

**Testimony Before the Committee on Law and Government In Support of
City Council Bill 080468 Entitlement to Leave Due to Domestic or Sexual Violence
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The Women's Law Project applauds Councilmen Greenlee, Clarke, and Green for introducing this important legislation providing domestic violence victims the opportunity to take steps to protect themselves from further domestic violence without risking loss of employment. Thank you Councilman Greenlee for scheduling this hearing and inviting the Women's Law Project to testify.

The Women's Law Project is a nonprofit, legal advocacy organization that seeks to advance the legal status of women through litigation, public education and individual counseling. A significant portion of our work involves efforts to improve the response of public and private entities to domestic violence. Our advocacy agenda for this council session included seeking the introduction of a bill such as this one. We are grateful to our city leaders for recognizing the need for this legislation and taking the initiative before we even knocked on your doors.

The Women's Law Project knows firsthand how important adoption of this bill is to victims of abuse. Through both our telephone counseling service and policy initiatives, we hear from women who are unable to obtain protection orders or seek the assistance of other social services to help them address the abuse to which they are subjected because their jobs do not give them time off for such activities. Unable to risk losing their ability to support their families, these individuals continue to live in fear and suffer abuse without legal protection or other support. Those who take time off from work to address the domestic violence even though they lack leave time, risk loss of employment, destitution, and homelessness.

Except for the domestic abuse hotline and emergency services in Philadelphia, the courts and most social services operate on a 9 to 5, Monday through Friday schedule. While someone faced with imminent danger may call 911 or file a petition for an Emergency Protection From Abuse order at any time, anyone seeking a final order of protection or relief from the criminal justice system must ultimately appear in court during the work week, typically for many hours, and often on a repeated basis. Women seeking such orders have told us they simply could not take more time off from work to return to court again. If the plaintiff does not appear for a hearing, the court dismisses the petition and no relief is granted. This bill, if adopted, will enable victims of abuse to seek legal and other protection.

In 1998, I served on the Employer's Working Group of the Attorney General's Family Violence Task Force. As part of that working group, we researched the impact of domestic violence on the workplace. We found that lost days from work and loss of employment are major costs of domestic violence:

- In 1990, the Bureau of National Affairs estimated that domestic violence cost U.S. employers \$3 to \$5 billion annually in lost work time, increased health care costs, higher turnover rates and lower productivity. (Bureau of National Affairs, *Violence and Stress: The Work/Family Connection* (Aug. 1990)).
- In response to a 1997 national poll, 37% of the women who reported experiencing domestic violence also reported an impact on their work performance: 24% reported that abuse caused them to be late or to miss work; 20% reported an impact on career advancement; 15% reported job loss. (EDK Associates of The Body Shop, *The Many Faces of Domestic Violence and its Impact on the Workplace* (1997)).
- In 1992, ninety-six percent (96%) of the employed residents of a battered women's shelter in Tulsa, Oklahoma reported problems at work due to their abusive situations, including missed time from work. (Connie Stanley, *Domestic Violence: An Occupational Impact Study*, Tulsa, OK (1992)).

(Attorney General Mike Fisher's Family Violence Task Force, Final Action Plan: A Coordinated, Community-Based Response to Family Violence 20-21 (May 1998)).

The Working Group undertook a statewide survey of Pennsylvania employers. Approximately 20% of the responding employers reported that family violence had affected their workplace in the previous two years, including in lost employee time. (*Id.* at 18). Despite being aware that domestic violence resulted in lost time from work, few employers had developed policies to address family violence among their employees. Less than 27% of employers who responded to the survey reported having developed workplace violence policies; only about 10% of those policies included family violence. (*Id.* at 22). With respect to leave and attendance policies, only 21% reported having a leave policy that accommodated domestic violence victims while only 10% reported having an attendance policy that accommodated family violence victims. (*Id.* at 24).

Needless to say, among the best practices recommended in the Attorney General's report was:

Recognizing that an employee who is a victim of family violence may need to be absent from work, to address a number of matters related to the violence (e.g. court appearances, health care, family issues, etc.) and applying attendance and leave policies to accommodate the reasonable needs of employees.

(*Id.* at 27).

It is certainly our hope that in the ten years that have passed since that survey was completed, more Pennsylvania employers have come to understand that victims of domestic violence must take time off from work in order to protect themselves from

further violence. However, more recent research reflects that domestic violence continues to impact the ability of victims to work.

In a 2003 report on its study of the costs of domestic violence, the Centers for Disease Control and Prevention found that victims of rape, physical assault, and stalking lose an estimated 8 million days of paid work due to intimate partner violence. (Centers for Disease Control and Prevention, *Costs of Intimate Partner Violence Against Women in the United States* 18 (2003)).

In October 2005, the Maine Department of Labor and Family Crisis Services published results of a joint study that documented the impact of domestic violence on survivors' employment. Survivors reported significant amounts of lost work time due to obtaining medical care, going to court for legal relief, receiving counseling, and addressing children's needs. Many of the 120 survivors interviewed noted that they had exhausted all of their paid time options and ten reported loss of job due to attendance problems. (Maine Dept. of Labor & Family Crisis Services, *Domestic Violence Survivors at Work: How Perpetrators Impact Employment* 16-17 (Oct. 2005)).

We anticipate that the business community may assert concerns about misuse or overuse of the leave provided by this legislation. This concern has been raised in other venues in which we have worked to confront discrimination against and achieve accommodation for battered women: insurance discrimination and waivers of welfare work requirements. We have seen no abuse in those arenas. In conversations with state insurance departments around the country, I have been assured that the number of individuals seeking relief under statutes prohibiting insurance discrimination against battered individuals has been extremely low. In our work in Pennsylvania on implementation of the Family Violence Option, which allows domestic violence victims to be excused from work requirements if domestic violence impedes their ability to comply, we have also seen no abuse. Despite estimates that domestic violence victims make up 40-60% of the TANF population, the number of TANF recipients in Pennsylvania seeking to be excused from work requirements is very small, only approximately 2 % or less of the TANF adult population statewide. Philadelphia's numbers are even lower, with the percentage of the city's welfare population seeking work waivers consistently below 1%. (Department of Public Welfare, unpublished data April -August, 2007). Just as fears of false allegations of domestic violence have not been realized in these situations, we do not anticipate false claims in this one.

The reasons are the same: battered women want to work and need to work to support themselves and their families. They are not likely to take unpaid time off for reasons other than those provided for by the legislation or for longer than necessary because they cannot afford to. In addition, victims of domestic violence do not easily disclose domestic violence to anyone, let alone their employer: shame and fear of loss of benefits and employment are a strong deterrent to disclosure of domestic violence. Because requesting domestic violence leave requires such a disclosure, we do not expect

domestic violence victims to request leave unless it is absolutely necessary for them to be excused from work.

In addition, this bill will not burden employers. Surveys in 1995 and 2000 on the effect of the federal Family Medical Leave Act on employers demonstrated that the percentage of employees who take unpaid leave is low and that the leave is infrequently taken, and for a short period of time. (David Cantor, et al, *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*, 2-2 (2008)). Moreover, employers have generally reported that such leave has been easy to administer and has not negatively affected their business or their employees. (*Id.* at 1-9-1-11, 8-2-8-7).

The Women's Law Project stands firmly in support of this legislation. We are working closely with the Nutter administration to improve the response of law enforcement to domestic violence as well as to expand social services. This bill is a significant component of what needs to be a multifaceted response to a complex problem. With the enactment of this bill, Philadelphia will take the lead in helping Pennsylvania victims of abuse achieve economic and personal independence.