

# OREGON LAW CENTER

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## **Testimony Regarding House Bill 3390-2 Before the House Committee on Rules June 5<sup>th</sup>, 2013**

Chair Garrett, Vice-Chairs Hicks and Hoyle, and members of the Committee,

On behalf of the Oregon Law Center (OLC), and also on behalf of the Oregon Alliance to End Violence Against Women, I submit this testimony regarding the importance of allowing earned sick days to be used for safety purposes as outlined in ORS 659A.270 et seq. The availability of this relief would make a critical difference in the lives of our clients who are survivors of domestic and sexual violence. Thank you for your work, and for the opportunity to submit testimony this morning.

OLC's mission is to achieve justice for low-income vulnerable populations, and for many years, we have served an increasing number of clients whose civil legal issues are related to domestic violence, sexual assault, and stalking. Legal aid attorneys have represented thousands of victims of violence in protective order hearings, child custody matters, and cases involving housing and employment discrimination and unemployment benefits. We know from our work that domestic violence, sexual assault and stalking are serious public health and safety issues in Oregon and that survivors face many barriers in their quest to achieve safety. Our advocacy on this bill comes in response to a need expressed to us by our clients, as well as by domestic violence and sexual assault advocates across the state who work with victims on a daily basis. Our low-income clients struggle to take even the brief time from work that may be required in order to go to court to defend a restraining order. In some instances, clients have told us they simply cannot miss the paid time from work necessary to access the court, an attorney, or safety planning or relocation assistance.

**Protecting the safety and well-being of individual employees affected by violence is an important public policy concern.** Over 37% of Oregon women reported rape, physical violence and/or stalking by an intimate partner<sup>1</sup>; this violence contributes to severe injuries, mental and physical health problems, disabilities and death to Oregon women<sup>2</sup>. Since 2009, Oregon has seen more than 100 domestic violence related deaths (men, women, and children).

**Domestic and sexual violence do not stay at home when their victims go to work.** A recent survey of Oregon victims revealed that 69% were employed at the time they were suffering abuse, and nearly all survivors reported that domestic abuse affected their ability to perform their

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<sup>1</sup> National Intimate Partner and Sexual Violence Survey (NISVS 2010) [www.cdc.gov/violenceprevention/nisvs/](http://www.cdc.gov/violenceprevention/nisvs/)

<sup>2</sup> [Oregon Violence Against Women Prevention Plan](#). Oregon Department of Human Services, Office of Disease Prevention and Epidemiology. (ODHS 2005)

job duties.<sup>3</sup> Domestic violence also has an economic impact on employers (health care costs, absenteeism, and dangerous incidents in the workplace). Businesses pay a high price when employees who are victims cannot access help. The annual cost to businesses in Oregon, include approximately \$9.3 million in lost productivity from paid work for victims of nonfatal intimate partner violence.<sup>4</sup> Increasing access to protection for employees who are victims provides a benefit to individual victims as well as to co-workers and the workplace as a whole.

**Access to earned paid leave time would remove a barrier to safety for survivors who cannot afford to take unpaid leave from work to access Oregon's current safe leave law.** The Oregon Legislature, in 2007, recognized the importance of removing barriers to safety for victims and their children and passed, with overwhelming bi-partisan support, a law that gives victims the right to take reasonable *unpaid* leave from work to take steps to become safer. The law is a balanced approach, allowing victims the right to take leave, and providing employers the ability to seek documentation of eligibility and to limit leave if necessary to prevent an undue burden to the employer. Under ORS 659A.270 to 659A.285, leave is allowed to:

- Make a police report or get legal help;
- Get medical or mental health assistance;
- Attend a court hearing for a protective order;
- Meet with a domestic or sexual violence advocate;
- Relocate to a safer home or secure an existing home.

This session, the legislature passed HB 2903 with overwhelming bi-partisan support, to close two small gaps in the current workplace leave law (making leave available to new and part-time employees and requiring that information about the law be posted). HB 3390-2 would close an additional gap by letting survivors accrue and use *paid* sick leave for the above purposes. The creation of an earned sick time standard would remove a final barrier for survivors who cannot afford to take unpaid leave from work while still making ends meet for themselves and their children during a time of crisis. The consequences for survivors are high if they cannot access critical safety remedies.

For survivors financially able to take leave, we know that the law has been a valuable tool in providing increased safety and stability. Clients have told us that the right to take time off from work to obtain a restraining order, meet with an attorney, or change the locks on their homes so they are secure has made all the difference for them and their children. For those who cannot afford to lose any income, however, the current leave law can be a hollow remedy. HB 3390-2 would make this important protection truly available and meaningful to working survivors of domestic violence, sexual assault, and stalking regardless of their financial circumstances.

**Problem: Financial realities prevent many survivors from using unpaid leave from work to access the very remedies that will keep them and their children safe.** Many working survivors simply do not have the financial cushion that will allow them to take unpaid leave. Our clients are forced to juggle their families' most basic needs and their health and safety. Many of the services a victim needs to achieve safety - like going to court to apply for a restraining order,

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<sup>3</sup> Dr. Nancy Glass, et. al., study of domestic violence in the workplace, 2010

<sup>4</sup> Oregon Department of Human Services, Office of Disease Prevention and Epidemiology, 2005

meeting with a police officer to make a report, or finding a safe apartment quickly at an address unknown to the abuser – can only be done during specific hours. As a result, many victims are forced to choose between taking unpaid time off to take these steps to safety and putting food on the table or paying the rent. Losing a day's pay is not an option.

Legal aid attorneys frequently meet with clients who say they cannot afford to take unpaid time off work to spend the day at the courthouse to attend a contested restraining order hearing. Serious safety consequences are a reality when victims are unable to take leave to access protective remedies. In some cases, the inability to address safety concerns also can put the victim's family members, co-workers, and the community at risk. A victim should not have to risk homelessness and hunger for herself or her children in order to leave work for a reasonable amount of time to access safety measures that benefit all.

**Solution: Providing access to a minimum amount of earned sick leave would allow survivors who are escaping violence and their children to be safe and economically secure.** Economic independence is a primary indicator of whether a victim will be able to stay safe from abuse. If taking time off from work means victims can't pay their bills, some victims may be forced to return to an abusive situation as an alternative to homelessness or to ensure that their children are supported.

We want to facilitate employees' ability to make the safest decisions, not only for themselves and their children, but for the safety of other employees and the safety of the community who may be at secondary risk from the violence.

Thank you for your time and attention to this important matter.

Sincerely,

Sybil Hebb