

SOME EXAMPLES:

I obtained an order of protection because I was a victim of domestic violence. I provided the order to my employer, and explained that I am afraid the perpetrator may try to harass me at the workplace. Can my employment be terminated?

You may not be terminated because your employer learns that you are a domestic violence victim. This includes having an order of protection, or the perpetrator coming to the workplace. If the perpetrator violates the order of protection, or becomes abusive at the workplace, the police should be called as with any other person who engages in misconduct in the workplace.

I requested time off to move in order to escape domestic violence. When my employer learned that I needed the time off because of domestic violence, the time off is denied. Do I have any remedies?

The Law requires that time off needed because of domestic violence must be granted as an accommodated unless it creates an undue hardship for the employer.

I missed work without calling in because I was in the hospital for treatment of injuries caused by domestic violence, and then went to court to get an order of protection. My employer required me to provide documentation when I returned to work. Do I have to provide this?

Yes. The employer is entitled to a police report, order of protection, and/or medical record of treatment to substantiate the reason for your absence.

FILING A COMPLAINT at the DIVISION

If you believe that you have been discriminated against by your employer because you are a victim of domestic violence, you can file a complaint with the New York State Division of Human Rights.

The New York State Human Rights Law applies to all employers. A complaint must be filed with the Division within one year of the alleged discriminatory act

To file a complaint:

- Visit the Division's website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints should be signed and returned to the Division by email, fax, postal mail or in person.
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to you visit the Division's website WWW.DHR.NY.GOV. You can also call the Division's toll-free **HOTLINE** at **1-888-392-3644**.

Your complaint will be investigated by the Division, and if the Division finds probable cause to believe discrimination has occurred, your case will be sent to a public hearing. There is no fee charged to you for these services.

If the Commissioner of Human Rights finds in your favor following the hearing, the relief awarded to you may include such remedies as a cease-and desist order, requiring a change in practices, and/or monetary compensation for the harm you suffered.



Division of
Human Rights

Employment Rights for VICTIMS OF DOMESTIC VIOLENCE

ONE FORDHAM PLAZA
BRONX, NEW YORK 10458
1-888-392-3644
TTY: 718-741-8300
WWW.DHR.NY.GOV

THE EMPLOYMENT RIGHTS OF DOMESTIC VIOLENCE VICTIMS

The New York State Human Rights Law protects victims of domestic violence from discrimination.

The Human Rights Law defines a victim of domestic violence as a person meeting the definition found in Social Service Law § 459-a.

This includes any person who is the victim of a crime committed by a family or household member, and also includes any person who is the parent of a child who is a victim.

It is unlawful to discriminate against a victim of domestic violence in hiring for a job, job advancement, or other terms, conditions or privileges of employment.

The Human Rights Law provides for time off from work for various needs caused by the domestic violence. (See the detailed explanation elsewhere on this page.) Also, any disability resulting from the domestic violence must be treated by the employer in the same way as any other disability with regard to reasonable accommodation.

It is also unlawful for an employer to take an action in retaliation for filing a complaint of discrimination.

To the extent allowed by law, employers are to maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

PUBLIC POLICY

These employment rights further the public policy of New York State by protecting victims of domestic violence from discrimination so they may have the ability to deal with the unique circumstances of their lives and achieve financial independence from their abuser.

FOR FURTHER INFORMATION

Both domestic violence victims and employers may obtain further information from the following:

24 HOUR NEW YORK STATE DOMESTIC AND SEXUAL VIOLENCE HOTLINE

(800) 942-6906

NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

(518) 457-5800

WWW.OPDV.NY.GOV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

WWW.NYSCADV.ORG

NYS SPANISH DOMESTIC VIOLENCE HOTLINE

(800) 664-5880

WWW.VIPMUJERES.ORG

EMPLOYMENT RIGHTS FOR SURVIVORS OF ABUSE (ERSA)

A national project providing free employment-related legal services.

(212) 925-6635 ext. 650

WWW.LEGALMOMENTUM.ORG

To find domestic violence victim services in your area, go to: WWW.NYSCADV.ORG/FIND-HELP or call one of the 800 hotline numbers listed above.

OTHER PROTECTIONS

As of May 13, 2022, the New York State Human Rights Law includes protections for victims of domestic violence in all jurisdictions covered by the law.

LEAVE TIME REQUIREMENTS

The Human Rights Law requires employers to reasonably accommodate the need for time off because of domestic violence, so long as it is not an undue hardship for the employer. Health insurance is to be continued during such time off. Such time off is for the accommodation of the following needs:

- Medical attention for the victim, or a child who is the victim;
- Obtaining services from a domestic violence shelter, program or rape crisis center;
- Obtaining psychological counseling, including for a child who is a victim;
- For safety planning, or taking action to increase safety, including temporary or permanent relocation;
- Obtaining legal services, assisting with prosecution, or appearing in court.

The employee should give reasonable advance notice when possible, or if that is not possible, the employer may require documentation later in the form of a police report, order of protection, court document, or documentation of counseling or medical treatment.

Unemployment insurance. If you need to leave a job because of domestic violence you are not necessarily barred from receiving unemployment insurance benefits. Pursuant to N.Y. Labor Law § 593, circumstances related to domestic violence may be “good cause” for voluntarily quitting a job. Also, job performance problems related to domestic violence (such as absenteeism or tardiness) will not necessarily bar benefits.