Domestic Violence Bill

Allow employment leave and safety remedies for victims of domestic violence

The Bill

H.1764: An Act to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault

Storybook Excerpt

August 15, 2013: Jennifer Martell, 27, of Waltham, was stabbed to death allegedly by Jared Remy, 34, her boyfriend and father of their 4-year old daughter.

Two nights before the murder, Martell had escaped to a neighbor’s house and called the police to report that Remy had grabbed her by the neck and smashed her head into a mirror. Remy was arrested and released on personal recognizance, issued a “no abuse” order, and ordered to return for a hearing in the morning. At the hearing on Wednesday morning, prosecutors did not seek bail or a stay away or no contact order. When Martell returned to their home to collect some belongings, Remy attacked Martell with a knife. Two neighbors attempted to pull Remy off of Martell while he was strangling and attacking her.

Maureen Gallagher, Policy Director of Jane Doe, Inc.: The Massachusetts Coalition Against Sexual Assault and Domestic Violence, supports H.1764. “If they lose their job because they have missed work, that sets them back. They may return to an unsafe situation. This [bill] is a key economic empowerment tool.”

John Hurst, president of the Retailers’ Association of Massachusetts, supports H.1764 and said in his testimony: “Of all the various leave bills out there, whether it be maternity, family leave, paid sick leave, this certainly would be one we aren’t opposing.”
Hi Representative. Our names are Kelly Peterson and Marisa Budlong. As residents of Waltham and students at Brandeis University, we’d like to talk to you today about an issue we are concerned about and one that is of pivotal importance to the Commonwealth today – domestic violence. With 1 in 4 Massachusetts women experiencing domestic violence in the Commonwealth, it poses a serious threat to the safety of Massachusetts’s residents and families. This past summer, Jennifer Martell was murdered in our own backyard. We have both lived off-campus in Waltham, and feel a strong connection to this community. These are the people we see and talk to everyday – these are our neighbors. It was heart wrenching to find out that something like this happened period – let alone happen down the street. Unfortunately, Martell’s incident is not isolated. There were 14 other deaths in the Commonwealth resulting from domestic violence disputes. Incidents like this like are more likely to occur when victims are economically isolated – which is often the case. Abusers cut off all means of protection, and even passionate neighbors – like the neighbors who tried to pull off Jared Remy from Martell – cannot prevent domestic violence from happening. It is Massachusetts representatives like you who can. H.1764 allows victims up to 15 days of employment leave to take care of needs fundamental for economic independence from their abusers. Business associations even support this bill since they know that protected and healthy workers are better employees. We’re asking you to support this bill because victims deserve the chance to get back on their feet.

Do you have any reservations about the bill, and how can we address those?

Letter to the Legislator

We are advocates for H.1764, which would allow victims of domestic violence to have the option of 15 days of employment leave. This issue is especially important to us because this past summer a Waltham resident was murdered in a domestic dispute. Waltham is our community, and as both of us have lived off campus in the city we feel very connected to its residents. Sadly, this is not an isolated incident. There were 14 other victims that died due to a domestic dispute this past year in Massachusetts. In addition, 1 in 4 women in Massachusetts will experience domestic violence in their lifetime. Massachusetts’s residents deserve the right to resources to seek help, find safe situations, and get back on their feet.

According to Safe Horizon, women brought to emergency rooms due to domestic violence are usually more socially isolated and have fewer financial resources. This financial uncertainty can cause victims to stay with their abusers solely for economic reasons – often without the option of turning to anyone for help and without knowing the resources available. If victims are forced to choose between their jobs and finding services for their health and well being, they will often forgo their basic needs in order to continue working. Senator Cynthia Creem has stated that between 25% and 50% of violence victims have lost a job because of absences stemming from their abuse. These victims are often too afraid and embarrassed to tell their employers the reason they missed work.

H.1764 allows victims up to 15 days of employment leave in order to seek counseling, medical attention, or legal assistance; find secure housing, appear in court; obtain a protective order; attend a meeting with a district attorney or law enforcement official; or attend child custody hearings. These needs are fundamental to ensure a victim’s economic independence from abusers. H.1764 would allow for victims to utilize a vital economic tool that ensures job security while they take care of their needs.

Any concerns regarding the economic impact of this bill are unwarranted. Business associations support this bill because they value their employees’ safety, and know the bill will not be a burden. H.1764 protects businesses’ profits by allowing the company to choose if the leave is paid or unpaid. Small businesses are also protected, as this bill does not apply to businesses with less than 50 employees.

We are writing this letter in the hope that you will support H.1764. The safety and well being of your Massachusetts residents depend on it.

