



## Quarterly E-Newsletter

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### **Advocating For The Employment Rights Of Victims Of Domestic Violence And Sexual Assault**

Deborah A. Widiss<sup>1</sup>

Robin R. Runge<sup>2</sup>

As attorneys assisting victims of domestic violence and sexual assault, you undoubtedly recognize that this violence can affect your clients' ability to obtain and maintain employment. At the same time, you know intimately how critical access to income is for victims to be able to end a violent relationship and become safe. What you may not realize is that there is legal advocacy that you can do to enable your clients to keep their jobs (or access other employment-related income supports) as they address the violence in their lives.

In this article, we provide you with a very brief overview of the laws that provide employment protections to victims of domestic violence or sexual assault, as well as some tips to assist your clients with employment-related issues. Most of these suggestions do not require filing an employment action in court. With a better understanding of the relevant employment laws and policies, you can incorporate employment-related advocacy into safety and legal strategies. Even if a client has lost a job, a letter from you may be enough to get her reinstated. Victims who choose (or are forced) to leave a job may be able to access unemployment insurance benefits or other cash benefits that can provide the independent income they need to end an abusive situation.

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<sup>1</sup> Deborah A. Widiss, Esq., is a Visiting Assistant Professor of Law at Brooklyn Law School. She was previously a Senior Staff Attorney at [Legal Momentum](#) with principal responsibilities for its Employment and Housing Rights for Victims of Domestic Violence project. The project helps survivors of domestic violence, sexual assault, and stalking enforce their employment- and housing-related legal rights through providing direct representation, technical assistance, and informational materials. Deborah has litigated cases regarding employment rights and housing rights for survivors in federal and state courts across the country, including Iowa, New York, Wisconsin, California, and North Carolina. Deborah has also helped draft federal and state legislation addressing employment and housing rights of survivors.

<sup>2</sup> Robin R. Runge, Esq. is the Director of the [Commission on Domestic Violence](#) at the American Bar Association. Robin has been a domestic violence victim advocate for fifteen years and practiced employment law for five years with a focus on women's rights in employment, specifically the Family and Medical Leave Act, Title VII, the Americans with Disabilities Act and employment protections for victims of domestic violence, sexual assault, and stalking.

Many of the legal protections discussed below vary by state. To learn what legal protections your state has, visit Legal Momentum's [map of state law protections](#). The map provides summaries of relevant laws and links to the full text of the laws.

## **What are the effects of domestic violence and sexual assault on the workplace?**

In 2005, a national benchmark survey of 1200 employed adults (age 18 plus) by the Corporate Alliance to End Partner Violence found that intimate partner violence has a wide and far-reaching effect on Americans' working lives:

- 44% of employed adults surveyed personally experienced the effects of domestic violence in their workplaces;
- 21% of respondents (men and women) identified themselves as victims of intimate partner violence; and
- 64% of victims of domestic violence indicated that their ability to work was affected by the violence.<sup>3</sup>

Studies of sexual assault victims similarly find that employment is affected. Up to one half of sexual assault victims report losing their jobs in the aftermath of the crime.<sup>4</sup>

Surveys of perpetrators of domestic violence have shown that they have access to their victims' workplaces and that they take advantage of that access. For example, a Maine Department of Labor study found that 78% of surveyed perpetrators used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten their victim and that 74% of perpetrators had easy access to their intimate partner's workplace.<sup>5</sup>

## **Why incorporate employment rights advocacy into legal representation of victims of domestic violence or sexual assault?**

If your client loses her job in the process of trying to end a violent relationship, she may return to the batterer—or she and her children may risk becoming homeless. She also may not attend court proceedings or meetings with you because she is too worried about losing her job or too focused on trying to find a new job.

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<sup>3</sup> Group SJR, Corporate Alliance to End Partner Violence, *National Telephone Benchmarking Survey* (October 2005) available at [http://www.caepv.org/about/program\\_detail.php?refID=5](http://www.caepv.org/about/program_detail.php?refID=5).

