

Unpaid Leave for Domestic and Sexual Violence Survivors



Executive Summary

No protections currently exist for domestic and sexual assault survivors regarding leave from employment for essential services related to the abuse. Essential services include residential, health, social, and legal assistance. SB 16 would establish unpaid leave if a person, family, or household member is a survivor of domestic or sexual violence and would require employers to maintain health coverage for the employee while on leave.

Highlights

- Domestic and sexual violence affects all genders, races, sexual orientations, and socioeconomic statuses. **There is a disproportionate prevalence of domestic and sexual violence amongst women and ethnic minorities.**
- In 2019, Missouri domestic and sexual violence programs **were unable to meet the needs of 41% of service requests.**
- Victims may experience **domestic distractions at work or lose their jobs as a result of domestic and sexual violence.** The impacts of losing employment are much greater for **ethnic minorities** and those who make **lower wages.**

Limitations

- **Numbers of domestic and sexual violence are likely underreported,** for reasons including shame, embarrassment, and fear of retaliation.
 - The terminology ‘domestic violence’ and ‘intimate partner violence’ are used interchangeably and often combined into one statistic.
- **Twelve** states offer employment protections and leave specific to survivors; current program outcomes have not been evaluated.

Research Background

Domestic and Sexual Violence

Domestic violence (including intimate partner violence and child abuse) is the intentional intimidation, assault including physical battery and sexual, threats, emotional abuse, and/or other abusive behavior used to elicit power and control enacted by one individual over another.^{1,2} Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion when consent is not obtained or not freely given, including rape, being made to penetrate someone else, sexual coercion, and unwanted sexual contact (groping).² The severity of domestic and sexual

violence and its rate of recurrence widely varies between victims.¹ A majority of domestic and sexual violence perpetrators have a history of various non-violent and violent criminal offenses.¹

Survivors of domestic and sexual abuse experience many adverse physical and mental health effects.¹⁻³ Most recent estimates of domestic violence lifetime cost per victim (2014 US\$) is approximately \$100k per female (accounting for gynecological risks), \$23.5k per male, or a population economic impact of \$3.6 trillion annually.³ A further breakdown of this estimate indicates 59% is associated with medical costs, 37% with lost productivity, and 2% in other costs such as property loss or damage; government funds will cover approximately 37% of the total costs.³ These estimated costs do not account for repeated victimization, and therefore, these values may underreport the true cost associated with domestic and sexual violence. It is unknown how implementation of prevention or early treatment programs can impact lifetime costs.

Domestic and sexual violence affects all genders, races, sexual orientations, and socioeconomic statuses; although, there is a disproportionate prevalence of domestic and sexual violence amongst women and ethnic minorities.^{1,2,4} Due to a variety of reasons which include feeling ashamed, embarrassed, and fear of retaliation, domestic and sexual violence cases are likely underreported; the numbers presented may not accurately reflect the true incidences of domestic and sexual violence. In 2019, the Missouri Coalition against Domestic and Sexual Violence (MCADSV) reported 36,304 (of 62,372) domestic violence and 9,057 (of 14,553) sexual violence survivors received services.^{5,6} Of those receiving services, the majority were women and children (**Figure 1**).^{5,6} Over 50% of domestic and sexual violence survivors were between the ages of 25-45 years old; 81% of domestic violence and 56% of sexual violence survivors were children younger than 13 years old.^{5,6} These demographics only represent the 59% of survivors who received services; demographics of those who did not receive services were not obtained.

COVID-19 and Domestic Violence.

