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**Paid Domestic Violence Leave in the United States**

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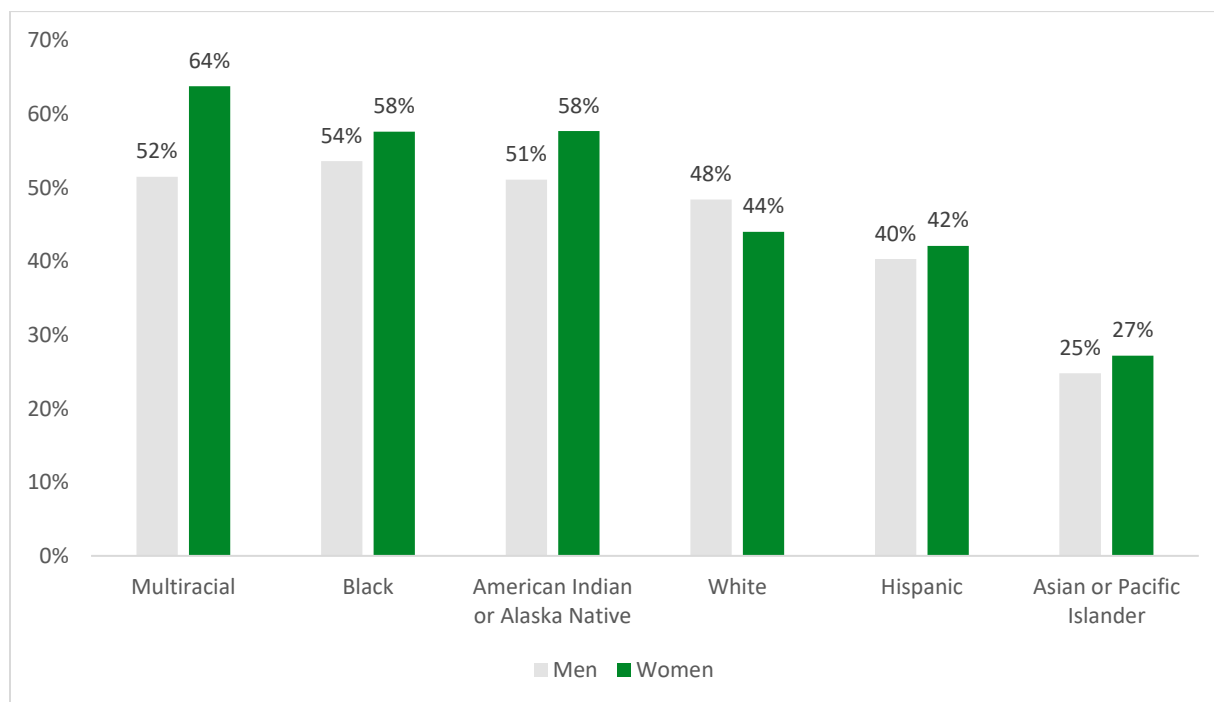
## **Abstract:**

Estimates from the World Health Organization find the economic impacts of intimate partner violence (IPV) in the United States costs up to \$12.6 billion (Waters, et al., 2004, p. 20) while violence experienced in the workplace could account for up to \$43.4 billion from individuals missing work, lower productivity, costs to employers and medical care costs (Waters, et al., 2004, p. 23). Research estimates each instance of IPV results in an average of seven days of missed work and approximately \$816 in medical care, and survivors are 21-60% more likely to lose their jobs than those that do not experience IPV (Rothman, et al., 2007, p. 136) significantly compounding the effects experienced by survivors.

This brief proposes a policy based on the results of a similar policy initiative in Australia through which individuals can access up to ten paid days of domestic violence leave to provide survivors with flexibility, ensuring continued access to income, and improved job security during their recovery process. The policy proposed within promotes a cost-efficient approach with mechanisms to address cost prohibitive factors for small and medium-sized businesses as well as ways to address stigma within and outside the workplace.

According to statistics reported from National Coalition Against Domestic Violence (NCADV), domestic violence made up 20% of all violent crime in the United States in 2018 and while rates had experienced a significant decline in the preceding decade (Kaukinen, 2020, p. 668), cases once again experienced a 33.5 percent increase between 2014 and 2018 (Morgan & Oudekerk, 2019, p. 4). During the COVID-19 pandemic, police data and information from domestic violence hotlines show that these statistics saw a dramatic increase once again (Kaukinen, 2020, pp. 671-672). As evident in **Figure 1**, domestic violence does not discriminate based on age, sex, gender, location, or race, but the problem is especially acute among women and people of color in the United States. Over 47% of women reported having experienced some form of contact sexual violence in their lifetime (Leemis, et al., 2022, p. 3) while rates among multiracial women (63.8%) and black women (53.6%) are even higher (Leemis, et al., 2022, p. 7).

