

National Sexual Assault Conference 2011

Safe At Work: Keeping Survivors Employed and Educating Employers

Maya Raghu, Futures Without Violence

Diane Moyer, Pennsylvania Coalition Against Rape

Small Group Exercise

Amina worked as a chambermaid at a large luxury hotel in New York City. One morning, she was cleaning rooms on her assigned floor. She knocked on door of Room 2010 to provide service and called out "housekeeping." There was no answer so she used her master key to enter the room. As it turns out, the guest was present in the room and came out of the bathroom with no clothes on. Amina was embarrassed and hurried towards the door, saying she was sorry. However, the guest ran to Amina, grabbed her arm and told her not to worry. As Amina tried to leave, the guest overpowered her, threw her on the bed and raped her. He warned her not to report what happened, and that even if she did, no one would believe her as he was an important businessman who was a frequent guest of the hotel.

Amina was terrified and did not report the incident to management. However, later that morning a co-worker who was a friend noticed that she was acting differently and asked her what was wrong. Amina told a co-worker what happened, but asked her friend to keep it confidential. Nevertheless, the co-worker reported to the incident to the staff supervisor. The supervisor called Amina in the next day and asked if the report was true.

Assume that you are assisting Amina. In small groups, discuss:


1. As an advocate, is there any additional information would you like to know in this case?
2. How would you advise Amina to handle the meeting with the supervisor? What would you tell Amina to say/do?


Now assume that Amina told the supervisor that she had been raped by the guest. The supervisor was shocked and indicated she would have to tell the hotel's general manager. After speaking to the supervisor, the general manager decided that the incident should not be reported to the police because they did not want to alienate their powerful guest. However, he told Amina to take two weeks of paid leave immediately and that they would assess her employment situation when she came back.

3. What alternatives, legal and otherwise, would you suggest to Amina? What are the safety considerations associated with each?

NATIONAL SEXUAL ASSAULT CONFERENCE 2011:
**SAFE AT WORK: KEEPING SURVIVORS
EMPLOYED AND EDUCATING
EMPLOYERS**

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Learning Objectives

As a result of this workshop, you will be better able to:

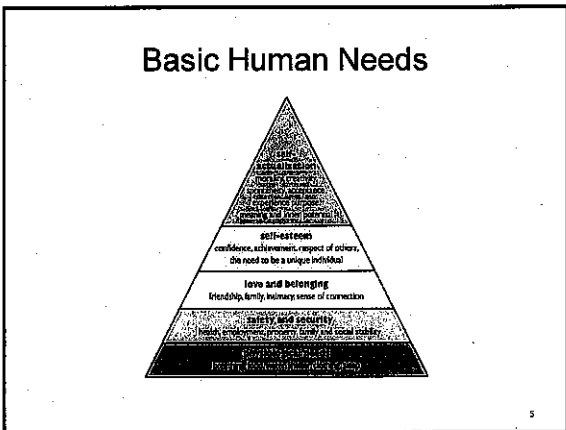
- Discuss the ways that domestic and sexual violence and stalking impact employment for survivors and the importance of employment and economic security for survivors' safety and well-being;
- Explain laws and policies that apply to survivors and their employment, including accommodations and leave, non-discrimination laws, crime victim leave laws, Family Medical Leave Act, and unemployment insurance;
- Advocate for individual clients and with employers generally to promote survivor-centered employment policies and practices.

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**How does employment impact a
survivor's safety?**

3

How does violence affect a survivor's ability to obtain and maintain employment?



- ### Employment, Violence and Stalking
- Absences for legal proceedings, obtaining medical care or psychological counseling, safety planning, relocation
 - Unscheduled or unexplained absences
 - Chronic tardiness
 - Changes in work performance
 - On the job harassment and violence
 - Unexplained bruises or injuries
 - Financial problems
 - Quit
 - Termination

Small group exercise

Facts

Amina worked as a chambermaid at a large luxury hotel in New York City. One morning, she was cleaning rooms on her assigned floor. She knocked on door of Room 2010 to provide service and called out "housekeeping." There was no answer so she used her master key to enter the room. As it turns out, the guest was present in the room and came out of the bathroom with no clothes on. Amina was embarrassed and hurried towards the door, saying she was sorry. However, the guest ran to Amina, grabbed her arm and told her not to worry. As Amina tried to leave, the guest overpowered her, threw her on the bed and raped her. He warned her not to report what happened, and that even if she did, no one would believe her as he was an important businessman who was a frequent guest of the hotel.

