

# Lost Work, Pay, and Safety:

## Victims of Violence Urgently Need Safe Leave

APRIL 2024



Safe leave is legally protected time off work in the wake of violent victimization for necessities including medical care, physical safety needs, victim services, caring for a loved one who was victimized, attending court, or dealing with legal issues. The purpose of safe leave is to ensure that people who are victims of violence and their loved ones can take the time they need in the immediate aftermath of victimization to heal and get to safety without fearing the loss of their jobs and livelihoods.

Being forced to miss work due to violence can trigger a cascade of challenges, especially if missing work means missing pay or losing a job at a moment when families are already stressed and traumatized. Previous surveys show that many people lose a job or are demoted after missing work because they were victims of violence. Many more lose or fear losing their homes, in part because the disruptions to their work and finances leave them unable to pay rent.<sup>1</sup> No survivor should have to choose between keeping their job and recovering from violence.

Safe leave is also integral to safety. When victims cannot take time off in the wake of violence, they may not be able to take steps that are necessary to secure their physical safety. Time off work in the wake of violence makes it possible for victims to make changes that bolster their physical security, such as repairing broken windows or relocating to avoid future contact with the person who attacked them. People who cannot take the time that they need to make themselves safe may be more vulnerable to repeated violent victimization.

Powerful, decades-long campaigns by groups advocating for victims of gender-based violence have won safe leave protections in about half of U.S. states.<sup>2</sup> These trailblazing protections serve as lifelines to thousands of survivors of violence each year. Increasingly, lawmakers and employers are recognizing the need to extend these types of protections to survivors of all types of violent victimizations, including survivors of gender-based violence and other violence.

The lost work, lost pay, and lost productivity caused by violence cost U.S. workers and employers billions of dollars each year. A recent survey conducted by the Institute for Women's Policy Research found that slightly more than half of survivors of intimate partner violence lost a job because of their victimization, and 83% reported lost productivity. The lifetime costs of intimate partner violence exceeds \$100,000 for each woman impacted.<sup>3</sup> Protected leave policies benefit employers as well as survivors because they increase employee retention and productivity, which boosts the employment rate and national economy.<sup>4</sup>

Existing estimates of safe leave need are drawn from decades old data and focus solely on workers experiencing gender-based violence.<sup>5</sup> To complement these estimates and gain a more complete understanding of the need for safe leave, the Alliance for Safety and Justice analyzed data from the National Crime Victimization Survey (NCVS), the best source – though still a flawed one – for data about the prevalence of crime in the U.S. The NCVS is the only publicly available data source that can speak to the need for safe leave. (For important information about the limitations of this data source, see the sidebar.) This briefing presents our findings.





## The NCVS indicates that more than 200,000 Americans miss work each year due to violence, half of whom lose pay

Nonfatal criminal victimizations cause more than 200,000 people in the United States to miss more than 6.7 million days of work each year, according to this analysis of the NCVS.<sup>6</sup> Approximately 194,000 people miss work because they were direct victims of nonfatal violence. Another 23,000 people miss work to care for a household member who was a direct victim of nonfatal violence. Almost half (46%) of direct victims who were forced to miss work lost pay because their absence was not covered by paid safe leave, sick leave, unemployment insurance, or some other form of paid leave.<sup>7</sup>

Of the 194,000 people in the NCVS data who miss work each year because they were direct victims of nonfatal violence, 37% were victims of gender-based violence, which includes the overlapping categories of domestic violence, intimate partner violence, and sexual violence. Thirty percent of people who missed work experienced domestic violence, 23% intimate partner violence, and 10% sexual violence. The number of people who miss work due to gender-based violence is likely higher than these figures suggest, as the NCVS estimates of gender-based violence are considerably lower than those produced by other surveys.

Among the 63% of direct victims who the NCVS indicates missed work due to violence that was not gender-based, the most common victimization experiences were simple assault (25% of all direct victims who missed work), aggravated assault (24%), and robbery (15%). Fourteen percent of all direct victims who missed work were victims of a crime involving a gun.

