1. **Background on Domestic Violence**
   1. Important Definitions: Pittsburgh City Code uses the following definitions.
      1. ***DOMESTIC VIOLENCE.*** The occurrence of one (1) or more of the following acts between family or household members, current or former dating partners, sexual or intimate partners, or persons who share biological parenthood:
         1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, substantial emotional distress, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, or incest, with or without a deadly weapon.
         2. Placing another in reasonable fear of imminent serious bodily injury including but not limited to making threats of harm or intimidation.
         3. The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
         4. Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
         5. Stalking

Pittsburgh City Code Title 6, Article V, Chapter §651.04(kk)

* + 1. ***STALKING.*** Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or engaging in a course of conduct or repeatedly communicating to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. Pittsburgh City Code Title 6, Article V, Chapter §651.04(ll)
    2. ***SURVIVOR OR VICTIM OF DOMESTIC VIOLENCE.*** An individual who has been subjected to domestic violence. Pittsburgh City Code Title 6, Article V, Chapter §651.04(mm)
  1. Domestic Violence is everyone’s issue.

1. **Protections for Individuals**
   1. An employer may not refuse to hire a person because of status as a survivor of domestic violence
   2. Employees may not be treated less favorably because their status as survivors.
   3. Employers (including employment agencies and unions) may not announce or follow a policy limited or denying employment or membership because of a person’s status as a survivor of domestic violence.
   4. Employers (including employment agencies and unions) may not deny employment, membership, or participation in a program because of a person’s status as a survivor of domestic violence.
   5. Employers may not refuse to make reasonable accommodations to a policy that otherwise disparately affects survivors of domestic violence.
   6. Retaliation against any person for seeking protections under this ordinance is prohibited.
2. **Best Practices and Guidance for Employers (Including Employment Agencies and Labor Unions)**
   1. ***Covered Entities:*** Employers, Employment Agencies, and Labor Unions are entities covered under the Code and may be held liable for violations of the law. Covered entities are explicitly defined below.
      1. ***EMPLOYER.*** Any person who employs five (5) or more employees, exclusive of the parents, spouse or children of such person, including the City of Pittsburgh, its departments, boards, commissions and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any governmental appropriations. (To qualify under the Pennsylvania Human Relations Act, it would be an employer with 4 or more employees.)
      2. ***EMPLOYMENT AGENCY.*** Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.
      3. ***LABOR ORGANIZATION.*** Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment. (If anything in this guidance conflicts with a collective bargaining agreement, the collective bargaining agreement will take precedent)
   2. ***Disparate Treatment of Employees based on Status as a Survivor of Domestic Violence*:** Treating an employee less favorably than others because of a person’s status as a survivor of domestic violence is discrimination in violation of the Code. This remains true if status as a survivor of domestic violence is even part of the reason or motivation for the less favorable treatment of (or “adverse action” against) the employee. These prohibitions equally protect applicants for employment or membership.
   3. ***Policies that Single Out Employees based on Status as a Survivor of Domestic Violence*:** Generally, employers within the City of Pittsburgh may not enforce policies that single out an employee based on any protected class. However, employers should invest in making comprehensive policies to combat discrimination and harassment
   4. ***Policies with a Disparate Impact on Employees***:
      1. Workplace policies that appear neutral (also called “facially neutral policies”) will also likely violate the City’s Act if they are disproportionately likely to negatively affect survivors of domestic violence. Such policies should either be eliminated or subject to reasonable accommodation for survivors of domestic violence. Examples of seemingly neutral policies could be:
