

What Employers in New York City Need to Know about Domestic Violence and their Legal Responsibility¹

■ **It is illegal to discriminate against an employee because she (or he) is a victim of domestic violence.** Under the New York City Human Rights Law, it is illegal to discriminate against, fire, or refuse to hire an employee because she is a victim of domestic violence, sex offenses, or stalking. (This is the same law that makes it illegal to discriminate against an employee because of her race, sex, age, and other characteristics.)

■ **It is illegal to take actions against a victim because of the acts of her abuser.** Sometimes abusers harass their victims at work, either by telephone or in person. Although it is unfortunate that this may disrupt your workplace, it is illegal to punish or fire a victim because of the acts of her abuser. You can work with the victim to make accommodations to reduce the impact that the abuser has on the workplace—but remember, she does not control the abuser.

■ **You must make “reasonable accommodations” to allow a victim to perform her job.** If a victim asks you to make “reasonable accommodations” that would let her to do her job—for example, to change a phone number so that an abuser cannot call her—you must do so, unless it would pose an “undue hardship” on your business. You can work with your employee to figure out accommodations that work →

for both of you. If an employee asks for accommodations, you can ask her to provide documentation that she is a victim. Any of the following is sufficient proof: a sworn statement from a professional helping her address the violence, such as a shelter or victims' services agency, doctor, lawyer, or member of the clergy; a police record; a temporary or permanent restraining order; or "other corroborating evidence."

■ **You cannot punish your employees for taking time off to go to court or to otherwise address the violence.** It is illegal to punish an employee who is a victim of a crime for taking time off to go to court, but you do not need to pay an employee for the time that she is absent. Also, an employee may ask for some time off to find safe housing, receive counseling, or take other steps to address the violence as a "reasonable accommodation."

■ **If an employee quits or leaves her job because of the violence, that should not bar her from receiving unemployment insurance benefits.** Under the law, circumstances related to domestic violence may be "good cause" for voluntarily quitting a job. Also, judges have held that "misconduct" related to the violence (such as absenteeism or tardiness) may not bar benefits.

■ **Other laws may also give victims important employment rights.** These include sex discrimination laws; disabilities laws; the Family and Medical Leave Act; workers' compensation law; the Occupational Safety and Health Act; and common-law claims based on negligent hiring or retention.

HOTLINES

New York State Coalition
Against Domestic Violence
1-800-924-6906
En español 1-800-942-6908

Safe Horizon, NYC
1-800-621-HOPE
www.safehorizon.org

Sanctuary for Families
212-349-6009
www.sanctuaryforfamilies.org

NYC Gay & Lesbian
Anti-Violence Project
212-714-1141
www.avp.org

Mayor's Office to Combat
Domestic Violence
212-788-3156
www.nyc.gov/html/ocdv/home/html

Employment Rights for
Survivors of Abuse (ERSA)
212-925-6635
www.legalmomentum.org
*A national project providing free
employment-related legal services.*

FOOTNOTE

1. Relevant laws include: Survivors Workplace Protection Act, Local Law 75 of 2003, to be codified at Administrative Code of City of New York 8-107.1; New York State Penal Law § 215.14; New York State Labor Law § 593(1)(a). These laws may apply to male as well as female victims, and to victims in both heterosexual and same-sex relationships. For convenience, this summary refers to victims as female.

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The Small Business Initiative

is a project of the Safe@Work Coalition, created in 2000 by employers, trade unions, domestic violence advocacy groups, and government organizations.

Its mission is to educate employers and unions and to provide guidance on creating an environment where what was traditionally seen as a “private” problem can be openly and effectively addressed. This card is part of a brochure. To receive the brochure or for more resources, go to: www.safeatworkcoalition.org

**Small Business Initiative on
Domestic Violence**