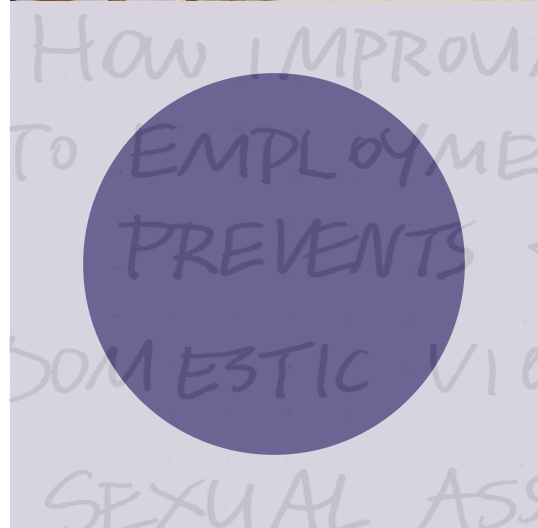
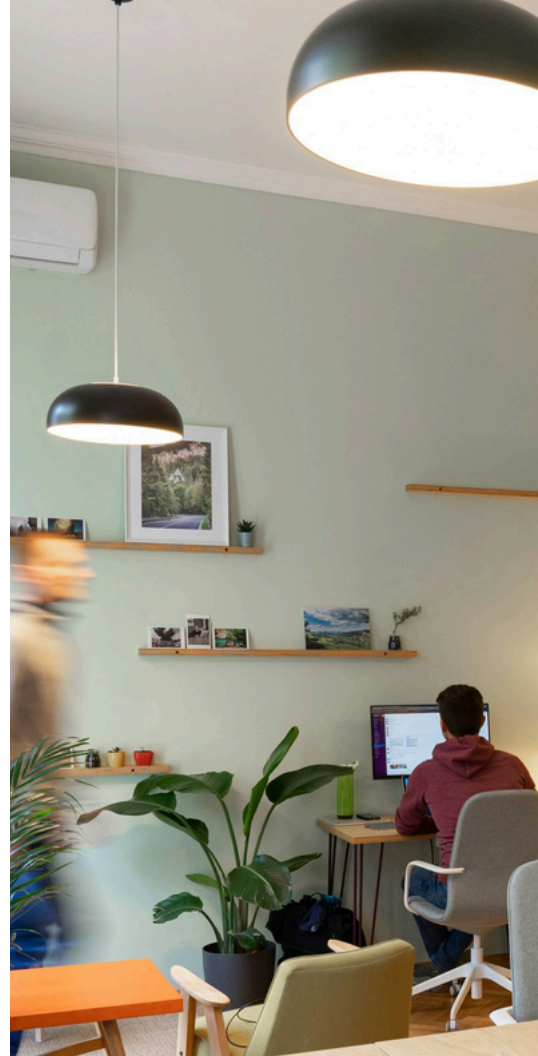


# Addressing Survivor-Status Employment Discrimination

A resource guide to recognize and respond to employment discrimination for survivors of domestic violence, sexual assault, and stalking.

January 2026





## This Resource:

- Describes why survivors of domestic violence, sexual assault, and stalking need employment discrimination protections.
- Outlines how to identify employment discrimination based on an employee's status as a survivor of domestic violence, sexual assault, or stalking.
- Identifies the states and territories with laws that prohibit survivor-status employment discrimination.
- Provides potential steps a survivor can take if they think they are experiencing this form of discrimination.

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## WHY DO SURVIVORS NEED EMPLOYMENT DISCRIMINATION PROTECTIONS?

Domestic violence, sexual assault, and stalking (DVSAS) can have unique impacts on a survivor's ability to work. The person causing the survivor harm may engage in employment sabotage, or come to a survivor's workplace to disrupt or harass them or their co-workers. The harm-doer may be a co-worker or a supervisor and use their position in the workplace to make life harder for the survivor.

To reach safety, survivors often need to make adjustments to their workplace or take time off work to relocate, heal from injuries, get counseling, receive services, work with an advocate, or seek legal support. Getting these supports often requires a survivor tell their employer about the violence they are experiencing.

When an employer learns an employee is experiencing DVSAS, the hope is they are met with a survivor-centered and trauma-informed response.

But some survivors who tell their employer about their experience are **dismissed** or **judged**. A survivor's employer may respond with outdated and misinformed ideas about the dynamics of DVSAS or blame the person experiencing violence. Some employers may **treat a survivor like a liability**. Even well-meaning employers can harm survivors by **making assumptions about what a survivor needs** to be safe and taking away a survivor's ability to make decisions for themselves.

When employers respond to a disclosure of an employee's status as a survivor in these ways, their responses can be a form of survivor-status employment discrimination.

