

Women's eNews

January 16, 2005

More States Give Abuse Victims Right to Time Off

By Marie Tessier, WeNews Correspondent

(WOMENSENEWS) – Sophia Apessos was a newspaper reporter in Plymouth, Mass., when her husband assaulted her one weekend in July 2000.

At first, the legal and justice system seemed to work.

She phoned the police, he was arrested and charged. Apessos obtained a temporary protection order requiring her husband to have no contact. Over the weekend, he violated the court order by phoning her from jail.

Meanwhile, as she looked ahead, she knew that it would be hard to get to work on Monday. That day she was required to appear at her husband's arraignment, to testify his initial assault, about his violation of the protection order, and seek an extension of the temporary protection order. She also needed to have police photos taken of her injuries for evidence. In between, she needed to get the locks changed on her home, as the police suggested.

So over the weekend, Apessos phoned her supervisor at work. She left a message saying she would not be in on Monday morning because she had been assaulted and needed to attend proceedings in civil and criminal court. On Monday, she phoned again to say that the procedures were going to take all day.

Nasty and Common Surprise

When she came to work Tuesday, Apessos was in for a nasty, but remarkably common, surprise. The human resources director called her into her office and fired her, according to court filings.

Like about 1-in-3 victims of domestic violence, Apessos lost her job because of the violence and harassment of an abuser and because she took the steps necessary to make it stop.

Later, Apessos filed a lawsuit for wrongful termination that was backed by the NOW Legal Defense and Education Fund, a New York-based group now known as Legal Momentum. Contacted through Legal Momentum, Apessos declined comment. Information on her case was gathered from Legal Momentum and public court records.

Versions of Apessos' story are played out on domestic-violence hotlines around the nation, day in and day out, by many of the one-in-four women who will experience abuse in her lifetime. To stay safe, a woman may need to appear at a hearing during regular office hours. Another might need to meet with

prosecutors or detectives. Another might need to meet a landlord to sign a lease on a new apartment so she and her children can start a new life.

And yet many women may not be allowed to take time off work. Many fear reprisal if they even ask, advocates say.

State-by-state, however, that has begun to change as a growing number of legislatures are giving victims of domestic violence the right to take time off from work in order to address the violence in their lives.

First Domestic-Violence Leave Law in 1999

Maine and California passed the first domestic violence leave laws in 1999. Colorado, Hawaii, Illinois, and New York followed, along with some municipalities, such as Miami-Dade County, Fla. The latest is North Carolina's law, which took effect in October 2004, according to Legal Momentum. In recent years, seven other states have considered proposed legislation focused on domestic and sexual violence. Others considered protections for crime victims in general.

Many more states have specific protections for victims who need time off work to attend or testify at criminal proceedings, but these do not extend to civil matters such as seeking a protection order.

Domestic violence-leave laws are a critical piece of protection for battered women, making it possible for them to make use of the court system, lawyers and other advocates for battered women say.

“A lot of people lose their jobs because of domestic violence, and we need to make sure that the full array of legal options is available to victims,” says Robert J. Grey Jr., president of the American Bar Association, which has promoted employment rights for victims of domestic and sexual violence in recent years.

Being able to hold on to jobs is also fundamental to helping women change their violent circumstances, advocates say.

Help Separating From Abuser

“Economic security is one of the most important factors in determining whether a victim of domestic violence will be able to separate effectively from her abuser,” says Deborah Widiss, a staff attorney who specializes in domestic-violence law at Legal Momentum. “There's still a lot of stigma around domestic violence and sexual violence, so it's a difficult conversation to have with your employer. Having the legal right to take the time helps victims take the necessary steps to be safe.”

For Sophia Apossos, taking steps to stay safe cost her a job, and several years' involvement with a lawsuit against her employer, Memorial Press Group, an independent newspaper group based in Plymouth, Mass. The group did not return a call seeking comment.

Along the way to a settlement in the Apossos case, the Massachusetts Superior Court had to decide whether to allow the suit to proceed – in essence whether she had a legitimate claim under the law. Its

decision in Apessos' favor was succinct: "[A] victim should not have to seek physical safety at the cost of her employment," the court wrote.

That decision was the first such case to establish an employer's obligation to accommodate victims of domestic violence, Widiss says.

Filing a lawsuit is a step that is theoretically available to everyone, but is highly impractical – not to say far-fetched – given how strapped victims are for time, money, emotion or energy, advocates say.

Trend in Employment Law, Business Practice

Guaranteeing the legal right to take domestic-violence leave is part of a broader trend in employment law and business practices that assist victims in solving problems, rather than making them worse, attorneys and advocates say.

Leave laws are one approach, but other pieces help, too. Many states offer unemployment compensation for victims whose jobs are affected. Written personnel policies build a climate of support rather than workplace punishment for a victim and they are good for business, too, Widiss says.

"Workplace policies are a good way for an employer to indicate that they want to help correct a problem by providing time off or by making simple changes to keep someone safe," Widiss says. "Things as easy as changing someone's phone extension, adjusting work hours, or transferring to another work site can make a big difference and many are very low cost."

Educating employers on the signs of abuse and on the cost to their businesses is an important step in improving the climate for victims, the Bar Association's Grey and others say.

"Domestic violence is an issue that's difficult for employers to get their arms around, because it's rarely obvious what's going on," Grey says. "A measured response can help victims get to the solution while keeping their personal dignity and their workplace productivity intact."

Pervasive Impact on Women at Work

During training sessions, employers often express surprise at the extent to which abusers' behavior targeted at one of their employees makes its way into their workplace, says Robin Runge, the Washington, D.C., based director of the American Bar Association's Commission on Domestic Violence.

As many as 19 out of every 20 victims say that they experience problems at work related to domestic violence, Runge says. Among the most common forms of workplace disruption are repeated phone calls from batterers who are monitoring or threatening a woman or just harassing her.

Batterers sabotage women's careers in other ways. They might make them late for work, wreck child care arrangements, try to damage their professional reputations or interfere with their jobs to make them look unproductive, advocates say.

The result is that someone who is being victimized can look as if she is the problem, instead of the abuser, Runge says. That ends up endangering a woman's job and makes it even more difficult for her to seek remedies. Often, the employer doesn't even know what is going on. In turn, victims may be compelled to face a Hobson's choice between their jobs and their safety.

"Too often, victims are being forced to choose between staying safe and keeping their jobs secure," Runge says. "The services available in the courts and in our communities won't work unless victims can access them, and that means time off."

Marie Tessier is a frequent contributor to Women's eNews who writes about violence against women and other national affairs.

For more information:

Legal Momentum: - <http://www.legalmomentum.org/issues/vio/laws-leave.shtml>

American Bar Association Commission on Domestic Violence: - <http://www.abanet.org/domviol/home.html>

National Domestic Violence Hotline: - 1-800-799-SAFE 1-800-787-3224 (TTY)

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