



Surviving Economic Abuse (SEA) response to call for evidence by Department for Business, Energy and Industrial Strategy -

Support in the workplace for victims of domestic abuse September 2020

Introduction

1. Surviving Economic Abuse (SEA) is the only charity in the UK dedicated to raising awareness of economic abuse and transforming responses to it. All our work is informed by Experts by Experience – a group of women who speak about what they have gone through so that they can be a force for change. Our response to this call for evidence focuses specifically on our area of expertise which is economic abuse as a form of controlling or coercive behaviour within the context of domestic abuse. Economic abuse occurs when someone's partner controls (through restriction, exploitation and/or sabotage) how they acquire, use and maintain economic resources such as accommodation, food, clothing and transportation, and includes actions which impact on their employment or employability. Domestic abuse has been recognised as a critical risk to women's financial life journeys by the Insuring Women's Futures programme.¹ This response has had input from Insuring Women's Futures.
2. SEA led calls for economic abuse to be included within the definition of domestic abuse in the Domestic Abuse Bill. Recognition of the broad nature of economic abuse and how it overlaps with and reinforces other forms of coercive control will help to improve the response to domestic abuse. SEA welcomes this consultation on support in the workplace for domestic abuse victims as an attempt to ensure government policies are aligned with the increased recognition of economic abuse and the need to involve a wide range of actors in combatting it, including employers. The response will put forward evidence and suggestions for good practice by employers in relation to supporting domestic abuse survivors in the workplace. We also recognise the need to work with employers to explore pragmatic and effective solutions. The suggestions put forward are therefore for policies and practices that are protective and supportive of employees while being of value to businesses for their functioning as responsible employers.

3. Employment is a key source of economic independence and stability for women experiencing domestic abuse. Research shows that women are three and a half times more likely to be subject to domestic abuse if they find it impossible to find £100 at short notice.² This is not to suggest that there is a causal link between domestic abuse and poverty – domestic abuse can affect women from all socio-economic backgrounds – rather it is about an individual's ability to be able to access economic resources, and the income gained via employment is crucial in enabling this.
4. In-depth studies based on authoritative secondary data sources and published by Insuring Women's Futures³ considering the financial life journeys of women in the UK identifies abuse as a critical financial risk faced by women through the life course. 13% of teenage girls between the ages of 16 and 19 experience abuse with lifelong implications for their wellbeing. Two thirds of women experiencing abuse experience financial coercion, and while abuse impacts women of all socio-economic groups, evidence points to those on low pay (particularly those in households earning less than £10,000 annually) being most vulnerable. Data evidence identifies key stages in women's lives where they are more vulnerable to domestic and economic abuse. In particular, upon motherhood which for many women leads to greater financial dependency (women in their 30s have an average of around £1,000 in savings, women with children see savings reduced below this amount with each child. The average for women with 3–4 children was just £100–£200 in savings). Cohabiting mothers who are abuse victims are particularly exposed due to their lack of legal financial rights. Abuse can continue and /or escalate post-separation, with the prevalence of economic abuse commonly increasing at this time as it does not require physical proximity to perpetrate⁴ (one quarter experience economic abuse post-separation⁵), also impacting divorce settlements (including pensions sharing). In later life, research shows that at least 130,000 elderly people (women twice as likely as men) experience financial abuse by family members.⁶
5. Women's lack of financial resilience (compared to men) due to gender inequality throughout the life course underpins their greater risk of experiencing domestic (including economic) abuse, as well as more broadly women's ability to leave abusive partners and rebuild their lives independently. Young women are more likely than young men to qualify and enter the workplace in low paid, temporary and zero hours jobs, with a 21% gender pay differential opening up early between male and female apprentices. 60% of low paid workers in the UK are women which also reflects the impact of caring and part-time work, key contributors to the gender pay gap.⁷
6. The relationship between abuse, earnings and pay, and between employees and employer, means that alongside financial services institutions, employers have potentially the most insight to recognise and be a pivot for support to economic abuse victims. In addition to Human Resources departments holding information concerning salaries and pay, bank account arrangements, family and next of kin details, many employers also operate financial wellbeing and benefits (as well as pensions, insurance, loans). This makes the workplace and employers uniquely

placed to be in a position to be part of the solution for addressing economic abuse by maximising access to economic resources and creating economic safety.⁸

