected living wage and benefits can significantly help victims and survivors to get and stay safe. The ability to unionize is particularly important in industries, such as domestic and farm workers, who often lack labor protections.

This Council recognizes that unions are not perfect. Some existing unions have been at odds with emerging movements that have organized to address internal accountability, such as Black Lives Matter (BLM) and police unions. However, the fight for collective employee rights, organizing and the power of collective action is an important one that has benefitted workplaces generally.

This Council is recommending eliminating barriers that have prevented union organizing and the formation and reach of unions. Federal law is needed to bring the U.S. closer to international standards by addressing the many barriers that workers face when trying to unionize. Changes are also necessary to address important structural policy barriers that keep workers from joining unions and to support the labor movement's efforts to push back on rising income inequality. Employers must also be held accountable for attempts to block unionizing efforts, as well as take steps to bolster current public sector unions and protect workers in nontraditional employment, such as the gig economy, domestic workers, and seasonal and farm workers.



**Recommendation:** Provide additional protections for employees subject to at-will employment.

*'Just Cause' Job Protections*, a research report produced by National Employment Law Project (NELP), reported that 47% of workers were fired without warning or for good cause at some point, with Latinx (52%) and Black (50%) workers reporting even higher rates of unfair firings. Additionally, 31% of women said that fear of retaliation might prevent them from reporting workplace sexual harassment.

“At-will,” or the notion that employment is for an indefinite period and may be terminated by either the employer or employee, exists in all states **except Montana**. This results in an employer’s ability to terminate an employee at any time, for any reason, except an illegal one, without liability. An employer can change the terms of employment, such as amending wages or reducing paid time off, with no notice or consequences. At-will employment can leave employees defenseless and at risk to subjective and sudden changes in employment status and compensation.

Although illegal termination based on protected classes, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, and gender identity is prohibited, employers may offer pre-textual reasons for termination, such as ambiguous or minor infractions. Therefore, in reality, an employer acting in bad faith may in fact discriminate against these protected workers. Additionally, employers can view victims of domestic violence as “problematic” due to disruptive behavior of their harm-doer (e.g., showing up at the workplace, calling or attempting contact throughout their workday, or causing the victim to miss work regularly due to injuries or childcare interference).

More protections must exist to provide employees additional rights and protections to counterbalance the impact on survivors and their families, while also ensuring that such protections do not unduly limit employers’ ability to address certain kinds of serious misconduct, such as behavior that threatens the safety and well-being of others, to ensure safe workplaces free of harassment. Addressing and ending certain components of at-will employment could greatly influence survivors’ ability to maintain employment, providing them the safety net of income and all the other benefits they can count on during and following IPV, as well as protect them when experiencing and reporting of workplace harassment.

## Conclusion

Access to safe and reliable employment is critical to survivors’ long-term security and simultaneously good for businesses and communities. The Advisory Council supports the above recommendations and will work to advance them at every appropriate opportunity.

## For Further Reading

- ★ [Model Workplace Policy on Domestic Violence, Sexual Violence, and Stalking](#)
- ★ [How to Create an Education Program and Tips for Effective Workplace Education](#)
- ★ [Model Documentation and Reporting Form](#)
- ★ [Guide for Advocates](#)

## Economic Justice and Domestic Violence Advisory Council

### Member Organizations

- ★ [Asian Pacific Institute on Gender Based Violence \(API-GBV\)](#)
- ★ [Center for Survivor Agency & Justice \(CSAJ\)](#)
- ★ [Esperanza United](#)
- ★ [FreeFrom](#)
- ★ [Futures Without Violence \(FUTURES\)](#)
- ★ [Institute for Women's Policy Research \(IWPR\)](#)
- ★ [Just Solutions](#)
- ★ [National Clearinghouse on Abuse in Later Life \(NCALL\)](#)
- ★ [National Coalition Against Domestic Violence \(NCADV\)](#)
- ★ [National Resource Center on Domestic Violence \(NRCADV\)](#)
- ★ [UJIMA Inc.: The National Center on Violence Against Women in the Black Community](#)
- ★ [YWCA USA](#)

### Host

- ★ [National Network to End Domestic Violence \(NNEDV\)](#)