

Workplace Response to Domestic Violence



Report submitted pursuant to Chapter 43, Laws of 2021

**COMMUNITY SERVICES
DIVISION**

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Report to the Legislature

Director Mike Fong

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Executive summary

Domestic violence is distressingly prevalent in our society, with over 47% of women and 44% of men in the U.S. experience contact sexual violence,¹ physical violence, stalking, or some combination thereof by an intimate partner during their lifetime.² According to data from the 2021 Crime in Washington Report, nearly half of the crimes against people that year were domestic violence offenses, including close to 20% of all murders.³

Domestic violence also threatens survivors' access to employment and the ability to retain jobs. Work disruptions are not necessarily violent – they can include constant calling, impeding transportation, or not allowing a partner to work. The financial impacts affect the victims and society, resulting in decreased productivity, absenteeism and increased health insurance costs. Washington's legal protections make it illegal to discriminate against someone who experiences domestic violence, sexual assault, or stalking. Employees can use paid leave for the impacts, and if they're out of paid leave, they can use unpaid leave. Employees cannot legally be demoted or fired if they ask for this leave.

To address this issue, the Legislature directed the Department of Commerce (Commerce) in [Chapter 43, Laws of 2021](#) to "convene a task force on domestic violence and workplace resources to identify the role of the workplace in helping to curb domestic violence," and submit "a final report with ... findings and recommendations to the appropriate committees of the legislature by December 1, 2022." More details on the statutory framework for this report are in the Introduction.

Key findings

Helping employees retain their jobs is the most important thing employers can do to assist survivors of domestic violence. A job is a crucial lifeline for survivors, allowing them some measure of economic independence from their abusers. The workplace also provides the opportunity for social connections that a domestic violence survivor can lean on for support.

Legal protections for survivors

Washington's legal protections provide important workplace protections for people experiencing domestic violence. [RCW 49.76.115](#) specifies that employers may not fire, refuse to hire, or otherwise discriminate against employees because they are survivors of domestic violence, sexual assault or stalking. Employers must also make reasonable safety accommodations for survivors of domestic violence, sexual assault or stalking.

[RCW 49.46.210](#) enables survivors to use paid sick leave during absences from work for reasons such as participating in legal proceedings, seeking healthcare treatment, or obtaining mental health counseling or social services. According to [RCW 49.76.130](#), employers must also conspicuously post a notice summarizing relevant information from [RCW 49.76.030](#), which concerns domestic violence leave.

¹ Contact Sexual Violence – Includes rape (penetration of the victim), being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact, (2022), *Intimate Partner Violence, Sexual Violence, and Stalking Among Men*, Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/men-ipvsandstalking.html>

² Centers for Disease Control and Prevention, "2016/17 Report on Intimate Partner Violence," (2022), https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

³ Washington Association of Sheriffs and Police Chiefs, "The Crime in Washington 2021 Annual Report," (2022), <https://www.waspc.org/assets/CJIS/2021%20CIW.pdf>

Employer concerns

Employers may be concerned about their legal liability when communicating with employees experiencing domestic violence. Small businesses often lack dedicated legal or human resources personnel with detailed knowledge of employment law. Employers have responsibilities to survivors under Washington law, including granting domestic violence leave to survivors and making reasonable accommodations if survivors request them. However, employers must not recommend or require that survivors take a specific action, such as leaving an abusive situation or taking legal action against their abuser.

Available resources and best practices

The national resource center Workplaces Respond to Domestic and Sexual Violence has various [resources](#) for employers and survivors, including model workplace policies and forms (see [Appendix A](#)). The Washington State Coalition Against Domestic Violence also links to many resources on its [website](#), including information about survivors' employment rights, unemployment insurance, and resources for employers. The Washington State Department of Labor & Industries also maintains a [page](#) with detailed information on domestic violence leave for employers and employees.

Recommendations

Employers can help address domestic violence by establishing and implementing a domestic violence and the workplace program focusing on prevention and response.

Establish a domestic violence and the workplace program

Commerce recommends that employers:

- Establish domestic violence and the workplace policies in alignment with the Workplaces Respond to Domestic and Sexual Violence [model workplace policy](#).
- Build a supportive workplace culture that supports employees who disclose they are experiencing domestic violence, ensures confidentiality and features appropriate safety and security protocols.
- Obtain and post relevant resources, including Washington's required domestic violence resources [workplace poster](#) (see [Appendix D](#)).
- Post domestic violence information and available resources in discreet places where employees cannot be seen accessing it, such as in restrooms and lunch sites.⁴

Implement a domestic violence and the workplace program

Once the employer's policies and procedures are established, employers should provide training on, and easy access to, the domestic violence and the workplace program documents, including:

- The employer's domestic violence and the workplace policy.
- Information about employees' protections and right to domestic violence leave under [RCW chapter 49.76](#) and chapter 49.46 RCW.
- Washington State Department of Labor & Industries' [domestic violence leave](#) information for employees and employers.

⁴ Cornell University, "Domestic Violence and the Workplace Model Policy and Tool Kit," (2022), <https://www.lawschool.cornell.edu/academics/experiential-learning/clinical-program/gender-justice-clinic/domestic-violence-and-the-workplace-model-policy-and-toolkit/>

Introduction

Legislative mandate

[Chapter 43, Laws of 2021](#) contains the statutory authority for this report:

Sec. 2. (1) The department of commerce shall convene a task force on domestic violence and workplace resources to identify the role of the workplace in helping to curb domestic violence.

(2) The members of the task force are as provided in this subsection. The department of commerce shall appoint:

- (a) One member representing each of the following:
 - (i) The association of Washington business;
 - (ii) The national federation of independent business;
 - (iii) The Washington hospitality association;
 - (iv) The Washington retail association;
 - (v) The Washington state labor council;
 - (vi) The Washington coalition of sexual assault programs;
 - (vii) The Washington coalition against domestic violence; and
 - (viii) A federally recognized tribe;
- (b) A business owner;
- (c) A survivor of domestic violence; and
- (d) Up to two additional members.

(3) The task force shall choose the chair or cochairs from among its membership.

(4) The task force shall review the following issues:

- (a) The role of the workplace in the lives of individuals experiencing domestic violence;
- (b) The appropriate role of employers and employees in helping reduce the incidence of domestic violence; and
- (c) Whether legislation is needed to address the issues outlined in this subsection.