<sup>4</sup> S. Rep. No. 138, 103<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. 54, n.69 (citing E. Ellis et al., *An Assessment of the Long-Term Reaction to Rape*, 50 J. Abn. Psych. 264 (1981)).

<sup>5</sup> Kim Lim, John Rioux and Ellen Ridley, Maine Department of Labor and Family Crisis Services, *Impact of Domestic Offenders on Occupational Safety & Health: A Pilot Study*, (2004) available at [www.maine.gov/labor/labor\\_stats/publications/dvreports/domesticoffendersreport.pdf](http://www.maine.gov/labor/labor_stats/publications/dvreports/domesticoffendersreport.pdf).

By taking a few simple steps, you can minimize the negative impact that domestic violence and/or sexual assault has on your client's work life. This will give her the economic independence she needs to focus on her safety and follow through with any civil or criminal legal proceedings. This article will give you the tools to:

- Learn about a victim's employment-related needs as a part of your intake;
- Help the victim protect herself at work from the perpetrator if necessary;
- Provide support and information about employment rights to your clients; and Assist the victim with employment-related advocacy or help connect her with resources that can assist her.

### **What questions should I ask in intake to learn about my clients' employment-related needs?**

In order to determine the best approach to assist your client, including whether to advise her to disclose her status as a victim of domestic violence or sexual assault to her employer, it is essential for you to determine how the domestic violence or sexual assault is affecting your client's work. Questions about the victim's employment status should be incorporated into your intake process. Examples of possible intake questions include:

- Are you currently working?
- Does the perpetrator work with you?
- Are you being harassed at work?
- Do you need changes at work to address the violence or make you feel safer? (These could include a new extension, shift change, transfer, escort to the parking lot, etc.)
- Has the violence affected your work performance? Has it caused you to miss a lot of work?
- Have you told anyone at work about the abuse? What was the response?
- Are you worried about losing your job?
- Did you recently lose your job? Did the violence have anything to do with your losing your job?
- Were you fired or did you quit your job?
- Have you applied for unemployment insurance?
- How does the perpetrator feel about you working?
- Do you have access to other financial resources if you were to lose or leave your job?

If you discover that your client is currently working and that she is concerned about her safety at the workplace, you should incorporate the workplace into her safety plan. (For tips, see Legal Momentum's [Know Your Rights: Safety Planning in the Workplace](#) guide.)

You should help your client understand the pros and cons of disclosing to her employer that she is a victim of domestic violence or sexual assault. There are some significant advantages. Disclosing may make it possible for your client to work with her employer to take steps to address the violence and to help keep the workplace safe. It may also be necessary to disclose the violence to access certain kinds of leave or take advantage of other policies. It can be helpful to disclose to explain a period of poor performance, especially if she has taken steps to address the violence so that there is reason to believe that issues affecting her performance will abate.

There are some real downsides to disclosing as well. *You need to warn her that she may be fired simply for having the conversation or because of perceived security threats, and if this happens she may have little or no recourse.* (There are a few jurisdictions that specifically make such an action illegal and, in certain circumstances, firing a victim may violate federal or state sex discrimination laws or tort laws; however, a possible legal claim in the future may be a poor substitute for a regular pay check at present.) For some victims, possible firing is not as much of a deterrent to disclosure as it first seems; if she knows she will be forced to quit or be fired if she cannot get time off or changes at work, she may have little to lose. Moreover, increasingly, employers are sympathetic and want to be supportive of victims of domestic violence or sexual assault in their workplace. Nonetheless, she needs to understand the risk. Other possible downsides of disclosure include potential pressure from her employer to obtain a protective order (which may not be the best course of action for her at that time) or the possibility of her situation becoming common knowledge at work.

