

Illinois Broadens Its Protections Under Victims' Economic Security and Safety Act (VESSA)

Two weeks ago we wrote about the Illinois General Assembly approving the Workplace Transparency Act ("[Act](#)"). We observed that the Act's changes to the Illinois Human Rights Act required employers to protect independent contractors from [harassment](#). This is an expansion of an employer's obligations under Illinois law that goes well beyond federal law.

The focus of this week's article is how the Act changes employer's obligations as they pertain to employees who experience domestic violence. Under the Act, employees' rights under Illinois' VESSA statute are expanding beyond the domestic sphere. Illinois employers will soon be required to provide unpaid leave for employees who not only experience sexual or domestic violence, but also gender violence. This begs the question, "why not give leave to all crime victims?"

The Law

Illinois' Victim's Economic Security and Safety Act ("VESSA") provides an employee who is a victim of domestic abuse or sexual violence, a certain amount of unpaid leave.

When the Act was originally passed in August 2003, only employees of employers with 15 more employees were entitled to leave.

As of January 2017, all Illinois employers with at least one or more employees are subject to VESSA. The total amount of leave an employee is entitled to take each year is dictated by the number of individuals employed by the employer.

Number of Employees	Total Leave Per Year
1 - 14	4 weeks
15 - 49	8 weeks
50+	12 weeks

Protected leave can be taken to 1) obtain medical attention, psychological or other counseling; 2) to recover from physical or psychological injuries caused by the violence; 3) obtain services from a victim services organization; 4) participate in safety planning; 5) temporarily or permanently relocate; 6) take action(s) to increase the employee or the employee's family's safety from future domestic or sexual violence or ensure economic security; and/or 8) seek legal assistance.

Under the Act, VESSA will be expanded so that victims of gender violence are entitled to the same protections provided to victims of domestic and sexual violence. The Act adds the term "gender violence" wherever domestic and sexual violence are referenced. Its definition of "gender violence" is broad.

What Does This Mean For Employers?

The impending change to VESSA has not received much publicity given the many other changes contemplated in the Act. But, it is important because it moves the VESSA statute

further out of the domestic sphere and into society at large. Put another way, we eventually expect VESSA leave to be granted to any employee who is the victim of any crime, regardless if it is sexual violence, domestic violence, or gender violence. Remember, you heard it here first. Paragraphs

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