



**PROTECTIONS
FOR SURVIVORS
AT WORK AND AT
HOME**



GOALS

- **Understand how employment and housing is essential to survivors' economic security**
- **Learn about relevant laws at federal, state, and local levels and the government agencies that enforce these laws**
- **Identify common scenarios impacting survivors at work and at home**



ECONOMIC ABUSE

- **According to NNEDV, financial abuse occurs in 99% of domestic violence relationships**
- **Of 85% of victims who returned to their abusers, a significant number cited their inability to address their finances.**
- **The most direct path to financial stability is the ability to obtain and maintain employment. Housing is also essential.**
- **STANDING FIRM focuses on empowering employers through consultation and training, to change workplace culture and systems so that survivors may move toward financial stability, and closer to a life free from abuse.**



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- The EEOC was created by Congress with the passage of the Civil Rights Act of 1964.
- The EEOC is an independent, federal law enforcement agency that protects workers from discrimination in the workplace.
- The EEOC has 53 field offices nationwide.

UNLAWFUL EMPLOYMENT DISCRIMINATION

Under the laws enforced by EEOC, an employer may not discriminate against you, regardless of your immigration status, on the basis of:

- **Race**
- **Color**
- **Religion**
- **National Origin**
- **Sex (including pregnancy, sexual orientation, or gender identity)**
- **Age (40 years and older)**
- **Disability**
- **Genetic Information**

It is also illegal for an employer to retaliate against you for complaining about discrimination or for contacting EEOC.



HOW TITLE VII PROTECTS SURVIVORS

Title VII prohibits disparate treatment based on sex, which may include sex-based stereotypes. For example:

1. An employer terminates an employee after learning she has been subjected to domestic violence, saying he fears the potential "drama battered women bring to the workplace."
2. A hiring manager, believing that only women can be true victims of domestic violence because men should be able to protect themselves, does not select a male applicant when he learns that the applicant obtained a restraining order against a male domestic partner.
3. An employer allows a male employee to use unpaid leave for a court appearance in the criminal prosecution of an assault, but does not allow a similarly situated female employee to use equivalent leave to testify in the criminal prosecution of domestic violence she experienced. The employer says that the assault by a stranger is a "real crime," whereas domestic violence is "just a marital problem" and "women think everything is domestic violence."

HOW TITLE VII PROTECTS SURVIVORS

Title VII prohibits sexual or sex-based harassment. Harassment may violate Title VII if it is sufficiently frequent or severe to create a hostile work environment, or if it results in a "tangible employment action," such as refusal to hire or promote, firing, or demotion. For example:

1. An employee's co-worker sits uncomfortably close to her in meetings and has made suggestive comments. He waits for her in the dark outside the women's bathroom and in the parking lot outside of work and blocks her passage in the hallway in a threatening manner. He also repeatedly telephones her after hours, sends personal e-mails, and shows up outside her apartment building at night. She reports these incidents to management and complains that she feels unsafe and afraid working nearby him. In response, management transfers him to another area of the building, but he continues to subject her to sexual advances and stalking. She notifies management but no further action is taken.
2. A seasonal farmworker's supervisor learns that she has recently been subject to domestic abuse and is now living in a shelter. Viewing her as vulnerable, he makes sexual advances, and when she refuses, he terminates her.

HOW TITLE VII PROTECTS SURVIVORS

Title VII also prohibits retaliation for protected activity. Protected activity can include actions such as filing a charge of discrimination, complaining to one's employer about job discrimination, requesting accommodation under the EEO laws, participating in an EEO investigation, or otherwise opposing discrimination. For example:

1. An employee files a complaint with her employer's human resources department alleging that she was raped by a prominent company manager while on a business trip. In response, other company managers reassign her to less favorable projects, stop including her in meetings, and tell co-workers not to speak with her.



HOW THE ADA PROTECTS SURVIVORS

The ADA prohibits different treatment or harassment at work based on an actual or perceived impairment, which could include impairments resulting from domestic or dating violence, sexual assault or stalking. For example:

1. An employer searches an applicant's name online and learns that she was a complaining witness in a rape prosecution and received counseling for depression. The employer decides not to hire her based on a concern that she may require future time off for continuing symptoms or further treatment of depression.
2. An employee has facial scarring from skin grafts, which were necessary after she was badly burned in an attack by a former domestic partner. When she returns to work after a lengthy hospitalization, co-workers subject her to frequent abusive comments about the skin graft scars, and her manager fails to take any action to stop the harassment.

HOW THE ADA PROTECTS SURVIVORS

The ADA may require employers to provide reasonable accommodation requested for an actual disability or a "record of" a disability. A reasonable accommodation is a change in the workplace or in the way things are usually done that an individual needs because of a disability and may include time off for treatment, modified work schedules, and reassignment to a vacant position. For example:

1. An employee who has no accrued sick leave and whose employer is not covered by the FMLA requests a schedule change or unpaid leave to get treatment for depression and anxiety following a sexual assault by an intruder in her home. The employer denies the request because it "applies leave and attendance policies the same way to all employees."
2. In the aftermath of stalking by an ex-boyfriend who works in the same building, an employee develops major depression that her doctor states is exacerbated by continuing to work in the same location as the ex-boyfriend. As a reasonable accommodation for her disability, the employee requests reassignment to an available vacant position for which she is qualified at a different location operated by the employer. The employer denies the request, citing its "no transfer" policy.

