INTERSECTIONS OF INTIMATE PARTNER VIOLENCE AND THE WORKPLACE

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Please Note:

The information contained in our trainings is intended to provide legal information only and should not be construed as legal advice. Texas Advocacy Project does not represent this institution. Please direct specific legal questions to your institution’s legal representative.
Who Is TAP?

- A non-profit law firm providing legal services to victims of:
  - Intimate partner violence
  - Sexual assault
  - Stalking

- Other services offered:
  - Training & education
  - Outreach & advocacy
TAP Services in Texas

- In 2016, TAP provided legal services in **5,979 cases**.
- Served **14,603 Texans in 174 counties**.
- Provided training resources to **1,659** judges, prosecutors, crime victim services personnel, legal advocates, medical professionals, educators, and others.
- Assisted **5,404 clients and their children** with a range of services such as safety planning and help in accessing Crime Victims’ Compensation and Texas Victim Information & Notification Everyday (VINE) funds.
TAP’s Policy on DV

TAP uses early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace.

■ TAP will provide available support and assistance to employees who are survivors of domestic violence.

■ This support may include:
  - confidential means for coming forward for help,
  - resource and referral information,
  - additional security at the workplace,
  - work schedule adjustment or leave necessary to obtain medical, counseling, or legal assistance, and
  - workplace relocation.

■ Written resource and referral information will be available in English and Spanish.
Candace Lambert

Candace is a domestic violence survivor and current advocate to stopping abuse. She has served 5 years on the Board of Directors for the Texas Advocacy Project. As a Texas Advocacy Project board member, she co-founded Handbags for Hope 10 years ago.
Economic Abuse Wheel

- **Employment & Workplace**
  - Causing partner to be late to work, miss work or leave early
  - Stalking partner at work and/or harassing
  - Sabotaging partner’s performance, potential and reputation

- **Finances & Credit**
  - Ruining partner’s credit
  - Bouncing checks
  - Accumulating debt and then declaring bankruptcy
  - Forging partner’s name on checks or financial documents
  - Denying partner access to family income such as credit cards

- **Child Support**
  - Refusing to pay support
  - Filing inaccurate income to determine appropriate amount of support
  - Inconsistent or late payments
  - Denying paternity
  - Not providing available health insurance

- **Welfare**
  - Threatening to report partner to welfare
  - Stealing welfare checks

- **Housing**
  - Evicting partner from the house/apartment
  - Making partner get evicted because of domestic violence issues or lack of rental agreement
  - Shutting off utilities

- **Child Care**
  - Refusing to help financially with childcare by not paying child support
  - Refusing to help with childcare
  - Abusing children
  - Forcing partner to be sole caretaker

- **Education & Training**
  - Not allowing partner to attend education or training
  - Harassing partner at school or training site

- **Legal Issues**
  - Filing false accusations against partner in order to have them summoned to court
  - Refusing to sign divorce paperwork, prolonging the process
  - Filing for retaliation, restraining order
  - Filing for retaliatory restraining order
  - Refusing to sign divorce, prolonging the process
  - Filing for retaliatory restraining order

The economic power and control wheel points out how employment and the workplace can be used against a victim. Ways that an abuser may use education, training and employment against a victim:

A. Cause partner to be late to work, miss work or leave early.
B. Stalking partner at work and/or harassing.
C. Sabotaging partner’s performance, potential and reputation.
D. Not allowing partner to attend education or training.
E. Harassing a partner while at school or training site.
Decrease in Workplace Productivity

- In 2003 the annual cost of lost productivity due to domestic violence is estimated as $727.8 million.
- Over 7.9 million paid workdays lost per year as a result of domestic violence.

*Costs of Intimate Partner Violence Against Women in the United States, 2003. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control*
Prevalence of Economic Abuse

- Between $\frac{1}{4}$- $\frac{1}{2}$ of domestic violence victims report that they have lost a job due to domestic violence.

- Approximately 6 out of 10 Americans strongly agree that the lack of money and a steady income is often a challenge faced by a survivor of intimate partner violence when leaving his/her abuser.


The Allstate Foundation “Crisis Economics and Domestic Violence” poll May 2009
What Is Trauma?