7. The links across the workplace, economic resources and domestic abuse have been thrown into sharp relief with the Covid-19 pandemic. SEA is conducting a project looking at the support needs of women experiencing economic abuse during the pandemic. This includes a survey for victims which covers several areas including employment and study. Other areas include housing and accommodation, finances, welfare benefits and access to economic resources more broadly, and it is clear that these are all connected. Whilst this work is ongoing and unpublished to date, the survey had 253 responses from women in the UK currently experiencing economic abuse, and reveals how measures associated with responding to the pandemic are inadvertently facilitating greater control and interference of victims' rights to employment by abusers. This response will use emerging findings from the survey. As not all questions are mandatory, sample sizes will not consistently total the above (n=253). It will also reference issues reported to SEA by women through other channels.
8. There is evidence Covid-19 has impacted intersections of society in different ways including in relation to who is most likely to experience economic abuse, and which is relevant in the context of the differentiated approaches needed to tackle the issue. A number of factors point to women being particularly at risk. Reports to Domestic Abuse Helplines have seen a surge in enquiries from women. Hits to SEA's website peaked at almost 120% more during lockdown when compared to the start of March 2020. Similarly, calls to the Financial Support Line for Victims of Domestic Abuse, run in partnership by SEA and Money Advice Plus, increased 66% compared to pre-COVID-19. From an economic perspective this is consistent with the greater impact on women's employment and earnings as a result of the lockdown. Young women represent 36% of employees in sectors largely or entirely shut down (25% young men)⁹, 1 in 5 apprentices have been made redundant (55% of workers aged 16-19 years are in hospitality and retail and largely female)¹⁰. Women's income in April reduced by £309 a month (£405 in two-parent families), 26% decline (£247 – 18% - in men's earnings, £309 two-parents) – equating to a 15% rise in gender pay gap¹¹.

What practical circumstances arise in relation to domestic abuse and work?

9. From an economic abuse perspective, there are a number of practical ways in which abusers' actions impact on women's employment. Employment sabotage is a common form of economic abuse. This is when an abuser seeks to create economic instability and/or dependence through actions that may lead a victim to lose their job and source of income. Furthermore, domestic abuse has other, more indirect, consequences which victims have to navigate such as court proceedings which can also impact employment.

General issues

10. In SEA's analysis of successful prosecutions of the controlling or coercive behaviour offence, one in five cases reflected employment sabotage. Perpetrators made their partners leave their job, threatened to get them sacked or pressured their partner

into reducing her working hours.¹² Abusers also resort to such actions as: denying access to the economic resources a survivor may need to get to work (i.e. a car or bus pass) or effectively fulfil the duties required of their job (i.e. through sleep deprivation).¹³ Survivors are harassed at work through, for instance, stalking and constant messaging,¹⁴ with a study finding that 78% of perpetrators continue to abuse their victim whilst at work.¹⁵ Survivors also report that perpetrators have contacted their employers directly, making allegations in an attempt to get them dismissed or seeking information about them.