HOW THE ADA PROTECTS SURVIVORS

The ADA prohibits disclosure of confidential medical information. For example:

1. An employee who is being treated for post-traumatic stress disorder (PTSD) resulting from incest requests reasonable accommodation. Her supervisor then tells the employee's co-workers about her medical condition.

The ADA prohibits retaliation or interference with an employee's exercise of his or her rights under the statute. For example:

1. The employee above tells the supervisor she intends to complain to human resources about his unlawful disclosure of confidential medical information. The supervisor warns that if she complains, he will deny her the pay raise she is due to receive later that year.



CONTACTING EEOC

- **You must file a written complaint with EEOC within 300 days from when the discrimination occurred in order to be able to pursue your legal claims.**
- **You do not need to have a lawyer or representative to file a complaint. However, you may have a lawyer or non-lawyer representative if you choose to. You may also have an organization to file on your behalf.**
- **You can contact EEOC by telephone, online, or in person at the Pittsburgh office. (See www.eeoc.gov/filing-charge-discrimination)**
- **The process is free. You will never have to pay EEOC.**

PENNSYLVANIA HUMAN RELATIONS COMMISSION

- **The PHRC is the state's civil rights enforcement agency, promoting equal opportunity for all and enforcing laws that protect people from unlawful discrimination.**
- **The PHRC enforces the Pennsylvania Human Relations Act, which prohibits discrimination in education, employment, housing, commercial property, and public accommodations. The PHRC also enforces the Pennsylvania Fair Educational Opportunities Act which prohibits discrimination in certain post secondary and vocational schools.**
- **In general, PA law prohibits discrimination on the basis of age (40 and older), ancestry, color, disability (including the use, handling, or training of support or guide animals for disability), familial status (only in housing), national origin, race, religious creed, and sex. It also prohibits aiding and abetting discrimination and retaliation against individuals who engage in activities protected by the law (such as filing complaints of discrimination).**

PROTECTIONS AT THE STATE LEVEL

The laws enforced by the PHRC are substantially similar those enforced by the EEOC. Accordingly, the law is interpreted similarly and many of the examples previously provided as violating federal law will be applicable in the state context.

In addition, the PHRA covers discrimination in housing. In the housing context we may see cases that arise where an individual is discriminated against because of another "protected class," such as:

- refusing to rent to a woman with a history of being a victim of domestic violence because of frequent calls to the police or evictions relating to the same
- refusing to terminate a lease early because a individual with PTSD due to domestic violence needs to move out early.

CONTACTING PHRC

- **You must file a written complaint with PHRC within 180 days from when the discrimination occurred in order to be able to pursue your legal claims.**
- **You do not need to have a lawyer or representative to file a complaint.**
- **The process is free. You will never have to pay PHRC.**
- **The PHRC will file your case with the EEOC if you have a complaint that meets its jurisdictional requirements. You will get one investigation. Remedies are not the same as under federal law. It is important to preserve your rights under both laws.**
- **Tips specific to victims of domestic violence: 1) you may request a support person be present through the process; 2) you may request an investigator that is not the same sex as the abuser; 3) you can request to participate in the process remotely; 4) we will work with you to address concerns regarding your safety.**



PITTSBURGH COMMISSION ON HUMAN RELATIONS

- **The Pittsburgh Commission on Human Relations (PghCHR) investigates instances of discrimination and seeks resolutions for anyone who has experienced harm because of discrimination.**
- **The PghCHR also provides free education on rights and responsibilities under City Code**
- **Employers in the City of Pittsburgh are also prohibited from discriminating against you because of your ancestry, gender identity or expression, place of birth, sexual orientation, status as a medical marijuana patient, protective/cultural hair or hairstyle or head covering, or status as a survivor of domestic violence.**
- **In addition to workplace discrimination laws, PghCHR enforces civil rights laws for housing, public accommodations and City services, including the police.**
- **Under these laws, you cannot be discriminated against in housing or employment within the City of Pittsburgh because of your status as a survivor of domestic violence.**

CONTACTING PghCHR

- **You must file a complaint with PghCHR within 365 days of the harm you experienced. The harm must have taken place within the City of Pittsburgh limits.**
- **You do not need to have a lawyer or representative to file a complaint. However, you may have a lawyer or non-legal representative if you choose to.**
- **You can contact PghCHR by telephone, online, or via email. (See information in handout.)**
- **The process is free. You will never have to pay PghCHR.**
- **PghCHR offers mediation services throughout the investigation process to try and resolve the matter.**



OTHER PROTECTIONS FOR SURVIVORS

- **FMLA, Pittsburgh Paid Sick Days Ordinance, Paid Safe Leave**
- **Paid Safe Leave laws in NY and DE**
- **PA Family Care Act legislation**

The background features a diagonal line from the top-left to the bottom-right. The area above and to the left of this line is divided into several geometric sections: a dark purple triangle at the top-left containing a white dot; a blue square with concentric circles; a grey semi-circle; a pink triangle with diagonal lines; a pink square with a white corner pattern; a blue square; a grey triangle; a pink square; and a dark purple triangle at the bottom-left. The area below and to the right of the diagonal line is a solid blue background.

QUESTIONS?