

Guide for Advocates

An Advocacy Guide to Addressing the Impact of Domestic and Sexual Violence, Stalking and Dating Violence on the Workplace

Advocates have a critical role to play to improve workplace responses to domestic and sexual violence, dating violence, and stalking. Advocates are a critical piece of intervention and prevention and can make a difference through advocacy with victims, employers, attorneys, and the community at large.

I. Assisting Victims with Workplace Issues

Domestic and sexual violence, stalking and dating violence can impact the workplace whether the violence actually takes place there or somewhere outside the place of employment. Economic security is a critical component of safety for victims of violence; the ability to maintain one's employment can greatly enhance a victim's ability to create safety in his or her life and commence psychological/emotional recovery. An advocate is often the only person with whom a victim can discuss the impact of violence on his or her life, including his or her employment. For more on the impact of domestic and sexual violence, stalking and dating violence on the workplace, see the [Facts](#).

A careful and comprehensive discussion with each victim is essential because not all individuals will realize that the violence is affecting their job. Many victims are unaware that they have workplace rights and that there may be remedies or accommodations that can enhance their safety and protect their employment. Before initiating any discussion, advocates should always advise victims about the extent to which their conversations are confidential.¹ Next, advocates should help victims consider the myriad ways interpersonal violence impacts their lives, including in the workplace.

Consider asking a victim the following sample questions:

- How has domestic or sexual violence, dating violence, or stalking impacted your work experience?
- Have you experienced any unwanted sexual behaviors, including comments or jokes, threats, touching or other types of assault in the workplace or by someone who works with you?
- Do you feel as if you are being watched or followed at work or to and from work?

© 2017 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- Have you received unwanted calls, texts, emails, or messaging on social networking sites during work or by a coworker?
- Have you told anyone at work about your experiences, such as a coworker, supervisor, manager, human resources, or security officer? If yes, can you tell me more about how that reporting process went? What is happening as a result of your disclosure? Has your employer responded to your needs? In what ways? Do you know if a claim was filed with the Equal Employment Opportunity Commission “EEOC” (or with the state equivalent)?
- Have you talked to an attorney about what is happening to you?² If not, would you like me to assist you to locate an attorney?

Depending on the individual victim’s circumstances and objectives, there are several ways an advocate can assist a victim who has identified employment concerns:

- Discuss the privacy implications of seeking employer assistance related to workplace accommodations;
- Ask if the victim would like you to intervene with third parties, such as an employer, attorney³ or others.
- If the victim would like you to intervene with third parties, consider asking the victim for a specific, time-limited, signed release of information⁴;
- If desired, accompany victims to public assistance, legal, medical, and other systems to aid them in the process and advocate for their rights;
- Write, or help victims write, letters to employers requesting workplace accommodations;
- If victims must leave the workplace, assist victims to negotiate severance packages and request positive references;
- Write statements to employers explaining the occurrence of violence in the lives of victims generally, and the impacts on the workplace⁵;
- Assist victims to document violence and workplace responses;
- Help the victim negotiate with the employer for disability leave, unemployment insurance, sick time, personal leave or accommodations (See “*Leave and Workplace Assistance*” in the [*Model Workplace Policy*](#));
- At the victim’s request, act as an intermediary between victim and employer to create a workplace safety plan; and

© 2017 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- Provide victims with meaningful referrals to other community-based resources, such as attorneys, public assistance, mental health, and other services.

II. Educating Employers

Many employers want to assist employees who have experienced violence but do not know how; advocates can provide the expertise and resources to help navigate the complexities of these situations. Advocates are in the best position to exercise leadership on behalf of victims in their communities, and to:

- Build relationships with a community's employers and unions;
- Educate employers (including supervisors and staff) about domestic and sexual violence, dating violence, and stalking, including cultural considerations that may impact certain populations;
- Educate employers about the importance of victim privacy and safety and what kinds of employment protections may be provided;
- Suggest a workplace violence policy and assist employers to develop responsive, victim-centered policies and procedures concerning the impact of violence on the workplace (See [Model Workplace Policy](#) on this site);
- Provide trainings to staff on supporting victims of violence and identifying, responding to, and preventing violence in the workplace and in bystander intervention techniques (For more information on bystander intervention, see the [National Sexual Violence Resource Center](#));
- Extend yourself as a resource for employers to refer to employees who have experienced violence.

III. Educating Attorneys

Many victims need legal representation to assist them with various civil and criminal law issues that can result from the violence against them. Some legal aid attorneys are not permitted to litigate employment matters and may not be familiar with employment law and violence issues. Conversely, many employment law attorneys are not familiar with the particular needs of victims of violence. Advocates can be an important and necessary bridge, and can:

- Build relationships with employment and legal aid attorneys in the community⁶;
- Provide employment attorneys with information about domestic and sexual violence, dating violence, and stalking and how all of these forms of violence can impact workers and the workplace;

© 2017 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- Assist legal aid attorneys who deal with victims' criminal, immigration and family law issues to recognize and respond to their client's employment law issues;
- Collaborate with attorneys to help them provide holistic, culturally appropriate, victim-centered legal representation, including workplace accommodations, monetary and non-monetary compensation, and other strategies.

IV. Engaging the Community

Communities bear significant financial costs of workplace violence, including medical services, criminal justice costs, crisis services and mental health costs. Prevention and intervention strategies are most effective when they engage all the relevant stakeholders in a community. Advocates play an important role in bringing the stakeholders together to develop a comprehensive prevention strategy. Advocates can:

- Provide community education programs on the impact of violence on work and the workplace;
- Build relationships with key stakeholders in the community to build momentum and investment around the employment rights of victims of violence;
- Identify and collaborate with regional EEOC offices;
- Collaborate with community stakeholders in applications for funding and other projects that aid violence prevention and intervention services;
- Advocate for responsive, victim-centered public policies and legislation that safeguard the needs and rights of violence victims in the workplace;
- Serve as a community resource on how to build a culture of safety and respect in the workplace.

1. Depending on the jurisdiction and other considerations (such as whether the advocate works under the management of an attorney), conversations between an advocate and victim may or may not be privileged.
2. Advocates should take special care to advise victims that while conversations with an attorney are confidential, conversations with the advocate may not be protected if the advocate is subpoenaed. Advocates should familiarize themselves with their particular jurisdictions'

© 2017 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

provisions around confidentiality and privilege and advise victims of the limits and extent of the protections, particularly if the victim would like the advocate to discuss his or her case with his or her attorney.

3. Make sure to discuss the confidentiality and privacy considerations of this type of intervention with every victim.
4. Consider consulting an attorney generally for instruction on how to craft such releases of information.
5. The victim does not have to disclose the details of the assault or even whether it was an act of domestic or sexual violence. For example, a victim may explain, generally, that s/he was a “victim of domestic or sexual violence” or “a victim of a violent crime”.
6. To find legal aid attorneys in your area, go to www.findlegalhelp.org.

© 2017 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.