After discussing these issues, your client may tell you that she does not want anyone at work to know about the violence. Many victims value their workplace as a place (often the only place) where they are not identified as domestic violence or sexual assault victims. It is important to respect your client's feelings and needs regarding disclosure at the workplace. Each circumstance is unique and she is in the best position to judge what is best for her.

If your client decides she does want to tell someone at work, strategize with her about whom to tell: her supervisor, someone in the human resources department, a coworker? Whom she tells depends on why she is disclosing. If she needs time off from work to go to court, or is concerned that the perpetrator is a threat to the workplace, then she needs to speak to her supervisor or someone else in a position of authority to grant leave or take security precautions.

Practice with your client how she is going to disclose her situation. She needs to be ready to answer likely questions (e.g., what is she doing to respond to the situation?) and clear about what requests she is making of her employer. Make sure to advise her to request that the conversation be kept confidential and/or that she be informed who at the company will be told.

**What are the sources of protection and support for an employee who is a victim of domestic violence or sexual assault?**

There is a patchwork of federal and state laws that provide employment rights to victims of domestic violence or sexual assault. In addition to specific legal protections, some employers have workplace policies that may provide guidance or support to a victim who is an employee. If your client is in a union, she may have access to additional protections from her collective bargaining agreement. Therefore, it is important to learn about any workplace policies that govern her employment. Your client may not know about her employer's policies; encourage her to ask for a copy of an employment manual from her human resources department or whoever handles such issues for her workplace. She can ask for the manual without saying why she needs it.

Of course, in advocating with an employer, it is helpful to be able to identify specific laws or policies that require an employer to support an employee in addressing a violent situation. *But even if there is not a specific law or policy on point, your client may decide it is in her interest to tell her employer what is going on and ask for support.* Some, though certainly not all, employers will be happy to give employees some time off or make changes in the workplace to keep everyone safe and productive.

### **1. Leave from work under employment policies or union collective bargaining agreements**

Review your client's employment policies to determine whether she has a right to any time off, such as personal days, sick leave, or vacation time. She may be able to advocate with an employer for flexibility in how she uses available leave time. (For example, an employee with accrued vacation time might ask her employer to permit her to use the days for court dates, even if she could not provide as much advance notice as was usually required for use of a vacation day.)

### **2. Job-guaranteed leave from work to attend court proceedings**

Over half of the states have statutes that protect crime victims from being penalized or fired for missing work to participate in criminal proceedings.<sup>6</sup> In some states, to be protected, your client may need to provide documentation from the court or a subpoena to testify. Advance notice of an absence is also often required. Additionally, ten states have statutes that permit domestic violence victims to miss work to obtain civil protective orders.<sup>7</sup> Again, there may be specific documentation requirements (such as a copy of a protective order, a police report, or a statement from you as an advocate) that are required to take advantage of these protections. Most of these "domestic violence-specific"

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<sup>6</sup> See <http://legalmomentum.org/legalmomentum/files/employmentrightsguide.pdf> for additional information about state leave laws (last visited July 18, 2007).

<sup>7</sup> Cal. Lab. Code §§ 230 & 230.1; Colo. Rev. Stat. § 24-34-402.7; Fla. Stat. § 741.313; Haw. Rev. Stat. 378-72; 820 Ill. Comp. Stat. 180/1-180/45; Kan. Stat. Ann. 44-1132; 26 Me. Rev. Stat. § 850; N.Y. Penal Law § 215.14; N.C. Gen. Stat. 50-B-5.5; Or. Sen. Bill 946 (2007 Reg. Sess.), to be codified in Or. Rev. Stat. ch. 659A.

statutes also provide time off to meet with an attorney or victim services provider. Most also provide time off to sexual assault victims to obtain services or meet with attorneys. Leave under these laws is usually unpaid, though some provide that an employee may elect to use accrued paid leave.

