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Connecticut Expands Anti-Discrimination Protections

Connecticut's broad anti-discrimination laws just got broader. The Connecticut Fair Employment Practices Act (CFEPA) prohibits discrimination based on many protected characteristics, such as race, age and disability. The CFEPA is broader than federal anti-discrimination laws in both coverage (it applies to more employers) and scope (it covers more categories of employees). Effective October 1, a new statute (the Act) expands the CFEPA even further on both fronts and includes additional leave and posting requirements that Connecticut employers should be aware of.

Expanded Coverage

The CFEPA now covers all Connecticut employers with ***one or more employees***. Previously, the CFEPA applied only to employers with three or more employees. This means that even the smallest Connecticut employers now must adhere to the requirements of the CFEPA. This also means that out-of-state employers with even one employee working remotely from Connecticut should ensure compliance with the CFEPA.

Expanded Scope

The CFEPA now includes status as a victim of domestic violence as an additional protected class. Thus, employers are prohibited from discriminating against employees based on their status as a domestic violence victim.

Required Leave Policy

The Act also requires employers to provide victims of domestic violence with a reasonable leave of absence in order to:

- seek treatment for injuries caused by domestic violence;
- obtain services, including safety planning from a domestic violence agency or rape crisis center, as a result of domestic violence;
- obtain counseling related to an incident or incidents of domestic violence;
- take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- obtain legal services, assist in the prosecution of the offense or otherwise participate in legal proceedings in relation to the incident or incidents of domestic violence.

The Act does not define what is "reasonable," but it likely depends on the circumstances. An existing Connecticut law already requires employers with three or more employees to provide up to 12 days of leave per year to employees who are victims of family violence. The Act does not address how the two provisions will interact, but employers with three or more employees may require that family violence leave run concurrently with domestic violence leave if the employee's need for leave qualifies for both. However, a reasonable leave for domestic violence reasons could extend beyond the 12-day maximum for family violence leave. Employers are permitted to require that employees provide certification to confirm their need for a leave under this section. Any information an employer receives regarding an employee's status as a victim of domestic violence must be kept confidential unless the employer is required by law or otherwise authorized to release it.

Required Postings

The law requires employers with three or more employees to post information concerning domestic violence and the resources available to victims of domestic violence in Connecticut. This requirement is in addition to other posting requirements under the CFEPA. Sample posters that comply with these posting requirements can be found on the Connecticut Commission on Human Rights and Opportunities website here.

Takeaways

All Connecticut employers, regardless of size, should update their anti-discrimination policies to include status as a domestic violence victim as a protected class and include a policy that provides for leaves of absence for victims of domestic violence. Employers with three or more employees should also be sure to comply with the additional posting requirement regarding domestic violence information and resources.

Authors



Heather Weine Brochin
Partner

Parsippany, NJ | (973) 966-8199

New York, NY | (212)-297-5800

hbrochin@daypitney.com



Glenn W. Dowd
Partner

Hartford, CT | (860) 275-0570

gwdowd@daypitney.com



Francine Esposito
Partner

Parsippany, NJ | (973) 966-8275

fesposito@daypitney.com



Rachel A. Gonzalez
Partner

Parsippany, NJ | (973) 966-8201

New York, NY | (212) 297-5800

rgonzalez@daypitney.com



Theresa A. Kelly
Partner

Parsippany, NJ | (973) 966-8168

tkelly@daypitney.com



Daniel L. Schwartz
Partner

Stamford, CT | (203) 977-7536

New York, NY | (212) 297-5800

dlschwartz@daypitney.com



Lindsey A. McCarthy
Associate

Hartford, CT | (860) 275-0211

lmccarthy@daypitney.com