



Northwest Women's Law Center

*Advancing legal rights for women*

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**Court Rules Employers Cannot Fire Domestic Violence Victims Who Take Time Off From Work to Protect Themselves and Their Children**

*Washington public policy favors allowing workers time off to report abuse and seek assistance*

OLYMPIA, Wash. – October 3, 2008 - The Washington State Supreme Court today ruled that victims of domestic violence cannot be forced to choose between protecting their lives and protecting their livelihoods.

The case involves Ramona Danny, a former employee of Laidlaw Transit who was demoted after she took a two-week leave from work in order to deal with the aftermath of domestic violence. During this time, Ms. Danny cared for her son, who was hospitalized after being beaten by his father; attended criminal proceedings against her husband; moved herself and her five children into a battered women's housing program; obtained a protection order against her husband; and instituted divorce proceedings. When Ms. Danny protested her demotion by filing a discrimination claim with the Seattle Human Rights Commission, she was fired.

In a strongly-worded opinion, the Washington Supreme Court held that employers should not be allowed to effectively undermine the state's comprehensive structure of protections for domestic violence victims. The Court noted that many actions victims undertake to avail themselves of these protections – such as seeking legal advice, participating in legal proceedings, obtaining

medical attention, or locating new housing – often need to be done during normal working hours.

The Court stressed that “Washington State has a clearly defined public policy of protecting domestic violence survivors and their families and holding abusers accountable.” The Court went on to say that protecting employees from being fired under circumstances such as Ms. Danny’s “serves to safeguard that important public policy by allowing employees to do what they must to prevent domestic violence, without fear of losing their economic independence.”

**“Over the past 30 years, both the state legislature and state courts have repeatedly denounced the terrible consequences of domestic violence and worked to strengthen and expand the protections available to victims,” said Lisa Stone, executive director of the Northwest Women’s Law Center, which represented Ms. Danny. “All of that is rendered meaningless, however, if a woman like Ms. Danny has to put her job at risk in order to protect herself and her children. That source of income is a critical lifeline for a domestic violence victim who wants to leave her abuser and start over.”**

Ms. Danny filed this case in U.S. District Court, which asked the Washington Supreme Court to rule on only one question of state law: whether the state has clearly established a public policy prohibiting employers from firing an employee who takes leave from work to protect herself and her family from domestic violence. The case now returns to federal court for trial on Ms. Danny’s wrongful discharge claim.

In April 2008, Governor Christine Gregoire signed into law House Bill 2602, a bill that gives all employees who are victims of domestic violence, sexual assault, and stalking the right to take reasonable leave from work to address the effects of these crimes and attain safety. The new law was passed after Ms. Danny lost her job and thus, did not protect her. However, Ms. Danny’s testimony to the legislature was critical to the passage of the new law. “We applaud Ms. Danny’s courage and persistence in her pursuit of justice for herself and her family – and for all victims of domestic violence,” said Kathleen Barnard, cooperating counsel for the Northwest Women’s Law Center, who represents Ms. Danny.

The opinion is *Danny v. Laidlaw*, #78421-3, available at <http://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=784213MAJ>

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