

New York Employers Should Be Aware of Laws Protecting Employees Who Are Victims of Domestic Violence

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[This article](#), reporting on a significant settlement of a claim of wrongful termination of an employee who was a victim of domestic violence, should serve as a reminder for all New York employers. As reported by the *New York Times*, a retailer in New York state was accused of sending a female employee home after she reported to company security that her husband had threatened to kill her. She claimed that she was sent home by her manager, and then told to stay home for several days. She was then told that she could not return to work until she received an order of protection. She had difficulty obtaining that order, as her husband then fled the jurisdiction and could not be served.

The employee contacted the Attorney General's office, which initiated the investigation. The employer had never fired her, and offered to pay her for the missed shifts, but the AG's office asked for other remedies. According to the news reports, the employer later settled this complaint - without admitting liability or wrongdoing - but will now have to change its policies and educate its managers on this topic. The more interesting aspects of the settlement are safety measures which the AG's office required the store to put in place. These included a plan that would allow the female employee to park close to the store, allow her to use her cell phone at work, and a "safe room" which she could go to in case her husband entered the store.

New York has two sets of laws which cover this area. The New York State Human Rights Law ([N.Y. Exec. Law § 290 et seq.](#)) prohibits employment discrimination against any employee who is a victim of domestic violence. The New York City Human Rights Law ([N.Y.C. Admin. Code § 8-101 et seq.](#)) contains a similar, and more robust protection, which prohibits discrimination against a victim of domestic violence and also requires that an employer "accommodate" an employee in that situation.

This settlement serves as a reminder that these legal obligations exist, and that employers - both in and outside New York City - need to be mindful of these obligations and train their managers to be aware of them. These laws can and will be enforced by either the Attorney General, the State Division of Human Rights, or New York City Commission on Human Rights.

This is also a good reminder that management training is a must in today's litigious environment. As often is the case, it would appear here that the actions of one manager caused the company significant problems, and likely also resulted in significant expense. Often, a little training goes a long way and is well worth whatever costs. If nothing else, managers who have supervisory responsibility should be generally aware of the laws, and trained to reach out to Human Resources or counsel for advice, before taking adverse action against an employee.