

# Paid Leave for Workers Facing Domestic or Sexual Violence

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**To Minister Harry Bains and  
Parliamentary Secretary Mitzi Dean**

BC Consultation on Domestic &  
Sexual Violence Leave

**October 4, 2019**

We welcome the opportunity to provide input on domestic and sexual violence leaves.

Unifor represents 315,000 members across Canada including 28,000 members in British Columbia. We have a particular expertise in negotiating domestic violence leaves in the workplaces we represent. Our Women's Advocate program was first bargained in 1993 and included recognition that workers need to have job-protected paid leave in order to rebuild their lives after facing domestic or sexual violence.

We commend the BC government for recognizing the importance of job-protected domestic and sexual violence leave; however, we were deeply disappointed that the initial legislation did not include paid leave. In every jurisdiction across Canada, with the exception of Alberta, there are paid leave days included in the law. We are asking the BC government to strengthen the law and include paid leave days.

The consultation identifies finding a balance between supporting survivors of domestic or sexual violence, recognizing potential costs to employers and ensuring B.C. businesses remain competitive we will address each of these points.

### **Supporting Survivors of Domestic or Sexual Violence**

As the government heard during their consultations into the Employment Standards Act changes, domestic and sexual violence continues to be a pandemic in our society. We know that this is also a gendered issue with women, trans and non-binary workers making up the overwhelming majority of victims.

Domestic violence is a workplace issue. It impacts the workplace and supports can be put in place there. Supports are vitally needed especially for groups who face a higher risk of violence, such as children, Indigenous women, immigrant and refugee groups, and women in remote and rural communities.

In a pan-Canadian study of domestic violence and the workplace called *Can Work Be Safe When Home Isn't*, 1/3 of respondents reported experiencing domestic violence from an intimate partner. Over 53% said that the domestic violence continued at work, 38% reported it affected their ability to get to work, 82% said it negatively affected their work performance, and 8.5% had lost a job due to domestic violence.

The study also showed that domestic violence affects co-workers, causing them to be stressed or concerned about the abusive situation. In the worst-case scenario, co-workers are in harms way including being murdered, as happened to manager Tony McNaughton in B.C. when he tried to protect his employee from her estranged husband.

Income security has been named as a key “determinant of safety” in a 2013 Report from the Woman Abuse Council of Toronto:

*Income security is a key determinant of health and wellbeing for individuals, families and communities. In the context of violence against women, income security may include access to savings, employment, social assistance and child support. Economic security is often the primary factor that influences a woman's decision to leave an abuser and/or to not return to an abusive situation. Women leaving violent relationships struggle to re-establish themselves and their children and face dramatic financial barriers in doing so.*

Where an employee finds themselves in an abusive relationship, they need the essential economic security of accessing a paid leave to assist them in seeking safety and dealing with a period of upheaval. In abusive relationships, financial control is often present. For workers seeking information on their rights or taking steps to leave a relationship, an absence of a paid day can alert their abuser to their actions. Statistics show the time around planning to leave or leaving a relationship are the most dangerous. A paid leave would allow a worker to take time to deal with the impact of violence while not alerting their abuser.

### **Unifor's experience**

Unifor has been a trailblazer in putting practical supports in place for workers in abusive relationships. We bargained our first set of workplace Women's Advocates in 1993. Advocates are trained peers who can refer workers to employer and community supports and support them through workplace issues such as potential discipline, risk assessment and safety planning. We now have over 375 Advocates across the country in all sectors of the economy.

We have also negotiated paid domestic violence leave in many of our collective agreements, allowing workers paid time off to deal with essential issues and rebuild their lives.

### **Recognizing Potential Costs to Employers and Ensuring B.C. Businesses Remain Competitive**

The Conference Board of Canada surveyed employers in 2015 about domestic violence and the role of the employer. The survey found that domestic violence impacts the workplace through losses in output, absences, and productivity. Physical and psychological violence in the workplace was increased by domestic violence. A full 71% of employers reported experiencing a situation where it was necessary to protect an employee facing domestic abuse.

The results were clear: employers were already faced with domestic violence at work, they just didn't have the tools to deal with it.

Providing an unpaid leave is less likely to assist a worker facing an abusive relationship. As mentioned above, financial security and financial surveillance are deterrents to accessing the leave.

Paid domestic violence legislation has been in place in Manitoba since 2016. Other provinces followed with their own legislation for paid leave. While there has not been an in-depth study of the usage of the leaves, there has also not been examples that employers have raised that illustrate undue costs.

In fact, of the workplaces where Unifor has bargained paid leave, there hasn't been a single employer who has come forward to remove it from the collective agreement as too costly.

Paid leave is in place in all jurisdictions except Alberta. Employers in B.C. will not face a competitive disadvantage given that other jurisdictions have paid leave. Employers can better remain competitive when they are not losing productivity through the impact of domestic violence including absenteeism, inattentiveness, anxiety and fatigue. In extreme situations, workers lose their jobs, quit or are killed. Bringing in paid leave increases the chances of retaining workers and can increase their chance of seeking help.

In a recent Australian study done of workplaces with paid domestic violence leave in their collective agreement found that only a small number of employees took the leave and, of them, on average they took 2-4 days leave.

## Conclusion

We urge the government to implement 10 days of paid leave with a reasonable burden of proof for the worker seeking leave. These days should be able to be taken on request of the worker. The stigma of dealing with domestic or sexual violence dictates that this leave be available without the additional burden of providing outside proof.

We also call on the government to put in place the best approaches from across the country in the areas of confidentiality. Training for employers and employees that uses a trauma-informed approach will increase the effectiveness of these leave provisions and create workplace cultures that support safety and self-determination.

Thank you for the opportunity to provide these views.