11. Even when women are allowed and able to work, economic abuse can mean they are denied access to their own wages. In SEA's analysis of successful prosecutions of the coercive control offence, victims were also seen to be exploited by the abuser who withheld access to their earned income. In one case, the abuser kept all but £500 of his partner's monthly wages of £2,000. In another case the abuser gave the victim an allowance of £10 per week after taking all her bank cards.
12. Participants of a roundtable of 18 survivors, facilitated by SEA as part of the consultation process around the Domestic Abuse Bill, identified that the stress and ill health associated with experiencing domestic abuse also serves as a barrier to employment. Women's employment is also affected by the impact that domestic abuse has on children who are also often traumatised, have difficulty in school or are frightened of having to have unwanted contact with their father (this may be as a result of court orders, further discussed below). Some victims gave up employment or compromised their career choices and earning capacity by taking work options that gave them more scope to support their children.¹⁶
13. One survey in the USA found that 60% of survivors had lost their jobs due to domestic abuse,¹⁷ as a result of the abuser sabotaging their ability to work and the physical or psychological impacts. In the UK, 2% of survivors lose their jobs as a direct result of domestic abuse, often due to time taken off work.¹⁸ Domestic abuse has been estimated to cost employers upwards of £14 billion every year¹⁹ although this is likely to be an underestimation due to factors such as under-reporting of domestic abuse.
14. The workplace can also be the site of domestic homicide. A study of homicide in the USA found that 648 workplace homicides affected women, with 142 of these being committed by current or former partners. More than half of these homicides occurred during daytime working hours, which puts not only women who are victims but also their colleagues at risk.²⁰ Employers should take all reasonable measures to protect employees from abusers, whilst inside or in the vicinity of the workplace – and key in this is therefore ensuring that there are the policies, practices and culture in place to make employees feel safe and able to disclose abuse.
15. A practical implication of employment for domestic abuse survivors relates to their ability to access refuge accommodation. Refuges presently operate in a way that disadvantages women in full time employment who are not in receipt of housing related benefits. Many working women cannot afford to pay for a refuge place, and have to give up employment so that they can claim state benefits which will fund a refuge place. It can therefore be harder for women who are working to secure a refuge place as the costs can be too high, therefore creating an incentive to leave

employment. This system of perverse incentives undermines the ability of survivors to maintain economic stability after leaving an abusive partner, and leaves women with the 'choice' of retaining their employment and staying with the abuser, or giving up work in order to access safe accommodation. This could have an even greater impact during pandemic-related lockdowns when there have been fewer housing options available, as even more women could have been compelled to leave their employment or remain with the abuser. Furthermore, lack of refuge spaces, both during Covid-19 and normal times, could mean that women have to flee hundreds of miles away from their homes leading to loss of employment due to distance from the workplace.

Employment and court proceedings

16. Domestic abuse frequently results in court proceedings of some kind, whether to obtain protection orders, or potentially more long-drawn out proceedings related to divorce, child arrangements and finances. It is not only attending these that is time consuming but also the preparation for them, including liaising with state agencies such as CAFCASS. This is exacerbated by the fact that domestic abuse victims are not automatically entitled to legal aid but have to go through means and merits tests in order to qualify, leaving many who are unable to afford legal fees without legal aid and therefore representing themselves in court.
17. Litigants in person victims will require even more time as they need to understand the complexities of the law, draft submissions and prepare for court appearances with little or no legal support, all the while dealing with the risks involved with leaving or preparing to leave an abuser. Managing this, including the impact of court proceedings on children (see above), while holding down a job is clearly challenging, and the workplace must have a better understanding of the toll this could take on employees and make necessary adjustment to accommodate it.
18. In an evaluation of a recent project, Everyone's Business, which worked with employers to increase support to employees experiencing domestic abuse, an employee reported concern about having to take a lot of annual leave for court related matters and then having to get back to work while still dealing with the emotional trauma of the court proceedings. This is a clear illustration where paid leave for survivors could have made a significant difference. As one Expert by Experience put it 'court attendances sabotage jobs'. This could lead to a situation where, ironically, survivors are at increased risk of losing employment due to the abuse and its consequences, when they most need the income which a job provides.
19. While there are many ways, as set out above, that employers can mitigate the adverse impact on employee survivors of court proceedings, they may also be able to further support survivors through providing valuable evidence in such proceedings themselves. Employers should be proactive to identify where this may be possible and make known their availability to do so.

