

Domestic and Sexual Violence Survivors with Disabilities

Introduction

Some employed survivors of sexual assault, domestic violence, dating violence and/or stalking have mental or physical disabilities that may be caused or exacerbated by their victimization. Individuals with disabilities may be more vulnerable to abuse and the abuse may compound the impact of the disability on the victim. Employers need to provide information and support to their employees who have disabilities and are victims of violence. This fact sheet provides employers with some basic information about incidence and impact of domestic and sexual violence against persons with disabilities, how domestic and sexual violence and victims with disabilities intersect in the workplace, and suggestions for responding to the needs of these employees.

What is the incidence and impact of domestic and sexual violence against persons with disabilities?

Individuals with disabilities are at higher risk for sexual or domestic violence by an intimate partner or caretaker, and that abuse often exacerbates existing disabilities. Consider the following information.

- Fifty-six percent of women who experience any partner violence are diagnosed with a psychiatric disorder. Twenty-nine percent of all women who attempt suicide are battered, 37 percent of battered women have symptoms of depression, 46 percent have symptoms of anxiety disorder, and 45 percent experience post-traumatic stress disorder.¹
- A national survey of 860 women found that women with and without physical disabilities were equally likely (62 percent) to experience physical or emotional abuse from husbands, live-in partners or family members; however, for women with disabilities the abuse tended to last longer than for women without disabilities.²
- Eighty-three percent of females and 32 percent of males with developmental disabilities have experienced sexual assault.³
- Forty-nine percent of victims with developmental disabilities will experience abuse 10 or more times.⁴

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As part of a pattern of abuse, perpetrators of domestic violence, sexual assault, stalking or dating violence may deny victims with disabilities access to their medications, refuse to take them to doctors' appointments, or refuse to provide personal care such as bathing and other living assistance. Perpetrators often inflict psychological abuse on individuals with cognitive or mental disabilities, such as "playing mind games" with them, or manipulating them to feel as if they are going crazy. In addition, violence against pregnant women is common and may cause pregnancy-related disabilities.⁵

Victims of domestic and sexual violence may suffer from paralysis, chronic back and neck pain from strangulation and beatings around the face, neck, and back, and hearing loss. Depression, anxiety, or other mental health issues may also arise or become more acute as a result of victimization.

How do domestic and sexual violence and persons with disabilities intersect in the workplace?

There are two important ways in which interpersonal violence and people with disabilities intersect in the workplace. An employer's ability to respond will depend on whether all employees routinely receive information and support regarding both the intimate partner violence and any resulting disability. Through the provision of information and assurances of confidentiality and safety, employers can encourage employees to discuss their issues and potential options.

First, an employee who does not have a disability at the beginning of his or her tenure may inform the employer that he or she has developed a disability subsequently as a result of becoming a victim of interpersonal violence. Such an employee will need information and support regarding both the intimate partner violence and any resulting disability. For example, a victim of interpersonal violence who discloses that information to an employer will need to know about any leave policies that may permit her or him to take time off from work to attend court proceedings or obtain a protection order. In addition, the employee will need to know that a disability caused or exacerbated by interpersonal violence could trigger certain legal protections for disabled employees. The best practice is for employers to make this information available routinely to all employees and encourage their disclosure of information about violence victimization or a disability in order to facilitate the employer's assistance, direct response to issues that can impact the workplace, and referral of the employee to other resources for assistance.

Second, some employees may qualify as persons with disabilities under state and federal employment law but do not disclose a disability to the employer until it becomes exacerbated. For example, an employee with HIV might not have experienced symptoms during the time he or she was employed. Later, however, abuse by a partner and the resulting injuries and/or stress might trigger the employee's symptoms of HIV, possibly requiring medical attention. The employee may be afraid or embarrassed,

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however, to disclose to the employer that he or she is being abused and/or has HIV. An employer's information provided to all employees must state that the employer will not discriminate against or fire an employee for disclosing his or her status as a victim of domestic or sexual violence or the employee's HIV status or other form of disability. Making this information available enables the employer to support and guide employees, which will help to maximize workplace productivity and safety.

What legal provisions apply?

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Employers of victims of domestic violence, sexual assault, stalking and dating violence with disabilities may have certain duties and responsibilities under the Americans with Disabilities Act (ADA), as amended, the Family and Medical Leave Act (FMLA), and/or similar state or local laws or ordinances. It is important for employers to become familiar with their obligations to employees under these and other applicable laws and learn how they apply to employees who are victims of interpersonal violence. Several resources referenced at the end of this fact sheet provide descriptions of these laws and their application to the circumstances of this specific group of employees.

What can employers do?

Employers can take several steps to respond to the needs of employees with disabilities who are victims of interpersonal violence.

First, employers can recognize that victims of domestic violence, sexual assault, dating violence, and/or stalking might have injuries or illnesses caused by or exacerbated by the violence that rise to the level of disabilities as defined by state and federal anti-discrimination laws and that employers need to make certain accommodations to comply with the ADA and other applicable provisions.

Second, if there is a workplace policy regarding employees with disabilities, make sure to include a reference to employees who are survivors of domestic violence, sexual assault, dating violence, or stalking that includes examples of the types of disabilities most frequently caused by the abuse. By

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including this information in workplace policies, employers will encourage employees to discuss their situations, providing the employer with opportunities to offer assistance and avoid potential liability.

Third, employers should provide information and regular, ongoing training for all employees on their rights, protections, and responsibilities under the Americans with Disabilities Act, the Family and Medical Leave Act, and similar state and local laws so that managers and supervisors can respond effectively, efficiently, and safely to employees who are survivors with disabilities.

Finally, employers need to provide information and regular, ongoing training to all employees regarding domestic violence, sexual assault, dating violence and stalking including how to respond if an employee believes a co-worker is being victimized. The training should emphasize safety issues, and cross-reference workplace violence policies and any other policies related to employees with disabilities.

Additional information can be obtained from following:

www.accessingsafety.org

www.legalmomentum.org

www.eeoc.gov

www.caepv.org

www.dol.gov

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5. Valenti-Hein, D., Schwartz, L. The Sexual Abuse Interview for Those with Developmental Disabilities (1995).

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