

Save Your Life, Save Your Livelihood

Women trying to leave abusive relationships need protection for their jobs as well

BY JUSTINE ANDRONICI AND DEBRA KATZ

AFTER RAMONA DANNY'S husband beat her son with a baseball bat, she missed two weeks of work.

In that time, she found emergency housing for herself and her five children, cared for her son, obtained a restraining order against her husband and filed for divorce. Upon returning to work, she was fired for "time-card irregularities."

This scenario is all too common for victims of domestic violence, and the current poor economic climate only exacerbates the problem. While economic conditions are certainly not an excuse for abuse, women out of work during this time of financial distress are less able to flee their abusers. Furthermore, according to a 2005 study by the National Institute of Justice, women who lose their jobs may be subjected to escalating abuse. Calls to the National Domestic Violence Hotline increased by 13 percent from 2007 to 2009, which suggests that the recession has significantly impacted the safety of battered women.

The risk of job termination is especially high during one of the most difficult and dangerous times in a battered woman's life: when she is seeking to leave her abuser. That's when she has to attend to a range of needs that may cause her to miss work: obtaining medical attention, looking for housing, seeking crisis

counseling and other assistance from victim service agencies, attending court hearings and meeting with lawyers. These needs are often time-sensitive and cannot be attended to outside of work hours.

Says Maya Raghu, senior staff attorney at Legal Momentum, "In light of the economic recession, it is even more critical that victims of domestic violence have workplace protection so that they can continue to support themselves and their families when they seek to get out of an abusive relationship."

This isn't just a problem happening to "some women." One in every four women will experience domestic violence in her lifetime. An estimated 1.3 million women are victims of physical assault by an intimate partner each year.

Ramona Danny took her employer to the Washington Supreme Court for redress and won, but such victories are rare. While some states and municipalities have passed legislation to protect abused women from losing their jobs, these laws vary widely in the types of absences that are covered. Some state and local laws provide leave only for court appearances, others for medical or legal assistance and others to attend to housing needs.

Existing federal laws have not helped, either: Those designed to protect women from workplace sex

discrimination have failed to protect battered women from termination for abuse-related absences. Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination, does not include that protection, nor has it been interpreted by the courts to do so. And the Family and Medical Leave Act, which allows eligible employees to take up to 12 weeks of unpaid leave to attend to their own or a



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relative's serious health condition, is narrow in scope. It does not cover many of the types of absences associated with abuse, other than those related to medical needs. Also, it only covers women working at companies with 50 or more employees who have been employed there more than a year.

New federal legislation addressing the needs of battered women in the workplace has been introduced, but progress appears slow. In January 2009, Rep. Lucille Roybal-Allard (D-Calif.) introduced H.R. 739, the Security and Financial Empowerment Act (SAFE Act). If passed, the SAFE Act would prohibit discrimination against battered women in employment and insurance and would allow them to take time off from work without penalty in order to make court appearances, seek legal assistance and get help with safety planning. The SAFE Act would also allow victims access to unemployment benefits in every state if they are fired or forced to leave their job because of abuse.

In the House, the bill has been referred to three committees for consideration, and the companion bill in the Senate—S. 1740, introduced by Sen. Patty Murray (D-Wash.) in October 2009—is also in committee. “Federal protections for battered women who miss work are long overdue,” says Joan S. Meier, Esq., director of the Domestic Violence Legal Empowerment and Appeals Project at George Washington University Law School. “In these tough times, the last thing families need is a mother who not only gets assaulted but loses her job as a result. The SAFE Act could not be more critical to the economic survival of many families.”

The passage of the SAFE Act would be a large step forward, but it still has drawbacks. Like many state

and local laws addressing the work absences of battered women, it may protect women from losing their jobs, but it only provides *unpaid* leave. Battered women would also benefit from the passage of laws designed to provide paid sick leave, such as the federal Healthy Families Act (H.R. 2460, S. 1152), which would require those businesses that employ 15 or more employees for other than seasonal work (20 or more work weeks a year) to offer at least an hour of paid sick time for every 30 hours of work: in other words, seven paid sick days a year. That legislation, introduced by Rep. Rosa DeLauro (D-Conn.), is also wending its way through committees.

“Victims of domestic or sexual violence should not have to contend with the vagaries of state law; it is extremely important to have a uniform set of laws that apply to people who are very vulnerable,” says Raghu. “At a time in this country when people move from state to state, or may live in one state and work in another, it is unfortunate that the protections that victims are entitled to vary significantly from location to location. That’s why legislation like SAFE and the Healthy Families Act, which would provide uniform protections, is essential.”

You can help encourage the passage of the SAFE Act and the Healthy Families Act by contacting your congressional representatives and urging them to support this crucial legislation. ■

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