(5) The department of commerce shall convene the meetings and provide staff support for the task force.

(6) The task force shall submit:

- (a) A preliminary report with its findings and recommendations to the appropriate committees of the legislature by December 1, 2021; and
- (b) A final report with its findings and recommendations to the appropriate committees of the legislature by December 1, 2022.

Convening the task force

In response to these requirements, Commerce assembled the task force and convened a meeting of its members in December 2021. During this meeting, a representative of the Washington State Coalition Against Domestic Violence (WSCADV) delivered a presentation on the connection between domestic violence and the workplace. Following this presentation, members asked the WSCADV representative questions and discussed best practices for employers to address domestic violence.

After the task force meeting, Commerce published a [short summary](#) of the material the WSCADV representative presented, selected responses from the question and answer period, and the discussion of best practices.

This report meets the legislation's requirement for a final report with findings and recommendations.

Background

What is domestic violence?

Domestic violence can describe a wide range of behaviors. Washington's [statutes governing domestic violence leave](#) include physical harm, bodily injury, assault, nonconsensual sexual conduct, coercive control, unlawful harassment or stalking of one intimate partner by another, or one family or household member by another. This definition also includes the infliction of fear of physical harm, bodily injury or assault. According to the [National Coalition Against Domestic Violence](#) (NCADV), while the behaviors that manifest as domestic violence can vary widely, "the one constant component of domestic violence is one partner's consistent efforts to maintain power and control over the other."

How widespread is domestic violence?

Domestic violence is distressingly common at state and national levels and accounts for a sizable percentage of violent crime. According to the U.S. Centers for Disease Control's (CDC) 2016/17 Report on Intimate Partner Violence (IPV), more than 47% of women and 44% of men in the U.S. experienced contact sexual violence, physical violence, stalking, or some combination thereof by an intimate partner during their lifetime.⁵ In Washington, more than 41% of women and 31% of men experience intimate partner physical violence, intimate partner rape, intimate partner stalking, or some combination thereof during their lifetime.⁶

According to data from the 2021 Crime in Washington Report, more than 47% of crimes against persons in Washington during that year were domestic violence offenses. Domestic violence offenses represented 25% of rapes and more than 46% of simple and aggravated assaults. Most alarmingly, nearly 20% of all murders were attributed to domestic violence – equating to 62 homicides in Washington in 2021.⁷

Who are the survivors?

The impacts of domestic violence touch a wide variety of people. As discussed above, significant proportions of people in the U.S. report experiencing contact sexual violence, physical violence, stalking, or some combination thereof by an intimate partner during their lifetime.

According to the 2021 Crime in Washington report, nearly 28% of people who experienced domestic violence offenses in Washington were men, while more than 72% were women. While domestic violence can involve members of the same family or household, it most commonly involves intimate partners. In Washington, in 2021, nearly two-thirds of domestic violence crimes against people involved current or former intimate partners.⁸

In addition to gender, the impacts vary by race. The CDC's 2016/17 Report on Intimate Partner Violence noted that multiracial women (non-Hispanic) are considerably more likely to experience domestic violence than other racial groups (Figure 1).

⁵ Centers for Disease Control and Prevention, "2016/17 Report on Intimate Partner Violence," (2022),

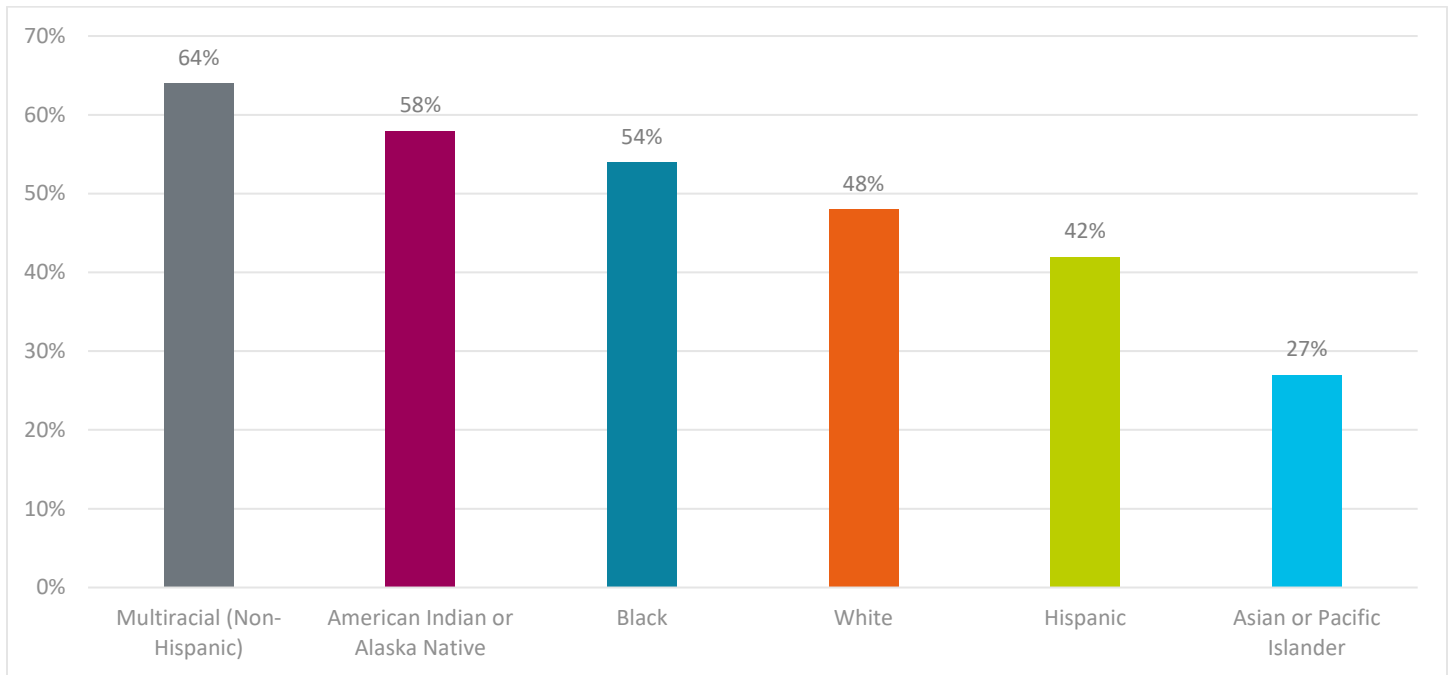
https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