Half (50%) of survivors of gender-based violence who missed work lost pay, compared to 43% of survivors of non-gender-based violence; survivors of gender-based violence were more likely to lose pay than survivors of other forms of violence. Though this data does not speak to the reasons for this disparity, a hesitance to disclose gender-based violence is likely at least partially responsible.<sup>8</sup>

## Safe leave protections are necessary for all victims of violence

Two policy needs emerge from these findings:

1. Given the number of people who miss work due to both gender-based violence and other forms of violence, **safe leave protections should be inclusive of all victims of violence.** Broad eligibility criteria that reflect diverse victimization experiences promises to extend safe leave protections to many more survivors of violence while also lowering barriers to access for survivors of gender-based violence. Safe leave policies that allow people to take time off for any physical assault or threat of violence enables survivors of gender-based violence to access safe leave without having to specify who caused them harm or the nature of the violence, lowering barriers and expanding access.
2. **The large number of people who lose pay due to violent victimization demonstrates the need for complementary systems for paid leave for victims of violence.** Safe leave that allows people to take job-protected time off without guaranteed pay helps people retain employment – a clear benefit to workers and employers. However, the large share of people who lose pay because they are victims of violence should encourage policymakers and advocates to pursue policies that provide paid leave for victims of violence. This is particularly critical for victims who need safe leave but cannot afford to miss a paycheck, and therefore cannot access unpaid leave. Complimentary avenues include expanding the reasons for leave under existing family and medical leave insurance programs to include safe leave, as well as establishing new guaranteed paid time off and state paid family and medical leave policies that include broad safe leave.

Hard-won safe leave provisions in half of U.S. states offer a strong foundation to expand safe leave protections to cover all victims of violence as well as the loved ones of victims of homicide. Hundreds of thousands of victims as well as their families, employers, and communities stand to benefit each year as safe leave bolsters financial stability, productivity, and safety.





## How these estimates compare to others – and why they should be considered a lower bound.

The National Criminal Victimization Survey (NCVS), administered by the U.S. Department of Justice's Bureau of Justice Statistics, and the National Intimate Partner and Sexual Violence Survey (NISVS), administered by the Centers for Disease Control and Prevention, are the two best sources of data about violence in the United States. Though both are gold standard surveys, they produce widely divergent estimates of some types of victimization, particularly in regard to sexual and intimate partner violence. The NISVS, for instance, has yielded estimates of the number of rapes and sexual assaults of women that are five times higher than the estimates produced by the NCVS.<sup>9</sup>

Estimates for some types of violence derived from the NCVS are lower than those from the NISVS for many technical reasons, but the principal reason for the differences lies in the divergent purposes of each. The NCVS measures crime as it is recognized by criminal courts and by other institutions in the criminal justice system while the NISVS is a public health survey that measures sexual and intimate partner violence as it is experienced by the U.S. adult population.<sup>10</sup>

The NCVS grew out of the 1967 President's Commission on Law Enforcement and Administration of Justice, which was deeply frustrated by the unreliability of police-reported data when trying to understand crime. Because many victims do not report crime to law enforcement, police data is a poor indicator of the prevalence of crime. The Commission recommended the creation of a national survey that would allow for a more accurate picture of crime within American communities and, particularly, gather information about crimes not reported to law enforcement.<sup>11</sup>

The NCVS, then, is best understood as a survey oriented towards the justice system. It takes its purpose and definitions from the criminal justice system's understanding of law and crime, focusing on offenses commonly addressed by criminal courts such as assault, robbery, burglary and theft; it largely ignores victimization experiences that are rarely addressed by criminal courts, such as environmental crime, economic crime, and cyber crime. The justice system has historically done a poor job of addressing gender-based violence and this history is reflected in the NCVS.<sup>12</sup>

The NISVS, on the other hand, is a public health survey that measures the incidence of sexual and intimate partner violence. It significantly diverges from the NCVS in that it is not limited by the framing of "crime," and as a result produces much higher estimates of sexual and intimate partner violence. Where the NCVS asks respondents merely if they experienced, "any rape, attempted rape or other type of sexual attack," the NISVS asks pages of questions, with prompts, to ask not only about rape and sexual assault but also about sexual coercion, unwanted sexual contact, and noncontact unwanted sexual experiences.<sup>13</sup> These questions target victimization experiences that are rarely addressed by the criminal justice system, including humiliation, insults, monitoring, and other forms of psychological aggression and coercive control.<sup>14</sup> People regularly miss work for victimization experiences that lie outside of the norms of practice of the criminal justice system, so an analysis based on the NISVS would produce higher estimates of missed work for some types of victimization than those produced here.

