

NYC Domestic and Gender-Based Violence Workplace Policy (2022)

AUTHORITY	NY City Executive Order No. 85 (Oct. 21, 2021)
DISTRIBUTION	All City Agencies
PURPOSE	To facilitate the incorporation of the NYC Domestic and Gender-Based Violence Workplace Policy into City agencies' existing Workplace Violence Prevention Programs.
GOALS	<p>The goals of this Policy are to:</p> <p>(1) Standardize survivor-centered and trauma-informed responses for employees experiencing domestic and gender-based violence in the workplace or in their personal lives; and</p> <p>(2) Provide employees with a liaison at every agency who can provide confidential support and direct connection to the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) and the City's resources for survivors.</p>

INTRODUCTION

The City of New York (hereinafter "City"), as an employer, is committed to fostering an inclusive and respectful work environment that provides equal opportunities for all and is free of discrimination, harassment, and retaliation, which includes the prevention and reduction of the incidence and effects of domestic and gender-based violence in the workplace and in City employees' personal lives. Violence is a workplace issue even if incidents occur elsewhere. It occurs in a wide variety of contexts, and crosses economic, educational, cultural, age, gender, racial, and religious and other identity lines.

The City has an interest in adopting a standardized Domestic and Gender-Based Violence Workplace Policy (Policy) for City agencies to provide trauma-informed responses to City workers experiencing domestic or gender-based violence in their professional and/or personal lives.¹ Accordingly, building off of the City's [Equal Employment Opportunity \(EEO\) Policy](#), ENDGBV developed this Policy to distribute to all City agencies.²

Each City agency shall appoint a Domestic and Gender-Based Violence Workplace Policy Liaison (hereinafter "Liaison") who will be responsible for

¹ NY City Executive Order No. 85 of 2021.

² *Id.* at § 2.

overseeing the implementation of this Policy.³ ENDGBV shall provide consultation and assistance to each City agency in the agency's implementation of the Policy and support of City employees who are experiencing domestic and gender-based violence.⁴

TERMINOLOGY

Given the complexities and nuances of domestic and gender-based violence, this policy contains terms that may be defined in various manners consistent with the contexts in which such terms apply. For example, a criminal statute may define certain terms differently from an equal employment opportunity regulation.

To avoid conflict with pertinent definitions under federal, state, and local law, the following terms are described herein for informational purposes only, with citation to available authorities. These terms should not be considered officially defined by this Policy in any context. City agencies are encouraged to consider terms in the contexts in which they may apply, and, if necessary, apply official definitions prescribed by contextually relevant authorities.⁵

A. Survivor: An individual who is currently subject to, or has in the past been subjected to, domestic or gender-based violence, which may include survivors who use violence to defend themselves. Survivors are sometimes referred to as victims.

B. Person who causes harm: An individual who commits or threatens to commit an act of domestic or gender-based violence.⁶ Such persons are sometimes referred to as perpetrators, abusive partners, abusers, or batterers.

C. Domestic violence encompasses both intimate partner violence and family violence:

i. Intimate partner violence: Coercive and abusive behaviors used by one partner to maintain power and control over another partner in an intimate relationship. This includes people with any current or former romantic involvement, for example dating, previously dating, on again/off again, married, divorced, living together or

³ Id. at § 3.

⁴ Id. at § 4.

⁵ To learn more about domestic and gender-based violence and many of the terms used herein, visit ENDGBV's resource "[Introduction to Domestic Violence and Gender-Based Violence \(GBV\)](#)."

⁶ In addition, studies have demonstrated a clear link between violence against animals and forms of interpersonal violence, including domestic violence, child abuse, and elder abuse. See [Animal Cruelty and Family and Interpersonal Violence, National Council of Juvenile and Family Court Judges](#).

apart. Intimate partner violence can occur between people of any gender identity or sexual orientation, and can include manipulation, threats, or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse.

ii. Family violence: Any abusive behavior that occurs between members of a family or household who are not involved in a romantic relationship. This includes chosen family as well as people related by blood, marriage, foster care, adoption, or any other familial relationships. Family violence can include threats or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse. Family violence can also include elder abuse which is any action that causes harm or distress to an older person, typically aged 60+.

