

PUBLICATION

More States Mandate Paid 'Safe Leave' for Victims of Domestic Abuse

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New Zealand made headlines last month after members of Parliament approved a bill allowing up to ten days of paid leave from work each year for victims of domestic violence. Under this new law, which will take effect beginning on April 1, 2019, employees in New Zealand may raise a dispute if they believe that their employer unreasonably refused a request for leave. The law also explicitly prohibits adverse treatment of any employee on the grounds that they are, or are suspected to be, a person affected by domestic violence. With this law, New Zealand joined the Philippines as the only countries to federally mandate paid leave for victims of domestic violence. Several provinces in Canada currently offer similar paid leave.

In the United States, many states and municipalities are expanding their paid leave laws to include leave for employees affected by domestic/sexual abuse. In May, the New Jersey Paid Sick Leave Act was signed into law by Governor Phil Murphy. It will go into effect on October 29, 2018 and require New Jersey employers of all sizes to provide up to 40 hours of paid sick leave per year to covered employees. Included in this law is a provision for leave for employees who are victims of domestic or sexual violence, or for leave when an employee's family member is such a victim. Absences include those for medical attention, services from a designated domestic violence agency or other victim services organization, psychological or other counseling, legal services, or relocation. The NJ Safe Act also offers leave to victims or family members of victims; however, it is not paid and requires employees to have worked 1,000 hours in the preceding 12 months to be deemed eligible.

More recently, Rhode Island's Healthy and Safe Families and Workplaces Act went into effect on July 1, 2018. Employees may now use leave to deal with the impact of domestic violence, sexual assault, or stalking on themselves, a family member, or a member of their household. The Act requires Rhode Island employers with 18 or more employees to provide paid sick and safe leave. Employers with 17 or fewer employees must provide earned sick and safe leave, but it does not need to be paid. Florida has historically required that its employers provide up to three days of leave from work. However, Florida allows the employer to decide whether the leave is paid or unpaid. Illinois and Colorado also have unpaid domestic violence laws. Other states with paid leave provisions include Arizona, California, Connecticut, Maryland, Massachusetts, Oregon, Vermont, and Washington. New York City is among a few other cities which now provide for paid safe leave, during which time employees are allowed to seek legal and social services or take other safety measures relating to domestic violence, unwanted sexual contact, stalking, or human trafficking.

Compass Point: Domestic and sexual violence can have a profound impact on employees in the workplace. In 2003, the Centers for Disease Control and Prevention reported that victims of "intimate partner violence" lose a total of nearly eight million days of paid work, the equivalent of more than 32,000 full-time jobs. That number has likely risen. Offering paid "safe leave" gives employees the time to meet with a lawyer, seek a protective order, attend court hearings, utilize counseling services, seek shelter, care for their children, or possibly relocate. Employers in all industries should analyze and reconsider their own leave policies. This includes creating a confidential reporting mechanism, training managers and HR professionals, cultivating a safe environment, and building awareness. Ultimately, employers must ensure their policies comply state to state. The breadth of these and other paid leave laws should be on every employer's radar, as this trend's reach across the country, through either state or municipal legislation, appears to be gaining momentum.

For assistance in reviewing your company's paid leave policies, contact any member of Baker Donelson's [Labor & Employment Group](#).