⁶ Centers for Disease Control and Prevention, "The National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report," (2017), <https://www.cdc.gov/violenceprevention/pdf/nisvs-staterreportbook.pdf>

⁷ Washington Association of Sheriffs and Police Chiefs, "The Crime in Washington 2021 Annual Report," (2022), <https://www.waspc.org/assets/CJIS/2021%20CIW.pdf>

⁸ Ibid

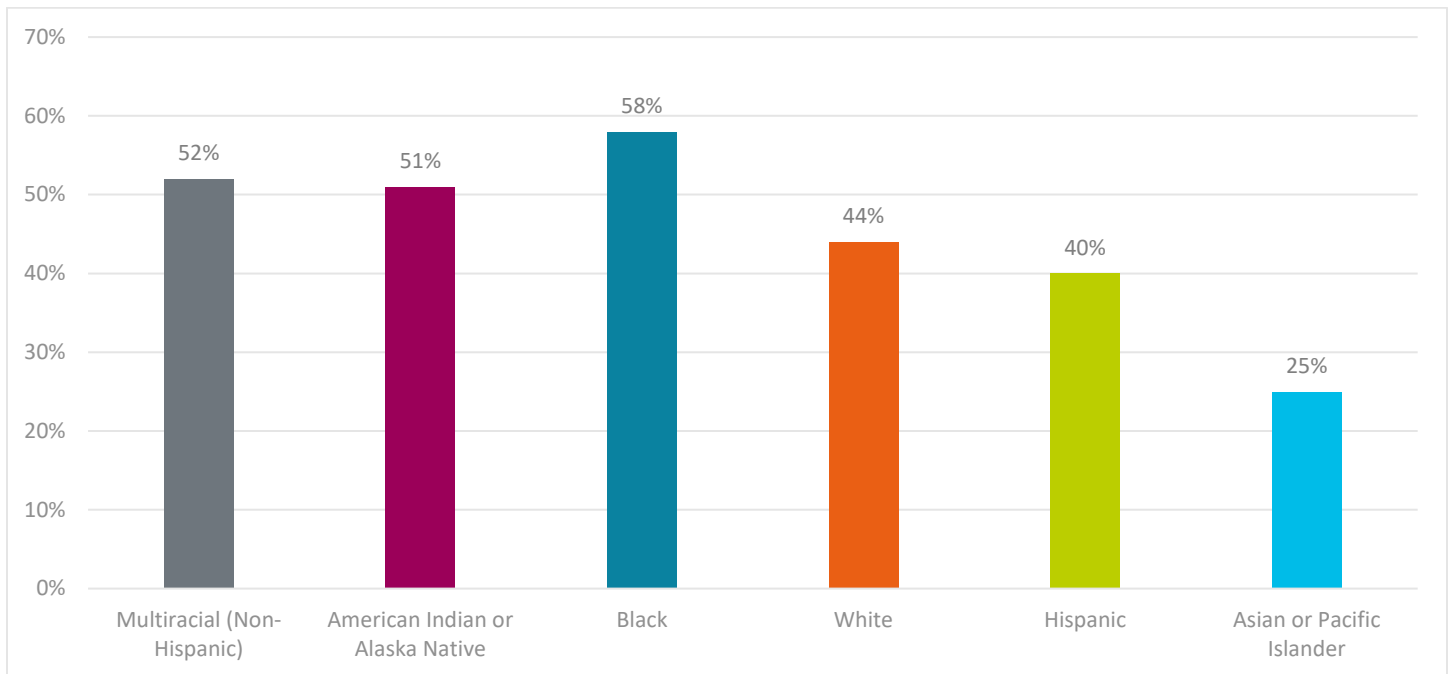
Figure 1: Racial distribution among women experiencing domestic violence



Source: Centers for Disease Control and Prevention, "2016/17 Report on Intimate Partner Violence," (2022), https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

For men, Black men are more likely than other racial groups to experience domestic violence (Figure 2).

Figure 2: Racial distribution among men experiencing domestic violence



Source: Centers for Disease Control and Prevention, "2016/17 Report on Intimate Partner Violence," (2022), https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf

What are the impacts of domestic violence?

The most immediately evident impact is the physical trauma that can come with domestic violence. In 2021, in Washington, for incidents where injury information was available, injuries were reported in 64% of domestic violence cases. Among cases where injuries were reported, 11% were major, including broken bones, loss of teeth, and severe lacerations.⁹ Domestic violence can also have serious mental health impacts, including increased risks of “post-traumatic stress disorder [PTSD], depression, anxiety, substance use and suicidal behaviors.”¹⁰

It is important to recognize that there are gender disparities in the form that domestic violence takes and the effect it has on a person’s life. While men and women have reported experiencing physical violence and psychological aggression from an intimate partner at similar rates, 20% of U.S. women have reported experiencing contact sexual violence from an intimate partner during their lifetime, and 14% have reported experiencing stalking from an intimate partner during their lifetime. The corresponding percentages of U.S. men reporting these experiences are 8% and 5%, respectively. In addition, 41% of U.S. women have reported experiencing contact sexual violence, physical violence, stalking or some combination thereof by an intimate partner during their lifetime and reported at least one IPV-related impact, compared to 26% of U.S. men who report this experience.¹¹ These impacts include injury, feelings of fear, PTSD symptoms and concern for safety.

People who experience domestic violence also frequently experience economic and employment impacts as a result. A 2005 poll of U.S. adults found that 64% of people who experienced domestic violence said their ability to work was affected.¹² The economic costs of these impacts add up quickly. According to a 2003 CDC report, lost productivity from IPV against women alone totals almost \$900 million annually.¹³

⁹ Ibid.

