Crime Victims are Now a Protected Class

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Effective July 1, 2018, Act 184 adds "crime victim status" to the list of classifications legally protected from employment discrimination under the law. Other categories protected under state or federal laws include race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, physical or mental condition, marital status, veteran's status, HIV status, pregnancy status, and genetic information.

This new Vermont law also provides certain rights to take unpaid leave – or paid leave if available – to employees who are crime victims. Further, all employers must conspicuously display a workplace poster informing employees of these rights. To download a free copy of the new poster, visit www.labor.vermont.gov/wordpress/wp-content/uploads/Crime-Victims-Poster….

Under the law, a "crime victim" means any of the following:

- a person who has obtained a relief from abuse order against a family or household member
- a person who has obtained a court order against stalking or sexual assault
- a person who has obtained a court order against abuse of a vulnerable adult
- a victim (which includes the victim's child, foster child, parent, spouse, stepchild or ward who lives with the victim, or a parent of the victim's spouse) who has sustained physical, emotional, or financial injury as the direct result of a crime and is identified as a crime victim in an affidavit filed by law enforcement

Employees who are crime victims and who have been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week have the right to take unpaid leave to attend:

- criminal proceedings where the employee has a legal right or obligation to appear at the proceeding

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- relief from abuse hearings and neglect or exploitation hearings under when the employee is a plaintiff
- hearings concerning an order against stalking or sexual assault

Employees on crime victim leave may use any accrued sick leave, vacation leave, or any other paid leave to which they are entitled. Employees must continue to receive employment benefits while on leave and have the right to return to their same job or a comparable position upon their return.

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