## WHAT CAN SURVIVOR-STATUS EMPLOYMENT DISCRIMINATION LOOK LIKE?

Someone may be experiencing employment discrimination based on their survivor status if their employer:

- Makes **dismissive or offensive comments** that include stereotypes about survivors of violence. These may be comments like:
  - “Don’t bring your drama into the workplace”
  - “Why should I help you? Everyone knows you’ll never leave them”
  - “People call everything abuse nowadays”
  - “They wouldn’t be doing this if you were a better [wife/partner/girlfriend]”
  - “You got yourself into this situation, now you expect us to trust your judgement at work?”
- Finds **performance issues where none existed before** after learning an employee is a survivor of DV/SAS.
- Requires **intrusive forms of documentation** such as photos of injuries or details of an assault before agreeing to help the survivor.
- **Forces the survivor to take unpaid leave** to “deal with” their situation when other forms of leave or workplace accommodations are available.
- **Fires the survivor** because the survivor discloses they are experiencing violence or because they get a protection order against a co-worker or supervisor.

Advocates and survivors recognize these types of responses will harm survivors. But this response is not always illegal. The legality of this behavior depends on what the survivor has experienced, what their state or territory's anti-discrimination laws say, and how many people work for their employer.

As of December 2025, thirteen (13) states and territories have anti-discrimination laws explicitly prohibiting most private employers from discriminating against an employee based on their status as a domestic violence survivor.

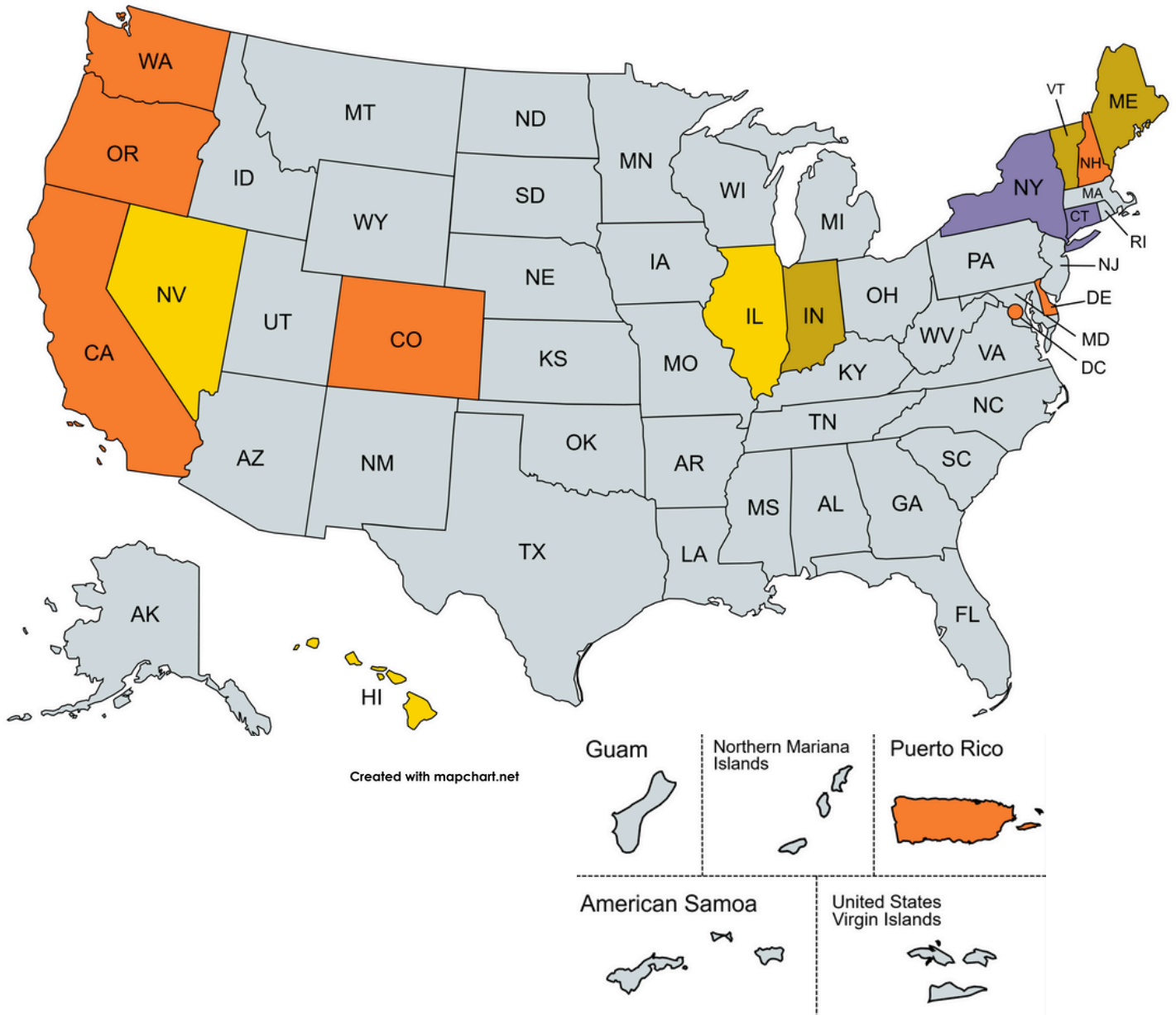
The states and territories prohibiting discrimination based on an employee's status as a domestic violence survivor are California, Colorado, Connecticut, Delaware, District of Columbia, Hawai'i, Illinois, Nevada, New Hampshire, New York, Oregon, Puerto Rico, and Washington.