¹⁰ International Journal of Public Health, "The Mental Health Implications of Domestic Violence During COVID-19," (2022), <https://www.ssph-journal.org/articles/10.3389/ijph.2021.1604240/full>

¹¹ Centers for Disease Control and Prevention, "2016/17 Report on Intimate Partner Violence," (2022)

¹² Institute for Women's Policy Research, "The Economic Cost of Intimate Partner Violence, Sexual Assault, and Stalking," (2017), https://iwpr.org/wp-content/uploads/2020/10/B367_Economic-Impacts-of-IPV-08.14.17.pdf

¹³ Centers for Disease Control and Prevention, "Costs of Intimate Partner Violence Against Women in the United States," (2003), <https://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf>

Key findings

Domestic violence and the workplace

The connection between domestic violence and the workplace is multi-faceted and goes beyond the immediate impact of lost wages due to missing work days. According to WSCADV, employment provides a reliable source of income independent of the abuser and creates more options for people experiencing domestic violence. The workplace can also provide the opportunity for social connections that a domestic violence survivor may lean on for support.

Abusive behavior can also extend from the home into the workplace, however. A 2005 survey of women IPV survivors by the Maine Department of Labor found that 96% of women surveyed felt that IPV had affected their work. Of the women surveyed, 87% reported constantly receiving harassing phone calls, including while at work, 60% reported their abusive partner “used co-workers to gain information about them at work or sabotage their employment,” and 57% reported being stalked while at work. Sixty percent of women surveyed reported losing their job while experiencing domestic violence.¹⁴

Legal protections for survivors

Washington has several statutes that provide important workplace protections for people experiencing domestic violence. [RCW 49.76.115](#) specifies that employers may not fire, refuse to hire, or otherwise discriminate against an employee because they are a survivor of domestic violence, sexual assault or stalking. This RCW section also prohibits employers from declining to make reasonable safety accommodations for a survivor of domestic violence, sexual assault or stalking. These accommodations include “a transfer, reassignment, modified schedule, changed work telephone number, changed work email address, changed workstation, installed lock,” or an “implemented safety procedure.”

[RCW 49.46.210](#) enables survivors to use paid sick leave during absences from work for reasons such as participating in legal proceedings, seeking healthcare treatment, or obtaining mental health counseling or social services. According to the requirements of [RCW 49.76.130](#), employers must also conspicuously post a notice summarizing relevant information from RCW chapter 49.76, which concerns domestic violence leave.

Employer concerns

During the December 2021 task force meeting, some business representatives expressed concern that employers interacting directly with survivors about the domestic violence they are experiencing could expose those employers to legal liability if a survivor were subsequently harmed. This concern was especially relevant for small businesses since they often lack dedicated legal or human resources personnel with detailed knowledge of employment law.

WSCADV emphasized that under no circumstances should employers recommend or require that survivors take a specific action, such as leaving an abusive situation or taking legal action against their abuser. As outlined in the legal protections section above, employers have responsibilities to survivors under Washington law, including granting domestic violence leave to survivors and making reasonable accommodations if

¹⁴ Maine Department of Labor and Family Crisis Services, "Domestic Violence Survivors at Work: How Perpetrators Impact Employment," (2005), https://www1.maine.gov/labor/labor_stats/publications/dvreports/survivorstudy.pdf

survivors request them. Additionally, employers are required by [RCW 50.12.330](#) to post a [domestic violence resources poster](#) where employees can read it.

Available resources and best practices

Another important finding from the December 2021 task force meeting, WSCADV's task force presentation and subsequent research is that several helpful and easily accessible resources address the workplace response to domestic violence.

The national resource center Workplaces Respond to Domestic and Sexual Violence has a variety of [resources](#) for both employers and survivors, including:

- model workplace policies and forms
- webinars and videos
- factsheets and guides

WSCADV also provides [links](#) to many resources on its website. These resources include information on the following:

- jobs
- employment and survivors' rights
- unemployment insurance
- resources for employers
- domestic violence programs as employers

Finally, the Washington State Department of Labor & Industries maintains a [page](#) with specific, detailed information on domestic violence leave for employers and employees.

Recommendations

Employers can help address domestic violence by establishing a domestic violence and the workplace program focusing on prevention and response.

Domestic violence and the workplace policies are clear guidelines that help employers appropriately and legally respond to domestic violence, sexual violence and stalking that impacts the workplace. Appropriate policies that comply with relevant protections under Washington state law are one component of building a supportive and preventative workplace culture.¹⁵

Domestic violence leave protected under Washington state law ensures all people experiencing domestic violence and their family members can take reasonable time off work for reasons like court appearances or seeking medical care. Employers must accommodate requests for time off or safety accommodations and allow employees to use any available paid or unpaid leave as needed. However, employers can request documentation to support an employee's request for leave or accommodation.¹⁶

Establishing a domestic violence and the workplace program

Commerce recommends that employers do the following:

- Establish domestic violence and the workplace policies in alignment with the Workplaces Respond to Domestic and Sexual Violence [model workplace policy](#) and include:
 - Employees' relevant protections and right to domestic violence leave under Washington law (RCW [49.76](#) and [49.46](#)).
 - Washington State Department of Labor & Industries' [Domestic Violence Leave](#) information for employees and employers.
- Build a supportive workplace culture that:
 - Does not informally penalize people for disclosing they are experiencing domestic violence or for reporting a potentially abusive coworker.
 - Ensures confidentiality for people experiencing domestic violence.
 - Features appropriate safety and security protocols.
- Obtain and post relevant resources, including:
 - The National Domestic Violence Hotline: 800-799-7233.
 - Washington's [local domestic violence programs](#).
 - Washington's required domestic violence resources [workplace poster](#) (RCW [50.12.330](#)).

¹⁵ Workplaces Respond to Domestic and Sexual Violence: A National Resource Center, "Model Workplace Policy on Domestic Violence, Sexual Violence, and Stalking," (Dec. 1, 2022), <https://www.workplacesrespond.org/resource-library/model-guidelines/https://www.workplacesrespond.org/resource-library/model-guidelines/>

¹⁶ Washington State Department of Labor & Industries, "Domestic Violence Leave," (Dec. 1, 2022), <https://www.lni.wa.gov/workers-rights/leave/domestic-violence-leave>

- Post domestic violence information and available resources in discreet places where employees cannot be seen accessing it, such as in restrooms and lunch sites.¹⁷

Implementing a domestic violence and the workplace program

Once the employer's policies and procedures are established, Commerce recommends that employers provide employee training on and easy access to the domestic violence and the workplace program documents, including:

- The employer's domestic violence and the workplace policy.
- Information about employees' relevant protections and right to domestic violence leave under Washington law ([RCW 49.76](#) and [49.46](#)).
- Washington State Department of Labor & Industries' [domestic violence leave](#) information for employees and employers.