The major limitation of the NISVS is that it addresses only sexual and intimate partner violence. Victimization experiences that fall outside these domains are not estimated by the survey. Another shortcoming is that the NISVS is not publicly accessible and not available to researchers without a university affiliation.

The NCVS and NISVS will produce different estimates of lost work due to their different purposes, definitions, and designs. Any estimate of lost work based on one of these surveys would benefit from – and not be contradicted by – a complementary estimate derived from the other.

## Data and limitations

The estimates presented here are the result of analyses of the National Crime Victimization Survey's (NCVS) 1992-2022 concatenated file and reflect annual averages from 2018-2022.<sup>15</sup> All of these figures are drawn from annual prevalence statistics, meaning that each person appears only one time in the data, even if they experienced multiple victimization incidents in a calendar year. Notably, the NCVS only indicates non-fatal violence. As a result, these estimates do not account for people who miss work after the death of a loved one due to homicide and reflect only a portion of the effect of violence on work and workplaces.

The NCVS data about missing work after victimization experiences is remarkably complete. Of the 6,298 incident-level cases that indicated a person was employed at the time of their victimization, all contained valid entries as to whether the person lost work due to their victimization. Of these cases, 849 indicated that the victim of violence missed work. After creating a summary file of people who missed work so that one person appeared just one time in any given calendar year, 768 cases remained. The person weights indicate that these cases represent 972,070 people; the series victimization weights indicate that these cases represent 2,011,900 victimizations. The annual figure of 194,000 reported here is the five-year average of the number of people affected between 2018-2022. Key variables such as missing work, experiencing gender-based violence, and losing pay were treated as trump variables, so the prevalence estimates are based on any victimization experienced within a given year meeting those definitions. For people who did not experience gender-based violence and experienced multiple victimizations, only the most serious type of violence they experienced is reported here.

This briefing defined gender-based violence as any domestic violence (committed by a household member, current or former romantic partner, or family member), any sexual violence, or any intimate partner violence. People of all genders are therefore represented in the gender-based violence estimates.

Estimates of household members of victims of violence missing work were calculated independently from estimates relating to direct victims of violence and similarly represent annual prevalence. The NCVS records whether a household member lost work, but does not indicate which household member was affected. The estimates reported here are based on the person weight of the household member (excluding the direct victim) with the lowest "person line number," a variable that lists the people on a lease or deed first. Household members lost work due to an estimated 472,000 violent victimizations from 2018 and 2022.

The number of days people missed work was calculated using the number of days each person reported missing work. Values over 200 were coded as 200, and values representing "less than one day" were coded as 0.5. Direct victims missed an average of 6,376,000 days of work each year and the household members of direct victims missed an annual average of 286,000.

