A Product of the Safe Leave Working Group

The Need for Paid Safe Leave & Model Legislative Language

September 2024

Who We Are

The safe leave working group is made up of state, national, and tribal experts and advocates from across policy spaces. The working group bridges paid leave, workers' rights, women's rights, gender justice, legal services, faith-based groups, domestic violence survivor advocacy, sexual assault survivor advocacy, disability rights, and broader violence survivor advocacy. The Center for American Progress and Futures Without Violence co-chair the working group.

Our Vision

Paid, protected leave from work is an essential tool for the safety, agency, and economic security of survivors of all types of violence, including gender-based violence and harassment, family and domestic violence, and sexual violence. Survivors and their loved ones need safe leave that meets their diverse needs, reflecting the breadth and variety of experiences based on intersecting identities. We cannot achieve this without diverse communities working together to achieve this common goal. We share a collective vision of a world where survivors and their loved ones are safe and thriving.

This Document

We intend this document to be a resource for policymakers, advocates, and stakeholders, as well as for employers seeking to improve their own policies. Alongside key context for the importance of paid safe leave, this document includes model policy language for providing paid safe leave, which can be used directly or adapted to appropriate contexts. Recognizing that strong models for broader paid family and medical leave and paid sick and safe time laws already exist, this document focuses solely on the specific safe leave provisions of these policies.

The working group envisions that policymakers will incorporate the document's model policy language into paid safe and sick leave laws, so survivors who need to take time away from work to meet short-term safety needs have the right to do so. Additionally, policymakers should incorporate the model policy language into paid family and medical leave laws, guaranteeing survivors who need them the right to receive benefits for more extensive time off from work.

This document encapsulates the first phase of the safe leave working group's ongoing work. In future documents, the working group will address important additional considerations in providing safe leave, including the need for robust confidentiality measures as well as thoughtful and targeted outreach and education, the importance of avoiding overly onerous documentation requirements, considerations around tribal sovereignty, and the particular needs of historically marginalized groups in relation to violence.

The Need for Paid Safe Leave

A large percentage of workers are survivors of domestic violence, sexual violence, or other forms of violence. Maintaining economic independence is critical to survivors' immediate, intermediate, and long-term safety and ability to recover from trauma. However, many survivors struggle to remain connected to the workforce as they face numerous challenges in obtaining and maintaining employment as a consequence of the abuse or violence. Safe leave — or policies that allow survivors to take paid time away from work to heal, recover, and make themselves and their families safe — promises to strengthen survivors' ties to the workforce and allow them to meet critical needs in the wake of violence.

Victimization carries serious consequences for workers. More than half of survivors of all types of violence report difficulty with work or school as a result of victimization.[1] Survivors and their loved ones miss more than 6.7 million days of work each year.[2] A 2022 national survey of victims of all types of violence found that one in six violence survivors reported losing a job or being demoted when they needed time off off from work due to a victimization.[3] An overwhelming 83% of survivors of domestic violence report an abusive partner has disrupted their ability to work;[4] of those, more than half have lost a job because of abuse.[5]

Often survivors are forced to choose between their safety and their jobs, because they cannot take time away from work to leave the abusive relationship or to address the impact of the violence on themselves and their family members without risking their job or their paycheck. Survivors seeking to address the violence in their lives may need to take time off from work to go to court or obtain legal assistance. They may also need to miss work to heal from injuries or illnesses caused by or exacerbated by the violence or to obtain counseling to address the associated trauma. Additionally, they may need to take time off from work to relocate to become safe or may need to enroll their children in

[1] Alliance for Safety and Justice. "Crime Survivors Speak: National Survey Of Victims' Views On Safety and Justice." Crime Survivors Speak. Alliance For Safety and Justice, September 2022. https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf.
[2] Alliance for Safety and Justice and Crime Survivors for Safety and Justice, "Lost Work, Pay, and Safety: Victims of Violence Urgently Need Safe Leave," (April 2024), https://allianceforsafetyandjustice.org/wp-content/uploads/2024/04/LostWorkLostPayLostSafety.pdf.
[3] Alliance for Safety and Justice. "Crime Survivors Speak: National Survey Of Victims' Views On Safety and Justice." Crime Survivors Speak. Alliance For Safety and Justice, September 2022. https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf.
[4] Hess, Cynthia & Alona Del Rosario, "Dreams Deferred," Institute for Women's Policy Research, (2018) page 9, https://iwpr.org/wp-content/uploads/2020/09/C475_IWPR-Report-Dreams-Deferred.pdf.
[5] *Id.*