“Trauma is an emotional response to a terrible event like an accident, rape or natural disaster.

“Immediately after the event, shock and denial are typical. Longer term reactions include unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea.”

American Psychological Association
http://www.apa.org/topics/trauma
What Can Cause Trauma?

- Intimate Partner Violence
- Sexual Assault
- Officer-Involved Shooting
- Combat
- Major Car Accident
- Child Abuse
What Can Trauma Look Like for Survivors?

- Fragmented memories
- Recollection of abuse with no emotion, excessive emotion, or even laughter
- Aggression or irritability
- Repeated thoughts of the assault
- Nightmares
- Increased arousal (i.e. difficulty sleeping, concentrating, jumpiness)
Safety Planning with a Survivor

A safety plan is an individualized plan that victims develop to reduce the risks they and their children face.
Diagram to develop a safety plan

1. Evaluate Risks
2. Consider a wide range of options
3. Identify steps needed to reduce risks
4. Implement these strategies
5. Review and adapt plans as needed
Risk Assessment in Safety Planning

- Leaving is often a high risk decision.
- Our safety planning should include a risk or danger assessment.

158 Texas women were killed by a male intimate partner in 2015.
Means of Death

61% of perpetrators used a firearm.

- Shot: 61%
- Stabbed: 15%
- Beaten: 12%
- Strangled: 7%
- Other: 5%

Beside the graph: Home and Safety are Not Synonymous

78% of perpetrators killed their partners in a home.

- Home: 78%
- Public Place: 14%
- Vehicle: 3%
- Workplace: 2%
- Undetermined: 3%

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The Decision to Leave

Leaving could mean:

- An escalation of the partner’s violence,
- Increased risks for children,
- Loss of victim’s home, income, job, health insurance, immigration status,
- Loss of faith community and even the support of family and friends.
Helping the Survivor Assess Risk

- History of violence
- Previous violations of protective orders
- Access to firearms
- Use of weapons in DV incident
- Threats to kill
- Threats of suicide
- Drug or alcohol abuse

- Sexual violence
- Stalking
- Physical abuse of a child
- Threats or injury to person
- History of violent crime outside the home
- Strangulation
Consider a Wide Range of Options

- Unconventional community resources
- Who is already a source of support?
  - How can you help a survivor develop strategies that will both increase safety and reduce risk?
- What have you tried before?
Recap

- Assess risk.
- Re-evaluate safety plan constantly.
- Be realistic.
- Think innovatively.
- Support the victim’s decisions.
Building Safety Plans for Your Customers and Employers

- Ensure all TWCs have up to date training on intimate partner violence and dynamics.
- Know the resources in Texas and in areas where there are TWCs.
- Encourage collaboration with family violence agencies.
- Consider the safety concerns of survivors when applying for employment.
- Consider the safety concerns of survivors with current employment.
- What are the current accommodations for victims of family violence at your agency?
Workforce Centers and Survivors

- Domestic violence does not discriminate.
- Survivors that intersect with TWCs face a myriad of issues including:
  - Homelessness,
  - Disabilities,
  - Mental illness, and
  - Substance abuse.
- Solutions should be individualized for each survivor and their choice.
Warning Signs

- A person frequently mentions accidents.
- Unexplained absences from training classes or awkward explanations for absences
- Making references to a partner’s jealousy or demands for attention
- Decreased productivity
- Isolation from family or friends

Helpful Things to Say

- How can I help you?
- I believe you.
- I know of some resources when you are ready.
- You don’t deserve to be treated like this.
- I am here for you.
- This is not your fault.
Don’t Say

- Why don’t you just leave?
- How can you stay with him/her?
- I understand.
- I know how you feel.
- Did you do something to provoke him/her?
Civil Legal Protections

- Protective orders
- Crime Victims’ Compensation
- Good cause exemption
- Crime victims leave
- Unemployment insurance
Protective Orders in Texas

Magistrate’s Order for Emergency Protection

Temporary Ex Parte Protective Order
Tex. Fam. Code § 83

Protective Orders (FV, DV, SA, SK, TK)
Tex. Fam. Code §§ 71, 81-82, 84-88
Tex. Code Crim. Pro. Art. 6.09, 7A
What Is the Difference?