### **3. Job-guaranteed leave from work to address medical needs and/or disabilities**

*The Family and Medical Leave Act and state medical leave laws.*

The federal Family and Medical Leave Act (FMLA) is the only federal law that provides job-guaranteed leave from work for employees.<sup>8</sup> Although this law does not expressly mention domestic violence or sexual assault, it can offer time off to victims to heal from mental or physical injuries caused by the violence, or to care for children healing from injuries.<sup>9</sup> Additionally, almost half the states have family or medical leave laws that provide similar protections; some have broader coverage than the FMLA.<sup>10</sup> In 2004, California implemented the first *paid* family and medical leave legislation in the country.<sup>11</sup>

The FMLA provides up to 12 weeks of unpaid, job-guaranteed leave each year to employees who: have worked for their employer for at least 12 months and 1250 hours in the last 12 months (about 25 hours per week); work for employers with at least 50 employees; and require leave to heal from a “serious health condition” or to care for a child, spouse or parent with a serious health condition.<sup>12</sup> Federal regulations define a “serious health condition” as an illness, injury, or condition that causes incapacity and requires either an overnight stay in a hospital or similar facility or continuing treatment (generally two or more visits) by a health care provider.<sup>13</sup>

If your client may qualify for leave under the FMLA, she should notify her employer of her health condition. She does not need to disclose that her condition is a result of domestic violence, but she must provide sufficient information that her employer can understand that she has a serious health condition that meets the standard in the act. If medically necessary, leave under the FMLA may be taken on an “intermittent” basis. An employee who requests leave under the FMLA may be required by her employer to provide medical certification of the need for leave.<sup>14</sup>

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<sup>8</sup> 29 U.S.C. 28 § 2612.

<sup>9</sup> See, e.g., *City of Anchorage v. Gregg*, 101 P.3d 181 (Alaska 2004).

<sup>10</sup> See [www.nationalpartnership.org](http://www.nationalpartnership.org) for additional information about state leave laws (last visited May 21, 2007).

<sup>11</sup> Cal. Unemp. Ins. Code § 3300.

<sup>12</sup> 29 U.S.C. §§ 2601 et seq.; 29 C.F.R. §§ 825.100 et seq. The FMLA also provides leave upon the birth or adoption of a child.

<sup>13</sup> 29 C.F.R. § 825.114.

<sup>14</sup> 29 U.S.C. § 2613.

### *Time off under state domestic violence leave laws*

Eight states (California, Colorado, Florida, Hawaii, Illinois, Kansas, Maine, and Oregon), have statutes that permit victims of domestic violence or sexual assault to miss work to receive medical attention.<sup>15</sup> New York City also requires that employers provide “reasonable accommodations” to victims, which could include such time off.<sup>16</sup> These laws provide leave that is specifically tailored to meet a victim’s needs. They don’t require that a medical condition that is the result of domestic or sexual violence meets the “serious health condition” standard of the FMLA. Many apply to employers that are smaller than the 50-employee threshold covered by the FMLA. In addition to time off to seek medical treatment and (as discussed above) to go to court or meet with attorneys or advocates, most of these laws also cover time off to relocate to a safe location or engage in other safety planning.

### *Altered schedule for an employee with a disability*

Employment laws that protect employees with disabilities, such as the federal Americans with Disabilities Act (ADA)<sup>17</sup> and comparable state and local laws, may also help certain domestic or sexual violence victims. These laws require employers to provide “reasonable accommodations” for an individual with a disability. The disabilities laws can be useful for victims who suffer long-term physical or mental injuries—including post-traumatic stress disorder or depression—as a result of their abuse. To qualify for protection under the ADA, a person must have a physical or mental impairment that “substantially limits a major life activity”.<sup>18</sup> Supreme Court decisions have made it very difficult meet the standard.<sup>19</sup> The definition of disability under the state and local laws may be broader; accordingly, some individuals who may not have qualifying disabilities under the ADA may nonetheless have disabilities that must be accommodated under state or local law.<sup>20</sup> If an individual has a qualifying disability, time off or a modified schedule may be a required accommodation.