D. Gender-based violence: Any type of violence that is rooted in exploiting unequal power relationships between genders. This can include gender norms and gender role expectations specific to a society as well as situational power imbalances and inequities. Gender-based violence can impact anyone, and can include intimate partner and family violence, elder abuse, sexual violence, stalking and human trafficking:

ii. Sexual violence: Any action that results in the loss or removal of sexual autonomy for a person. Sexual violence includes sexual harassment,⁷ sexual assault, sex trafficking, non-consensual distribution of intimate images, and any other non-consensual, forced, or drug-facilitated sexual action.

iii. Stalking: A pattern of harassing behavior or course of conduct directed at a specific person that would place that person in reasonable fear. Stalking behaviors include, but are not limited to, monitoring someone's activities, following someone, leaving unwanted gifts and notes, and making repeated phone calls to someone and/or their family, friends, or workplace.

⁷ The [NYC Equal Employment Opportunity Policy \(2021\)](#) defines sexual harassment as “which is a form of gender/sex discrimination. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their gender or sex. Harassers can be a supervisor, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor. Sexually harassing conduct may violate this Policy even if it does not rise to the level of a violation of law. A single incident can be a violation of this Policy. There are two types of sexual harassment: “hostile work environment” and “quid pro quo.”

iv. Human trafficking: The use of power and control to force, defraud or coerce someone into engaging in labor or services, including commercial sex. Traffickers use tactics including violence, emotional manipulation, and psychological threats, exploiting social and economic inequity for their benefit.

E. Survivor-centered practices: Refers to empowering survivors by prioritizing their rights, needs and wishes.

F. Order of protection: An order issued by a family court, criminal court, or Supreme Court to limit the behavior of someone who harms or threatens to harm another person. An order of protection may direct a person who causes harm not to injure, threaten or harass a survivor, their family, or any other person(s) listed in the order. It may include, but is not limited to, directing a person who causes harm to stay away from a survivor and a survivor's children, vacate a shared home, follow custody orders, pay child support, or not have a firearm.

G. Workplace-related incidents: Workplace-related incidents of domestic and gender-based violence are acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety or well-being of any person associated with an employee, regardless of whether the act occurred in or outside a physical workplace. An employee is considered to be in the workplace while in, or utilizing the resources of a City agency, including but not limited to facilities, work sites, equipment, vehicles, or while on work-related travel.

H. Non-workplace incidents: Non-workplace incidents of domestic and gender-based violence include acts, attempted acts, or threatened acts by or against any employees, the family members of employees, other individuals whose close association with the employee is the equivalent of a family relationship, and/or their property that occur anywhere outside a company's physical workplace, and/or while an employee is not engaged with or traveling for the employer.

I. Workplace Safety Plan: A strategy developed collaboratively by an employer and an employee survivor, and any related victim service provider(s), to implement workplace safety measures that also consistently center survivor autonomy, including but not limited to: handling orders of protection; creating procedures for alerting security personnel of threats or incidents; seeking reasonable accommodations which may include temporary or permanent adjustments to work schedules, locations, or contact information; and requesting escorts to and from workplace facilities.

PERSONS COVERED This Policy covers all full and part-time employees who are paid or unpaid.

AGENCY

RESPONSIBILITIES

A. Agency Response: Integrate survivor-centered and trauma-informed responses for employees experiencing domestic and gender-based violence in the workplace or in their personal lives, as aligned with this Policy.

B. Supportive workplace culture: All City agencies must strive to create a workplace culture that is safe and supportive for anyone who has experienced domestic or gender-based violence by communicating that information and resources are available for anyone impacted, including people who have caused harm, and that violence by any employee will not be tolerated.

C. Designation of a Workplace Policy Liaison: All City agencies covered by this Policy must designate at least one employee as the Workplace Policy Liaison and ensure that the Liaison's current contact information, as well as the contact information for the Liaison's supervisor, is on file with ENDGBV and updated as needed. Agencies have discretion to identify their designated Liaison; however, it is recommended that agencies consider for designation their Equal Employment Opportunity (EEO) Officer, Workplace Violence Prevention Coordinator, or Reasonable Accommodation Coordinator. For agencies with multiple worksites and/or a large workforce, it is strongly encouraged to designate additional liaisons who can support the designated agency Liaison.

