

# Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018

- Fact Sheet for Employees and Job Applicants -



(created September 25, 2019)

## What is the Law About?

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The *Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018* protects victims and family members of victims of domestic violence, a sexual offense, or stalking (“DVSOS”) against discrimination by employers, employment agencies, and labor organizations in the District of Columbia. OHR will begin enforcing this law on **October 1, 2019**.

**What is “domestic violence”?** A pattern of abusive behavior that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member.

**What is a “sexual offense”?** Incest, sexual abuse, or attempt to commit incest or sexual abuse.

**What is “stalking”?** Engaging in a course of conduct directed at a specific individual – with the intent to cause the individual to or knowing the conduct would cause the individual reasonably to: (1) fear for personal safety or safety of another; (2) feel seriously alarmed, disturbed, or frightened; or (3) suffer emotional distress.

**Who is included in the definition of “family member”?**

- Spouse – *including domestic partners*
- Parents of a spouse
- Children – *including foster children and grandchildren*
- Spouses of children
- Parents
- Brothers and sisters
- Spouses of brothers and sisters
- Child who lives with an individual and for whom the individual permanently assumes and discharges parental responsibility
- Person with whom an individual shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the individual maintains a committed relationship

## What Are Employers Not Allowed To Do?

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1. **Discriminate:** Employers may not take an adverse employment action against an employee based wholly or partially on the fact that:
  - An employee attended, participated in, prepared for (or requested leave to attend, participate in, or prepare for) a criminal, civil, or administrative proceeding related to DVSOS;
  - An employee sought physical or medical health treatment or counseling relating to DVSOS; or
  - An individual caused a disruption at the employee’s workplace or made a threat to the employee’s employment, related to DVSOS.

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2. **Refuse To Provide Reasonable Accommodation:** Employers are required to provide reasonable accommodations to victims of or family members of victims of DVSOS when it is necessary to ensure the employee's security and safety – unless the accommodation would cause the employer an undue hardship.
3. **Disclose Information Without The Employee's Consent:** Employers may not disclose any information related to an employee's status as a victim of or family member of a victim of DVSOS that was provided

### **What If The Employer Does Something It Is Not Allowed To Do?**

You can submit an Intake Questionnaire to the DC Office of Human Rights (OHR), if you believe an employer in the District has:

- A. Discriminated against you because of your status as a victim of or family member of a victim of DVSOS,
- B. Wrongfully denied you a DVSOS-related reasonable accommodation, or
- C. Unlawfully disclosed information that you provided to the employer related to your status as a victim of or family member of a victim of DVSOS.

The Intake Questionnaire must be filed within one year of the alleged violation and can be filed:

- Online: [ohr.dc.gov](http://ohr.dc.gov)
- In-Person/Mail: 441 4th Street NW, Suite 570N, Washington, DC 20010
- Email: [intake@ohr.dc.gov](mailto:intake@ohr.dc.gov)
- Fax: (202) 727-9589

### **What Happens After I Submit The Intake Questionnaire to OHR?**

1. **Intake:** OHR will review the Intake Questionnaire and if it satisfies jurisdictional requirements, OHR will schedule an intake interview with you.
2. **Formal Complaint:** If, after the interview, OHR accepts your case for investigation, it will file a formal complaint – or Charge of Discrimination – and send the complaint to the employer.
3. **Mediation:** OHR will require you and the employer to attend mediation to attempt to resolve your complaint.
4. **Investigation:** If mediation is unsuccessful, OHR will launch a full investigation of the case.
5. **Conciliation:** If OHR finds probable cause to believe that a violation occurred, the case will be sent for mandatory conciliation (similar to mediation).
6. **Hearing:** If conciliation is unsuccessful, the case will be sent to a full hearing before the Commission on Human Rights (private sector cases) or before an Administrative Law Judge (District government cases).

### **Questions**

Questions about your rights under this law or the OHR complaint process can be directed to OHR's office at (202) 727-4559.