

# Oregon's Workplace Protections for Victims of Domestic Violence, Sexual Assault, or Stalking

## OVERVIEW:

Oregon law provides substantial protections for employees who are victims of domestic violence, sexual assault, or stalking:

- ◆ Employees who are victims are entitled to protection from job discrimination based on their status as a victim;
- ◆ Employers must provide reasonable workplace safety accommodations for employees who are victims;
- ◆ Some employees who are victims are entitled to reasonable leave from work to address safety-related matters.

## DISCRIMINATION UNLAWFUL:

It is against the law for any employer to:

- ◆ Refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, sexual assault or stalking;
- ◆ Threaten to or discharge, demote, suspend, or in any manner discriminate or retaliate with regard to promotion, compensation, conditions, or privileges of employment because an employee is a victim of domestic violence, sexual assault or stalking.



## REASONABLE SAFETY ACCOMMODATION:

All employers must provide employees a reasonable workplace safety accommodation in response to actual or threatened domestic violence, sexual assault, or stalking.

Safety accommodations may include:

- ◆ Transfer
- ◆ Reassignment
- ◆ Modified schedule
- ◆ Changed work station or phone number
- ◆ Other measures to address safety

## TIME OFF FROM WORK:

The law requires some employers to provide eligible employees reasonable leave from work to address safety matters related to domestic violence, sexual assault, or stalking:

- ◆ Employers who had, this year or last year, *at least six employees* during 20 or more work-weeks per year must comply with this law.
- ◆ Employees who worked, on average, *more than 25 hours a week during the last six months*, are eligible for leave. Leave may be taken by the victim, by a parent or guardian of a victim, or by any other person who has suffered related harm.
- ◆ Leave from work must be provided to eligible employees to attend to *safety-related matters*. *Advance notice* of the leave should be provided when possible, or as soon thereafter as is practicable. *Leave is not required to be paid*, but employees may use accrued paid leave.



## DOCUMENTATION THAT EMPLOYEE IS A VICTIM:

An employer may grant an employee leave from work or a workplace safety accommodation based on the employee's statements that he or she is a victim. However, the employer has the right to ask the victim for documentation.

The victim may provide any of the following as certification of eligibility:

- ◆ Court documents;
- ◆ Law enforcement papers;
- ◆ Documentation from an attorney, counselor, victim service provider, health care professional or clergy member.

Unless otherwise required by law, any documents provided as certification of the victim's status must be kept confidential and may not be released without express permission.

Research Oregon's laws for yourself at:  
[www.leg.state.or.us/ors](http://www.leg.state.or.us/ors)  
ORS 659A.270-ORS 659A.290

## BEST PRACTICES FOR EMPLOYERS

Employers can assist victims, reduce workplace violence risks, increase productivity, and protect themselves from liability by ensuring that domestic violence, sexual assault, and stalking are part of all workplace safety plans.

Consider the following:

- ◆ Adding a domestic and sexual violence policy to your employee handbook:
  - ◆ See [http://www.dhs.state.or.us/policy/admin/hr/060\\_032.pdf](http://www.dhs.state.or.us/policy/admin/hr/060_032.pdf) for an example - Oregon's policy for state employees.
- ◆ Providing training to your human resources and management employees about how to recognize and respond to domestic and sexual violence:
  - ◆ A local victim services provider could collaborate on this training: <http://www.dhs.state.or.us/abuse/domestic/gethelp.htm>
- ◆ Posting information for employees about their rights and where they can find help:
  - ◆ See <http://www.dhs.state.or.us/abuse/domestic/gethelp.htm> for a directory of confidential victim service providers
  - ◆ BOLI poster on workplace protections for victims: [http://www.oregon.gov/BOLI/docs/DVSAS\\_Poster.pdf](http://www.oregon.gov/BOLI/docs/DVSAS_Poster.pdf).

For more ideas, visit:

<http://www.safeatworkcoalition.org>  
<http://www.caepv.org/getinfo/bestprac.php>

## RESOURCES

### BOLI CAN ASSIST WITH COMPLIANCE

Our Technical Assistance for Employers Program can help answer your questions about compliance. The program also offers training seminars and regular advice columns.

Call 971-673-0824 or visit

<http://www.oregon.gov/BOLI/TA/index.shtml>

You may also find answers to your questions on the website's FAQ/Fact Sheets page.

[http://www.oregon.gov/BOLI/TA/T\\_FAQ\\_Tafaq.shtml](http://www.oregon.gov/BOLI/TA/T_FAQ_Tafaq.shtml)

### COMMUNITY SERVICE REFERRALS FOR EMPLOYEES

Women's 24 Hour Crisis Line  
Portland: 503-235-5333  
Statewide: 888-235-5333

National Domestic Violence Hotline  
800-799-7233

National Sexual Assault Hotline  
800-656-4673

Oregon Coalition Against Domestic and Sexual  
Violence  
<http://www.ocadsv.com>

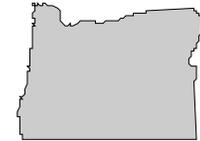
Crime Victims' Assistance Program  
[http://www.doj.state.or.us/crimev/directory\\_vso.shtml](http://www.doj.state.or.us/crimev/directory_vso.shtml)

Legal Aid  
<http://www.oregonlawhelp.org>



**Bureau of Labor and Industries**

## OREGON'S WORKPLACE PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING



- ⇒ Domestic violence affects many employees and costs Oregon industries an estimated \$50 million per year.
- ⇒ 74 percent of battered women who are employed are harassed by their partners at work.
- ⇒ Economic security is one of the most important factors in whether a victim will be able to separate and stay safe from an abusive partner.

Employers can provide real help to victims, increase workplace productivity, and reduce workplace risks by addressing domestic violence, sexual assault, and stalking in the workplace.

[www.oregon.gov/BOLI/DVSAS.shtml](http://www.oregon.gov/BOLI/DVSAS.shtml)