Covid-19 – emerging findings from the SEA survey

20. The Covid-19 pandemic has presented an opportunity for abusers to increase their control over domestic abuse victims and one of the ways in which this is happening is through an increase in employment sabotage. This is evidenced through the emerging findings of our survey. 69% of the women who responded to our survey are in full or part time employment or are self-employed. Loss of employment, decreased work hours and furloughing resulting from the pandemic are leaving women without the level of income they would usually expect. This may have been their means of escaping the abuser and/or of rebuilding economic independence for themselves and for their children. The workplace is also, for many victims, much more than their source of income. It could also be the only place they felt safe and therefore they may have relied on it for their general wellbeing and as a respite from the abuser. It is also potentially a source of emotional and practical support from managers and colleagues from which referrals to support services can be made and resources accessed i.e. office and telephone to make appointments etc.
21. Women who now need to work from home are forced to spend longer periods with the abuser, sometimes with the abuser working alongside them. In the words of survivors responding to our survey:
- '... with both people working from home the abuser has been able to disrupt and control my work and time and ability to work and study in an unprecedented way, than if we were both physically going to an office.'*
- 'He has disrupted my ability to work through emotional, verbal and physical abuse - this became pretty much non-stop.'*
- '[I'm] worried that he is prioritising his job over mine, I will lose the freedom of work.'*
22. The last quote also raises further issues around the consequences of losing employment and having to rely on welfare benefits. The current policy of providing a single payment in the case of joint claims of Universal Credit deprives women of access to an independent income and creates opportunities for escalating or starting economic abuse. Women who have been accustomed to receiving their own income could be put in a situation where Universal Credit payments are open to control and misuse by an abuser, and also have resources taken away that would have been available to them to flee abuse. SEA and others have therefore recommended that separate payments be made in the case of joint claims, to ensure/preserve women's rights to economic stability.
23. The survey finds that abusers are preventing victims from accessing equipment they need to work, including hiding computers and phones, and interfering with internet access – including through removing the Wi-Fi box. One woman reported that the abuser had contacted her employer to make allegations that she had broken lockdown rules.

24. Abusers refuse to do their share of childcare as a form of employment sabotage in ordinary times, but this has become even more difficult for working women with schools closed or operating for limited hours, and other options for care by grandparents etc. also restricted. For 33% of women who responded to our survey, abusers refusing to do their share of childcare was a concern in relation to their ability to work.
25. Women have told SEA they are worried about their employment as a result of the actions of the abuser during the pandemic. In our survey, 37% of women are concerned about their job security in the future, 22% are worried about their ability to find a new job, and 11% are concerned about their safety whilst working from home. It is vital that employers are aware of the situations that their employees may be facing as a result of economic abuse and how the pandemic may have impacted on this so that they can provide comprehensive support.

What support can be offered in the workplace to victims of domestic abuse?

26. Employers have a vital role in society's response to domestic abuse and this must be underpinned by organisational domestic abuse programmes which include – as a minimum – policies, training and pathways to support.
27. In one survey, 86% of businesses agreed that employers have a duty of care to support employees experiencing domestic abuse.²¹ However only 5% of employers had policies on domestic abuse. To ensure that support is consistent and all employees have a shared understanding of what they can expect from their workplace in this respect, workplaces must have an accessible domestic abuse policy. A report on employers' domestic abuse policies in Wales found that staff's confidence in reporting domestic abuse, as well as the confidence of line managers in responding to these reports, was increased by having policies in place. Confidence in the organisation was also increased.²² Policies by themselves however will not lead to change, they need to be properly understood and implemented.²³ A full programme to support domestic abuse victims, including training to complement any policy and a strong referral pathway, is therefore needed.²⁴
28. There are a number of ways in which specific support can be offered to victims. These include embedding abuse considerations within existing employer structures (such as employment and ways of working policies, financial and wider wellbeing guidance and benefits) and as well as specific approaches for victims. Examples include but are not limited to:
- Flexible working arrangements (such as flexibility in working hours and other adjustments to suit individual cases) in particular with an emphasis on allowing victims to address their domestic situation while not letting it adversely affect their careers
 - Taking domestic abuse into account in setting tasks and deadlines, and in performance management and appraisal
 - Ensuring that wellbeing and financial wellbeing programmes (including employee assistance) reflect an understanding of abuse and economic abuse, to raise awareness generally and provide support for victims