As a result of COVID-19, many individuals are practicing physically distancing and decreasing social interactions outside of their household. Social isolation is one of the most prominent tactics

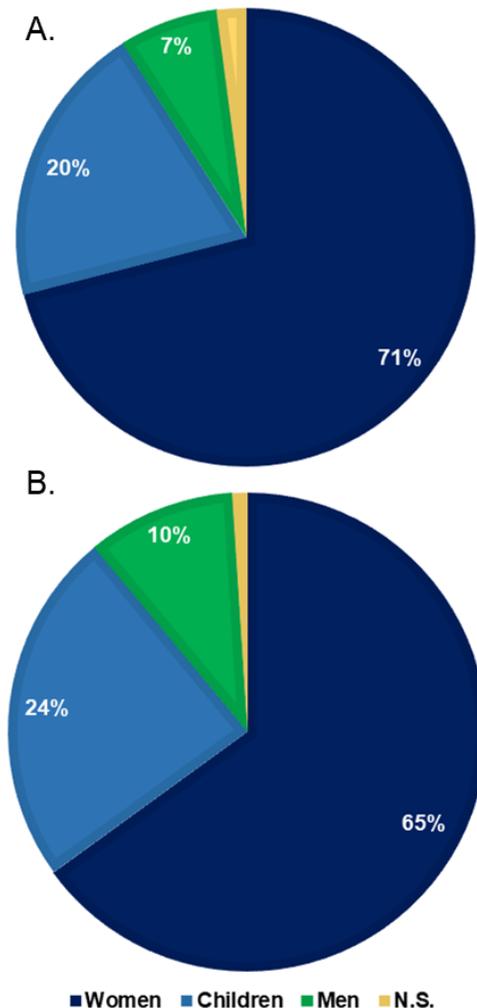


Figure 1. Percent of women, children, and men who received (a) domestic and (b) sexual violence services in 2019.^{5,6} N.S. = not specified

used by abusers to distance their victims from their support networks.^{7,8} As the pandemic has continued, a variety of advocacy and government organizations such as the National Domestic Abuse Hotline have reported a significant increase in call volume from victims.^{9,10} However, some centers have reported approximately 50% less call volume, suggesting that victims may be unable to safely access these services.^{7,8} Therefore, numbers of domestic violence cases during the pandemic are likely underreported. While it may seem these services are underutilized, funds and resources allocated to domestic and sexual violence programs are crucial during this time.

The Importance of Economic Independence

Many survivors leaving abusive situations have many basic needs which can be accommodated by domestic and sexual violence programs; these are funded by federal and state funds in addition to non-profit organizations. Programs like these provide resources such as food, legal and financial assistance, and shelter; however, not all programs can accommodate these needs. In 2019, Missouri domestic and sexual violence programs were unable to meet the needs of 41% of service requests.^{5,6} Additionally, these programs do not help survivors maintain their current employment or stop employment discrimination related to their abuse. In many cases of domestic and sexual violence, individuals financially dependent upon their abusive partner may not be able to leave the relationship without an alternative source of financial support. Perpetrators may sometimes exhibit a form of economic abuse and force individuals to quit their jobs as a way to further exert control.¹⁰ When survivors leave their situation, time is needed to seek physical and emotional care, shelter, and to attend to legal obligations. During recovery, employment becomes a survivor's lifeline. However, a significant number of victims may experience domestic distractions at work or lose their jobs as a result of domestic and sexual violence and that varies widely (21-60%) across individual studies.^{11,12} The impacts of losing employment are much greater for ethnic minorities and those who make lower wages.^{1,2}

Employment Protections for Domestic and Sexual Violence Survivors

Some states prohibit discrimination against victims of domestic and sexual violence in the workplace. Several states including Illinois and Kansas have enacted laws that provide domestic violence victims unpaid time off from work to address the violence in their lives and/or protect victims from employment discrimination related to the violence. In addition to rights granted under state laws, victims may be able to take leave under the Family and Medical Leave Act (FMLA), however, this is not an available option to Missourians.¹³ Twelve states (AZ, CA, CO, CT, MA, MD, NJ, NY, OR, RI, VT, WA) and Washington, D.C., provide employees with "safe time" coverage, which is similar to "sick time," that includes paid leave and coverage for an employee who experiences domestic and sexual violence or for similar situations that involve an employee's family member.¹⁴ Ten out of the twelve states permitted "safe time" coverage in 2015; due to recent implementation, current program outcomes have not yet been evaluated.

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