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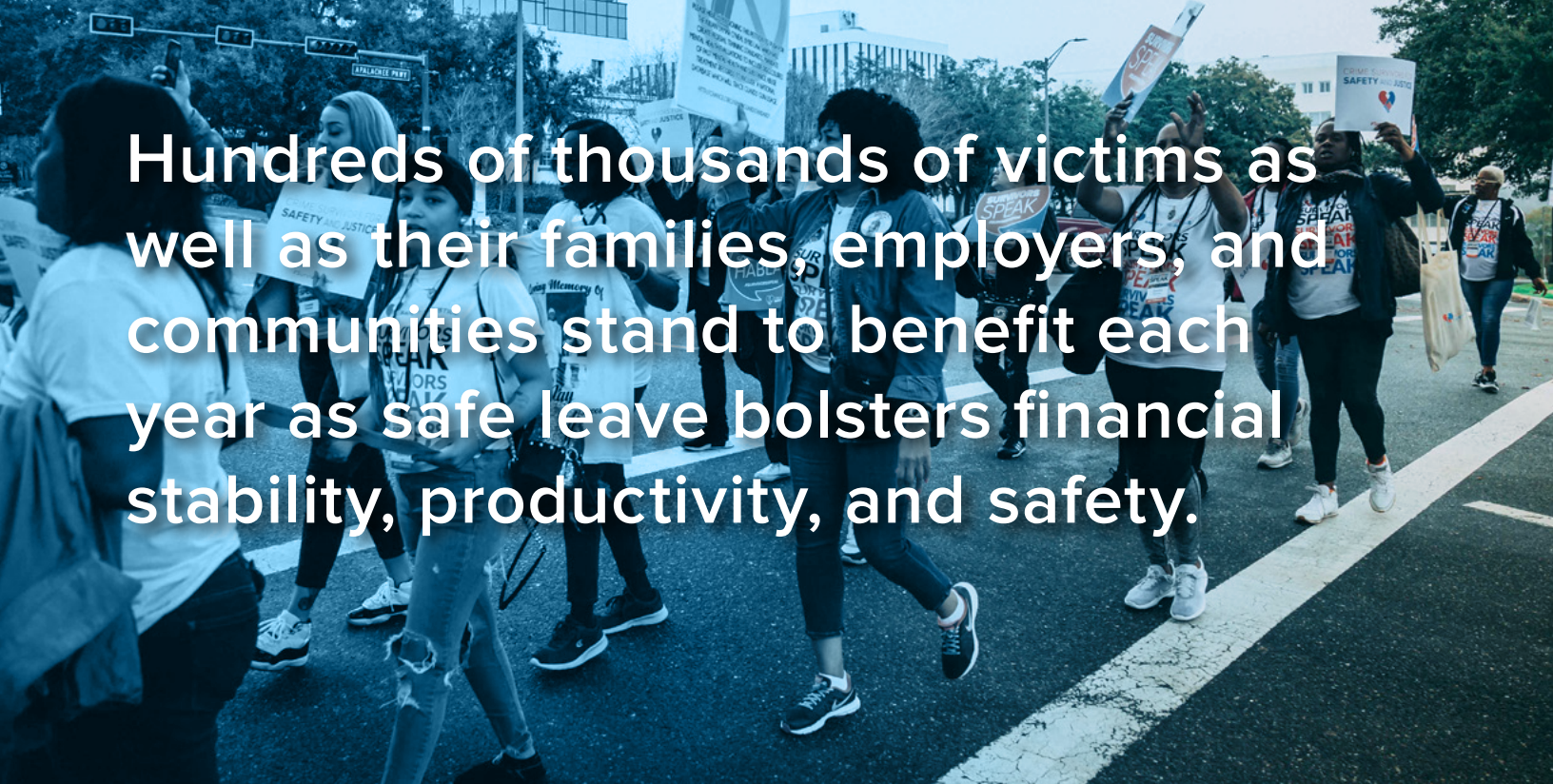
## Endnotes

