FAILING TO ADDRESS SEXUAL AND DOMESTIC VIOLENCE AT WORK: THE CASE OF MIGRANT FARMWORKER WOMEN

ROBIN R. RUNGE

Introduction .................................................................................................................871
I. Background .............................................................................................................874
   A. Migrant Farmworkers in the U.S. .................................................................874
   B. Maria ................................................................................................................878
II. The Application of Employment Law to the Sexual Assault of Migrant Farmworkers .................................................................880
    A. Title VII as a Failed Remedy .................................................................881
       1. Anti-Discrimination Provisions .........................................................881
       2. Application of the Anti-Retaliation Provisions of Title VII .................886
       3. Anti-Retaliation Protection for Family Members/Coworkers .................889
    B. State Legislation Prohibiting Discrimination Against Sexual Assault Victims ........................................................................890
III. Where to Go from Here: Defining and Responding to Domestic Violence and Sexual Assault at Work ........................................891
Conclusion .................................................................................................................896

INTRODUCTION

The concept of work life as family life and the blurring of the lines of the two are not new.1 Legal scholars have argued that our family and work

* Assistant Professor, University of North Dakota School of Law. The author thanks Marcy Karin and Christyne Vachon and the participants of the January 2012 Feminist Legal Theory Conference at The George Washington University Law School for their invaluable feedback on an earlier version of this paper, particularly Janie Chuang, Daniela Kraiem, Yxta Murray, and Deborah Widiss. An earlier version of this paper was presented at the joint session of the Section on Poverty Law and the Section on Clinical Education at the 2012 American Association of Law Schools Annual Meeting.


871