Three (3) of these states - Hawai'i, Illinois, and Nevada - extend these protections to sexual assault survivors but not stalking survivors.

Eight (8) states and territories extend these protections to survivors of stalking and sexual assault. These states and territories are California, Colorado, Delaware, the District of Columbia, New Hampshire, Oregon, Washington, and Puerto Rico.

[This comprehensive guide outlines what specific employment protections are available for survivors in each state.](#)

## Map: States With Laws That Prohibit Employment Discrimination Based on Survivor Status



- Law Protects Domestic Violence, Sexual Assault, and Stalking Survivors
- Law Protects Domestic Violence and Sexual Assault Survivors
- Law Protects Domestic Violence Survivors
- Law Protects Domestic Violence, Sexual Assault, and Stalking Survivors If They Have Sought A Protection Order

## If You Have Experienced Employment Discrimination Based on Your Status as a Survivor, Consider:

- ☐ **Checking your state and local laws.** Not every state has an explicit law protecting employees when they experience survivor-status employment discrimination.
- ☐ **Reviewing your employer's policies** for when you should report the behavior. Follow the policy if you can do so safely.
  - If your workplace does not have a policy, or you do not feel safe following it, **report your experience to a supervisor**, if you can.
- ☐ **Reaching out** to your local domestic violence or sexual assault victim service organization to ask for help.
- ☐ **Documenting your experience.** Save that documentation somewhere safe that can still be accessed even if you leave your job or are fired.
- ☐ **Contacting an employment law attorney in your state or territory** who helps employees.
  - Some attorneys charge money to talk with you. Ask upfront if your conversation with the attorney will cost money.
- ☐ If your state or territory prohibits most employers from discriminating against an employee based on their survivor status, **find the agency that enforces the relevant anti-discrimination laws.** This agency should have guidance for how to file a complaint about the behavior you are experiencing.

This checklist is not legal advice. It gives general information and relays best practices. If you believe you have experienced employment discrimination, contact an attorney licensed to practice law in your state or territory.

# Legal Resources



Even in states and territories with these protections, using them can be tricky. Talk through your options with an attorney licensed to practice law in your state or territory who can help balance the risks and benefits of attempting to access these protections.

LawHelp.org was created to help people without lawyers understand their rights, make informed decisions and connect to help in their local community. LawHelp.org provides referrals to nonprofit legal aid organizations in every state and territory, free legal rights resources, court forms and self-advocacy tools. [Find legal help and legal resources here.](#)



**1(800) 649-0297**

The Legal Momentum Gender Equality Helpline is a free nationwide helpline for those seeking information about their rights related to sex and gender discrimination, violence, and harassment.

The Legal Network for Gender Equity and TIME'S UP Legal Defense Fund helps fight against sex discrimination and sexual harassment in workplaces, schools, and healthcare settings. If you have experienced sex discrimination or harassment at work, as a student in school, or as a patient getting healthcare, the fund may be able to connect you to attorneys. [Access their form to request help.](#)

The National Employment Lawyers Association can help you find an attorney who helps employees in your state. [Access their Find-a-Lawyer form.](#)



## Citations to Referenced State Law

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1. California - Cal. Lab. Code § 230.5 (2024).
2. Colorado - Colo. Rev. Stat. § 24-34-402.7 (2014).
3. Connecticut - Conn. Gen. Stat. § 46a-60(b)(1) (2022).
4. Delaware - Del. Code. Ann. Tit. 19, § 711(i) (2022).
5. District of Columbia - D.C. Code § 2-1402.11(c-1) (2023).
6. Hawai'i - Haw. Rev. Stat. § 378-2 (2020).
7. Illinois - 820 ILCS 180 (2024).
8. Indiana\* - Ind. Code § 22-5-7-2.
9. Kansas^ - Kan. Stat. Ann. § 44-1132 (2021).
10. Maine\* - Me. Stat. tit. 5, § 4572 (2021).
11. Nevada - Nev. Rev. Stat. § 613.223 (2023).
12. New Hampshire - N.H. Rev. Stat. § 275:71 (2021).
13. New York - N.Y. Exec. Law § 296 (2019).
14. Oregon - OR. Rev. Stat. § 659A.290 (2013).
15. Puerto Rico - 29 L.P.R.A. § 146 (2024).
16. Rhode Island - R.I. Gen. Laws § 12-28-10 (1988).
17. U.S. Virgin Islands^ - V.I. Code tit. 16, § 99c (2019).
18. Washington - Wash. Rev. Code § 49.76.115 (2018).

\* Employment anti-discrimination protections for an employee are limited to an employee seeking a protective order.

^ Employment anti-discrimination protections for an employee are limited to taking time off work.

**SCAN THIS  
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ACCESS THE  
RESOURCE CENTER.**



To learn more about the state laws that explicitly support employees when they experience domestic violence, sexual assault, and stalking, visit Futures Without Violence's Advancing Safety Through Employment Rights Project.

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