Best practices¹⁸ also recommend that employers increase employees' awareness about domestic violence issues, tool kits and resources by:

- Contacting local agencies for workplace trainings.
- Viewing and discussing [free online workplace resources](#) over "brown bag" lunches.
- Downloading and posting free [workplace safety cards](#).

A comprehensive domestic violence and the workplace program creates a safe and supportive work environment for all workers.

Additional resources

Potential threat assessments

When an employee discloses a domestic violence threat or incident, [threat assessment procedures](#) are helpful. A threat assessment provides information about individuals who may pose a risk to the workplace. A threat assessment can discern the nature and context of a threat or threatening behavior, the apparent motivation behind the threat, and a perpetrator's background, including work history, criminal record, mental health history and past behavior on the job. If the employee experiencing domestic violence consents to it, an employer and employee can partner to complete a potential threat assessment together.¹⁹

Workplace safety planning

When employees disclose a domestic violence threat or incident, workplaces can create a [workplace safety plan](#). Employers must provide reasonable safety accommodations if requested unless they create an undue hardship.²⁰ WSCADV recommends a [workplace safety plan](#) to evaluate and establish reasonable workplace

¹⁷ Cornell University, "Domestic Violence and the Workplace Model Policy and Tool Kit," (2022), <https://www.lawschool.cornell.edu/academics/experiential-learning/clinical-program/gender-justice-clinic/domestic-violence-and-the-workplace-model-policy-and-toolkit/>

¹⁸ Cornell University, "Domestic Violence and the Workplace Model Policy and Tool Kit," (2022), <https://www.lawschool.cornell.edu/academics/experiential-learning/clinical-program/gender-justice-clinic/domestic-violence-and-the-workplace-model-policy-and-toolkit/>

¹⁹ Workplaces Respond to Domestic and Sexual Violence: A National Resource Center, "Preparing your Workplace for Worker-Centered Responses to Potential Threats," (Dec. 1, 2022), https://www.workplacesrespond.org/wp-content/uploads/2017/01/Preparing-your-Workplace-for-Worker-Centered-Responses-to-Potential-Threats_Revised-August-2020.pdf

²⁰ Washington State Department of Labor & Industries, "Domestic Violence Leave," (Dec. 1, 2022), <https://www.lni.wa.gov/workers-rights/leave/domestic-violence-leave>

safety accommodations an employer can make. Examples of accommodations include allowing employees to work from the office instead of remotely, identifying all access points to the workplace, and ensuring parking spaces are well lit.²¹ When an employee works remotely, and their employer knows there is a potential threat to the employee’s safety, the employer must “respond with appropriate action to mitigate risk and protect potential victims.”²² Implementing workplace safety plans can reduce employers’ liability while creating a safer workspace.

²¹ Australian Human Rights Commission, “Workplace Guide Domestic Violence Safety Planning,” (Dec. 1, 2022), https://humanrights.gov.au/sites/default/files/Annex%20B%20safety_planning.pdf

²² Meyer, Claire. Society for Human Resource Management, “Domestic Abuse Reports Fueled by More Remote Workers,” (2020), <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/domestic-abuse-rises-fueled-by-more-remote-workers.aspx>

Appendix A: Model workplace policy

The following model workplace policy on domestic violence, sexual violence and stalking comes from the national resource center Workplaces Respond to Domestic and Sexual Violence. Commerce recommends that Washington employers use this model policy as a template to create their own workplace policies on domestic violence, sexual violence and stalking if they do not already have such policies.

I. Purpose

[Employer] institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incidence and effects of domestic violence, sexual violence, and stalking [hereinafter “violence”] at the workplace. [Employer] recognizes that domestic violence, sexual violence, and stalking present unique issues for its workforce.

Domestic violence, sexual violence, and stalking are workplace issues, even if incidents occur elsewhere. Domestic violence, sexual violence, and stalking cross economic, educational, cultural, age, gender, racial, and religious lines and occur in a wide variety of contexts. Therefore, the organization will take every appropriate measure to prevent and/or address such violence in the context of:

- Subordinate/superior relationships
- Heterosexual and same-sex intimate partner relationships, including marital, cohabiting, or dating
- Heterosexual or same-sex non-intimate partner relationships, such as between coworkers
- Parent/child relationships
- Violent acts of others that could potentially occur within the workplace

The purposes and goals of this policy are to:

- Support a comprehensive workplace education and training program to prevent violence and promote healthy relationships for employees and their families;
- Create a supportive and healthful work environment that helps employees to avoid the use of violence in any context;
- Institutionalize responsive policies and procedures to assist employees who are impacted by violence, including the provision of training on this policy to employees and management;

II. Definitions

1. Survivor or victim

An individual who is currently subject to, or has in the past been subjected to, domestic violence, sexual violence, stalking or other forms of violence.

2. Perpetrator

An individual who commits or threatens to commit an act of domestic violence, sexual violence, or stalking, including unwarranted violence against animals.

3. Domestic violence

Domestic violence is a pattern of coercive behavior, including acts or threatened acts a perpetrator uses to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes but is not limited to physical violence,

injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.

4. Sexual violence

Sexual violence is a range of behaviors, including but not limited to sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some or all of these acts may also be addressed in [Employer]’s Sexual Harassment Policy. Sexual violence is any sexual act or behavior perpetrated against someone’s will when someone does not or cannot consent. Survivors of sexual violence may know the perpetrator(s), such as a coworker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the survivor. Consent is not given when a perpetrator uses force, harassment, the threat of force, adverse personnel action, coercion, or when the survivor is asleep, incapacitated, or unconscious.