If you believe that your client has been fired for attempting to access her rights to job-guaranteed leave, consult with an employment attorney in your area or contact Legal Momentum for assistance.

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<sup>15</sup> Cal. Lab. Code §§ 230 & 230.1; Colo. Rev. Stat. § 24-34-402.7; Fla. Stat. § 741.313; Haw. Rev. Stat. 378-72; 820 Ill. Comp. Stat. 180/1-180/45; Kan. Stat. Ann. 44-1132; 26 Me. Rev. Stat. § 850; Or. Sen. Bill 946 (2007 Reg. Sess.), to be codified in Or. Rev. Stat. ch. 659A.

<sup>16</sup> [N.Y.C. Admin. Code § 8-107.1](#)

<sup>17</sup> 42 U.S.C. § 12101 *et seq.*

<sup>18</sup> 42 U.S.C. § 12102(2).

<sup>19</sup> See, e.g., *Toyota Motor Mfg., Ky., Inc. v. Williams*, 534 U.S. 184, 198 (2002) (requiring a showing that the disability “prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives”).

<sup>20</sup> See, e.g., *Reeves v. Johnson Controls World Servs.*, 140 F.3d 144, 154-56 (2d Cir. 1998) (finding that panic disorder that was not a qualifying disability under the ADA because the alleged restriction of everyday mobility was not a major life activity was nonetheless a disability under the state Human Rights Law because it was a medically diagnosed mental impairment).

## **What if my client needs changes at work to increase safety or reduce disruptions?**

There are several changes that can be made at work to keep a victim of abuse and her co-workers safe and to reduce the likelihood of disruptions by an abuser. In most jurisdictions, employers are not specifically required to make such changes. However, New York City and Illinois both have statutes that require employers to make “reasonable accommodations” for victims of domestic or sexual violence. As noted above, victims may also have disabilities that qualify for “reasonable accommodations” under the Americans with Disabilities Act or state analogs. Finally, failure to take reasonable steps to address potential hazards in the workplace, including danger resulting from domestic or sexual violence, may open an employer up to tort-based negligence claims, discrimination claims, or violation of OSHA regulations. An employer therefore may be happy to make changes to increase workplace safety and reduce their own risk of liability. (Be aware, though, that some employers that perceive a significant threat to the workplace may be more likely to fire a victim than to take comprehensive safety precautions.)

It may be easier to convince an employer to make these changes if your client has disclosed that she is a victim of domestic violence or sexual assault, but some changes could be made even without disclosure. Examples of common workplace modifications to increase safety or reduce workplace disruptions include:

- Changing a telephone number or extension or routing calls through the office receptionist to curtail phone harassment.
- Keeping the employee’s home address and telephone information confidential.
- Transferring the employee to a different desk, department, shift, or work site.
- Having a security guard escort the employee to her car or the nearest public transportation stop.
- Registering a protective order with security or office reception staff, or posting a photograph of the abuser at the front desk or with security personnel and informing the guards or receptionist not to let the person enter the building.

Additionally, in ten states, employers may file for a “workplace restraining order” against the perpetrator of actual or threatened workplace violence.<sup>21</sup> Like a victim’s individual restraining order, this is a civil order enjoining acts of violence or other disruptions at the workplace. This may be an effective way for the employer to improve the safety of the workplace. It may be helpful to educate employers about this possibility as a means of addressing workplace harassment without firing the victim. It is important to request, however, that the employer consult the employee who is the target of the violence before obtaining such an order. The abuser may perceive the victim as to “blame” for the employer’s actions and thus an employer’s decision to seek an order may place the victim at greater risk of violence.

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<sup>21</sup> See <http://legalmomentum.org/issues/vio/restraining.pdf> for additional information about workplace restraining orders (last visited July 18, 2007).