Amina was terrified and did not report the incident to management. However, later that morning a co-worker who was a friend noticed that she was acting differently and asked her what was wrong. Amina told a co-worker what happened, but asked her friend to keep it confidential. Nevertheless, the co-worker reported to the incident to the staff supervisor. The supervisor called Amina in the next day and asked if the report was true.

Discussion Questions – Part 1

Assume that you are assisting Amina. In small groups, discuss:

1. As an advocate, is there any additional information would you like to know in this case?
2. How would you advise Amina to handle the meeting with the supervisor? What would you tell Amina to say/do?

Discussion Questions – Part 2

Now assume that Amina told the supervisor that she had been raped by the guest. The supervisor was shocked and indicated she would have to tell the hotel's general manager. After speaking to the supervisor, the general manager decided that the incident should not be reported to the police because they did not want to alienate their powerful guest. However, he told Amina to take two weeks of paid leave immediately and that they would assess her employment situation when she came back.

3. What alternatives, legal and otherwise, would you suggest to Amina? What are the safety considerations associated with each?

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Advocate Assistance

- Identify the workplace-related issues
- Know of applicable laws and policies
- Advocate with the employer/union and help the survivor develop a workplace safety plan, ask for reasonable accommodations at the job, confront discrimination, get unemployment benefits, etc.

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Employer Policies

- Collective bargaining agreement
- Sexual harassment policy
- Workplace violence policy
- Domestic violence policy
- Use of sick/vacation time, leaves of absence
- Disciplinary action

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Workplace Protections for Survivors

- Non-discrimination
- Reasonable accommodations
- Time off
- Access to unemployment insurance benefits

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Non-discrimination

- IL, NY, OR, HI
- Hiring, firing, treating adversely
- Employer size
- DV, SA, stalking
- Actual or perceived
- Acts of abuser
- Proof requirements

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Other Non-discrimination Laws

- Title VII
 - 15 employees
 - Sex discrimination
- Americans With Disabilities Act
 - 15 employees
 - Disability discrimination
- State civil rights laws vary widely
 - Sex/gender, disability, etc.

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Accommodations and leave

- Reasonable accommodations laws
- Survivor-specific leave laws (including sick/safe days)
- Crime victim leave laws
- Family and Medical Leave Act

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Reasonable Accommodations Laws

- What does "reasonable accommodation" mean?
- Examples:
 - Changing telephone extensions
 - Changing hours or shift
 - Transfer
 - Changing work location or entry/exit points
 - Time off
 - Security escort
 - Structural modifications

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Survivor-specific leave laws

- Right of survivors of domestic violence and sexual assault to take leave to address the effects of the violence.
- Paid or unpaid
- Time off from work to:
 - Go to civil court to obtain protection for themselves and their family (RO, TRO, other relief);
 - See medical provider or counselor for services for physical or mental injuries caused/ made worse by violence/assault;
 - Obtain services from a DV and/or SA service provider; and
 - Obtain legal assistance
- Discrimination/retaliation/termination prohibited

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Crime Victim Leave Laws

- Give victims of crimes, including domestic violence, sexual assault, or stalking time off to go to court in certain situations.
 - Subpoena as a witness
 - Meet with prosecutor
 - Obtain order of protection
 - Support family member who is crime victim

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Family and Medical Leave Act (FMLA)

- Up to 12 weeks of unpaid leave each year
- Eligible employees
 - Worked for employer for at least 1 year;
 - Worked 1250 hours in the year preceding leave; and,
 - Works for an employers with at least 50 employees in a 75 mile radius
- Time off to care for own **serious health condition**, or that of a child, spouse or parent, or to **bond** with a new child.
- Job protection.
- Continuation of benefits.

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Unemployment Insurance

- Leaving work was necessary to protect themselves or family from domestic violence, sexual assault or stalking.
- Indiana, New Mexico, Montana, North Carolina, Oregon, and Vermont: DV, SA, stalking
- Washington and Texas: DV and stalking
- Many states just changed their laws specific to domestic violence because of the federal stimulus legislation.

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Undocumented Workers

- Employment discrimination laws apply, but few remedies
- Immigrant victims of crimes may qualify for U visas if they participate in law enforcement investigations or prosecutions of criminal activity.
- The EEOC is considered a law enforcement agency that can provide certification to enable survivors to obtain U visas.
- The Department of Labor also can provide certification.