5. Stalking

Stalking refers to harassing, intimidating or threatening conduct that causes the survivor to fear for their safety or the safety of a family member or would cause a reasonable person in a similar situation to fear for their safety. Stalking conduct includes, but is not limited to following or spying on a person; appearing at a person’s home or work; engaging in unwanted, harassing, or threatening phone calls, emailing, texting, etc.; waiting at places to make unwanted contact with the survivor or to monitor the survivor; leaving unwanted items, presents, or flowers for the survivor; and posting information or spreading rumors about the survivor on the internet, in a public place, or by word of mouth. Stalking may occur through the use of technology including, but not limited to, email; voicemail; text messaging; and the use of GPS and social networking sites.

6. Protection or restraining order

Protection orders, sometimes called restraining orders or stay away orders, allow a survivor to petition the court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, like rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or release, particularly in domestic violence, sexual violence, dating violence, or stalking-related crimes. In addition, some states have enacted laws that allow employers to apply for protection orders to prevent violence, harassment, or stalking of their employees.

7. Workplace-related incidents

Workplace-related incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property that imperil the safety or well-being of any person associated with an employee of [Employer], regardless of whether the act occurred in or outside the organization’s physical workplace. An employee is considered to be in the workplace while in or utilizing the employer’s resources, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.

8. Non-workplace incidents

Non-workplace incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against any person or animal that occur anywhere outside a company’s physical workplace and/or while an employee is not engaged with or traveling for the employer.

9. Workplace safety plan

A strategy developed in collaboration with a victim and victim service provider to implement workplace safety options, including but not limited to handling court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, change in parking spots, and requests for escorts to and from workplace facilities.

III. Persons covered by this policy

This policy covers full and part-time employees, interns, contractors, volunteers, or temporary workers engaged by [Employer] or in any workplace location.

IV. Statement of confidentiality

[Employer] recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. [Employer] shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law, unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, [Employer] shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. [Employer] shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties to maintain safety in the workplace or elsewhere. [Employer] shall also provide the employee with the name and title of the person to whom [Employer] intends to share the employee's statements and shall explain the necessity and purpose regarding said disclosure.

V. Employer responses to violence

A. Responses to victims

i. Non-discrimination and non-retaliation

[Employer] will not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, sexual violence, or stalking if the victim provides notice to the organization of the status or the organization has actual knowledge of the status.

[Employer] will not retaliate against a victim of domestic violence, sexual assault, or stalking for requesting leave or reasonable accommodation (see Section 5(A)(ii)), regardless of whether the request was granted.

ii. Leave and other reasonable accommodations and assistance

[Employer] recognizes that victims of domestic violence, sexual assault, stalking and dating violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure his or her health, safety, or welfare or that of his or her child. [Employer] will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or his or her child is a victim of domestic violence, sexual assault, and/or stalking. [Employer] will work with the employee to provide paid leave first before requiring an employee to utilize unpaid leave.

An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. [Employer] may require the employee to provide documentation or other certification verifying that the employee was a victim of violence. To request Leave, the employee should contact [person].

[Employer] will maintain the confidentiality of a person who requests leave under this policy to the extent allowed by law.

[Employer] will also provide reasonable accommodations for a victim of domestic violence, sexual violence, or stalking who requests accommodation for the safety of the victim or to maintain his or her work performance while at work. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting the violence that occurs in the workplace, an implemented safety procedure, another adjustment to a job structure, workplace facility, or work requirement in response to the violence, or referral to a victim assistance organization. [Employer] will assist an employee in enforcing his or her protection order, if applicable.

iii. Access to unemployment insurance benefits

[Employer] recognizes that in certain situations, it is no longer feasible for an employee who is a victim of violence to continue working for [Employer]. In such circumstances, [Employer] shall provide to employee information regarding access to unemployment insurance benefits. [Employer] has designated [person] to provide accurate information regarding unemployment benefits for victims of violence.

iv. Work performance

[Employer] recognizes that employees who are victims of violence may experience temporary difficulty fulfilling job responsibilities. If [Employer] becomes aware that an employee's work performance or conduct has been impacted by domestic violence, sexual assault, and stalking, [Employer] will offer support to the employee and work in collaboration with the employee to address the issues in accordance with established policies within the workplace. [Employer] may develop a work plan with the employee, provide leave and other accommodations as specified in Section 5(A)(ii), provide referrals to support or advocacy agencies, advise the employee of his or her rights regarding unemployment insurance as specified in Section 5(A)(iii), and maintain a separate and confidential record of employee's status as a victim of domestic violence, sexual assault, and stalking to ensure to the victim that his or her rights and privileges of employment are not impacted or compromised as a result of the violence.

v. Protection and restraining orders

[Employer] recognizes that a victim of violence may seek an order of protection or may receive a [protection or restraining order](#) as part of his or her efforts to become safe and as part of his or her workplace safety plan. [Employer] recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to [Employer], [Employer] may, wherever possible, assist the employee in enforcing his or her order, shall archive said order in a confidential and separate file from the employee's personnel file, and, if applicable, may assist the employee in gathering documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

B. Reporting by employees with information about violence

Employees who have information about or witness an act of violence perpetrated by an employee or who have information about or witness violence against an employee are required to report all information to the designated person in [Employer] organization.

[Employer] will not retaliate against, terminate, or discipline any employee for reporting information about alleged incidents of violence, as defined in this policy, that may have been committed by any other employee, including a member of management. Prohibited acts of retaliation include but are not limited to demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation, for example.

Any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy should contact [person]. See Section 7 regarding reporting violations of this policy.

C. Responses to workers who commit violence

If [Employer] receives information that alleges or suggests that an employee has committed an incident of workplace-related or non-workplace violence, as defined in this Policy, or if any manager receives information that any employee has engaged in any incident of workplace-related or non-workplace violence, then the matter shall be referred to the designated executive for the purpose of investigating the information or allegation. [Employer] shall conduct an immediate investigation of the information or allegation, which investigation shall be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence.

Every employee shall have a duty to cooperate with the investigation, and failure to do so will result in disciplinary action being taken against the uncooperative employee, up to and including termination. Additionally, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of violence. Any employee who fails to be completely truthful or who withholds information shall be subject to disciplinary action up to and including termination.

At the conclusion of the investigation conducted by [Employer], the investigator shall report her or his findings to the designated official. If the investigator concludes, by a preponderance of the evidence, that the employee has engaged in a workplace-related incident or non-workplace incident, as defined in this Policy, then that employee shall be subject to disciplinary action up to and including termination. The employee might also be required to participate in counseling or other remedial measures. Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines, or other means to threaten, harass, intimidate, embarrass or otherwise harm another person.

