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Senate Bill Seeks Job Security for Abuse Victims

By Allison Stevens, Washington Bureau Chief

Sen. Patty Murray is promoting a bill to protect workers who are victims of domestic violence. Last week she also held hearings on the problem of intimate partner violence in the workplace.



Sen. Patty Murray meets a witness at violence hearings.

WASHINGTON (WOMENSENEWS) – Last month, a man showed up at a psychiatric clinic in Lynn, Mass., where his estranged partner and the mother of his two children worked as a secretary. The man trapped the woman inside an elevator and set them both on fire while their 5-year-old stood nearby.

A few weeks later, on April 2, another man found his ex-partner alone in her office at the University of Washington in Seattle and fatally shot her before killing himself.

The next day, a woman was killed by her ex-partner, who followed her to her job at a hotel inside the CNN Center in Atlanta and shot her three times.

The murders set the stage for the first hearing in five years on domestic violence in the workplace, where lawmakers listened to these and other accounts of women being killed or injured on the job by their current or former intimate partners.

Sen. Patty Murray, a Democrat from Washington State who chairs the Senate Health, Education, Labor and Pensions Subcommittee on Employment and Workplace Safety, held the hearing on April 17. On the same day, she also introduced legislation to help people overcome financial dependency on an abusive intimate partner, sometimes keeping them in violent relationships, which often spill over into the workplace.

“If we want to end domestic violence in the workplace – or anywhere else – we need to address the economic barriers that trap victims in abusive relationships,” Murray said during the hearing in a Senate office building.

A steady paycheck offers victims the economic security and independence many need to stay away from abusers, Murray said. Too often, she said, abusers try to undermine victims' financial independence by harassing them at work.

In 2004, the latest year available for statistics, 1,159 women were killed by intimate partners, according to the U.S. Justice Department.

Multi-Pronged Approach

Murray's bill, the Survivors' Empowerment and Economic Security Act, takes a multi-pronged approach to violence in the workplace.

Under the measure, survivors would be allowed to take time off from work without penalty to appear in court, seek legal assistance and access help. They would also qualify in every state for unemployment benefits if they are fired or forced to leave because of abuse, and they would be protected from discrimination in employment and insurance.

Rep. Lucille Roybal-Allard, a Democrat from California, plans to introduce a similar bill in the House later this year.

With nearly 1 in 3 women reporting physical or sexual abuse by a husband or male intimate partner at some point in their lives, domestic violence is likely to affect most workplaces, said Sue Willman, an employment attorney at Spencer Fane Britt and Browne, a law firm based in Kansas City, Mo., and a survivor of domestic violence who testified at the hearing.

Abusers also often threaten the safety of other employees in an effort to control or gain access to a victim, she said.

In her written testimony, Willman cited a survey of Fortune 1000 companies that showed that 49 percent of corporate leaders said domestic violence undermined corporate productivity; 47 percent said it affected attendance; and 44 percent said it resulted in higher health care costs. In 2003, the Centers for Disease Control and Prevention in Atlanta, Ga., estimated that violence from a domestic or intimate partner cost employers nearly \$728 million in lost productivity, Willman noted.

Bill May Move in Pieces

Domestic violence advocates hope that at least some pieces of the legislation, which has been introduced in previous Congresses, will advance during the current session.

"We can stand on the beach and see that the tsunami is coming in," said Lisalyn Jacobs, vice president of government affairs at Legal Momentum, an advocacy group in New York, referring to political battles over Murray's bill.

“There will be a lot of moving trains in this Congress,” Jacobs said of the many bills advancing through the legislative process. “So while we are not at all certain that the bill is going to move as a bill, we’re hopeful that various pieces of it might.”

She said elements of the bill might move forward as amendments to other bills, as is customary in the wheeling and dealing over congressional votes, in which amendments get added to bills in exchange for lawmakers’ support.

Democratic control of Congress is considered auspicious because Democrats are more likely to move this piece of legislation, said Jill Morris, public policy director at the National Coalition Against Domestic Violence, an advocacy organization based in Denver. The last hearing held on the topic of domestic violence in the workplace, for instance, took place when Democrats briefly controlled the Senate in 2002.

Still, passage is uncertain.

During the hearing Johnny Isakson, Murray’s Republican counterpart on the Employment and Workplace Safety subcommittee who is a former businessman, warned that legal protections for victims could backfire because they could discourage employers from hiring workers who they suspect are victims of domestic violence. He also said the bill could undermine the nation’s employers, who would suffer from the bill’s vague language. That could open them to a flood of lawsuits, encourage juries to award unlimited damages and set the stage for abuse and fraud by employees, he said.

Attorney Willman added in her testimony that the bill is unnecessary because the leave it would provide is already covered under the Family and Medical Leave Act, a law that requires employers with more than 50 employees to grant up to three months of unpaid leave to care for themselves or relatives.

Call for Voluntary Measures

Instead, Isakson called on employers to take voluntary measures to address violence in the workplace.

No major federal laws specifically address domestic violence in the workplace, Morris said.

Several provisions related to the subject were under consideration in 2005, when Congress reauthorized the Violence Against Women Act, the landmark law that funds domestic and sexual violence programs. But most of those provisions were dropped from the final version before it was passed and signed into law.

One minor item survived: a provision that authorized \$1 million for a national resource center for domestic violence in the workplace, a kind of clearinghouse of information on domestic violence for employers.

The Bush administration did not seek any funding for that center in its fiscal 2007 budget request, and Congress – controlled by Republicans last year – did not challenge him. This year, the administration lumped all domestic violence funding together in a single \$370 million block grant, leaving it unclear as to whether the center would be included in the funding.

Morris said key Democrats have objected to the lump-sum treatment and indicated support for funding the center. “A lot of people really like it, and people are completely rejecting the president’s proposal for a block grant.”

The hearing was timed to coincide with a domestic violence public relations and lobbying campaign sponsored by Lifetime Television, a cable network that lobbies on domestic violence.

Last week’s hearing also ushered in National Crime Victims Rights Week, a public relations effort hosted this week by the Office of Victims of Crime at the Justice Department. During the week, advocates are participating in rallies, candlelight vigils and commemorative activities to honor crime victims and their allies.

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For more information:

“Dangerous Trends, Innovative Responses”:
<http://www.womensenews.org/article.cfm/dyn/aid/2906/>

Senate hearing testimony on domestic violence in the workplace:
http://help.senate.gov/Hearings/2007_04_17/2007_04_17.html

Senate Health, Education, Labor and Pensions Subcommittee on Employment and Workplace Safety: http://help.senate.gov/emplmnt+wrk_safety_sub.html

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