Unemployment Insurance

for Domestic Violence Survivors

Allowing domestic violence survivors to take advantage of unemployment insurance (UI) will help them maintain economic independence from their abusers while trying to escape violence.

★ 2004 POLICY SUMMARY ★

Unemployment Insurance for Domestic Violence Survivors

Summary

- **1.5 million women are physically or sexually assaulted by an intimate partner each year.**
- **Every day, domestic violence follows women to work—at least one quarter of survivors report losing a job due, at least in part, to the violence in their lives.**
- **Nearly all employed domestic violence survivors experience work-related problems as a result of their abuse.**
- **Maintaining an independent source of income is critical for women who are trying to escape domestic violence.**
- **Unemployment insurance (UI) is needed to help domestic violence survivors maintain economic independence from their abusers.**
- **Twenty-four states explicitly provide UI benefits to women who lose their jobs as a result of domestic violence.**

1.5 million women are physically or sexually assaulted by an intimate partner each year.

In addition to women who experience domestic violence, millions more children are affected.

Every day, domestic violence follows women to work—at least one quarter of survivors report losing a job due, at least in part, to the violence in their lives.

According to a series of studies, between 24 and 52 percent of domestic violence victims report that they lost a job due, at least in part, to domestic violence.[1]

Nearly all employed domestic violence survivors experience work-related problems as a result of their abuse.

Ninety-six percent report some type of work-related problem due to the violence they suffer in their personal relationships.[2] For example, a perpetrator may stalk a victim at her workplace—making harassing phone calls, waiting outside, or coming into the workplace and verbally or physically assaulting her.

Maintaining an independent source of income is critical for women who are trying to escape domestic violence.

Job loss, or the threat of job loss, prevents many battered women from escaping violent relationships. Women who suffer domestic violence are often dependent upon their abusers to provide food and shelter for themselves and their children. Without an income source separate from their abusers, many women are unable to escape the violence in their homes. Survivors should not have to choose between violence and poverty. The 1990 National Family Violence Survey found that levels of "abusive violence" to women with annual incomes below $10,000 are more than 3.5 times those found when incomes exceed $40,000.

Unemployment insurance (UI) is needed to help domestic violence survivors maintain economic independence from their abusers.

Unemployment insurance helps battered women find and maintain safety for themselves and their children. UI benefits allow women who lose or leave their jobs because of an abusive relationship to secure the basic necessities for themselves and their children.

Twenty-four states explicitly provide UI benefits to women who lose their jobs as a result of domestic violence.

In 2003, six states (IN, KS, NM, OK, SD and TX) adopted provisions recognizing domestic violence as "good cause" for leaving work, preserving eligibility for UI. Three states provide UI eligibility to domestic violence survivors as a result of court rulings. Seven other states provide UI to workers who have been separated from their jobs for personal reasons, including domestic violence.

State Laws Explicitly Recognizing UI for Domestic Violence	Courts Directing UI for Domestic Violence	States Allowing Use of UI for Personal Reasons, Including Domestic Violence
CA, CO, CT, DE, IN, KS, ME, MA, MN, MT, NE, NH, NJ, NM, NY, NC, OK, OR, RI, SD, TX, WA, WI, WY	AK, FL, PA	AL, HI, NV, OH, SC, UT, VA

This policy summary relies in large part on information from the National Employment Law Project.

Endnotes

[1] General Accounting Office, "Domestic Violence and Wefare," 1999.

[2] Robin Runge, Rebecca Smith and Richard McHugh, "Unemployment Insurance and Domestic Violence: Learning from our Experiences," 2002.

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For more information...

Center for Policy Alternatives
1875 Connecticut Avenue NW, Suite 710
Washington, DC 20009
202-387-6030
www.stateaction.org

National Coalition Against Domestic Violence
1532 16th Street NW
Washington, DC 20036
202-745-1211
www.ncadv.org

National Employment Law Project
55 John Street, 7th Floor
New York, NY 10038
212-285-3025
www.nelp.org

National Network to End Domestic Violence
660 Pennsylvania Avenue SE, Suite 303
Washington, DC 20003
202-543-5566
www.nnedv.org

National Organization for Women
Legal Defense and Education Fund
1522 K Street NW, Suite 550
Washington, DC 20005
202-326-0040
www.nowldef.org

Unemployment Insurance for Domestic Violence Survivors

Unemployment Insurance for Domestic Violence Survivors Act

SECTION 1. SHORT TITLE

This Act shall be called the "Unemployment Insurance for Domestic Violence Survivors Act."

SECTION 2. UNEMPLOYMENT INSURANCE FOR DOMESTIC VIOLENCE SURVIVORS

(A) DEFINITIONS—In this section:

1. "Domestic violence" means abuse committed against an employee or an employee's dependent child by:
   a. A current or former spouse of the employee.
   b. A person with whom the employee shares parentage of a child in common.
   c. A person who is cohabitating with, or has cohabitated with, the employee.
   d. A person who is related by blood or marriage.
   e. A person with whom the employee has or had a dating or engagement relationship.

2. "Abuse" means:

   a. Causing, or attempting to cause, physical harm.
   b. Placing another person in fear of imminent serious physical harm.
   c. Causing another person to engage involuntarily in sexual relations by force, threat or duress, or threatening to do so.
   d. Engaging in mental abuse, which includes threats, intimidation, stalking and acts designed to induce terror.
   e. Depriving another person of medical care, housing, food or other necessities of life.
   f. Restraining the liberty of another.

(B) ELIGIBILITY FOR UNEMPLOYMENT INSURANCE

1. An individual shall not be disqualified from receiving unemployment insurance benefits if the individual establishes to the satisfaction of the [Commissioner] that the reason the individual left work was due to domestic violence, including:

   a. The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment.
   b. The individual's need to relocate to another geographic area in order to avoid future domestic violence.
   c. The individual's need to address the physical, psychological and legal impacts of domestic violence.
   d. The individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence.
   e. Any other situation in which domestic violence causes the individual to reasonably believe that termination of employment is necessary for the future safety of the individual or the individual's family.

2. An individual may demonstrate the existence of domestic violence by providing one of the following:

   a. A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

b. A police record documenting the abuse;
c. Documentation that the abuser has been convicted of one or more of the criminal offenses enumerated in [cite appropriate criminal law section];
d. Medical documentation of the abuse;
e. A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
f. A sworn statement from the individual attesting to the abuse.

3. No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the [Department] unless consent for disclosure is given by the individual.

4. For an individual who left work due to domestic violence, requirements to pursue suitable work must reasonably accommodate the individual's need to address the physical, psychological, legal and other effects of the domestic violence.

(C) TRAINING PROGRAM

1. The [Commissioner of Employment and Training] shall implement a training curriculum approved by the [Governor's Commission on Domestic Violence and the Human Resources Division].

2. All senior management personnel of the [Division of Employment and Training] shall be trained in this curriculum not later than 60 days from the effective date of this section. The [Commissioner] shall develop an ongoing plan for employees of the [Division] who interact with claimants to be trained in the nature and dynamics of domestic violence, so that employment separations stemming from domestic violence are reliably screened and adjudicated, and so that victims of domestic violence are able to take advantage of the full range of job services provided by the [Division].

SECTION 3. EFFECTIVE DATE—This Act shall take effect on July 1, 2004.