



TO: MEMBERS OF THE LABOR AND PUBLIC EMPLOYEES
COMMITTEE

FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)

DATE: MARCH 2, 2010

RE: **SUPPORT FOR RAISED BILL 5284 – AN ACT CONCERNING
DOMESTIC VIOLENCE VICTIMS AND DISCRIMINATORY
PRACTICES.**

The Connecticut Trial Lawyers Association supports passage of the proposed Act concerning Domestic Violence Victims and Discriminatory Practices which designates individuals who are actual or perceived victims of domestic violence as a protected class under the Fair Employment Practices Act (FEPA), Conn. Gen. Stats. § 46a-60.

At present there is no statute in Connecticut which is intended specifically to protect victims or perceived victims of domestic violence who are discriminated against by their employers in the terms and conditions of their employment because of their status as victims or perceived victims of domestic violence.

There is a substantial need for this legislation. According to author Susan Pollet, “Domestic Violence in the Workplace; It’s an Employer’s Business” *Employment Law Strategist* (August 2005), 70 % of domestic violence victims are employed and one-quarter to one-half of all battered women lose their jobs due to domestic violence. Additionally, according to the Connecticut Coalition Against Domestic Violence

(CCADV)'s website, domestic violence is the number one cause of loss of employment for women in the United States.

Although Conn. Gen. Stat. § 54-85b¹ provides some employment protection for witnesses and victims of crime, its protections do not extend to those individuals who suffer adverse treatment by their employers simply because they are victims of domestic violence. Moreover, the protections of 54-85b are limited, subject to a short (90 day) statute of limitations and only apply if there is an ongoing criminal proceeding, or if the employee applies for a restraining order or protective order.

CTLA supports Raised Bill No. 5284 because the protections it provides are important and necessary for victims of domestic violence, but CTLA also believes that the bill does not go far enough because it contains no mechanism for an employee who is a victim of domestic violence to request a reasonable accommodation from his or her employer in order to deal with issues related to the domestic violence. Victims of domestic violence need the ability obtain reasonable accommodations at work from their employers in order to deal with the unique challenges they face. For example, a victim of

¹ Conn. Gen. Stat. Sec. 54-85b, which is part of the criminal procedure section states that

(a) an employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect thereto, 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, (3) a restraining order has been issued on the employee's behalf pursuant to section 46b-15 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-15.

(b) an employer who violates subdivision (1) of subsection (a) of this section shall be guilty of criminal contempt and shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both.

(c) If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of subsection (a) of this section, the employee, not later than ninety 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.

domestic violence may need time off from work to appear in court when a perpetrator of violence is arrested or time off to attend required counseling sessions or in order to make arrangements for minor children who may be affected by the domestic violence. The FEPA does not grant protected employees the right to obtain reasonable accommodations at work although the Connecticut Supreme Court recently found an implied right to reasonable accommodation exists on behalf of disabled employees. *See Curry v. Goodman*, 286 Conn. 390 (2008). Victims of domestic violence cannot, however, depend on the implied right to reasonable accommodation found to benefit disabled workers in *Curry* since in finding the implied right the Court relied in part on the analogous federal statute which protects disabled workers and there is no analogous statute protecting the victims of domestic violence.

In sum, CTLA supports Raised Bill No. 5284 because there is a great need for victims and perceived victims of domestic violence to be protected from discrimination on the job. CTLA would also urge the Committee to expand the protections for victims of domestic violence by providing for necessary and reasonable accommodations to granted victims of domestic violence on the job.