a new school or childcare. In tragic cases where a victim is killed in a violent act, a loved one reeling from unexpected violent loss may need time to make funeral arrangements and grieve and to take other safety-related measures where there is an ongoing threat. Each of these steps to safety frequently involves accessing systems and services that are only available during typical daytime working hours.

To address economic insecurity as a barrier to safety for survivors, anti-violence and workers' rights advocates have championed, often successfully, laws providing employment rights and protections for survivors. Some of these laws are intended to enable survivors who need to access legal assistance, victim services, medical care, and other services related to violence to take paid time off without fear of job loss.

What Is Safe Leave?

"Safe leave" refers to paid, job-guaranteed leave from work that workers may take to address the impact of domestic violence, sexual assault, dating violence, stalking, other forms of gender-based violence and harassment, or other forms of violent victimization on their lives and the lives of their family members.

Survivors may use safe leave to prepare for or participate in legal proceedings, such as to obtain an *ex parte* and then a final restraining order, file for divorce, address immigration issues, or participate in a criminal trial. They may also use safe leave to seek supportive services, enroll their children in a new school, or move to a new home or to temporary lodgings for safety reasons. Further, survivors may take safe leave for needs related to their physical or mental health which are not fully addressed by other kinds of leave provided by their employer or through state or federal law designed to care for family members experiencing serious health conditions or caregiving unrelated to victimization.

In addition, people close to survivors may take safe leave to support their loved ones, providing critically needed, and often unscheduled, assistance. In one study of victims of crimes, more than half reported receiving support from family or friends.[6] A close friend might accompany a sexual assault survivor to obtain emergency health care or assist with moving to a safer home. A family member may be called to provide a victim impact statement in a trial. Safe leave allows survivors and their loved ones to take necessary steps to address and heal from violence.

Who Has Paid Safe Leave?

Unfortunately, many working Americans do not have access to any paid time off from work, let alone paid safe time or paid sick time, even to recover from violence. As of March 2023, more than one in five private sector workers lack access to paid sick leave.

[6] Alliance for Safety and Justice. "Crime Survivors Speak: National Survey Of Victims' Views On Safety and Justice." Crime Survivors Speak. Alliance For Safety and Justice, September 2022. https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf.

Among part-time private-sector workers, almost half had no paid sick leave.[7] Among the lowest-paid ten percent of private sector workers, more than 60 percent had no access to paid sick leave.[8] Low-income and part-time workers are also disproportionately unlikely to have access to paid vacation time or other sources of paid time off, meaning that many vulnerable workers may have no paid time off at all.[9] Moreover, even where workers have access to paid sick leave or other forms of paid time off, they may not be able to use it to address all their needs in relation to violent victimization, particularly non-medical needs.[10]

A growing number of workers have access to legally guaranteed safe time, but most do not have the full range of protections they need. At the federal level, Executive Order 13706, issued by President Obama, ensures the right to paid sick and safe leave for most federal contractors.[11] **However, no federal law guarantees the right to paid safe leave for any other workers.**

Eighteen states and the District of Columbia guarantee a right to *paid* leave that can be used for safe leave purposes.[12] Of these, fifteen states and the District of Columbia provide explicit paid safe leave protections under their state paid sick time laws, though exact coverage varies by state.[13] In addition, many cities or counties have paid sick leave laws that include safe leave.[14] These laws guarantee covered employees the right to earn and use paid time off based on how much they work, typically up to around 40 hours per year.[15] Furthermore, Maine, Nevada, and most recently Illinois have passed laws requiring employers to allow covered employees to earn and use a limited amount of paid time off for any purpose, which can include safe leave needs.