         1. Prohibitions on flexible work schedules. These can have a disparate impact insofar as they penalize survivors who need flexibility to address, escape, and recover from abuse at home.
         2. Disciplining employees for disturbances caused by others. For example, terminating an employee because their abuser showed up at the employee’s workplace and intimidated others.
      2. Additionally, employers should be mindful that policies that disproportionately impact survivors may also disproportionately impact other protected classes. For example, women (protected under sex) make up an estimated majority of domestic violence survivors[[1]](#footnote-1). Likewise, persons who identify as LBGTQIA+ (protected under sex, sexual orientation, gender identity, and gender expression) experience domestic violence at similar or higher rates than their hetero or cisgender counterparts[[2]](#footnote-2).
      3. Covered entities, that is employers, union, and employment agency, also may not justify policies that, explicitly or in practice, target or impact employees’ status as a survivor of domestic violence based on a desire to project a certain “corporate image,” because of concerns about “customer preference,” customer complaints, or because of speculative health or safety concerns. Legitimate health and safety justifications must be rooted in objective, factual evidence—not generalized assumptions or stereotypes—that an employee’s status as a survivor of domestic violence in question would actually present a materially enhanced risk of harm to others.
      4. Even in the event of legitimate health and safety concerns, covered entities must consider whether the legitimate health or safety risk can be eliminated or reduced by reasonable accommodations.
   5. ***Workplace Harassment*:** Discrimination may also take the form of harassment related to status as a survivor of domestic violence. Such harassment may consist of a single severe incident, or of repeated acts or behaviors which create an environment pervaded by stereotyping, degradation, humiliation, bias, and/or objectification. Examples include: comments regarding status as a survivor of domestic violence, ridicule, offensive jokes, insults, name - calling, offensive pictures, or physical threats or conduct, such as unwelcome touching, if such behavior is motivated by status as a survivor of domestic violence.
   6. ***Reasonable Accommodations Regarding Status as a Survivor of Domestic Violence*:**
      1. Reasonable Accommodations:
         1. Reasonable accommodations are changes or adjustments to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual who is a survivor of domestic violence to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people who are not survivors of domestic violence.
         2. Examples of reasonable accommodations include, but are not limited to, the following:
            1. Modifying the layout of a workspace
            2. Adjusting work schedules
            3. Allowing for leave for survivors of domestic violence
            4. Enhancing policies to ensure security
            5. Transfer or reassignment
            6. Change of a telephone number or email
            7. Installation of a lock/security devices or equipment
            8. Developing code words to allow employees to safely signal a need for help such as security or police.
      2. Employers should document all efforts to initiate, engage in, and conclude the interactive process with an employee, including the following information for each such employee:
         1. When and under what circumstances the interactive process was initiated;
         2. What information, if any, was provided to the employer during the interactive process;
         3. The employee’s stated or observed impression(s);
         4. the types of accommodation(s) that were requested by the employee or suggested by the employer during the interactive process;
         5. The dates of each subsequent conversation between the employer and employee regarding the accommodation(s);
         6. Whether or not a reasonable accommodation was ultimately identified and, if not, the employer’s justification for denying an accommodation;
         7. A copy of the notice provided to the employee regarding the determination reached at the conclusion of the interactive process.
      3. Employers should understand how domestic violence impacts their employees and liabilities as an employer and draft policies for how to provide support to employees who are survivors of domestic violence.