House Ways and Means Script

We are advocating for An Act to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault, H.1764, because we want to do what we can to improve the safety Massachusetts communities, including our own. Once in an abusive relationship, it is extremely hard for victims of domestic violence to survive economically independent from abusers. With 1 in 4 Massachusetts women experiencing domestic violence, this is by no means a small problem. This is an issue that affects everyone – schools, businesses, mothers, children, police officers – whole communities are
terrorized by domestic violence and it is time that we did something to stop it.

H.1764 allows 15 days of employment leave from work in order to seek counseling, medical attention, or legal assistance; find secure housing; appear in court; obtain a protective order; attend a meeting with a district attorney or law enforcement official; or attend child custody hearings. This leave is paid or unpaid at the discretion of the employer. In fact, Associated Industries of Massachusetts (AIM) and the Retailers’ Association of Massachusetts (RAM) support this bill – RAM calling the bill ‘reasonable.’

Domestic abuse can infiltrate into any workplace. 74% of employed partner violence victims were harassed by their partner while at work, which caused 56% of them to be late for work at least 5 times a month, 28% to leave early at least 5 days a month, and 54% to miss at least 3 full days of work a month. These victims are often afraid and embarrassed to tell their employers why they missed work.

The cycle of domestic violence is a cycle of increasing extremities. Each time an incident occurs, it is likely that the next incident will be worse. Victims often cannot escape because they are dependent on their abusers. This dependence allows abusers to trap their victims in an inescapable situation, and the importance of job security for victims becomes vital for survival. Economic independence allows victims the possibility and means of escape.

Not only does domestic violence cause chaos within households and communities, it is also a financial burden. Domestic abuse costs the United States $8.3 billion in expenses annually – a figure that includes a loss of $2.5 billion in worker productivity. There is a possibility of money being saved from this bill, since workers who would not be in the workforce or would be poor workers would have the opportunity to put a higher focus onto their work.

There is not an opposition to this bill because there is no downside to it. In order for this bill to pass, it needs to get out of committee. While there is not an opposition to this bill, there is apathy towards issues of domestic violence. This violence doesn’t have to happen, we let it happen.

We want you to support victims and advocate for this bill as it goes through the House Ways and Means.

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**Excerpts from Campaign Journals**

**Marisa**

I was contacted by Suffolk University to come talk with their students about becoming a student sexual violence prevention activist. Along with lobbying for a domestic violence bill this semester, I have also been involved with the newly formed Brandeis Students Against Sexual Violence (B.SASV), who recently sent their demands to the administration. Because of my increasing interest in work involving gender-based violence, I have reached out to many professors about doing a senior thesis on the climate of sexual violence on the Brandeis campus. This is how I ended up being contacted.

At the panel, I discussed the methods B.SASV has used in order to gain awareness of this issue – as well as start the process of making room in our budget for basic safety measures for survivors of sexual violence (which is often gender-based). I also discussed lobbying for the domestic violence bill, and how I had to frame the understanding of domestic violence to representatives and their aids, which is quite different from an academic discussions on gender-based violence or even the rhetoric used by campus sexual violence prevention activists.

**Kelly**

[Marisa and I attended a press conference about domestic violence organized by Speaker DeLeo.] DeLeo’s Press conference was a great event to go to because I was able to see things that normal people like me are usually not able to see. After reading about the press conference on the State House News Service, Marisa and I thought that it was a big event that was open to the public. When we got to the event, which was in the House Member’s Lounge [not on any map of the State House- and from what we can tell is usually only open to House members], after walking through two doors with security guards [who let us in when we asked], we realized it was only for press, legislators and a few legislative aides. However, we were already there, so we sat down and tried to act like we were supposed to be there.

The event was amazing, because it was exactly related to what we have been working on all semester. We were able to hear DeLeo and Martha Coakley, the Attorney General, speak about the failures of the justice system in the case of Jared Remy, and how they hoped to fix these failures with a new domestic violence bill. We were also able to hear the press question both Coakley and DeLeo about who was to blame for the death of Jennifer Martel. Both individuals blamed the judicial system of the time,
and didn’t blame specific organizations or people. The two gave an overview of what the bill would entail, which unfortunately did not include our domestic violence leave legislation.

We didn’t make any connections at this meeting, because we were a little worried that if we talked to anyone, and they realized who we were, they would have realized that we weren’t supposed to be there. However, we did learn a lot about how a press conference works, what it looks like when press asks questions, and see the biggest players in this issue talk about why it was important to them.

■ Update
H.1764 was incorporated into S.1892, a larger domestic violence bill. S.1892 passed and was signed into law by the governor on August 8, 2014.

For more information
Jane Doe, Inc.
www.janedoe.org
REACH Beyond Domestic Violence
www.reachma.org