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[7] Bureau of Labor Statistics. "Table 6. Selected Paid Leave Benefits: Access - 2023 A01 Results." Accessed September 26, 2023. https://www.bls.gov/news.release/ebs2.t06.htm.
[8] Ibid.
[9] Ibid.
[10] Executive Office of the President, "Executive Order 13706: Establishing Sick Leave for Federal Contractors," Federal Register 80 (175) (2015): 54697–54700, available at https://www.federalregister.gov/documents/2015/09/10/2015-22998/establishing-paid-sick-leave-for-federal-contractors.A Better Balance. "Overview of Paid Sick Time Off Laws in the United States." A Better Balance, 2024. https://www.abetterbalance.org/resources/overview-of-paid-time-off-laws-in-the-united-states/; 820 Ill. Comp. Stat. 192-1 - 192/99; NV Rev. Stat. § 608.0197; 26 Me Rev. Stat. § 637.
[11] Molly Weston Williamson, "The State of Safe Leave," Center for American Progress (May 2024), https://www.americanprogress.org/article/the-state-of-safe-leave/.
[12] Those states are Arizona, California, Colorado, Connecticut, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington State. For more detail, please see A Better Balance. "Overview of Paid Sick Time Laws in the United States." A Better Balance, https://www.abetterbalance.org/paid-sick-time-laws/?export (last accessed April 2024).
[13] Family Values At Work. "What Does Access to Paid Sick and Safe Days Look Like?" Family Values At Work, n.d. https://familyvaluesatwork.org/docs/What-Does-PSSD-Access-Look-Like.pdf.
[14] Molly Weston Williamson, "The State of Paid Sick Time in the U.S. in 2024," Center for American Progress (Jan. 17, 2024), https://www.americanprogress.org/article/the-state-of-paid-sick-time-in-the-u-s-in-2024/. For more detail, please see A Better Balance. "Overview of Paid Sick Time Laws in the United States." A Better Balance, https://www.abetterbalance.org/paid-sick-time-laws/?export (last accessed April 2024).
[15] A Better Balance. "Overview of Paid Sick Time Off Laws in the United States." A Better Balance, 2024. https://www.abetterbalance.org/resources/overview-of-paid-time-off-laws-in-the-united-states/; 820 Ill. Comp. Stat. 192-1 - 192/99; NV Rev. Stat. § 608.0197; 26 Me Rev. Stat. § 637.

For more extended needs, six states provide or will soon provide paid safe leave protections for at least some survivors through their state paid family and medical leave laws, which provide benefits up to several weeks through social insurance systems.[16] Note that all six of these states also have paid sick time or paid time off laws, such that workers in those states have additional important protections. **These states provide models of how to include violence survivors in a broader ecosystem of workplace protections.**

Beyond these laws, some states have laws that guarantee the right to *unpaid* leave in connection with various forms of violence.[17] These laws, most of which are in states that separately guarantee *paid* safe leave, vary substantially in both coverage and protection. While the protections provided by even unpaid leave (like protection against retaliation or the right to be reinstated after leave) are critical, they are all too often out of reach for those who cannot afford to go without a paycheck, especially at particularly difficult or vulnerable moments.[18]

The result is an incomplete and inadequate set of protections, despite important gains in recent years. Even where they have protections, many survivors are unaware of the availability of paid or unpaid safe leave until it is too late to meaningfully exercise that right.[19] Thus, the millions of workers whose lives are touched by violence each year in the U.S. are forced to make impossible choices between employment and safety and recovery from violence. **This is why all American families deserve access to paid safe leave from work to ensure their safety while maintaining their economic security.**

How Is Paid Safe Leave from Work Good for Business and the Economy?

While there is no safe-leave-specific data, research on related forms of paid leave has found that guaranteeing paid sick time and paid family and medical leave benefits

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[16] One state, Maine, will provide safe leave for survivors of all forms of violence through their new paid family and medical leave law. Me. Rev. Stat. tit. 26 § 850-A(26). Benefits will begin in 2026. New Jersey, Connecticut, Colorado and Oregon are already providing paid family and medical leave benefits, including for safe time. Benefits will begin in 2026 in Minnesota. Please see pages 3 through 5 of National Partnership for Women and Families. "State Paid Family & Medical Leave Insurance Laws." Chart. Washington D.C.: National Partnership, September 2023, https://nationalpartnership.org/wp-content/uploads/2023/02/state-paid-family-leave-laws.pdf.