      4. Employers should generally be amenable to granting reasonable accommodations requests. Unless the employer can demonstrate that the accommodation would impose an *undue* hardship on the financial or administrative operation of the employer, the accommodation should be granted.
   7. ***Retaliation*:**
      1. The Code also prohibits an employer, employment agency, or labor organization from taking action against a person because of an objection to or voicing of concerns of discrimination under the City’s Act. This is also called engaging in “protected activities”. Examples of protected activities include, but are not limited to:
         1. Opposing a discriminatory act prohibited by the Code;
         2. Making a complaint of discrimination under the Code;
         3. Testifying or otherwise assisting or participating in an investigation by the Commission or a proceeding before the Commission.
      2. In the context of status as a survivor of domestic violence discrimination in employment, examples of such unlawful retaliation include, but are not limited to:
         1. Taking adverse action (such as discipline, demotion, reassignment to less desirable duties, or termination) against an employee because the employee:
            1. Requested a reasonable accommodation in relation to their status as a survivor of domestic violence;
            2. Reported to management that they believe they are being discriminated against based upon status as a survivor of domestic violence;
            3. Filed a complaint with the Commission alleging that the employer has violated the Code’s prohibitions regarding discrimination; or
            4. Told their employer that they intend to file such a complaint with the Commission.
         2. Harassing or intimidating employees because an employee:
            1. Requested a reasonable accommodation in relation to their status as a survivor of domestic violence;
            2. Reported to management that they believe they are being discriminated against based upon status as a survivor of domestic violence;
            3. Filed a complaint with the Commission alleging that the employer has violated the Code’s prohibitions regarding discrimination; or
            4. Told their employer that they intend to file such a complaint with the Commission.
   8. ***Actual or Perceived Status:*** 
      1. When an employee comes to an employer to disclose status as a survivor of domestic violence, it can be harmful for the employer to demand “proof”. There may not always be readily apparent proof of violence. Remember, survivors may have extremely limited or no access to things otherwise taken for granted; such as transportation, time, freedom from surveillance, and communication.
      2. If an employer actually or ***should reasonably know of or believe*** an employee’s status as a survivor of domestic violence, then the employer has a duty to act accordingly.
   9. ***Model Policies***
      1. Key concepts:
         1. ***Confidentiality***. Keeping such personal, sensitive information is essential to build trust between employers and employees. Just as you would keep Social Security numbers or medical information confidential, you should view information related to domestic violence similarly, and only disclose when required by law.
         2. ***Flexibility***. There is no one-size-fits-all solution to addressing employees who are survivors of domestic violence. Accommodations may need to change to the adapt to changing situations. Remember, the most dangerous time for a survivor is when the survivor decides to or attempts to leave the abusive relationship.
         3. ***Listening***. Survivors of domestic violence have the most direct experience with their situation and can often articulate what would be most beneficial for their specific situation.
         4. ***Transparency.*** Employees need to know what policies and resources are available to them. Regularly posting notices, sending reminders, and having conversations with employees is vital to maintain a positive, safe, and productive workplace.
      2. Policy resources:
         1. STANDING FIRM
            1. STANDING FIRM has been a recognized expert in addressing partner violence as a workplace and workforce issue by making employers aware of the vital role they play in addressing partner violence in their organization. Employers can join at either the free basic membership or premier membership levels. STANDING FIRM then equips their organization with the tools, resources and education they need to take effective organizational action.
            2. Contact:

