

# Leave from work for survivors of domestic violence, sexual assault, or stalking

## Author

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Learn about your right in Washington State to take time off from work to address domestic violence, sexual assault, or stalking. This is sometimes called “safe leave.”

**Community organizations can help!** If you’ve experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services.

Visit Washington State Domestic Violence Information & Referral (<https://www.domesticviolenceinforeferral.org/domestic-violence-programs>) to search for local programs by county, or for culturally/community specific ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=1](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1)) or

### Tribal programs

[https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=2](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2)

[https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=2](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2).

You can call, text, or chat online with advocates 24/7 at any of these:

- National Domestic Violence Hotline  
(<https://www.thehotline.org/>), 1-800-799-7233
- National Sexual Assault Hotline (<https://rainn.org/resources>),  
1-800-656-4673
- StrongHearts Native Helpline  
(<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

## **What is domestic violence, sexual assault, and stalking?**

**Domestic violence** is a pattern of physically and/or emotionally abusive behavior used to control another person with whom the abusive person has an intimate or family relationship. The legal definition of domestic violence is similar.

**Sexual assault** is any unwanted sexual contact, including unwanted sexual touching, molestation, rape, or attempted rape. It also includes promoting prostitution.

**Stalking** is any intentional incident of threatening, harassing, following, surveillance, or coercive behavior that occurs more than once and causes you

to fear for your safety, the safety of someone you know, or your property.

### What can I use this leave for?

Survivors of domestic violence, sexual assault, or stalking often must do many things to recover from abuse and get safe. For example, you can take time off from work to (<https://www.lni.wa.gov/workers-rights/leave/domestic-violence-leave>):

- File a police report about the domestic violence, sexual assault (<https://www.seekthenspeakwa.com/>), or stalking
- Take part in civil or criminal court proceedings related to the domestic violence, sexual assault, or stalking, like getting a protection order or divorce or testifying in a criminal trial
- Get medical treatment, including mental health counseling
- Work with an advocacy program, such as a domestic violence program or a rape crisis center
- Move to a domestic violence shelter
- Take other actions you may need to take to protect your safety
- Help a family member with any or all these things

### Who can take this leave?

- **Any employee who's a victim of** domestic violence, sexual assault, or stalking may take time off from work to address the violence.
- An employee **whose family member (child, spouse, intimate partner, parent, grandparent, or parent-in-law) has been a victim** may also use this leave to help that family member address the domestic violence, sexual assault, or stalking.
- **Part-time and seasonal** employees can take this leave.

If the Minimum Wage Act doesn't cover you, for example if you're a salaried manager or a professional like a doctor or lawyer, this law doesn't cover you either.

## **Do all employers have to follow this law?**

Yes. All employers in Washington, no matter what their size, must give most of their employees this paid leave. Both public and private employers must follow this law.

Seattle (<https://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time>) and Tacoma (<https://tacoma.gov/government/departments/finance/minimum-employment-standards/>) have their own paid leave laws. If you work in Seattle or Tacoma, you'll be covered by whichever law is more generous to you – state or city.

## **Can I be fired or demoted for taking this leave?**

Most employers can't fire or demote you for taking this leave (<https://www.lni.wa.gov/workers-rights/workplace-complaints/protected-leave-complaints>). The only employers that don't have to give you your job back are temporary staffing agencies that had assigned you to a temporary job. All other employers must give you back your job at the same level of pay and benefits you had when you took the leave or give you an equivalent position.

## **How many days can I take off work?**

The law says you may take **reasonable leave** - as much time as you need to address the domestic violence, sexual assault, or stalking. This may be only a

day or morning. Or this may be several days.

You don't have to take the leave all at once. You can take occasional days off instead if needed to address the domestic violence, sexual assault, or stalking. For example, you may take a day off to testify in court, only to find out in the courtroom that the hearing has been rescheduled (continued) to another day. Under state law, you can take another day off when you need to.

## **Do I have to tell my employer before I take the leave?**

Yes, unless you need to take leave immediately because of an emergency. If it's not an emergency, you must tell your employer in advance. Employers have the right to set their own notice policy. Your employer should tell you how many days' notice they expect before you can take this leave.

If an employer doesn't have a policy, you must give notice some time before you take leave. If you must take leave for an emergency, you must tell your employer on the first day you leave work. If you can't tell your employer yourself, you can have someone else tell them on your behalf. It is a good idea to give your employer as much notice as possible.

## **Do I have to prove to my employer that I need this leave?**

If you're taking 3 or more days off in a row, your employer can require proof that you need this leave time. To do so, you can share with your employer one of these:

- Your written statement
- A police report
- A court order, such as a protection order or criminal no-contact order, or some kind of court document showing that you or your family member

appeared in court

- A written statement or document from a professional that helped you or your family member, such as a domestic violence or sexual assault victim advocate, clergy member, or healthcare provider

Your employer must not violate your privacy or ask for unreasonable or expensive proof.

### **What if I have concerns about my privacy?**

You only need to give your employer enough information to prove that you or your family member is a victim of domestic violence, sexual assault, or stalking, and you need the leave for one of the reasons the law allows.

Your employer must keep your proof and any other statements about your need for this leave confidential. Your employer can only share this information if you say it's ok, or a court order or another law requires the employer to share it.

If you prove your need for this leave by giving your employer information about a professional who's helping you, your discussions with that professional are still confidential and protected by law.

### **Can I take leave to help someone else?**

You may take this leave to help your child, spouse, intimate partner, parent, grandparent, or parent-in-law who's been a victim of domestic violence, sexual assault, or stalking.

Your employer may ask for proof that this person is your child, spouse, intimate partner, parent, grandparent, or parent-in-law. The legal term for

intimate partner here is “in a dating relationship,” which means a social relationship of a romantic nature. That may include someone you’re dating, your registered domestic partner, or your committed intimate partner. You can prove that the person is your family member by giving your employer any of these:

- Your written statement
- A birth certificate
- A court order
- Other similar documentation

## **What if my employer refuses to let me take leave or fires or demotes me?**

If your employer doesn’t follow the law, you can file a civil action in court, or you can file a complaint with the Department of Labor and Industries (L&I) (<https://www.lni.wa.gov/workers-rights/workplace-complaints/worker-rights-complaints>). If L&I finds that your employer did not follow the law, they may issue a notice of infraction and fine your employer (\$500 for the first offense, or \$1,000 for other infractions within 3 years). L&I may also make your employer give you your job back.

No matter if L&I decides to issue a notice or fine, you may file a civil action in court. In the civil action, you can ask the court to order your employer to give you your job back, and/or pay you money to compensate you for your lost wages and other damages.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

<https://assets.washingtonlawhelp.org/en/leave-work-survivors-domestic-violence-sexual-assault-or-stalking>