[17] Legal Momentum and Futures Without Violence. "State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault, and Stalking." Washington D.C.: Workplaces Respond National Resource Center, November 2022, https://www.workplacesrespond.org/wp-content/uploads/2017/01/State-Employment-Guide.pdf.

[18] In a survey of survivors, 73% identified cash to spend as they see fit as their top need. FreeFrom, Support Every Survivor: How Race, Ethnicity, Gender, Sexuality, and Disability Shape Survivors' Experiences and Needs 86 (2022), https://www.freefrom.org/wp-content/uploads/2022/10/Support-Every-Survivor-PDF.pdf. Survivor's access to financial resources is closely tied to their ability to leave a relationship. Hess & Del Rosario, pages 33-35.

[19] Swanberg, Jennifer E., Mamta U. Ojha, and Caroline Macke. "State Employment Protection Statutes for Victims of Domestic Violence: Public Policy's Response to Domestic Violence as an Employment Matter." *Journal of Interpersonal Violence* 27, no. 3 (2012): 587–619. https://doi.org/10.1177/0886260511421668.

businesses[20] and the economy.[21] Paid leave supports businesses and the economy by increasing morale,[22] improving productivity,[23] and reducing expensive staff turnover.[24] Moreover, violence creates various barriers to successfully applying for work, keeping a job, or completing an education or training program. This leaves many qualified and hardworking survivors out of the workforce entirely. By creating pathways to remain in the workforce and adequately support survivors of violence, the American economy will reduce lost productivity and retain talented and innovative workers.

How Does Paid Safe Leave Advance Equity in the Workforce?

Some communities experience disproportionate rates of violence due to economic marginalization, histories of oppression, and harmful stereotypes, which can make it harder for these populations to obtain and maintain employment or education. The cyclical and compounding effects of violence and economic instability entrench inequality. Paid safe leave advances equity in the workforce.

People of color experience high rates of gender-based violence and harassment and violent victimization overall. Among non-Hispanic women, Black women (12.3%) report experiencing intimate partner violence (IPV) in the last twelve months at more than twice the rate of white women (6.0%), while multi-racial women report nearly three times (17.4%) the rate of white women.[25] Indigenous women experience extraordinarily high

[20] For summaries of research on business impacts of paid sick time and paid family and medical leave, see National Partnership for Women and Families, "Paid Sick Days are Good for Business," (November 2023), https://nationalpartnership.org/wp-content/uploads/2023/02/paid-sick-days-good-for-business-and-workers.pdf and National Partnership for Women and Families, "Paid Family and Medical Leave is Good for Business," (October 2023), https://nationalpartnership.org/wp-content/uploads/2023/02/paid-leave-good-for-business.pdf.

[21] US Congress Joint Economic Committee, "The Economic Benefits of Paid Leave: Fact Sheet," https://www.jec.senate.gov/public/_cache/files/646d2340-dcd4-4614-ada9-be5b1c3f445c/jec-fact-sheet---economic-benefits-of-paid-leave.pdf.

[22] Lerner, Sharon and Eileen Appelbaum, Business as Usual: New Jersey Employers' Experiences with Family Leave Insurance, Center for Economic and Policy Research, June 2014, p. 22, https://www.cepr.net/documents/nj-fli-2014-06.pdf.

[23] Bennet, Benjamin et al., Paid Leave Pays Off: The Effects of Paid Family Leave on Firm Performance (Nat'l Bureau of Econ. Rsch., Working Paper No. 27788, 2021), https://www.nber.org/system/files/working_papers/w27788/w27788.pdf; Chunyu, Liangrong et al, "Do Paid Sick Leave Mandates Increase Productivity?" (2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4096707.

[24] Bahn, Kate and Carmen Sanchez Cumming, "Improving U.S. Labor standards and the quality of jobs to reduce the costs of employee turnover to U.S. companies" (December 2020), p. 4, Washington Center for Equitable Growth, https://equitablegrowth.org/wp-content/uploads/2020/12/122120-turnover-costs-ib.pdf; Wething, Hilary, "Reduced job turnover in small U.S. firms is an overlooked benefit of paid sick leave," Washington Center for Equitable Growth, July 5, 2022, available at https://equitablegrowth.org/reduced-job-turnover-in-small-u-s-firms-is-an-overlooked-benefit-of-paid-sick-leave/.

