

# Close the Gaps



**NYSCADV**  
**NEW YORK STATE COALITION**  
**AGAINST DOMESTIC VIOLENCE**

DISCRIMINATION

HOUSING

EMPLOYMENT

ECONOMIC

GEOGRAPHY

JUSTICE

INEQUALITY

**LEGISLATIVE**  
**AWARENESS**  
**DAY**  
**APRIL 29, 2014**

## The New York State Coalition Against Domestic Violence (NYSCADV)

### SUPPORTS

Strengthening and expanding employment protections for victims of domestic violence

*A.898 Weinstein/S.3385 Hassell-Thompson*

NYSCADV urges the legislature to promote and protect the economic viability of survivors by passing legislation that provides stronger employment protection.

**Access to employment and job protection is essential to help survivors achieve independence from their abusers.**

Victims of domestic violence face many barriers in their efforts to establish independence from their abusers and financial resources are a necessary piece to the puzzle. Lack of access to economic resources forces victims of domestic violence to be more dependent on their abusers, enhancing the power and control that abusers already have. Employment is a critical part of developing and sustaining economic independence.

**This bill strengthens existing law.**

In 2009, legislation passed that established victims of domestic violence as a protected class in the employment provisions of the NYS human rights law. This status as a protected class prevents employers from firing or refusing to hire an individual based on their status as a victim of domestic violence as well as prevents discrimination in compensation or the terms, conditions or privileges of employment. This bill strengthens this law by creating new subdivisions of section 296 of the Executive Law, detailing that it is illegal to:

- refuse to hire, employ, license, bar, or discharge someone because they are a victim of domestic violence;
- inquire if an employee or an applicant is a victim of domestic violence unless that inquiry is for providing assistance to, or making reasonable accommodations for, a victim of domestic violence;

**This bill provides job protection for victims of domestic violence.**

This legislation adds that employers must make reasonable accommodations for victims of domestic violence who must take leave from work to tend to issues that are directly related to being abused. Employers would be required to allow employees to be absent from work to:

- seek medical attention for injuries caused to the employee or their child by domestic violence<sup>1</sup>;
- obtain services from a domestic violence shelter, program, or rape crisis center as a result of the domestic violence;
- obtain psychological counseling related to the domestic violence for the employee or the employee's child<sup>1</sup>;
- participate in safety planning and taking other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation;
- obtain legal services, assisting in the prosecution of the offense, or appearing in court in relation to the domestic violence incident(s).

This law makes accommodations for employers who can demonstrate providing leave to a victim of domestic violence would cause an undue hardship to the employer.

<sup>1</sup> This accommodation does not apply if the employee is the perpetrator of the domestic violence against the child.

This bill also amends the definition of domestic violence in section 296 of the Executive law to create consistency by using the more commonly associated definition of domestic violence that is found in section 459-a of the Social Services Law.

**This measure is needed to help survivors achieve independence from their abusers.**

- Financial independence is key to long-term safety for survivors and their children and being able to secure and keep employment critical to financial independence.
- Promoting and protecting the economic viability of survivors supports their efforts to gain independence from abusers.
- Abusers' harassment and violence, as well as the aftermath thereof, commonly intrude upon the workplace, interfering directly and indirectly with a survivor's ability to meet job expectations.
- Disruptions with childcare, transportation, sleep patterns, and other basic kinds of self-care associated with abusers' tactics impact tardiness, attendance, concentration and performance.
- 30% of survivors lose their jobs; 96% have work related problems (CDC).
- Survivors have both immediate and longer-term needs that may require medical or supportive services.
- Children of domestic violence victims sometimes need special assistance in coping with the aftermath of domestic violence.
- Many survivors must go through a lengthy legal process on behalf of themselves and/or their children.

**Passing this legislation takes a meaningful step toward improving the economic security of victims of domestic violence.**