



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

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H.B. 5496 AAC Restraining Orders for the Protection of Family Violence Victims in the Workplace

H.B. 5497 AAC The Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

My name is Kia Murrell and I am Assistant Counsel for Labor & Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, ranging from large corporations to small businesses, but the vast majority of our members are small businesses of fifty or fewer employees. CBIA generally opposes legislation that increases the costs of doing business in the state; creates new administrative burdens for employers; or restricts employers' flexibility when managing their workforces and making personnel decisions.

H.B. 5496 permits employers to seek restraining orders to protect employees from threats of violence at the workplace of the employer. H.B. 5497 requires employers to grant employees time off to attend to personal issues concerning domestic and family violence. For various reasons, we oppose these measures because they would raise both labor costs and administrative burdens for Connecticut employers, and make employers more vulnerable to an increase in workplace claims involving domestic violence victims.

Specifically, we have the following concerns with H.B. 5496 and H.B. 5497:

- **H.B. 5496 creates an implicit duty for employers to act on behalf of employees.** The legislation states that employers "may" seek restraining orders on behalf of an employee; however, there is a strong possibility that "may" will be practically construed as "shall" if and when a violent situation occurs at work and an employee feels that his or her employer should have taken action. In such a case, the employers could be subject to an action for negligence or another omission of a perceived legal duty to act.

- **Involving employers in domestic violence matters creates a slippery slope.** Allowing employers to take out restraining orders in this context begins a slippery slope toward involving employers in numerous other personal matters of their employees' lives. In no other areas of law are employers expressly permitted to become involved in the private legal matters of their employees. If **H.B. 5496** is enacted, it could create a potentially limitless number and type of issues that an employer could become involved in on behalf of their employees--ranging from child support proceedings to divorce cases to any other private litigation in which an employee is embroiled.
- **HB 5497 creates an employer mandate for time off from work with no cap or time limit.** In mandating employers to provide time off from work for employees to attend to domestic violence matters, **H.B. 5497** does nothing to ensure that this time off will not be abused or used fraudulently at the employers' expense. Moreover, there is no limit or cap on the amount of time off from work that an employer must grant. In cases where an employer has only one or two employees, they would be unduly burdened by an employee's extended absence, forcing the employer to choose between continuing their operations without essential employees or violating the law by not giving sufficient time off.
- **The definition of "employer" in both proposals conflicts with other existing laws.** These proposals define an employer as "a person engaged in business who has one or more employees." However, state anti-discrimination laws and other laws apply to employers of three or more employees. Which definition prevails?
- **Domestic violence victims already have legal protections in the workplace.** Connecticut law already prohibits an employer from firing or penalizing an employee who attends court, is part of a police investigation, or has a restraining order. State law also allows crime victims to be eligible for unemployment insurance benefits in certain situations. In light of the existing legal protections for domestic victims in the workplace, it is not necessary to create additional protections for them in this context.
- **The need for protection of animals in the workplace is unclear and unnecessary.** This proposal allows an employer to seek a restraining order on behalf of an employee or for the protection of animals. It is not clear why an employer would act on behalf of an employee's animal, but given the myriad laws that already exist for acts of animal cruelty, **H.B. 5496** is an inappropriate place to expand those laws.
- **The fines and penalties on employers for violating these Acts are too harsh and may encourage claims by employees.** An employer who violates the dictates of **H.B. 5496** and **H.B. 5497** shall be guilty of criminal contempt and fined \$500 dollars or imprisoned for up to 30 days or both. The act also allows employees to bring a civil action against the employer for damages and attorneys' fees. At a time when economic conditions are very difficult and employers need

to control their labor costs, all of these penalties are harsh and could have a negative effect on job growth and job creation for Connecticut businesses.

In summary, we believe that **H.B. 5496** and **H.B. 5497** could have costly and burdensome impacts on Connecticut employers at a time when job creation and growth should be a priority in public policy. For these reasons, we object to these proposals and we urge the Committee to reject them.