Figure 1: Lifetime prevalence of contact sexual violence by race/ethnicity (2016/2017)



Source: (Leemis, et al., 2022, p. 7)

These statistics are staggering. Behind these numbers, survivors of domestic violence suffer from ongoing psychological trauma, physical and mental effects, health disorders, lost earning potential, increased cost burdens related to medical care or legal fees, and lower support structures, among many others (Waters, et al., 2004, p. 18). Estimates from the World Health Organization find the economic impacts of intimate partner violence (IPV) in the United States costs up to \$12.6 billion (Waters, et al., 2004, p. 20) while violence experienced in the workplace could account for up to \$43.4 billion from individuals missing work, lower productivity, costs to employers and medical care costs (Waters, et al., 2004, p. 23). At the individual level, research estimates each instance of IPV results in an average of seven days of missed work and approximately \$816 in medical care, and survivors are 21-60% more likely to lose their jobs than those that do not experience IPV (Rothman, et al., 2007, p. 136). For those that are able to retain employment, survivors find difficulty in returning to work and remaining productive and engaged throughout the workday, note how absences impact career progression and job retainment, and note increased burdens from expenses or childcare (Fitz-Gibbon, et al., 2021, pp. 19-24). All these factors influence findings that women survivors of IPV tend to “have lower-skilled jobs and lower personal income, less promotions, more interrupted work

histories, more part-time/casual work and under-employment, and less job stability than their non-abused counterparts” (Costello, et al., 2016, p. 256).

Literature notes that access to employment can be a support structure for survivors of IPV whereby they can increase their economic autonomy, expand their social networks, or serve as a distraction (see (Rothman, et al., 2007), (Fitz-Gibbon, et al., 2021), (Costello, et al., 2016)) but there has to be sufficient structures in place to allow survivors to access and benefit from the necessary supports they require without added stress that may come from losing access to income. To that end, this brief seeks to promote the adoption of a universal, paid domestic violence leave policy at the federal level in the United States. Drawing from empirical evidence from a program established in Australia in 2017 and individual state efforts to implement similar programs, this brief seeks to demonstrate the political viability of such a program, its economic feasibility, and the desired impacts of the policy.

## Policy Proposal

The primary objective of this policy proposal is to seek the adoption of universal, federal paid domestic violence leave across all fifty states of the United States. While domestic violence leave exists in some form in twenty-five states and the District of Columbia, the vast majority do not offer *paid* domestic violence leave, instead allowing the employer to determine how to institute policies to use other forms of leave to take time away from work (Paycor, 2022). Through this policy, federal law will mandate a minimum amount of paid leave that will be mandatory for all employers with specific modifications for both small and larger businesses addressing both the need for redistribution of economic resources and the recognition of this issue on the lives of the survivors (Fraser, 2007). Specifically, the policy will promote the following actions:

### 1.) 10-day minimum of paid domestic violence leave annually and flexibility for unpaid leave.

Without paid leave, victims may be forced to choose between their safety and their economic security. A federally mandated domestic violence leave policy provides survivors with the flexibility to address this challenge by providing sufficient financial support and job security during their recovery process, helping to retain financial resources and mitigate the economic consequences of domestic violence.

Based on the findings from Australia’s family violence leave policy, survey respondents noted that the specific time periods required can vary by case and by severity of the violence but on average fourteen days of paid leave are offered to employees of which only one-third of the respondents reported using the full allotment (Fitz-Gibbon, et al., 2021, p. 30). While the report notes that the general best practice suggests an allotment of 10-14 days, including flexibility in the policy is vital so that survivors are able to obtain the necessary support when needed rather than within a specific period. While the policy should also ideally include stipulations about how employers can facilitate longer periods of absence through federal grant funds, other mechanisms may also include a shared pool of leave that other employers can contribute to without knowing who then utilizes these days.

The policy should also be clear that these entitlements should be accessible to employees as needed (i.e., without stipulations on specific periods, without accrual periods, used as single days or consecutively, etc.), and should be broad enough to cover cases of direct domestic violence but also cover individuals that are supporting family survivors (Australian Law Reform Commission, 2011, p. 424).

Finally, particular attention needs to be paid to the informal or gig economy where workers are already operating in an increased setting of vulnerability. The findings from Australia’s policy find

that no casual or informal employees accessed the entitlement. Increased federal oversight of these employers must be included in the policy to ensure implementation and compliance.

**2.) Mandatory management training to ensure safe disclosure of requests.**

The policy must seek to address the structure by which survivors can access this entitlement without risk of stigma or shame. While a mechanism for request and approval should be considered, it is clear from literature of similar programs that additional emphasis be applied to the workplace culture and approval mechanisms established. Any federal monetary support to offset the costs of these entitlements should require a training for management to review their leave policies and ensure managers are adequately trained on how to address leave requests. Finally, specific phrasing of such an entitlement needs to be carefully considered. Rather than “domestic violence leave”, some literature promotes the idea of “special leave” or “personal leave” to reduce the stigma and hesitancy to accessing the entitlement (Weeks, 2004, p. 322).