## **What if my client is discriminated against at work or has been fired because she is a victim of domestic violence or sexual assault?**

### **1. Anti-Discrimination Laws**

Although domestic and sexual violence victims are not specifically mentioned in most federal and state anti-discrimination in employment laws, these laws may, in some circumstances, provide protections to your clients.

Title VII of the Civil Rights Act of 1964 (Title VII), as amended, prohibits discrimination against an employee in hiring, terms and conditions of employment and firing based on sex (including pregnancy), race, national origin, religion and color.<sup>22</sup> Courts have also recognized that sexual harassment is a prohibited form of sex discrimination.<sup>23</sup> The Americans With Disabilities Act (ADA) prohibits discrimination on the basis of qualifying disabilities.<sup>24</sup> Each state also has anti-discrimination statutes that prohibit discrimination on some or all of these bases; many state laws cover smaller employers than the federal laws do. These laws may provide protections to an employee who is a victim of domestic or sexual violence. For example, a victim who is sexually harassed or assaulted at work by her batterer may have a sexual harassment claim; this is most likely to be applicable if the batterer is a co-worker or supervisor,<sup>25</sup> but might also be possible if the batterer is not connected to the employer. A victim who is fired for obtaining a protective order might be able to make a claim that such a policy causes a disparate impact on women in violation of Title VII. Or a victim who developed severe post-traumatic stress disorder (PTSD) as a result of the violence and was fired because of her disability might have a claim under federal or state disability laws.

Additionally, Illinois and New York City both explicitly prohibit employers from discriminating against employees because they are victims of domestic or sexual violence.<sup>26</sup> Under these provisions, discrimination is defined to include firing or penalizing a victim because of actions of her abuser. Similar legislation is pending federally.<sup>27</sup>

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<sup>22</sup> 42 U.S.C. § 2000e.

<sup>23</sup> *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998).

<sup>24</sup> 42 U.S.C. § 12102.

<sup>25</sup> See, e.g., *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

<sup>26</sup> 820 Ill. Comp. Stat. 180/1-45; N.Y.C. Admin. Code § 8-107.

<sup>27</sup> Survivors' Empowerment and Economic Security Act (SEES Act), S.1136, 110<sup>th</sup> Cong. (2007); Security and Financial Empowerment Act (SAFE Act), H.R. 2395, 110<sup>th</sup> Cong. (2007).

## 2. Wrongful termination in violation of public policy

Almost every state recognizes “wrongful termination in violation of public policy” as an exception to the general rule of at-will employment (under which an employee may be fired at any time for any reason or no reason). As a result, employees who are fired for a reason deemed to violate a state’s public policy (e.g., firing a whistle blower) may have an avenue of recourse. Public policy generally must be based on the state’s laws and policies. Virtually every state has enacted statutory and regulatory schemes addressing domestic and sexual violence that can be interpreted as creating a strong public policy against terminating victims and survivors. A Massachusetts court found that firing an employee after she took one day off from work to get a protective order could state a claim under this theory.<sup>28</sup>

### How do I advise my client if she is facing discrimination at work?

If your client has been fired simply because she is a victim, because she sought or obtained a protective order, or because of harassment at the workplace, she may have legal claims. If you are not an expert on employment law, *help connect her with employment attorneys in your area to assess her options*. (You or she may also contact Legal Momentum for assistance.) Often, a demand letter laying out relevant law (especially if sent soon after the firing) may be enough to convince an employer to reinstate an employee or to agree to some kind of severance agreement.

If the victim of domestic or sexual violence you are assisting believes that she is currently being discriminated against at work, or if she is a victim of violence or harassment at work, advise her to:

- Keep a journal recording incidents of discrimination, harassment, or violence and the response to any complaints she makes.
- Talk to the person discriminating against or harassing her and tell him or her to stop.
- Talk to a person in authority.
- If she belongs to a union, talk to the shop steward or business agent.

You may also want to provide her with information about how to file a claim for discrimination with the U.S. Equal Employment Opportunity Commission or state agency enforcing anti-discrimination statutes in employment.

