



RIGHTS OF VICTIMS

OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Effective July 1, 2017, Labor code Section 230.1 requires employers to provide written notice to employees regarding the workplace rights of victims of domestic violence, sexual assault, or stalking. An employer is prohibited from discriminating or retaliating against an employee who is the victim of domestic violence, sexual assault or stalking; or who take time off from work to seek medical attention for resulting injuries, receive counseling, participate in safety planning or obtain services from a domestic violence shelter, program or rape crisis center.

Employees have the right to:

- Take time off from work to get help to protect themselves and their children's health, safety, or welfare, which includes taking time off to get a restraining order or other court order.
- Use Available Vacation, Personal Leave, Accrued Paid Sick Leave, or Compensatory Time Off for such purposes, unless an employee is covered by a collective bargaining agreement that provides for different rights regarding use of leave. An employee without available paid time off may still take time off without pay for these purposes.
- Request a Reasonable Accommodation from their employer to help ensure the workplace is safe. Examples of accommodations may include putting in locks, changing work shifts or work phone numbers, transferring or reassigning employees to a different work location, or help with keeping a record of what happened to the employee.
- Be free from retaliation and discrimination; an employer cannot treat an employee differently or terminate an employee because the employee is a victim of domestic violence, sexual assault, or stalking, the employee asked for time off from work to get help, or the employee asked for help or changes in the workplace to ensure the workplace is safe.

Other Information:

An employer may ask for a signed statement certifying the employee's request is for a proper purpose, and may also request proof showing the need for an accommodation. Proof can be a police report, court order or a doctor's, counselor's note or similar document.

When possible, employees should notify their employer before taking the time off. If the employees are not able to notify their employer before taking the time off, the employer cannot discipline the employee if proof is provided explaining the reason for taking time off work within a reasonable time.

An employee can file a complaint with the Labor Commissioner's Office against an employer if the employee believes to have been retaliated or discriminated against. The California Labor Commissioner's Office phone number is 213-897-6595, website www.dir.ca.gov/dlse/DistrictOffices.htm