

If an employee feels that this right has been violated, they can file a complaint with the US Department of Labor or with the Federal Court within two years of the violation. For more information, call (919) 790-2741 or visit <http://www.dol.gov/whd/fmla/>

Domestic Violence Restraining Order Leave

Victims are guaranteed the right to take "reasonable time off" in order to obtain a domestic violence restraining order.

Public Policy Violation

An exception to the "at will employment" rule is when a worker is fired for simply following the law. It also applies when a victim attempts to assert their rights according to law.

COMPENSATION

Short Term Disability

A worker who is assaulted off the job and unable to work for extended periods of time may be eligible for this benefit that provides up to one half of their wages or \$170 a week. This benefit cannot be used when other benefits are being received such as unemployment insurance or other resources. www.osp.state.nc.us/ada/welcome.htm

(919) 733-0054

Workers Compensation

This benefit is usually the sole remedy that covers the medical costs and lost wages of an employee who was injured on the job. In terms of violence, it applies to workers who were assaulted by another employee, or by a stranger, as in the most common cases.

Workers compensation is also a protection for the employer as it generally prevents the employee from filing a lawsuit for damages that would be much greater than medical costs and wages compensation. www.ic.nc.gov

Victims Compensation Fund

For workers who are victimized by violent crime either on or off the job, The Governors Crime Commission offers a program to pay for medical bills, partial lost wages, and even funeral expenses. The process may take up to a year but can cover medical expenses up to \$30,000, up to \$140/week in lost wages and a maximum of \$7,500 in funeral expenses. To apply, contact the NC District Attorney's office or the Governors Crime Commission at (919) 733-4564.

Unemployment Insurance

This temporary benefit provides a portion of a worker's pay if they lost their job "through no fault of their own." It does not apply if a worker willingly quits their job. They are required to provide proof of their situation through some form of documentation. www.ncesc.com

Civil Lawsuit for Negligence

Even if a victimized employee is eligible for workers compensation, they may be able to pursue civil tort action to seek remedy for their victimization.

The incident usually has to demonstrate gross negligence in the employer's responsibility to protect its work force as in a wrongful death lawsuit. Contact an attorney or visit www.legalaidnc.org

Available online



www.peaceatwork.org



www.soroptimistraleigh.org

Victims of Violence Employment Rights and Resources



Employment is a vital component for victims of violence. It offers safety, benefits, independence, friendship, and money they need to limit the impact of violence in their lives.

This brochure identifies North Carolina laws and resources available to address victims' security, employment rights, and compensation.

SECURITY

OSHA (Occupational Safety and Health Act)

The general duty clause mandates that the workplace be free from recognized risks that could cause bodily injury or death. The NC Department of Labor has regional and central offices at www.nclabor.com.

Temporary Restraining Orders (TRO)

Known as protective orders or peace orders, there are several different civil orders that can be obtained to prohibit an individual from communicating with, contacting, or coming to the victim's workplace.

Workplace Restraining Order

This is a protection that only the employer can apply for their workplace and/or a particular employee. It can be utilized against any person: ex-employee, a disgruntled client, a loiterer, or someone who is stalking an employee.

The employer must communicate with the employee victim for whom they are getting the order. However, the employee is protected from losing their job if they refuse to participate in the process of obtaining the order.

A workplace restraining order may be obtained through filing a district court civil action with the local district, usually requiring the services of an attorney though it is not mandatory. (There is a \$70-\$75 filing fee).

Domestic Violence Restraining Order

Also known as a 50-B, this is an order that can be obtained against a former intimate partner, prohibiting them from visiting or contacting by phone, mail or other means and can include the workplace. The parties could be married, separated, living together or just dating. For homosexual relationships, the individuals must have lived together in order for one party to obtain this protection.

There is no fee and forms can be obtained from the local district Clerk of Court. To obtain this protection, an individual may apply directly or seek support from the local domestic violence services provider.

Civil Restraining Order

While a domestic violence restraining order requires two parties to have some sort of prior relationship, a civil restraining order (50-C) is available in cases where a stranger stalks a victim. The offender is not banned from firearm possession. The order can prohibit contact and communication at any time, can identify the workplace as a protected area and is valid for one year with opportunity for renewal.

SAVAN (Statewide Automated Victim Assistance Notification)

A victim can dial in to register a phone number with this automated system to provide notification by telephone the moment an offender is released or has escaped from custody. A PIN code is registered to ensure that the right person receives the message. More information is at www.ncsavan.org.

Criminal Justice Law

If an employee has been victimized by any criminal offences while at work, they have the right to have the offender arrested. Once the offender has been arrested, the threat is removed while they stay in jail until the trial. Among the laws that protect a person from violence include Threats, Communicating, Damage to Property, Assault, Stalking, Telephone Harassment and Sexual Offences. Contact their local law enforcement or go to the magistrate to obtain a criminal warrant.

EMPLOYMENT RIGHTS

Americans with Disability Act (ADA)

This law prohibits employers from discriminating against an employee for having a disability but is still able to carry out the essential function of their job. If an employee is physically or psychologically impacted, their employer is required to provide reasonable accommodations to help them do their jobs. More information is available at www.osp.state.nc.us/ada/welcome.htm (919) 733-0054

Title Seven- Discrimination

Title VII of the Civil Rights Act of 1964 may protect employees that fall under the five protected classes: race, national origin, age, religion and gender. If no action was taken or if the situation persists, a victim may contact the Equal Employment Opportunity Commission for more information or to file a complaint.
<http://www.eeoc.gov/field/charlotte/>

Family Medical Leave Act

If an employee experiences a "serious health condition" due to their victimization they may be entitled up to 12 weeks of unpaid leave.

This benefit also extends to workers who need to take time off to care for a child, spouse or parent who has been victimized.

This protection guarantees the right to unpaid leave (though a worker can still use their sick leave and other leave), the continuation of their healthcare benefits and that they will have the same job or an equivalent position when they return to work.