It is critical that your client alert the person the employer has identified to receive complaints regarding harassment or discrimination, or a person in a position of authority, about the behavior (preferably in writing) to ensure that the employer has an opportunity to rectify the situation. This is necessary to preserve her rights. Also advise

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<sup>28</sup> *Apessos v. Memorial Press Gp.*, No. 15 Mass. L. Rep. 322, 2002 Mass. Super. LEXIS at \*10 (Super. Ct. Mass. Sept. 30, 2002).

her to act quickly. Many discrimination claims must be filed within a short time of the discrimination.

## **What cash benefits or other supports may be available if my client has left or lost a job because of the violence?**

### **1. Unemployment insurance benefits**

Unemployment insurance provides cash benefits (generally a portion of salary) to individuals who leave a job through no fault of their own. In over half the states, a domestic violence victim who voluntarily leaves a job because of domestic violence (e.g., to move to a safer location) can be eligible for unemployment insurance benefits. In many states, victims who are fired from a job for reasons related to the violence (e.g., safety concerns or absences) are also eligible for benefits, either through specific statutory protections or under the general standards applied in the state to determine whether a reason for termination is “misconduct” that bars receipt of benefits. To claim benefits, a victim may need to provide “proof” of the violence against her, such as a copy of a restraining order, police report, medical records, or advocate’s statement. The victim will also need to establish how the separation from employment was related to the violence. The victim will also generally need to show that she is “ready and able” to work at a new job.

For more information, see Legal Momentum’s [Tips for Domestic Violence Victims Seeking Unemployment Insurance Benefits](#).

### **2. Crime victim’s compensation, public assistance, short-term disability benefits**

Each of these programs may also offer a safety net to your client if she has been fired from or quit her job. Crime victim’s compensation programs reimburse victims for out-of-pocket costs they incur as a result of a crime, including lost wages. Victims who lose their income from a job may be eligible for public assistance (Temporary Aid to Needy Families). In some states, victims who are unable to work due to an out-of-work injury may be eligible for state-funded short term disability benefits. Additionally, it is important to ask your clients if they have any private short-term disability benefits. You should help your client determine whether she is eligible for any of these programs and which might be most appropriate; if this is outside your expertise, you should refer her to relevant authorities in your area. Be aware that the programs may be mutually exclusive (for example, individuals cannot receive unemployment insurance benefits and public assistance at the same time).

### **3. Continuation of health insurance benefits**

Job loss may also affect your client's ability to continue any health insurance benefits she was receiving while employed. Passed in 1986, the Consolidated Omnibus Budget Reconciliation Act (COBRA),<sup>29</sup> generally requires group health plans maintained by employers with 20 or more employees to temporarily offer health insurance coverage at group rates to the employee after the employee's relationship with the employer has been altered either because of a reduction in hours or a separation in employment. Generally, there is a limited window during which a former employee may enroll in COBRA. COBRA can be very expensive, but it may be critically necessary for your client if she has a chronic health condition or if her child is in need of ongoing treatment for injuries related to the violence. Advise your client to consider her need for COBRA carefully upon separation from a job. (If she qualifies for public assistance, she should receive health insurance coverage through that program. Health coverage is also often available for children in low-income families, even if the family does not receive public assistance.)

### **Conclusion**

You can play an important role in helping your clients keep their jobs and stay safe at work. Help them understand their legal rights and decide whether, and how, to ask for time off or changes at work. Don't assume that your client has no access to employment protections if you learn that she has lost her job because of domestic violence. Consider contacting her employer on her behalf, initially in an informal manner, to rectify the situation before threatening to sue. Remember that in many states, unemployment insurance benefits can be an important safety net for clients who have left or are thinking of leaving their jobs because of the violence. Sensitive and informed advocacy can make a huge difference in your client's ability to maintain her job, retain her economic independence, and move toward safety.

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<sup>29</sup> 19 U.S.C. § 58(c).