

SURVIVOR TERRITORY EMPLOYMENT GUIDE

GUAM

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Guam law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, in Guam (**Guam Code Ann. 8-160-160.93**), an employer can't discharge or discipline employees who are victims of crime for responding to a subpoena or a prosecuting attorney's request to attend court to provide testimony involving that crime. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Guam has not enacted a law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off to Address "Crime of Violence" (Including Domestic Violence, Sexual Assault or Stalking):** In Guam (**Guam Code Ann. 22-3-3401 through 22-3-3405**), an employer is required to grant reasonable and necessary leave in circumstances where such leave is needed because the employee or the employee's child, parent, or spouse is a victim of a crime of violence. A "crime of violence" includes, but isn't limited to, domestic violence, assault, sexual assault, stalking or any act that would support granting an order of protection.

Employees may use the leave for the following reasons:

- Prepare for and attend court proceedings;
- Seek medical treatment or attend medical treatment for the victim's family member; or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

There is an exception to the law if the employer would sustain an undue hardship by granting the leave, if the request for leave is not communicated within reasonable time, or where the requested leave is impractical, unreasonable or unnecessary based on the facts known to the employer.

- **Time Off for Crime Victims:** In Guam (**Guam Code Ann. 8-160-160.93**), an employer can't discharge or discipline employees who are victims of crime for responding to a subpoena or a prosecuting attorney's request to attend court to provide testimony involving that crime.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other local laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Guam has not enacted a law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult the federal or territorial law applicable in Guam.