An employee who is subject to a protection or restraining order or a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, or stalking must notify the [Employer] Human Resources Department immediately regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment.

VI. Reporting by employees who are victims

Employees who are victims of domestic violence, sexual assault, and stalking and employees who are concerned about coworkers who might be victims are encouraged to provide a report to [Employer]. [Employer] has designated [person] as the person to whom such reports should be made. [Employer's] designated employee shall provide community referrals and resources to employees in order to assist employees with their concerns or experiences regarding violence.

VII. Reporting a violation of policy

A person who wishes to report a violation of this policy should also contact [person]. [Employer] will not subject employees who report violence or report a violation of this policy to work-related or personal retaliation, as described in Section 5(B). Any allegations of violations of this policy will be immediately investigated in accordance with the timeline and procedure outlined in Section 5(C).

Appendix B: Domestic violence leave for employees and employers

The following information comes from the Washington State Department of Labor & Industries' [web page](#) on domestic violence leave.

Introduction

Washington provides victims of domestic violence, sexual assault, or stalking the opportunity to take time off work. This leave is available to all employees and qualifying family members.

Victims and their family members can use domestic violence leave for:

- Legal or law enforcement assistance and court proceedings
- Medical and psychological help
- Help from social service programs
- Safety planning
- Relocating

Domestic violence leave is not limited by an employee's available paid time off. It can include reasonable amounts of unpaid leave. Employees can also request reasonable safety accommodations from their employer. An employee's job is protected by law when using this leave.

For employees

You can use any available leave if you or a qualifying family member has experienced domestic violence, including:

- Paid time off
- Sick leave
- Leave without pay

Leave can be used as a single block of time, intermittently, or on an adjusted schedule.

Safety accommodations

Victims of domestic violence and their qualifying family members can request safety accommodations at their place of work, including:

- A job transfer or reassignment
- Changing work telephone or email
- Implementation of safety procedures

Employers must provide reasonable safety accommodations when requested unless they create an undue hardship.

If you feel your employer has violated your rights under the Domestic Violence Leave Act, you can [file a protected leave complaint](#).

Documentation

Your employer can request documentation of your need for leave. However, they must respect your privacy rights. Appropriate documentation includes:

- Police reports or court documents
- An employee's written statement
- A statement from a provider, clergy, attorney, or advocate

For employers

Employers cannot retaliate or discriminate against an actual or perceived victim of domestic violence, sexual assault, stalking or any qualifying family member. Employers must accommodate requests for time off or safety accommodations and allow employees to use any available paid or unpaid leave as needed.

Safety accommodations

Employees can request a safety accommodation related to domestic violence, including:

- A job transfer or reassignment
- Changing work telephone or email
- Implementation of safety procedures

Employers must provide reasonable safety accommodations when requested unless it creates an undue hardship.

Documentation

Employers can request documentation to support an employee's request for leave or accommodation.

Documentation can include the following:

- Police reports or court documents
- Employee's written statement
- Statement from a provider, clergy, or advocate

Employers must protect the employee's rights to privacy and should treat reports of domestic violence with discretion. All protected, sensitive, or confidential documentation, reports, and records must be handled according to all applicable state and federal privacy laws.

Appendix C: Threat assessment procedures

The following [guidance](#) for preparing a workplace for worker-centered responses to potential threats comes from the national resource center Workplaces Respond to Domestic and Sexual Violence.

Violence in the workplace

Domestic violence affects workplace safety when a worker, or anyone with a familial or intimate relationship with a worker, uses violent or threatening behavior designed to control or harm the person they're targeting. Domestic violence usually involves people with a pre-existing personal relationship, whether as family members, spouses, dating partners, or persons with a child in common.

Sexual violence becomes a workplace threat when anyone who comes in contact with the workplace engages in sexually harassing or criminal acts. Sexual violence can be committed by someone known or unknown to the person: a family member, dating partner, co-worker, supervisor, security guard, customer/client, member of the public on company property, or a stranger. Crimes of sexual violence are defined differently in every state but include rape, incest, sexual touching, threats, sexual harassment, assaults, and batteries.

Stalking often co-occurs with domestic violence or sexual violence. A stalker can be known or unknown to the person and be a co-worker or client, a family member or intimate partner, an acquaintance or a stranger. The threat posed to the affected worker and the workplace will depend upon the perpetrator and their actions.

Preventing an incident

Conducting a threat assessment

Workplaces can engage in threat assessments, which are a set of strategies or pathways that provide information about individuals who may pose a risk to the workplace to protect against the harmful workplace impacts of domestic violence, sexual violence, and stalking.

Threat assessments can discern the following:

- Potential security vulnerabilities (e.g., access points)
- Exact nature and context of a threat and/or threatening behavior
- Identified target (general or specific)
- The apparent motivation behind the threat
- A perpetrator's background, including work history, criminal record, mental health history, and past behavior on the job

Regular threat assessment is necessary because a threat level is never fixed and can change over time. For this reason, constant threat assessment is critical.

After conducting the threat assessment, make policy and organizational changes in your workplace to enhance the safety and well-being of all workers.

Worker-centered response to a potential threat

If a worker knows a potential perpetrator, the worker typically has the greatest insight into the potential perpetrator's behavior and can provide substantial guidance in protecting themselves and the workplace. Upon learning that a worker faces a potential threat, employers should immediately work to develop a partnership

with the threatened worker to develop a safe and effective response guided by the worker's needs and circumstances.

If a worker does not know a potential perpetrator, employers should develop a similar partnership with the threatened worker to assess the level of danger and take protective measures, such as escorting the worker to their vehicle until the potential threat subsides.

Workplaces must tailor responses to the unique circumstances of each situation. In some instances, workplaces need to take only a few precautions beyond those already in place. Other cases require a higher level of assessment and planning, including, when applicable, the creation of a response team.