- Considering how financial and non-financial benefits (such as pensions, loan, insurance, cars and discounts, as well as legal and care support services) are designed and delivered to ensure they contemplate victims and embed relevant support and appropriate safeguards
- Signposting to specialist support services and relevant employee assistance programmes
- Having a mechanism for separate contact details for survivors, so that they are assigned unique email addresses and phone numbers, to minimise the possibility of contact by the abuser at the workplace and also the misuse of technology to monitor survivors

29. While recognising the need for compliance with GDPR, employer analysis may also highlight 'outliers' and insights that corroborate concerns about employees who may be victims of abuse to be in a better position to support. Examples may include the type of bank accounts salaries are paid into, whether elections are made to opt out of pensions, taking out loans, large benefits purchases such as 'family' cars. Other examples – albeit these are more often offered to higher paid workers – are healthcare and insurance benefits. Such information may also be helpful to victims who subsequently decide to bring proceedings against abusive partners (see also above, on court proceedings).

30. In the current context of Covid-19, employers need to be particularly aware of, and responsive to, the needs of victims of economic abuse, and understand how abusers may be using the pandemic to increase their control over victims and restrict and sabotage their employment.

What is possible with the existing framework?

What does current best practice look like?

31. The importance of devising and implementing domestic abuse policies has already been discussed above. A number of resources are available to employers interested in formulating a domestic abuse policy, including by the Equality and Human Rights Commission, Business in the Community and SafeLives in the UK, as well as from Australia.²⁵

32. There is also more scope for employers to increase their understanding, and that of their workforce, about how their colleagues may be experiencing domestic abuse. For instance, while SEA engages with banks and other financial institutions to support their work with vulnerable customers, it is vital that these institutions also know how to recognise abuse experienced by colleagues. Not only can this help break down stereotypes about who experiences economic abuse, but it is important to recognise that employees experiencing economic abuse may be asked to support customers in the same situation. In this regard, SEA recognised the work of Lloyds Banking Group within its 2019 best practice award. This also highlights the importance of training, already mentioned in relation to domestic abuse policies. Research from the USA shows how training of staff led to an increased understanding of domestic abuse, especially in recognising economic abuse. Over 80% felt that the training might change their routine in recognising victims of domestic abuse and more staff felt they were willing to intervene after the training.²⁶

33. Employers also need to be aware that there will be abusers in the workplace. In some cases, the victim and abuser will also work together. In the UK, one in six victims reported working at the same place as the partner who was abusing them.²⁷ while in an Australian survey, this was 12%.²⁸ This led to situations such as being forced to share shifts, breaks and commute with the perpetrator, exposing the victim to the possibility of abuse at the workplace itself.²⁹ Colleagues are also likely to know that their co-worker is an abuser. A US study found that 65% of co-workers were aware of the abuse, and that the majority colluded with the abuse in their reaction, by laughing about the abuse or the partner, offering tips or encouraging the abuser.³⁰
34. Special care needs to be taken in maintaining the confidentiality of all information pertaining to a survivor, understanding that any breach of this could have serious consequences. This includes all personal information and any information which the survivor wishes to keep confidential. This could range from very obviously personal information such as home address, to any other information that the employer may be privy to such as regarding the future employment/plans of the survivor. One Expert by Experience described how, 'leaking information is as corrosive as lifting a fist.'
35. The onset of Covid-19 has seen a number of corporate organisations publicly step up their support to employee survivors, and these represent examples of good practice which could usefully be continued and replicated by others after the pandemic is over. Lloyds Banking Group, with support from SEA and SafeLives, has started an emergency programme offering vulnerable staff and their children accommodation in a hotel, travel and living expenses, as well as advice and compassionate leave.³¹ The law firm Linklaters, also with the support of SafeLives and SEA, has similarly created a new policy and support package which includes emergency accommodation and a daily living expenses allowance, up to 10 days' paid leave, and a one-off payment to support an individual in becoming financially and physically independent from the abuser.³²
36. SEA particularly recommends as good practice that employers consider providing grants, as in the example above, in recognition of the additional costs incurred when leaving an abuser. This is preferable to providing loans, which due to the obligation to pay them back, reduces survivors' income as they try to move forward with their lives, at a time when the income is most needed.
37. Many and increasing numbers of employers are adopting flexible working, and Covid-19 has required greater homeworking and in many cases flexible hours. However, policies and practices are still evolving and those who work alternatively (such as part-time, non-standard hours, time banking) often see their career progression impacted. This is particularly true of mothers' part-time work which sees the gender pay gap double from 9% full-time only to 18% overall.³³ Covid-19 is an opportunity to reset flexible working such that it accommodates a range of employee and business needs and aspirations, while also allowing those who work in non-traditional ways to fulfil potential and realise career progression. As part of its manifesto 'Living a financially resilient life in the UK' (which recognises abuse as a key financial risk factor for women especially), Insuring Women's Futures developed good practice 'Financially inclusive flexible working guidance' for