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Revisiting Amina

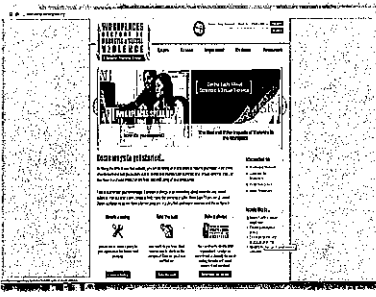
- What, if anything, would you do to advocate for Amina re: her employment?
- What can you do as an advocate to promote survivor centered policies and application of law amongst employers in your community?

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Advocate's Role: Educating Employers

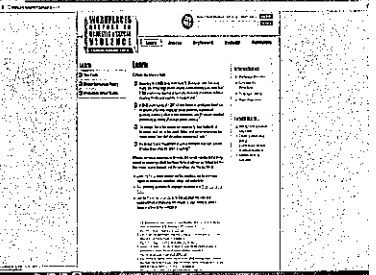
- Available as referral resource in the community
- Program at workplace to educate staff about DV/SA/stalking
- Workplace safety planning and accommodations
- Provide resources about violence and the workplace

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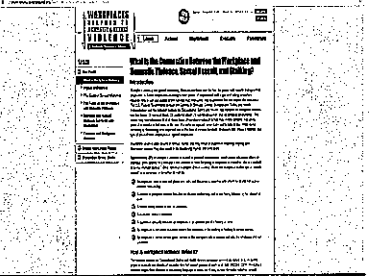
National Resource Center
www.workplacesrespond.org

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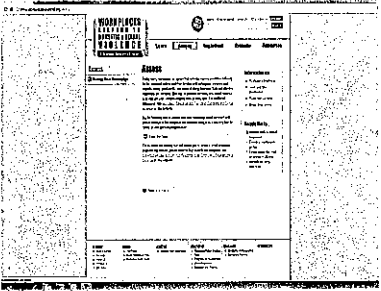
Learn the Facts

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The Connection Between Violence and the Workplace

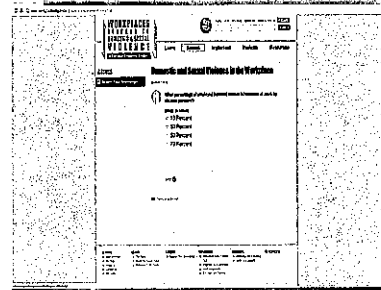
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A screenshot of a Moodle quiz page. The page title is "WORKPLACE SKILLS IN BLENDED LEARNING". The quiz title is "Assess Your Knowledge". The page contains a list of questions and a progress indicator. The page number "28" is visible in the bottom right corner.

Assess Your Knowledge

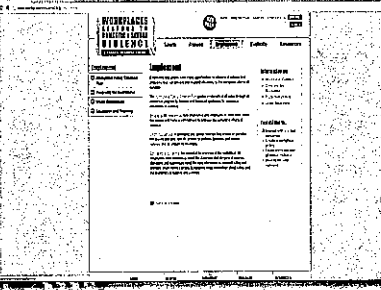
28



A screenshot of a Moodle quiz page. The page title is "WORKPLACE SKILLS IN BLENDED LEARNING". The quiz title is "Research and Social Values in the Workplace". The page contains a list of questions and a progress indicator. The page number "29" is visible in the bottom right corner.

Take The Quiz

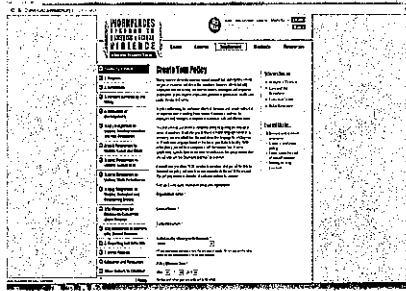
29



A screenshot of a Moodle quiz page. The page title is "WORKPLACE SKILLS IN BLENDED LEARNING". The quiz title is "Implement Changes to the Workplace". The page contains a list of questions and a progress indicator. The page number "30" is visible in the bottom right corner.