Liaison Responsibilities:

- i. Identify agency-specific opportunities to ensure agency-wide implementation of, and compliance with, this Policy.
- ii. Serve as the primary agency contact for ENDGBV, including reporting data as outlined in the Data Collection and Reporting section of this Policy.
- iii. Ensure a copy of this Policy is standardized in onboarding materials and is required to be reviewed with all employees during the onboarding process, including a detailed explanation of employee's rights under this Policy and information for contacting the Liaison.

iv. If notified by an employee that they have experienced domestic or gender-based violence, provide confidential support, information and resources, including, but not limited to, the NYC Employee Assistance Program (EAP), EEO Officer and the option to connect directly to ENDGBV.

v. If notified by an employee that they have experienced domestic or gender-based violence, ensure that the person is aware of their access to applicable leave options and other reasonable accommodations, as well as access to job performance supports as outlined in the Agency & Employee Supports section of this Policy.

vi. Attend domestic and gender-based violence training offered by ENDGBV upon designation as Liaison and thereafter at least annually.

vii. Attend meetings scheduled by ENDGBV for Liaisons.

viii. Coordinate agency employee access to ENDGBV's computer based domestic and gender-based violence training module and track employee completion; coordinate and make accessible other domestic and gender-based violence related ENDGBV training offerings.

D. Raising awareness: All City agencies covered by this Policy will increase awareness around domestic and gender-based violence and make widely available information regarding sources of assistance for those experiencing domestic and gender-based violence, including by:

- i. Ensuring a copy of this Policy is standardized in onboarding materials and reviewed with all employees during the onboarding process, including a detailed explanation of employee's rights under this Policy and information for contacting the Liaison.
- ii. Ensuring that all agency employees complete ENDGBV's computer based domestic and gender-based violence training module within 30 days of onboarding and thereafter every two years.

ii. Posting information, approved and/or provided by ENDGBV, on domestic and gender-based violence, this Policy, as well as available resources at workplace sites including the [City Employee Assistance Program](#), the [NYC HOPE Resource Directory](#), the NYC Domestic Violence Hotline and [NYC Well](#). This information shall be

posted in such places where employees are easily able to utilize the information without having to directly request it or be seen reviewing it, for example in an agency breakroom or restroom.

iii. Accessing training and technical assistance from ENDGBV in implementation of this Policy, including customizable outreach materials.

iv. Conducting programs and activities throughout the year to increase awareness about domestic and gender-based violence, including during commemorative months.

CONFIDENTIALITY

- A. The City recognizes and respects the right to privacy and autonomy of all employees and supports survivor-centered practices. It is important to consider that disclosure of information may adversely impact the safety of an employee.
- B. To the extent allowed by law, City agencies shall protect the confidentiality of information pertaining to incidents of domestic and gender-based violence and information should only be shared on a need-to-know basis.
- C. When information must be disclosed, City agencies shall limit the breadth and content of such disclosure to information reasonably necessary and shall provide advance notice to the employee to the extent possible.
- D. City agencies shall also provide the employee with the name and title of other persons to whom it intends to share information and shall explain the necessity and purpose regarding the disclosure, to the extent possible.
- E. If any employee, as a result of their professional work and obligations is a “mandated reporter” of suspected child abuse and maltreatment, as defined in section 413 of the New York State Social Services Law, they should inform persons covered by this Policy of their responsibility as a mandated reporter prior to receiving confidential information, to the best of their ability.

DATA COLLECTION AND REPORTING

Retaining records and reporting incidents: Information regarding persons covered by this Policy who have disclosed experiencing domestic or gender-based violence shall be entered into a web-based data

management system through a link provided by ENDGBV promptly after receiving such information. Information collected shall be done in aggregate form only without any personal identifying information.

NON-DISCRIMINATION

Pursuant to the [City Human Rights Law](#), it is an unlawful discriminatory practice to refuse to hire or employ or to bar or to discharge from employment, or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because of the actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking.⁸

DISCLOSURE PROTOCOLS

A. Employee survivors: Any person covered by this Policy who is surviving domestic or gender-based violence is encouraged to seek support from their agency.

