



Connecticut Expands Employment Anti-Discrimination Protections

By Lindsey A. Viscomi, Daniel L. Schwartz, and Glenn W. Dowd

CONNECTICUT RECENTLY expanded the scope and reach of its employment anti-discrimination laws. The Connecticut Fair Employment Practices Act (CFEPA) prohibits discrimination based on many protected characteristics, such as race, age, gender, gender identity, religion, and disability. The CFEPA is broader than federal anti-discrimination laws in both scope (it covers more categories of employees) and reach (it applies to more employers). Effective October 1, 2022, Public Act 22-82 (the Act) expands the CFEPA even further on both fronts and includes additional

leave and posting requirements applicable to Connecticut employers.

■ 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 must comply with the CFEPA.

■ Expanded Scope

The Act expanded the CFEPA's definition of "employee" to include elected and appointed officials of a municipality, board, commission, counsel, or other governmental body.

In addition, the CFEPA now includes victims of domestic violence as an additional protected class. Thus, employers are prohibited from discriminating against an employee based on the employee being a domestic violence victim. Connecticut law broadly defines domestic violence to include both physical violence

and certain non-physical acts, such as stalking, a pattern of threatening, and/or coercive control.¹

Many other states similarly have provided protections for domestic violence victims in the workplace, including adding domestic violence victims as a protected class under state and local anti-discrimination laws, and requiring that employers provide leave for such employees to obtain necessary medical care, counseling, and/or legal assistance.

■ Required Leave Policy

Following other states, the Act requires Connecticut 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;
- ◆ **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 such determination likely depends on the circumstances. An existing Connecticut law² 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 presumably 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. Examples of such certification include police reports, a court protective order, or documentation from a medical professional. Any information or documentation that 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.

The Act further provides that if an employee has a physical or mental disability from an incident or series of incidents of domestic violence, employers are required to treat the employee the same as an employee with any other disability. This requirement effectively mandates reasonable accommodations for an employee who suffers from a temporary or permanent physical or mental disability arising from domestic violence.

■ Required Postings

The Act also requires employers 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 website of the Connecticut Commission on Human Rights and Opportunities (CHRO).

■ Training Requirement for State Agencies

The Act includes additional requirements for state agencies. State agencies must provide a minimum of one hour of training and education related to domestic violence, abuser and victim behaviors, how domestic violence affects the workplace, and resources available to victims of domestic violence. This training is required by July 1, 2023 for employees hired before January 1, 2023 or within six months after they are hired if after January 1, 2023.

The CHRO, in conjunction with the Connecticut Coalition Against Domestic Violence (CCADV), will develop a free online training and education video that will satisfy this requirement for state agency employees.

■ Other Recent Expansions to the CFEPA

The Act is just the most recent of several expansions Connecticut has enacted to the CFEPA. Last year, Connecticut adopted the CROWN Act³ (“Creating a Respectful and Open World for Natural Hair”), which supplements the definition of race under the CFEPA to include “ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.” Additionally, last year Connecticut made it discriminatory conduct under the CFEPA to include questions on an initial employment application that would disclose an applicant’s age, unless age is a bona fide occupational qualification or such information is required to comply with state or federal law.⁴

■ Takeaways

The Act is consistent with Connecticut’s recent trend of expanding employee rights and protections. Accordingly, 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 should also comply with the additional posting requirement regarding domestic violence information and resources. ■

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NOTES

1. Conn. Gen. Stat. § 46b-1(b).
2. Conn. Gen. Stat. § 31-51ss.
3. Public Act No. 21-2 (2021).
4. Public Act No. 21-69 (2021).