**Protective Order**
- Intent: protect PEOPLE
- Enforcement: criminal (arrest) & civil (contempt)
- Type of filing: separate suit or as part of a family petition.
- Who files: member of family/household/dating relationship, CPS, attorney, pro se
- Cost: no filing fees

**Temporary Restraining Order**
- Intent: protect PROPERTY
- Enforcement: civil (contempt)
- Type of filing: separate suit or as a part of a family petition
- Who files: party to a family petition, attorney, pro se
- Duration: 14 days
- Costs: typically filing fees
FAQs About Protective Orders and the Workplace

■ How long does it take to get a protective order?
■ Is the workplace a protected place on a protective order for a survivor?
■ How will other employees be affected by this?
■ What if I know about the abuse but the customer/employee does not want to get a protective order?
■ Both parties work for the same employer at the same location. What options do employers have?
CVC is a fund available to victims of violent crime in Texas.

The program is within the Office of the Attorney General

Requirements to apply:

- The crime must be reported to appropriate law enforcement agency within a reasonable period of time but not so late as to interfere with or hamper the investigation and prosecution of the crime.
- The application must be filled within 3 years from the date of the crime.

Tex. Admin. Code § 61
Texas Crime Victims' Compensation Program Application

■ Reimbursable expenses:
  - Medical, hospital, physical therapy or nursing home,
  - Loss of wages due to medical treatment or participation in, or attendance at, the investigation, prosecutorial and judicial processes,
  - Care of a child or dependent,
  - Loss of support,
  - Relocation.
Crime Victims’ Compensation

- Relocation assistance for victims of family violence and victims of sexual assault
- $3,800 total benefit
- Up to $2000 for relocation (moving company, utility deposits, etc.)
- Up to $1,800 for rent
When applying for TANF or SNAP there are exemptions.

Currently, in order to receive cash benefits and medical assistance through TANF and SNAP the applicant is required to:
- Participate in work activities,
- Disclose the father of her children and comply with attempts to collect child support,
- Remain on benefits for a limited time (from one to three years depending on work and school history).

Requirements relating to financial assistance may be waived or modified for an individual who is a victim of family violence if compliance would place them or their children in danger, or make it more difficult to leave a violent situation.

Texas Workforce Commission is required to:
  - Provide referrals to family violence programs,
  - Maintain the confidentiality of information regarding the identity and location of a victim of family violence.

Child Support Safety

- The OAG has created safe ways for survivors of domestic violence to apply for child support.
- Once alerting the OAG of safety concerns, a family violence indicator will be placed on a survivor’s account.
- This indicator will:
  - Restrict release of a survivor’s contact information,
  - Require that any legal actions be addressed at court, rather than through a negotiation conference with the other parent in the child support office,
  - Prevent survivors from being required to negotiate in the same room or at the same table as the other parent in court.

45 C.F.R. § 307.11(f)(1); Tex. Fam. Code § 231.001
Crime Victim Leave

- In Texas there is no job-protected leave for survivors of domestic violence.
- There are two types of protection when survivors are required to testify in a court proceeding.
  - Survivor’s have the right to have the attorney for the state notify their employer of the necessity of the victim’s cooperation and testimony in a proceeding that may make them miss work. An employer can not discharge, discipline, or penalize in any matter an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative hearing.

Tex. Code Crim. Pro. Art. 56.02 (a)(10)
Tex. Lab. Code § 52.051
Unemployment Insurance

- Victims of domestic violence, sexual assault and stalking, or threats of harm to herself are eligible.
- Employees whose immediate family members are victims of sexual assault are also eligible.
- Employee must be able to show any of the following as proof she is a victim of domestic violence, stalking or sexual assault or that her immediate family member is a victim of sexual assault:
  - An active or recently issued protective order,
  - Police record documenting the family violence, stalking or sexual assault,
  - Physician’s statement or other medical documentation that describes the family violence or sexual assault, or
  - Written documentation from a family violence center or rape crisis center that describes the family violence or sexual assault.

Tex. Lab. Code §§ 204.022(a)(11), 207.046(a)(2).
Thank You!
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