B. Persons Who Cause Harm: The City recognizes that persons who have caused harm (e.g. abusive partners), may wish to voluntarily disclose to access resources. Some individuals who disclose that they have caused harm may, in fact, be survivors who used violence to defend themselves. It is important that those who disclose causing harm are provided information about resources and services.

C. All employees: It is important for all employees to be informed about available resources and services and share them when appropriate.

AGENCY & EMPLOYEE SUPPORTS

Liaisons, in collaboration with the employee experiencing violence, as appropriate, shall identify available mechanisms to enhance workplace safety and address the rights and safety needs of the employee. Implementation of these potential mechanisms remain the responsibility of the agency EEO officer. These options may include, but are not limited to:

- A. Access to applicable leave: Employee survivors may explore access to their available leave, as applicable, to attend to their health, safety, housing, financial, and other needs.
- B. Reasonable accommodations: Employee survivors may explore access to reasonable accommodations through their agency EEO officer, which may include alternative work arrangements, such as a change

⁸ N.Y.C. Admin. Code §8-107.1(2).

to their shift, manager, work site, or workstation.

- C. Confidential records: The agency should seek to maintain confidentiality regarding the employee's status as a survivor of domestic violence or gender-based violence, which may include, as appropriate, a separate and confidential record of employee's status as a survivor to ensure that their rights and privileges of employment are not impacted or compromised as a result of violence.
- D. Support regarding an order of protection: Employee survivors may explore obtaining an order of protection that may or may not identify the workplace as a location from which a person who uses violence must stay away. If an employee survivor chooses to disclose an order of protection to their employer, agencies should follow best practices to maintain confidentiality, including retaining the order (if provided a copy) in a confidential and separate file from employee's personnel file, and working with the employee to address safety concerns, including providing a copy to security and facility staff.

AGENCY RESPONSE TO INCIDENTS & DISCLOSURES

City agencies shall respond to disclosures and incidents of domestic and gender-based violence, as appropriate, and as consistent with this Policy, and the agency's policies and procedures, including the agency [arrest](#) and [workplace violence](#) policies. Confidentiality and safety for the employee survivor should be prioritized, to the extent possible, during any incident or disclosure response conducted by the agency, as consistent with this Policy.

REPORTING VIOLATIONS OF POLICY

A. Reporting: All employees who have concerns about the implementation of this Policy are encouraged to contact their agency Liaison and/or [inform](#) [ENDGBV](#).

B. Non-Discrimination and Non-Retaliation: In accordance with the New York City Human Rights Law and the City's EEO Policy, City agencies may not discriminate against persons covered by this Policy based on their status as victims of domestic violence, sex offenses and stalking.⁹ Additionally, City agencies shall not engage in adverse employment actions, discharge from employment, discriminate against in compensation or other terms, conditions, or privileges of employment, or

⁹ [New York City Human Rights Law](#); [City EEO Policy](#)

retaliate against an employee because the employee has informed ENDGBV of an alleged violation of this Policy.

RESOURCE INDEX

The [NYC HOPE Resource Directory \(www.nyc.gov/nychope\)](http://www.nyc.gov/nychope), NYC 24-Hour Domestic Violence Hotline (1-800-621-HOPE), the New York City Family Justice Centers and [City Employee Assistance Program](#) are available to provide:

- i. Confidential support, information and linkage to services for persons covered by this Policy who are surviving workplace-related or non-workplace incidents of domestic and gender-based violence;
- ii. Confidential support for persons covered by this Policy who are evaluating whether to inform their manager, supervisor, or agency Liaison of their own or another person's experience with workplace-related or non-workplace incidents of domestic and gender-based violence; and
- iii. Community referrals, workplace safety plan support, and resources for managers, supervisors, and agency points of contact who have received reports of workplace-related or non-workplace incidents of domestic and gender-based violence.

To reach the [Mayor's Office to End Domestic and Gender Based Violence](#) (ENDGBV) and connect to trained staff who specialize in helping domestic and gender-based violence survivors, persons covered by this Policy can submit a confidential request to the [NYC Employee Support for Domestic and Gender-Based Violence](#) web-based portal.