[25] Leemis, Ruth, Norah Frair, S Khatiwada, M Kesnow, S Caslin, and Kathleen C. Basile. "The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence." Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2022, https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsreportonipv_2022.pdf.

rates of gender-based violence and other forms of violence.[26] Black, Hispanic, and American Indian people are also at much higher risk of violent and fatal victimization than white people.[27] Black people are killed in homicides at more than seven times the rate of white people in the United States[28] and experience gun assault injuries at 18 times the rate of white people.[29]

LGBTQIA+ people also experience particular challenges in relation to IPV and other types of violence. A 2020 meta-analysis found that compared with cisgender individuals, transgender individuals were 1.7 times more likely to experience any IPV, 2.2 times more likely to experience physical IPV, and 2.5 times more likely to experience sexual IPV.[30] Bisexual women also report higher lifetime rates of IPV than heterosexual women.[31] Overall, lesbian or gay people experience violent victimization at more than twice the rate of straight people, and transgender people are victimized at more than 2.5 the rate of cisgender people.[32] Moreover, LGBTQIA+ people may experience distinctive barriers to getting support in response to violence.[33]

[26] Urban Indian Health Institute. "Missing and Murdered Indigenous Women and Girls." Urban Indian Health Institute, November 2018. https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf.
[27] Warnken, H. and Lauritsen, J.L. (2019). Who Experiences Violent Victimization and Who Accesses Services? Center for Victims Research, https://navaa.org/wp-content/uploads/2021/02/CVR-Article_Who-Experiences-Violent-Victimization-and-Who-Accesses-Services-1.pdf.
[28] Violence Policy Center, "Black Homicide Victimization in the United States: An Analysis of 2020 Homicide Data." Violence Policy Center, 2023. https://vpc.org/studies/blackhomicide23.pdf.
[29] Ibid.
[30] Peitzmeier, Sarah M., Mannat Malik, Shanna K. Kattari, Elliot Marrow, Rob Stephenson, Madina Agénor, and Sari L. Reisner. "Intimate Partner Violence in Transgender Populations: Systematic Review and Meta-Analysis of Prevalence and Correlates." *American Journal of Public Health* 110, no. 9 (September 2020): e1–14. https://doi.org/10.2105/AJPH.2020.305774.
[31] Williams Institute, "Intimate Partner Violence and Sexual Abuse Among LGBT People," (Nov. 2015), https://williamsinstitute.law.ucla.edu/publications/ipv-sex-abuse-lgbt-people/.
[32] Truman, Jennider L. and Rachel E. Morgan. Violent Victimization by Sexual Orientation and Gender Identity, 2017-2020. Bureau of Justice Statistics. https://bjs.ojp.gov/content/pub/pdf/vvsogi1720.pdf.
[33] Williams Institute, "Intimate Partner Violence and Sexual Abuse Among LGBT People," (Nov. 2015), https://williamsinstitute.law.ucla.edu/publications/ipv-sex-abuse-lgbt-people/; Vasquez, A. L., "Victimization and help-seeking experiences of LGBTQ+ individuals." Chicago, IL: Illinois Criminal Justice Information Authority, 2019. https://icjia.illinois.gov/researchhub/articles/victimization-and-help-seeking-experiences-of-lgbtq-individuals

People with disabilities also face high rates of violence.[34] In a 2010 survey, 39% of women raped in the previous 12 months had a disability at the time of the rape.[35] Also, 7.1% of women with disabilities reported experiencing physical violence by an intimate partner in the past year, more than twice the rate of women without disabilities.[36] Overall, people with disabilities experience violent victimization at four times the rate of people without disabilities.[37]

Finally, workers in low-wage jobs, who are disproportionately undocumented immigrants, women, and people of color, are less likely to have access to paid time away from work than higher-wage workers.[38] **Without universal paid safe leave, disproportionate experiences of violence can lead to further economic marginalization.**

Conclusion

Paid safe leave provides survivors of violence with options: ways to navigate safety, time to maintain their economic security, and the chance to find healing without fear of job loss leading to increased abuse and homelessness. Survivors who have already faced immense trauma should not be forced to make a choice between personal and family physical safety or financial stability. Survivors and their loved ones across the country need paid safe leave to manage their safety, care for their families, and remain in the workforce.

