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## Abuse Victims, Know Your Rights

By Cindy Richards

Talk about blaming the victim. When a cosmetics manager at the Marshall Field's store in Lake Forest was beaten by her live-in boyfriend and asked for an hour off work to obtain an emergency order of protection against him, she allegedly was told corporate policy required her to take time off – without pay – until her abuser was imprisoned.

When a Chicago waitress was raped and called her boss to say she had to go to the hospital and would miss her shift, she was fired – after the manager told her she deserved to be assaulted since she had been at a party.

When a worried mother requested a day shift to be home at night with her 17-year-old daughter who was being stalked by an abusive ex-boyfriend, her employer agreed – if she took a pay cut. The pay cut took effect, but her hours were never changed. She quit three weeks later to be home with her daughter. She lost her job and her family's health insurance.

Those three instances, all real, are among the cases covered by a 2003 Illinois law that prohibits employers from discriminating against victims of domestic violence or sexual assault. The law, the most comprehensive of its kind in the country, entitles victims and their family members to as many as 12 weeks' unpaid leave. It applies to all companies with 50 or more employees.

But since the Victims' Economic Security and Safety Act, or VESSA, became law on Aug. 25, 2003, just 22 complaints have been filed.

In many instances, employers agree to settle, eliminating the need to file a formal complaint, said Wendy Pollack of the National Center on Poverty Law in Chicago and the author of VESSA.

The lawyer working on these three cases, Laurie Wardell of the Chicago Lawyers' Committee For Civil Rights Under Law, thinks there might be another reason so few cases have been filed.

“Twenty-two is a small number. It reflects the fact that word is not getting out,” she said. “We are getting cases where employers say openly to a worker, ‘I’m firing you because you were raped’ or ‘You can’t work because you are being abused by your spouse.’”

Cosmetics manager Joanna Williams, a 34-year-old single mother of two, found out about the law after calling the Equal Employment Opportunity Commission to complain about her treatment by her former employer. The EEOC referred her to Pollack, who referred her to Wardell, who filed her complaint against Marshall Field's on Feb. 28.

In an interview, Williams said she was beaten by her boyfriend last July, then told she could not return to work until her abuser was in jail.

"I said, 'It's a misdemeanor. He's not going to jail,'" Williams said.

But that wasn't enough to get her back to work. Even after she obtained a long-term restraining order, the store kept putting off her requests to return, she said, leaving her struggling financially.

Then, Field's allegedly said her co-workers no longer felt safe working with her and offered her a lower-paying job at a bigger store. She refused.

"I said, 'This [store] is close to the police department, to my home. The order of protection lists [the store]. . . But you want to take me out of my town, where I don't know the police, where no one knows me, or him, in that much bigger of a store, make me walk through a parking garage at night and no one knows the situation?'"

In a statement, Marshall Field's officials said only: "The safety of our team members and guests is our top priority. We take any necessary actions to ensure a safe working and shopping environment, which includes abiding by all federal, state and local laws. While we cannot comment on this complaint, we are reviewing it."

Being fired because you were beaten or raped? It's one of those things that makes you say, "There oughtta be a law." It's comforting to know that now there is one.

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