

COLUMNS

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BARLEY LEGAL | The Right to be Free From Domestic Violence

By Alex Gutierrez and Carolina Morales

In 2014 and 2015, six local governments in Tompkins County passed resolutions recognizing freedom from domestic violence as a fundamental human right. Nationwide, 26 county, town and municipal governments have also recognized this right through resolutions or proclamations. By adopting these resolutions, the public bodies recognized that it is the duty of all levels of government to prevent and respond to domestic violence in the community.

In an effort to put into action the principles of the resolutions, the Advocacy Center of Tompkins County, Cornell Law School's Global Gender Justice Clinic, the Avon Global Center for Women and Justice, the Tompkins County Office of Human Rights and the Tompkins County Human Rights Commission focused on strategies for implementing these resolutions to ensure direct and meaningful protections for survivors of domestic violence in our community. The group identified two concrete ways to implement the resolutions: domestic violence and the workplace guidelines for employers in Tompkins County, and a study of county and local responses to domestic violence, including the availability and delivery of services to survivors.

For victims, economic independence is one of the critical factors in preventing future domestic violence. Often, abusers will hamper their victim's economic stability to force the victim into financial dependence. This includes eroding the victim's job security or sabotaging the victim's efforts to find employment. To address this issue, the team has developed a proposed set of Domestic Violence and the Workplace Guidelines, which seek to protect victims of domestic violence by promoting safety at the workplace and providing mechanisms through which victims can retain their employment. Specifically, the guidelines discuss key issues such as ensuring non-discriminatory and responsive personnel practices, protecting confidentiality for victimized employees, creating workplace safety plans, providing accommodations for victimized employees, and holding employee offenders accountable.

Students in the Global Gender Justice Clinic have also created a user-friendly toolkit to accompany the Domestic Violence and the Workplace Guidelines. The toolkit mirrors the Guidelines and discusses what domestic violence is and how to create a domestic-violence-free workplace. It also provides an employee bill of rights, describes how co-workers can help, and includes a page with local and national resources. It reiterates three key words for employers to keep in mind when deciding how to help an employee who is experiencing domestic violence:

assess, advise and assist. “Assess” focuses on gathering information about the employee’s circumstances, “advise” includes discussing the employee’s rights and options and “assist” provides guidance in creating a workplace safety plan.

As a second means of implementation, the partners are conducting a study to survey the current landscape of county, local government and community responses to domestic violence and delivery of services to survivors. The study will include a review of relevant laws, policies, protocols and manuals, as well as fact-finding and interviews with local stakeholders, service providers and survivors to identify gaps and challenges that exist in addressing domestic violence in Tompkins County. The study will culminate in a report that will provide recommendations to prevent domestic violence, and strengthen and improve service provision to domestic violence survivors.

With these guidelines, toolkit and study, Tompkins County is going beyond the symbolic aspects of the resolutions and is implementing concrete actions to address domestic violence. Ultimately, these projects are taking domestic violence out of the private sphere and out of the mindset that it is a private matter, and into the public sphere and into the mindset that domestic violence concerns us all and must be addressed by our community.

If you would like to take part in these efforts, please contact the Avon Global Center for Women and Justice at womenandjustice@cornell.edu.

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