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[34] Harrell, E., "Crimes Against Persons with Disabilities, 2009-2019 – Statistical Tables." Washington, D.C.: US Department of Justice, Bureau of Justice Statistics, 2021. https://bjs.ojp.gov/library/publications/crime-against-persons-disabilities-2009-2019-statistical-tables. García-Cuéllar, Mónica Miriam, Guadalupe Pastor-Moreno, Isabel Ruiz-Pérez, and Jesús Henares-Montiel. "The Prevalence of Intimate Partner Violence against Women with Disabilities: A Systematic Review of the Literature." Disability and Rehabilitation 45, no. 1 (January 2, 2023): 1–8. https://doi.org/10.1080/09638288.2022.2025927; Kennedy Andara, Anona Neal, & Rose Khattar, "Disabled Workers Saw Record Employment Gains in 2023, But Gaps Remain," (Feb. 20240, https://www.americanprogress.org/article/disabled-workers-saw-record-employment-gains-in-2023-but-gaps-remain.

[35] Basile, Kathleen C., Matthew J. Breiding, and Sharon G. Smith. "Disability and Risk of Recent Sexual Violence in the United States." *American Journal of Public Health* 106, no. 5 (May 2016): 928–33. https://doi.org/10.2105/AJPH.2015.303004.

[36] Breiding, Matthew J., and Brian S. Armour. "The Association between Disability and Intimate Partner Violence in the United States." *Annals of Epidemiology* 25, no. 6 (June 2015): 455–57. https://doi.org/10.1016/j.annepidem.2015.03.017.

[37] Harrell, E., "Crimes Against Persons with Disabilities, 2009-2019 – Statistical Tables." Washington, D.C.: US Department of Justice, Bureau of Justice Statistics, 2021. https://bjs.ojp.gov/library/publications/crime-against-persons-disabilities-2009-2019-statistical-tables.

[38] Boyens, Chantel, Michael Karpman, and Jack Smalligan. "Access to Paid Leave Is Lowest among Workers with the Greatest Needs," July 2022, 17, https://www.urban.org/research/publication/access-paid-leave-lowest-among-workers-greatest-needs.

Model Legislative Language

Definition of "safe leave"

Safe leave means an absence resulting from domestic violence, dating violence, sexual assault, stalking, family violence, sexual harassment, trafficking, other forms of gender-based violence or harassment, or another qualifying act of violence if the time is for the individual to do any of the following or to assist the individual's family member in doing any of the following:

1. To seek, receive, or secure counseling;
2. To seek or secure temporary or permanent relocation or take steps to secure an existing home;
3. To seek, receive, or follow up on assistance from an organization or agency providing services to victims;
4. To seek legal assistance or attend legal proceedings, including preparation for or participation in any related administrative, civil, or criminal legal proceedings or other related activities;
5. To seek medical attention for physical or psychological injury or disability caused or aggravated by the qualifying act of violence;
6. To enroll in a new school or care arrangement; or
7. To take other steps necessary to protect or restore their physical, mental, emotional, spiritual, and economic well-being or the well-being of a family member recovering from a qualifying act of violence.

Note: See below for additional purposes jurisdictions may wish to include.

Term definitions

Domestic violence includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
(C) shares a child in common with the victim; or
(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Domestic violence also includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction.

Source: adapted from 34 U.S.C. § 12291(a)(12)

Dating violence means violence committed by a person-

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

Source: 34 U.S.C. § 12291(a)(11).

Family violence means any act or threatened act of violence, including any forceful detention of an individual, that—

(A) results or threatens to result in physical injury; and

(B) is committed against that individual by a family member or a person who resides in that individual's household.

Source: adapted from 42 U.S.C. § 10402(4) (edited to cover violence by a broader range of family members)

Gender-based violence and harassment means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. For purposes of this definition, "violence and harassment" refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, economic, or technological harm, and includes gender-based violence and harassment.