1. See Alliance for Safety and Justice, *Crime Survivors Speak* (2022), <https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>, p. 13.
2. Futures without Violence and Legal Momentum, *State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault, and Stalking* (2022), <https://www.workplacesrespond.org/wp-content/uploads/2017/01/State-Employment-Guide.pdf>.
3. Cynthia Hess and Alona Del Rosario, *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security*, Institute for Women's Policy Research (2018), [https://iwpr.org/wp-content/uploads/2020/09/C475\\_IWPR-Report-Dreams-Deferred.pdf](https://iwpr.org/wp-content/uploads/2020/09/C475_IWPR-Report-Dreams-Deferred.pdf).
4. Kate Bahn 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> and 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](https://www.jec.senate.gov/public/_cache/files/646d2340-dcd4-4614-ada9-be5b1c3f445c/jec-fact-sheet--economic-benefits-of-paid-leave.pdf).
5. The CDC estimated that, in the 1990s, women lost 8 million days of work due to intimate partner violence each year. Recent estimates of the need for safe leave draw on lifetime incidence estimates. See Centers for Disease Control and Prevention. "Costs of intimate partner violence against women in the United States." (2003), <https://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf> and Cora Peterson, Yang Liu, Marcie-jo Kresnow, Curtis Florence, Melissa T. Merrick, Sarah DeGue, and Colby N. Lokey. "Short-term lost productivity per victim: intimate partner violence, sexual violence, or stalking." *American journal of preventive medicine* 55, no. 1 (2018): 106-110.
6. This figure does not capture the many thousand more who miss work when a family member or loved one is killed, or as survivors of experiences that are not routinely addressed through the criminal justice system such as stalking or coercive control by an intimate partner. See "Data and limitations" for more details.
7. The most common reasons people reported for missing work after violent victimization were healing from injury and the need to collaborate with police or courts (for instance, by attending a hearing). About 43% of people who missed work did so because they were recovering after being injured by violence and 36% of people who missed work did so to work with courts or police. These responses indicate that people are unable to take time off work for other reasons that may be critical to ensuring their safety.
8. Jessica R. Williams, Rosa M. Gonzalez-Guarda, Valerie Halstead, Jacob Martinez, and Laly Joseph. "Disclosing gender-based violence during health care visits: a patient-centered approach." *Journal of interpersonal violence* 35, no. 23-24 (2020): 5552-5573; and Tyrone C. Cheng, and Celia C. Lo. "Racial disparities in intimate partner violence examined through the multiple disadvantage model." *Journal of Interpersonal Violence* 31, no. 11 (2016): 2026-2051.
9. Candace Kruttschnitt, William D. Kalsbeek, and Carol C. House, eds, *Estimating the incidence of rape and sexual assault* (National Academies Press, 2014), <http://nap.nationalacademies.org/18605>, see especially p. 104.
10. The more technical causes of disparities between the surveys are numerous. Differences in definition are significant: the NCVS, for instance, defines intimate partner violence based on physical attacks or verbal threats while the NISVS includes psychological aggression in its definition; the surveys also use different definitions of "rape" and "sexual assault." Methodologically, the NCVS's survey interviews provide less privacy than those of the NISVS, and privacy is known to be a key factor in reporting around sensitive issues. The NCVS also asks fewer questions than the NISVS that prompt participants to consider multiple types of victimization experiences. See Kruttschnitt et al. *Estimating the Incidence of Rape and Sexual Assault*,
11. See President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (U.S Government Printing Office, February 1967), <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/ncjrs/42.pdf>.
12. See, for example, National Institute of Justice, *Extent, Nature, and Consequences of Rape Victimization: Findings From the National Violence Against Women Survey* (US Department of Justice, 2006), <https://www.ojp.gov/pdffiles1/nij/210346.pdf>.
13. See Kruttschnitt et al, *Estimating the Incidence of Rape and Sexual Assault*, p. 85-90.
14. The Bureau of Justice Statistics has recognized these shortcomings and, since 2006, has periodically conducted a Supplemental Victimization Survey to estimate the prevalence of stalking. This new collection coincided with and reflects a change in criminal justice systems' responses to stalking. Other abusive behavior, such as verbal abuse and psychological aggression, remains outside the standard purview of criminal courts in the United States and is not captured by the NCVS. See Shannan M. Catalano, *Stalking Victims in the United States - Revised*, Bureau of Justice Statistics (September 2012), <https://bjs.ojp.gov/library/publications/stalking-victims-united-states-revised>.
15. National Crime Victimization Survey, Concatenated File, 1992-2022 (ICPSR 38604), <https://www.icpsr.umich.edu/web/ICPSR/studies/38604>.

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**CRIME SURVIVORS FOR  
SAFETY AND JUSTICE**

Crime Survivors for Safety and Justice (CSSJ) is a national network of crime survivors joining together to create healing communities and shape public safety policy. With over 200,000 crime survivor members nationwide and growing, including chapters and leaders across the country, CSSJ is building a movement to heal together and promote public safety policies that help the people and communities most harmed by crime and violence.

CSSJ is a flagship project of Alliance for Safety and Justice, a multi-state organization that aims to implement safety solutions rooted in prevention, rehabilitation, and support for crime victims and people living with old records.