**3.) Federal monetary support to ease the economic burdens of implementation.**

As this entitlement may reflect an increased cost burden for employers, the federal government can also create economic incentives for employers as they enact this policy. This can be through a variety of instruments including grant funds, low interest loans, or tax breaks. However, as noted above, access to these supports should also mandate training accreditation and a review of all policies structured by employers.

**4.) Federal mass media campaigns of support structures available to survivors designed to decrease stigma, increase awareness of available supports, and encourage uptake.**

Mass media campaigns should be created to promote both the availability of these supports but also to decrease stigma of survivors that seek to access the entitlement. A federally mandated domestic violence leave policy can help to address the stigma felt by survivors by recognizing the impact of domestic violence on the lives of victims and their families. This recognition helps to challenge social norms and cultural attitudes that normalize violence against women and promote a culture of respect and equality.

Complementary actions the government can consider can also include:

- Increased federal funding into subsidized psychological services.
- Stricter gun control restrictions for domestic violence perpetrators.

While this policy in of itself cannot be seen as a comprehensive response to the plague of domestic violence, in providing additional flexibility to survivors to retain a source of income without additional stress is a vital support missing from the existing ecosystem in the United States. Quoting a 2011 recommendation from the Australian Law Reform Commission, the proposed domestic violence leave policy should be “paid, flexible and easily accessible where necessary, while containing sufficient safeguards to maintain the confidentiality of personal information and the integrity of the leave system” (Australian Law Reform Commission, 2011, p. 420).

## Policy Viability

Drawing from the lessons of the policy implemented in Australia, we find compelling evidence of such a policy while also learning about how to continue to restructure similar policy in the United States. Knowing

that survivors of IPV are 21-60% more likely to lose their jobs than individuals that do not experience IPV, instituting a policy that can provide survivors with the required flexibility to access the support they need, at the time they require, while continuing to retain access to income will reduce the vulnerability of this population. The following sections will reflect the political and economic considerations of this proposal.

### **Economic Implications**

Current cost estimates from Australia note that the 10-day leave policy amounts to approximately AUD \$18,000 (approximately USD\$11,750) per employee (Australian Unions, 2023) with a total cost estimate of between AUD\$80 and AUD\$120 annually (Stanford, 2016, p. 3). These costs will be primarily incurred by the employer but offset through payroll taxes paid by each employee. Estimates from the Centre for Future Work note that this amounts to approximately a 0.02 percent impact on salaries per employee (Stanford, 2016, p. 20). However, for small and medium businesses that may incur a larger cost burden, the federal government can introduce a variety of monetary supports which can include tax incentives for employers, access to federal grant funds, and loans. While these estimates vary based on the total population that access the entitlements and the length of leave, the costs are minimal and easily offset through the benefits obtained by the employers (UN Women, 2023, p. 4).

However, any cost estimation of a policy must also consider cost offsets that might be mitigated through a more comprehensive support ecosystem. According to the Centre for Future Work, the minor costs anticipated by employers would be fully offset by reducing employee turnover and reducing productivity gap (Bankwest Curtin Economics Centre for the Australian Council of Trade Unions, 2021, pp. 20-22). Similarly, this can be further extrapolated to the national economy, increasing GDP, helping to ensure continued access to income, reducing risks of welfare dependency, and improve their macroeconomic standing.

### **Political Support**

The eradication of domestic violence is one of the few remaining topics of bipartisan agreement in the United States. However, framing this as a federal mandate will ultimately run into challenges from advocates of States rights and limited government. That said, given the extremely limited economic costs and associated economic benefits postulated in this brief, the argument for implementation is clear and resounding. Additional effort would be required to fully establish cost estimates for businesses while also considering how supports can be provided particularly to small and medium business that might be financially stressed by any additional cost burdens. Particular efforts to demonstrate the economic benefits beyond the health, safety, and humanitarian benefits are unfortunately likely to be the strongest case to be made to gain support from business leaders but once this support can be obtained, a diverse coalition of partners can voice their support. As this issue will likely benefit from strong bipartisan support including from a diversity of social advocacy groups, labor unions, and women's rights groups which can strongly advocate for a shared goal, the inclusion of economic actors will ensure a complete approach to obtain political action.

### **Conclusion**

Building from the experiences and lessons learned from Australia's approach to domestic violence leave, the implementation of this policy in the United States needs to be given serious and immediate consideration. The policy proposed in this brief offers a cost-effective, potentially bipartisan, and comprehensive approach to ensuring survivors and their families have the flexibility and confidence in their ability to retain their employment income while obtaining the necessary support during their recovery process. Serious consideration needs to address the mechanism by which individuals can request and utilize this flexible leave policy, how to bypass or include supervisors with the necessary resources and procedures established, and how to incorporate campaigns to destigmatize avenues of support.

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