employers, and which provides a useful framework and starting point through which to consider embedding approaches to victims of financial and domestic abuse.

What is the potential to do more?

38. In addition to putting in place policies, providing paid employment leave can provide a lifeline, giving victims the opportunity to make plans and prepare to leave an abusive partner, manage the aftermath of leaving, and have access to the economic resources they need to rebuild their life independently. It has been pointed out that this would increase the scope for victims to arrange their escape safely, using what appears to be time spent at work to plan and carry out their escape with less possibility of arousing their partner's suspicion.
39. New Zealand has legislation in place which provides entitlement to paid employment leave for victims of domestic abuse. SEA strongly recommends that this be adopted in UK. EY and Vodafone already have a policy of providing domestic abuse victims paid leave, with EY providing a week and Vodafone 10 days.³⁴ Concerns have been expressed that smaller firms would find it difficult to bear the costs of such a policy. Given the economic and social cost of domestic abuse, estimated at £66 billion, SEA recommends that the government considers covering any additional costs that arise from granting such leave in the case of firms with less than a specified turnover or number of staff.
40. Alongside Automatic Enrolment pensions, some consideration in the pensions industry has been given to the scope for 'side car' savings vehicles to support financial wellbeing. Regard may also be had as to whether such structures could be designed to accommodate domestic abuse victims - economic barriers to leaving can lead to women staying with an abusive partner for longer and experiencing more harm as a result.³⁵
41. It is important to note that abusers could be interfering with employment both during a relationship and also after separation. The current offence of controlling or coercive behaviour in the Serious Crime Act 2015 (section 76) covers abusive behaviour during a relationship. This needs to be extended to cover post-separation abuse, and SEA has argued that this should be done through the Domestic Abuse Bill, although some of this conduct may even now be picked up under legislation on stalking and harassment.³⁶ The statutory definition of domestic abuse being introduced through the Bill has no such limitation and covers current and former partners, which means that interference in employment could fall within the ambit of domestic abuse whether the victim is currently in a relationship with the perpetrator or not. This recognition of post-separation abuse in the Bill would be strengthened by extending the coercive control offence as proposed, so that employment sabotage following separation would be clearly seen as part of a continuum of domestic abuse.

¹ www.insuringwomensfutures.co.uk

² Walby, S. and Allen, J. (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*. London: Home Office Research Study 276

³ *Risk, exposure and resilience to risk in Britain today, Securing the financial future of the next generation, Securing Women's pension deficit to improve retirement outcomes for all, Living a financially resilient life in the UK*, Jane Portas (author), CII (publisher)

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⁴ Stark, E. (2007) *Coercive Control: How Men Entrap Women in Personal Life*. Oxford: Oxford University Press

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⁹IFS (6 April 2020) Sector shutdowns during the coronavirus crisis: which workers are most exposed?

¹⁰ Children's Commissioner 2 June 2020, What COVID means for young apprentices

¹¹ Women's Budget Group reporting Turn2Us (2020) Press release: Coronavirus pandemic widens gender gap

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²¹ Westmarland, N. (2017) *Domestic Violence and Abuse: Working together to transform responses in the workplace*, London: Vodafone Foundation in association with Ipsos MORI and Durham University

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- ³³ <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/howdothejobsmenandwomendoaffectthegenderpaygap/2017-10-06>
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