

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **VIRGIN ISLANDS**

### **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 employment handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

In the Virgin Islands ([V. I. Code Ann. 16-2-99c](#)), employers may not discharge, suspend, or discriminate against an employee who is a victim of domestic violence or sexual assault for taking time off work to seek medical treatment, take legal action, obtain mental health or social services or take any other measure calculated to ensure the safety and welfare of the employee or the employee's child. This also applies to a person who is the victim or witness of a crime that has been subpoenaed to appear in court.

Under the same law, employers also can't discharge, suspend, or discriminate against an employee who receives an unwanted visit, unwanted telephone calls, harassing emails, packages or is stalked at the job site by a person who perpetrated an act of domestic violence in which the employee was involved as a victim. However, the employer may require an employee to seek a restraining order after the first incident on the job.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, the Virgin Islands had 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**

At the time of publication, Virgin Islands law does not require employers to provide paid or unpaid sick leave or leave to address domestic violence, sexual assault or stalking.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, 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**

In the Virgin Islands ([V.I. Code Ann. tit. 24, Ch. 12 §304\(b\)\(12\)](#)), an individual may not be disqualified from benefits for separating from work because the individual is a victim of domestic violence. This applies to both the individual and the individual's immediate family. Under this law, "immediate family" includes the spouse or domestic partner of the individual, children, including stepchildren and adoptive children, grandchildren,

siblings of the individual, parents and grandparents of the individual and parents and siblings of the individual's spouse or domestic partner and members of the individual's household.

- *Do I have to show proof of domestic violence?* Under Virgin Islands law, an individual must provide reasonable documentation or another kind of evidence of the domestic violence that reasonably proves the individual felt continued employment would threaten their safety or their immediate family member's safety.