

Unemployment benefits continued...

- ❑ You would likely become a victim domestic violence, sexual assault, or stalking if you stayed at your job

Be sure to explain in your application why you had to leave your job to stay safe.

If you are denied unemployment benefits, you can request a hearing within 20 days of the administrative decision. You may also call our statewide Public Benefits Hotline number at (800) 520-5292 for assistance.

Enforcing your Rights

If your employer refuses to provide you with any of the rights mentioned in this brochure you can:

- ❑ **File a complaint with the Bureau of Labor and Industry (BOLI).** BOLI is a state agency that helps enforce Oregon's employment laws. A complaint must be filed within one year of the illegal act. Call 971-673-0761 or visit: oregon.gov/boli.
- ❑ **Find an attorney to help you.** You can ask an attorney for help negotiating with your employer or filing a court case. You must file your case within one year of your employer's illegal act. You may wish to contact the Oregon State Bar Lawyer Referral Service at (800) 452-7636 or your local Legal Aid office: oregonlawhelp.org.
- ❑ **Public employees must file a tort claims notice.** If you work for a state or local government and you are considering filing a lawsuit, a tort claim notice must be sent to your employer within 180 days of the illegal act. If you need to file a tort claim notice, you should have an attorney help you.

About legal aid

Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC) provide free legal help to people struggling to make ends meet. LASO and OLC aim to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. To find your local legal aid office, go to oregonlawhelp.org

Additional resources

oregonlawhelp.org

Contains helpful legal information as well as a directory and contact information for legal aid offices in Oregon.

courts.oregon.gov

Contains forms for custody, divorce, and restraining or protective order cases (See "self-help" drop-down menu).

osbar.org/public/ris

Contains information about finding a lawyer in Oregon and about low-cost legal help through the Modest Means program.

ocadsv.org

Contains comprehensive list of domestic violence resources in Oregon, such as shelters, advocacy centers, counselors, as well as domestic violence publications.

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Legal Aid Services of Oregon & Oregon Law Center



A Safe Place to Work.

Workplace Rights for Survivors of Domestic Violence, Harassment, Sexual Assault, or Stalking.

This brochure is provided by Legal Aid Services of Oregon for general informational use only. It is not a substitute for individual legal advice. Consult an attorney for more information or for advice. The information in this pamphlet is accurate as of August 2017.

Protection from discrimination

It is unlawful for **any Oregon employer** to discriminate against a victim of domestic violence, sexual assault, or stalking. This means your employer cannot:

- Refuse to hire you solely because you are a victim.
- Fire, threaten to fire, demote, suspend, reduce your hours, or retaliate against you because you are a victim.
- Refuse to make a reasonable safety accommodation for you (see below)

Reasonable safety accommodations

It is a form of unlawful employment discrimination for **any Oregon employer** to refuse to provide a “reasonable safety accommodation” to an employee who is a victim of domestic violence, sexual assault, or stalking. A reasonable safety accommodation is a change in a workplace rule or job requirement that is intended to help keep you safe at work.

The requested accommodation must be reasonable. An employer can refuse a request if it would create an “undue hardship” on them. (see “*Undue hardship*” section).

Examples of safety accommodations

- A change in work schedule, work phone number, office placement, job duties, or transfer to a new location
- Someone to walk you to and from the parking lot
- Reasonable time off to get a restraining order, move, or attend counseling (see next section for more information)
- Other changes to keep you safe at work

Certification

If you request a safety accommodation, your employer can ask you for “certification” that you are a victim. Any information you give to your employer must be kept confidential.

You can use any of the following documents to prove you are a victim:

- Restraining order or protective order
- Police report
- Letter or other document from a counselor, attorney, pastor, domestic violence advocate, or health care provider stating that you are a victim

Reasonable time off from work

Oregon employers with 6 or more employees must provide victims of domestic violence, harassment, sexual assault, or stalking with reasonable time off from work to attend to safety-related matters, **unless** the requested time off would create an undue hardship for the employer (see “*Undue hardship*” section).

Time off can be used for:

- Working with police, applying for a restraining order, or attending a court hearing to keep you or your minor child safe
- Obtaining medical treatment for injuries caused by abuse
- Attending counseling, or assisting your minor child in attending counseling related to domestic violence, stalking, harassment, or sexual assault
- Obtaining services for yourself or your minor child from a victim services provider
- Moving to a safer home or taking steps to make your current home safer

Using paid leave

If you have it, you may use vacation, sick leave, or other paid leave to cover your time off. If you don’t have any paid leave, you can take time off without pay.

Under Oregon’s new sick leave laws, if you work for an employer with 10 or more employees, (or in Portland, 6 or more employees) you are entitled to paid sick leave. If you work for the state or local government, you are entitled to 160 hours of paid domestic violence leave, in addition to other paid leave.

How to request time off

If possible, give your employer reasonable notice of your intent to take time off from work. What is reasonable will depend on the company you work for and the type of work you do. Generally, try to follow normal workplace procedures for requesting time off.

Undue hardship

An employer does not have to grant a safety accommodation or time off from work if it would create an “undue hardship.” Whether a request will be considered an undue hardship depends on the nature of the work you do, the cost of the requested accommodation, and the size and resources of your employer. If your employer says your request creates an undue hardship, they have to work with you to try to find a more reasonable accommodation.

Unemployment benefits

You may be eligible for unemployment benefits through the Oregon State Employment Department if you left your job because:

- You were afraid for your safety or the safety of an immediate family member, and **(continued on back...)**