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New Resource: Few States Provide Essential Workplace Protections for Survivors of Domestic Violence, Sexual Assault, and Stalking

**Only 7 states + D.C. and Puerto Rico Offer Robust Statewide Protections for Survivors;
Kentucky and West Virginia Have No Statewide Protections At All**

Washington, DC – Financial independence is vitally important for people experiencing domestic violence, sexual assault, or stalking, who can find it impossible to escape abuse if they lose their jobs and face economic insecurity. But few states have enacted the kind of employment laws necessary to help people facing violence keep their jobs, and laws that do exist are not always complied with or enforced. The [State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault and Stalking](#), released today by [Legal Momentum](#) and [FUTURES WITHOUT VIOLENCE](#), provides a breakdown of current workplace protections for survivors in four categories—anti-discrimination protections, reasonable accommodations in the workplace, leave/time off, and unemployment insurance—in all 50 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands, and Guam.

Only California, Hawaii, Illinois, Nevada, New York, Oregon, Washington, the District of Columbia and Puerto Rico have enacted robust legal protections, the guide finds. (For the purposes of this guide, robust protections indicate the state has laws regarding anti-discriminations protections for survivors in the workplace, reasonable accommodations for survivors in the workplace, some form of leave from work for survivors, and unemployment insurance for survivors.) The only employment protection that is available in most states is unemployment insurance for survivors. Just a handful of states provide anti-discrimination protections specifically for survivors of sexual and domestic violence. About half provide some form of leave survivors can use, but only some of that leave is paid and some is limited to leave to attend legal proceedings. The guide outlines which legal protections have been enacted but does not evaluate enforcement.

Violence is a huge problem in our country, and people facing abuse often struggle to keep their jobs. About [41% of women and 26% of men](#) experience sexual violence, physical violence, and/or stalking by an intimate partner and report an intimate partner violence-related impact during their lifetime. Eighty-three percent of respondents to [a 2018 survey](#) reported that their abusive partners disrupted their ability to work; among those who experienced one or more disruptions, 70% said they were not able to have a job when they wanted or needed one, and 53% said they lost a job because of the abuse.

“Workplace protections are an essential pillar of the support system for people impacted by intimate partner violence, and yet huge variations exist in laws and enforcement from state to state and employer to employer,” said Jennifer Becker, Legal Director of Legal Momentum. “We hope survivors, advocates, employers and policymakers use this resource to understand current protections and fill in the gaps across the country.”

“Our new guide identifies an alarming failure to enact state laws that provide the workplace protections survivors urgently need,” added FUTURES Director of Public Policy and Advocacy Kiersten Stewart. “It’s a call to action to lawmakers to enact laws that will help people facing violence keep their jobs. But no employer needs to wait for a state law to be implemented. Every private and public employer can and should adopt these potentially life-saving policies right away. We also need more research into awareness about, efficacy of, adherence to, and enforcement of these laws. It should be a high priority to make sure all our workplaces support every person who faces violence or abuse.”

This new resource, which updates and expands upon Legal Momentum’s original version from 2010, also finds:

- Only **California, Hawaii, Illinois, Nevada, New York, Oregon, Washington, the District of Columbia** and **Puerto Rico** have enacted a robust package of protections, including anti-discrimination, reasonable accommodations, sick/safe leave, and unemployment insurance benefits.
- **California** offers anti-discrimination protections, reasonable accommodations for survivors, paid sick and safe days, time off for court, time off for crime victims, unemployment insurance for survivors.
- **Washington** offers anti-discriminations protections, reasonable accommodations for survivors, specific leave for survivors of domestic violence, sexual assault or stalking (DV/SA/ST), paid sick and safe days which include DV/SA/ST, time off for crime victims, unemployment insurance.
- **Oregon** offers anti-discrimination protections, reasonable accommodations for survivors, leave to address DV/SA/ST, paid sick and safe days that include DV/SA/ST, paid family and medical leave that includes DV/SA (not in effect yet), unemployment insurance.
- **Washington DC** offers anti-discrimination protections, reasonable accommodations for survivors, paid sick and safe leave, unemployment insurance.
- **New York** offers anti-discrimination protections, reasonable accommodations for survivors, paid sick leave you can use for DV/SA, DV leave, leave for crime victims, unemployment insurance.
- **Hawaii** offers some form of anti-discrimination protections, reasonable accommodations for survivors, time off for DV/SA, time off for crime victims, unemployment insurance.
- **Illinois** offers anti-discrimination protections, reasonable accommodations, DV/SA leave (can actually be used for any crime), leave for crime victims, unemployment insurance for survivors.
- **Nevada** offers anti-discrimination protections, reasonable accommodations, paid leave, DV leave, unemployment insurance.

States with fewer legal workplace protections:

- In **Iowa**, an employer cannot discriminate against an employee who is serving as witness in a criminal case or as plaintiff, defendant, or witness in a civil proceeding under the state law.
- **Ohio** prohibits employers from discharging, disciplining, or otherwise retaliating against a victim, a victim’s family member, or a victim’s representative for participating, at a prosecutor’s request, in preparation for a criminal or delinquency proceeding; or for attendance, pursuant to

a subpoena, at a criminal or delinquency proceeding if the attendance is reasonably necessary to protect the interests of the victim.

- In **Tennessee**, employees can't be fired/demoted/dismissed for taking actions to help the criminal justice system as a crime victim.
- In **Utah**, it is illegal to fire or threaten someone's employment because they attended a deposition or hearing in response to a subpoena.
- **Alabama** only offers leave for crime victims.
- **Kentucky** and **West Virginia** have no statewide legal protections on the books.

In addition to the guide, Legal Momentum and FUTURES released [a Checklist](#) of considerations to help federal, state, and local lawmakers develop or amend workplace protections to make them more effective and more accessible to survivors of domestic violence, sexual assault, and stalking.

The [*State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault and Stalking*](#) will be discussed on a webinar today at 3 pm ET. To register, [click here](#).

The guide is supported by the Office on Violence Against Women (OVW), U.S. Department of Justice. Its opinions, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. [Workplaces Respond to Domestic and Sexual Violence: A National Resource Center](#), a public-private partnership led by FUTURES and funded by OVW, and Legal Momentum conducted the research.

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About FUTURES WITHOUT VIOLENCE

FUTURES WITHOUT VIOLENCE is an international nonprofit health and social justice organization providing groundbreaking programs, policies, and campaigns that empower individuals and organizations working to end violence against women and children around the world, help individuals and communities heal, and prevent violence before it happens. For more than 40 years, we have worked to transform social norms, training professionals such as health providers, judges, educators, and athletic coaches on improving responses to violence and abuse. We also work with advocates, policy makers, creative artists, and others to build sustainable community leadership and educate people everywhere about respect and healthy relationships. For more information, visit <https://www.FuturesWithoutViolence.org>.

About Legal Momentum

Legal Momentum, originally founded as the NOW Legal Defense and Education Fund, is the country's first and longest-serving legal advocacy organization advancing gender equality. For the past five decades, we have employed three main strategies—high-impact litigation, educational initiatives, and policy advocacy—to strengthen gender equality under the law and in our society. Our areas of focus include reproductive justice, gender-based violence, workplace equality, educational opportunity, and fairness in the courts. Recognizing that our vision has always been inextricably linked to the work of many other justice movements, including racial justice, we are committed to an intersectional approach and a view of gender equality that is inclusive of all gender identities. For more information, visit <https://www.legalmomentum.org/>.