Workplaces should apply the following principles when working with a worker to assess a potential threat:

- Ask about and assess facts relevant to any workplace threat. To preserve privacy, limit personal questions about the history between the affected worker and perpetrator to matters that help reveal the potential risks;
- Keep any information provided by the affected worker confidential whenever possible, only sharing specific facts with those who must receive specific information to implement workplace safety measures;
- Do not advise the worker about personal safety issues away from work. If the worker has a relationship with the perpetrator, do not tell the worker what to do about the relationship;
- Refer the worker to qualified local services (such as legal, healthcare, etc.) to ensure that the worker receives appropriate information and assistance, including safety planning;
- Print and share resources and referrals with the worker;
- Do not blame or hold the worker responsible for a perpetrator's threats or violent actions.

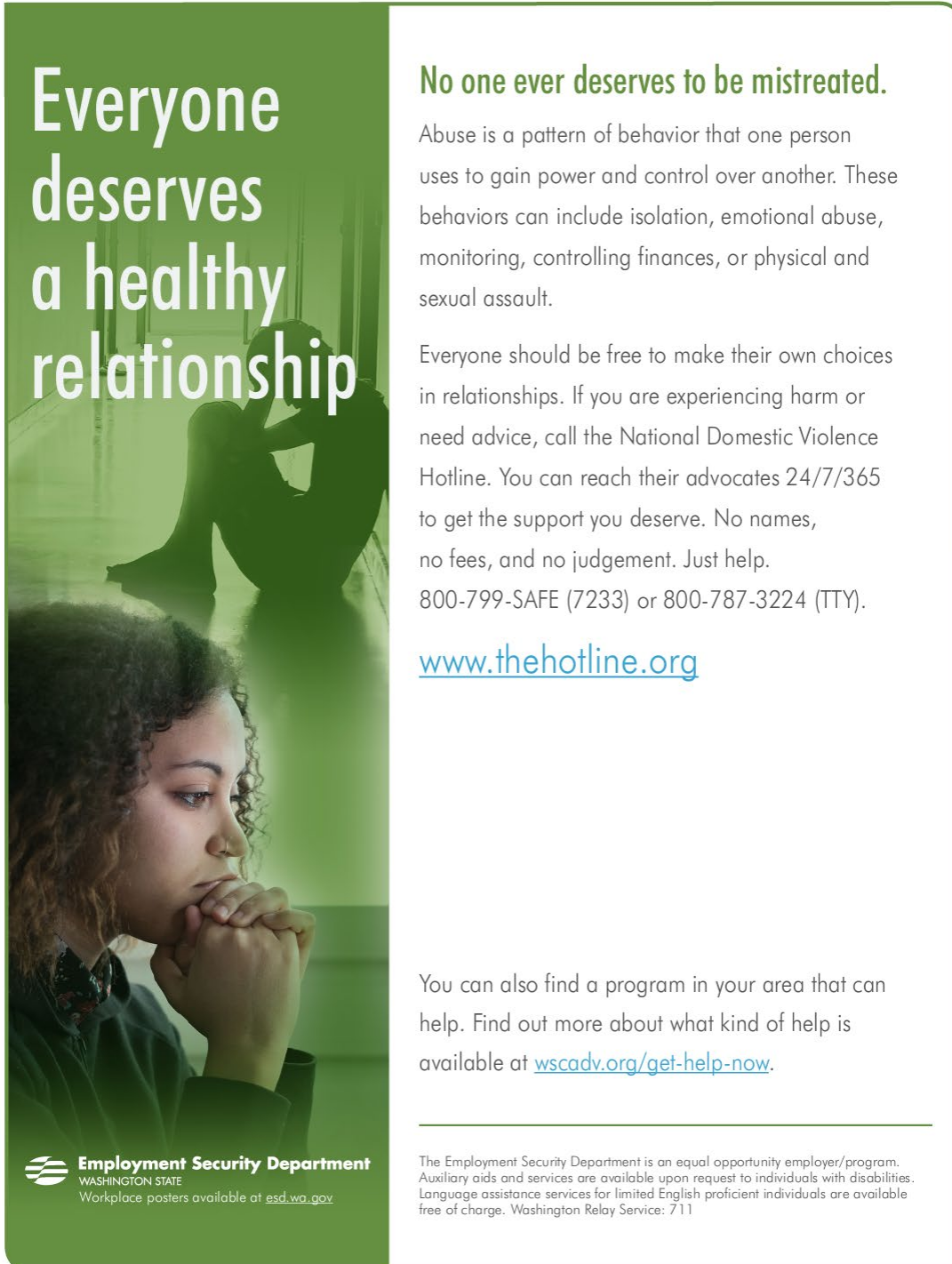
A worker who faces a potential threat may also need workplace accommodations to address their own particular safety issues, such as a Protective Order, also known as a Restraining Order. Depending on the extent to which a potential threat has been directed towards a workplace, an employer may consider consulting with the affected worker and obtaining the order in the employer's name or a no-trespass order covering the work site (if allowed under state law).

Other accommodations to consider include the following:

- Obtaining the affected worker's permission to provide relevant details about the potential perpetrator (such as a picture, physical description, license plate number, or vehicle make/model) to security personnel and reception staff;
- Relocating the affected worker to another work area or altering their work schedule until the threat is over; and
- With the affected worker's input and permission, have their calls screened, transferred to security or designated personnel, and remove the affected worker's contact information from directories and websites.

Appendix D: Washington's required domestic violence resources poster

Washington employers must post the [domestic violence resources poster](#) where employees can see it.

The poster features a green background with a silhouette of a person sitting on the floor in a hallway, and a close-up of a woman's face looking thoughtful. The text is in white and green.

Everyone deserves a healthy relationship


No one ever deserves to be mistreated.

Abuse is a pattern of behavior that one person uses to gain power and control over another. These behaviors can include isolation, emotional abuse, monitoring, controlling finances, or physical and sexual assault.

Everyone should be free to make their own choices in relationships. If you are experiencing harm or need advice, call the National Domestic Violence Hotline. You can reach their advocates 24/7/365 to get the support you deserve. No names, no fees, and no judgement. Just help. 800-799-SAFE (7233) or 800-787-3224 (TTY).

www.thehotline.org

You can also find a program in your area that can help. Find out more about what kind of help is available at wscadv.org/get-help-now.

 **Employment Security Department**
WASHINGTON STATE
Workplace posters available at esd.wa.gov

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

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