Implement Changes to the Workplace

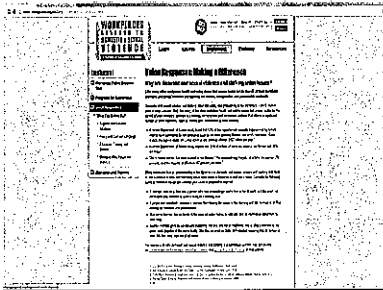
30



The screenshot shows a web application titled "WORKPLACES EXERCISES IN VIOLENCE". The main content area is titled "Draft Your Policy" and contains a list of sections with checkboxes and text boxes for customization. The sections include: "1. Purpose", "2. Scope", "3. Definitions", "4. Reporting Procedures", "5. Investigation", "6. Disciplinary Action", "7. Return to Work", "8. Confidentiality", "9. Training", "10. Enforcement", "11. Revision", and "12. Contact Information".

Create a Customized Workplace Policy

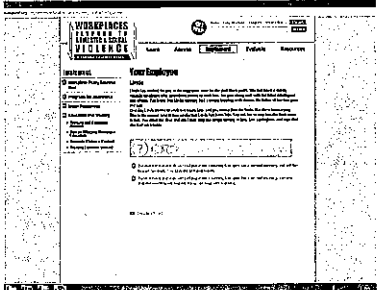
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The screenshot shows a web application titled "WORKPLACES EXERCISES IN VIOLENCE". The main content area is titled "Resources For Unions" and contains a list of resources with checkboxes and text boxes for customization. The resources include: "1. National Labor Relations Board (NLRB)", "2. American Labor Education Center", "3. Laborers' Education Center", "4. National Labor Union", "5. International Brotherhood of Teamsters", "6. United Brotherhood of Carpenters", "7. International Union of Bricklayers", "8. International Union of Painters", "9. International Union of Marine and Shipbuilding Workers", "10. International Union of Shipbuilding Workers", "11. International Union of Shipbuilding Workers", "12. International Union of Shipbuilding Workers", "13. International Union of Shipbuilding Workers", "14. International Union of Shipbuilding Workers", "15. International Union of Shipbuilding Workers", "16. International Union of Shipbuilding Workers", "17. International Union of Shipbuilding Workers", "18. International Union of Shipbuilding Workers", "19. International Union of Shipbuilding Workers", "20. International Union of Shipbuilding Workers".

Resources For Unions

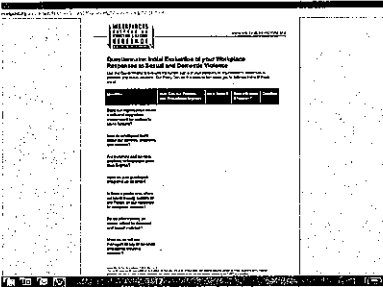
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The screenshot shows a web application titled "WORKPLACES EXERCISES IN VIOLENCE". The main content area is titled "Training Exercise: Interact with An Employee" and contains a list of training exercises with checkboxes and text boxes for customization. The exercises include: "1. Role-playing", "2. Case studies", "3. Guest speakers", "4. Video", "5. Audio", "6. Webinars", "7. Podcasts", "8. E-learning", "9. Interactive whiteboards", "10. Virtual reality", "11. Augmented reality", "12. Mobile learning", "13. Social learning", "14. Gamification", "15. Microlearning", "16. Personalized learning", "17. Adaptive learning", "18. Intelligent tutoring systems", "19. Intelligent tutoring systems", "20. Intelligent tutoring systems", "21. Intelligent tutoring systems", "22. Intelligent tutoring systems", "23. Intelligent tutoring systems", "24. Intelligent tutoring systems", "25. Intelligent tutoring systems", "26. Intelligent tutoring systems", "27. Intelligent tutoring systems", "28. Intelligent tutoring systems", "29. Intelligent tutoring systems", "30. Intelligent tutoring systems".

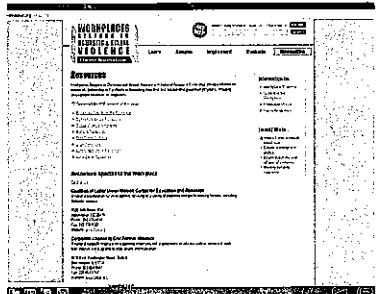
Training Exercise: Interact with An Employee

33



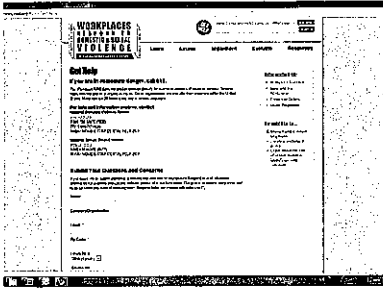
Evaluate Your Workplace's Response

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Resources

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Technical Assistance

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