



Greater Hartford Legal Aid

**Testimony of Attorney Susan Garten, Greater Hartford Legal Aid  
In Support of HB 5497, AAC the Recommendations of the Task Force on Domestic Violence  
Judiciary Committee, March 15, 2010**

I am here on behalf of the legal services programs to support HB 5497. I want specifically to speak about sections 13 and 14 of the proposed bill. Those are the sections that protect the jobs of victims of family violence. Working people who endure family violence often experience difficulties in the workplace. Legal services attorneys represent numerous victims of domestic abuse as well as low wage workers. I have personally represented workers who were fired because their employers learned that they were victims of family violence.

Legal services advocates worked in partnership with the Connecticut Coalition Against Domestic Violence to develop the concepts of sections 13 and 14, but some of the language that we drafted is not included in the bill now before you. We believe that restoration of portions of the originally proposed language would strengthen important employment protections for victims of family violence. I have attached the suggested changes to my testimony.

Section 13 amends CGS §54-85b, which provides employment protection for witnesses or victims of crime. CT's current law prohibits employers from penalizing employees because they obtain a restraining order or a protective order. This offers insufficient protection to victims because there are many reasons why a victim of family violence may decide not to seek a restraining or protective order or pursue legal protections, including lack of access to an attorney, a lack of capacity or knowledge, a risk of elevating the conflict, or the determination that an order simply would not help the situation. Unfortunately, the proposed language in HB 5497, prohibits employers from penalizing **only** those family violence victims who participate in court proceedings or investigations related to the

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • TTY: 860. 541.5069 • [www.ghla.org](http://www.ghla.org)



violence. Victims who do not access court protections will not benefit from the proposed statute. It is therefore imperative that language be added to prohibit employers from taking adverse action against employees simply because of their status as family violence victims, even if they are not involved with court proceedings. All family violence victims should receive this protection, not just those whose safety plans include legal remedies.

Section 14 of HB 5497 addresses the critical need of some family violence victims for time off from their work for medical treatment, legal redress, safety planning, or relocation. Connecticut's current laws provide a patchwork of protections for victims of family violence, but the absence of a comprehensive approach deprives many victims of the protections and resources they need to be safe. For example, the federal and state Family and Medical Leave Acts do not cover workers just starting out or workers at smaller businesses (the majority of workers in Connecticut), and they only apply once domestic abuse has already resulted in physical harm, rather than helping to prevent the harm in the first place. Also, FMLA leave can only be used to obtain medical treatment, ignoring the other critical needs of victims. Section 14 fills that gap by allowing family violence victims to take paid or unpaid leave from their job for specified purposes related to the damaging effects of family violence.

Two of the original provisions developed by CCADV and Legal Services should be restored to section 14 to increase its effectiveness: one will enhance the confidentiality of the information that the employee gives to the employer concerning the family violence; the other adds a private right of action and remedies that would compensate the employee if the employer refuses to grant necessary leave time.

Another bill that extends employment protections to domestic violence victims was favorably reported out of the Labor and Public Employees Committee and referred to this Committee. That bill,

HB 5284, adds "actual or perceived status as a victim of domestic violence" to the protected categories of persons in the state's human rights statutes (§46a-60). We support the intent of that bill but think that the approach taken by the Task Force as embodied in HB 5497 will better protect family violence victims.



Suggested Substitute Language for HB 5497, Sections 13 and 14 from Legal Services

AAC the Recommendations of the Speaker's Task Force on Domestic Violence

Legal Services' Substitute Language is Highlighted Below:

Sec. 13. Section 54-85b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) An employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect [thereto] to employment, because (1) the employee obeys a legal subpoena to appear before any court of this state as a witness in any criminal proceeding, (2) the employee attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim, or a civil case in which the employee is a victim of family violence, as defined in section 46b-38a, (3) a restraining order has been issued on the employee's behalf pursuant to section 46b-15, as amended by this act, or (4) a protective order has been issued on the employee's behalf by a court of this state or by a court of another state, provided if issued by a court of another state, the protective order shall be registered in this state pursuant to section 46b-15a. or (5) the employee is a victim of family violence, as defined in section 46b-38a. For the purposes of this section, "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of (A) a person who suffers such harm and is a minor, physically disabled, as defined in section 46a-51, or incompetent, or (B) a homicide victim.

Sec. 14. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this section:

.....

(g) All information related to the employee's leave pursuant to [Any written statement or police or court record provided to an employer pursuant to subsection (d) of] this section shall be maintained as confidential by the employer and shall not be further disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace, provided the employee is given notice prior to the disclosure.

(h) [Any employer who violates the provisions of this section shall be fined not more than five hundred dollars per violation.] If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of this section, the employee, not later than one hundred eighty days from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