Source: adapted from ILO Convention 190

Qualifying act of violence means an act, conduct, or pattern of conduct that could constitute any of the following:

(a) Domestic violence;

(b) Sexual assault;

(c) Stalking;

(d) Dating violence;

(e) Trafficking;

(f) Other forms of gender based violence or harassment; or

(g) An act, conduct, or pattern of conduct:

(i) in which an individual causes or threatens to cause bodily injury or death to another individual;

(ii) in which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; or

(iii) in which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause bodily injury or death.

Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.
Source: 29 CFR § 13.2 (which was adapted from 34 U.S.C. § 12291(a)(35))

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
Source: adapted from 29 CFR 1604.11(a)

Note: The working group recommends drafters consider expanding the definition of sexual harassment in this context to include non-employment-based forms of harassment.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety or the safety of others or suffer substantial emotional distress.
Source: 29 CFR § 13.2 (which was adapted from 34 U.S.C. § 12291(a)(36)) (edited for gender neutrality)

Trafficking means an act or threat of an act that may constitute sex trafficking or human trafficking, as proscribed by Federal, Tribal, or State law.
Source: adapted from 12 NYCRR § 196-1.2(d)

Victim services and *services* mean services provided to victims of a qualifying act of violence, including telephonic or web-based hotlines, legal assistance and legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.
Source: adapted from 34 U.S.C. § 12291(a)(51)

Family definitions

Family member means

(a) A child;

(b) A biological, adoptive, or foster parent, stepparent, or legal guardian of a covered individual, or a covered individual's spouse or domestic partner, or a person who stood in loco parentis when the covered individual or the covered individual's spouse or domestic partner was a minor child;

(c) A person to whom the covered individual is legally married under the laws of any state, or a domestic partner of a covered individual;

(d) A grandparent, grandchild, or sibling (whether a biological, foster, adoptive, or step relationship) of the covered individual or of the covered individual's spouse or domestic partner; or

(e) Any other individual related by blood or whose close association with the covered individual is the equivalent of a family relationship.

Child means, regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor.

Domestic partner means an adult in a committed relationship with another adult.

Committed relationship means a relationship in which the covered individual and the domestic partner of the covered individual share responsibility for a significant measure of each other's common welfare. This includes, but is not limited to, any relationship between individuals of the same or different sex that is granted legal recognition by a State, Political Subdivision, or by the District of Columbia as a marriage or analogous relationship (including, but not limited to, a civil union).

Additional purposes

In addition to the purposes listed above, policymakers may wish to include any or all of the following purposes in connection with a qualifying act of violence:

1. Attend or make arrangements for the funeral, alternative to a funeral, wake, or other religious or cultural practice of a person who died in relation to the qualifying act of violence or grieve the death of a person who died in relation to the qualifying act of violence;
2. Obtain or provide childcare or adult dependent care necessary as a result of the qualifying act of violence;
3. Access financial services or meet with a financial professional to address financial issues resulting from the qualifying act of violence;
4. Enroll, renew, follow up on, or otherwise obtain benefits or other services;

5. Access accessibility accommodations, including retrofitting home or vehicle or securing or being fitted for accessibility equipment or educational accommodations;
6. Seek or engage in religious or cultural practices or observances in response to the qualifying act of violence

Safe Leave Working Group Members

A Better Balance
Alliance for Safety and Justice
Alliance of Tribal Coalitions to End Violence
Asian Pacific Institute on Gender Based Violence
California Work & Family Coalition
Center for American Progress (Co-Chair)
Center for Reproductive Rights
Center for Law and Social Policy
Clayton Early Learning
Crime Survivors for Safety and Justice
Esperanza United
Family Values @ Work
Free From
Futures Without Violence (Co-Chair)
Jewish Women's International
Just Solutions
Legal Aid at Work
Legal Momentum
Maine Women's Lobby
National Alliance to End Sexual Violence
National Council of Jewish Women
National Domestic Violence Hotline
National Network to End Domestic Violence
National Partnership for Women and Families
National Resource Center on Domestic Violence
National Women's Law Center
YWCA