Mail: P.O. Box 9024  
Pittsburgh, PA 15224 USA

Telephone: [412-894-4568](tel:+14128944568)

Email: [contactsf@standing-firm.org](mailto:contactsf@standing-firm.org)

Web: <https://www.standing-firm.org/>

* + - 1. Pittsburgh Commission on Human Relations (PghCHR). We offer free policy review in addition to case investigation. Read more on in Section IV, below.
      2. Other Links:
         1. [www.caepv.org](http://www.caepv.org/)
         2. [www.endabuse.org](http://www.endabuse.org/)
         3. [www.safeatwork.org](http://www.safeatwork.org/)
         4. <https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol37_2010/summer2010/the_legal_response_to_the_employment_needs_of_domestic_violence_victims_an_update/>

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| **QUICK REFERENCE FOR EMPLOYERS/EMPLOYMENT AGENCIES/LABOR UNIONS**  **DO** eliminate restrictions for employees and applicants on status as a survivor of domestic violence wherever possible.  **DO** develop written domestic violence policies and distribute those policies to all employees and/or members.  **DO** inform employees of their ability to request reasonable accommodations for status as a survivor of domestic violence.  **DO** engage in the interactive process for individuals who request reasonable accommodations related to status as a survivor of domestic violence.  **DO** train managers and/or Human Resources personnel on anti-discrimination laws and company policies regarding status as a survivor of domestic violence.  **DO** recognize that domestic violence impacts everyone and not just the survivor or abuser.  **DO** apply policies equally to all employees, contractors, and applicants.  **DO** utilize the Pittsburgh Commission on Human Relations for policy review before enacting policies related to status as a survivor of domestic violence.    **DO NOT** refuse to hire any person because of status as a survivor of domestic violence.  **DO NOT** discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of status as a survivor of domestic violence.  **DO NOT** establish, announce, or follow/enforce a policy of denying or limiting, employment or membership opportunities of any person or group of persons because of status as a survivor of domestic violence.  **DO NOT** deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of status as a survivor of domestic violence.  **DO NOT** require any applicant for employment or membership to provide any information concerning status as a survivor of domestic violence.  **DO NOT** publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference against a person’s status as a survivor of domestic violence.  **DO NOT** fail or refuse to classify properly or refer a person for employment because of status as a survivor of domestic violence.  **DO NOT**  substantially confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of the City Act.  **DO NOT** discriminate against any person in any way that would deprive or limit their employment opportunities because of status as a survivor of domestic violence.  **DO NOT** discriminate against any person in any way that would adversely affect their status with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of status as a survivor of domestic violence. |

1. **Commission on Human Relations**
2. **Enforcement.** The Pittsburgh Commission on Human Relations (“PghCHR”) is a law enforcement agency which derives its authority from the City Fair Practices Provisions found in Article V, Chapters 651 through 659 of the Pittsburgh City Code.

These provisions make it unlawful to discriminate on the basis of:

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| --- |
| **Employment** |
| * race * color * religion * age (over 40) * ancestry * national origin * place of birth * sex * sexual orientation * gender identity or expression * handicap or disability * pregnancy (including partners) * hairstyles and protective and cultural hair textures and hairstyles * status as a survivor of domestic violence |

The PghCHR investigates complaints of alleged discrimination in employment, housing, public accommodations, and the delivery of city services within the City of Pittsburgh. Complaints may be initiated by individuals, organizations, or even by the PghCHR itself. PghCHR is tasked with investigating civil rights violations and any conditions having an adverse effect on intergroup relations in the City. In addition, PghCHR conducts community education and other outreach programs for schools, community groups, businesses, professional organizations, and City departments in order to promote equal rights and opportunities for all who work in, live in or visit our city.

The fifteen persons who are members of the Commission on Human Relations serve without pay and are appointed to four-year terms of office by the Mayor. The PghCHR employs a director and staff. In addition to reviewing the findings of staff, the Commission may initiate its own complaints, hold public hearings, subpoena witnesses and compel their attendance, require the production of evidence, make findings of fact, issue orders, and publish such findings of fact and orders.

1. **Policy Review**

The PghCHR provides policy review as a service to employers, housing providers, and entities that are involved in public accommodations. The PghCHR provides this free service to raise awareness about federal, state, and local anti-discrimination laws applicable within the City of Pittsburgh and to proactively allow for persons and entities to avoid non-compliance with the law. Written policies may be submitted to the Commission for review by using the Commission contact information below.

1. **Contact Information**

***Office Address:***

414 Grant Street, Suite 908

City County Building

Pittsburgh, PA 15219

***Telephone:*** 412-255-2600 or 412-436-9619

***Web Site:*** <https://pittsburghpa.gov/chr/index.html>

***E-mail:*** [human.relations@pittsburghpa.gov](mailto:human.relations@pittsburghpa.gov)

***LEGAL DISCLAIMER:***

***The information contained in this Guidance is not intended as legal advice. You should consult your attorney for case-specific advice when situations arise involving workplace actions regarding survivors of domestic violence.***

1. <https://via.library.depaul.edu/cgi/viewcontent.cgi?article=1044&context=jsj> Pages 369 – 370 [↑](#footnote-ref-1)
2. https://www.cdc.gov/violenceprevention/pdf/nisvs\_sofindings.pdf [↑](#footnote-ref-2)