

A photograph of two women in conversation, overlaid with a semi-transparent red filter. The woman on the left is looking towards the woman on the right, who is speaking. The background is dark and out of focus.

# Bargaining a Domestic Violence Policy & Program

## Including a Unifor Women's Advocate

*Frequently asked questions by bargaining committees and the employer.*



**unifor**  
women | femmes



*An effective domestic violence policy or program should be a component of other workplace violence policies and procedures.*

*All employers should have a policy or program that will minimize the chance that domestic violence will enter the workplace and will assist with the response to an incident of domestic violence in the workplace.*

*This booklet is intended to answer most of the questions your bargaining committee may have in order to prepare to bargain a domestic violence policy and program (including a Women's Advocate).*

## Is Domestic Violence an Issue in Canada?

In 2011, the five most common violent offences committed against women were common assault (49%), uttering threats (13%), serious assault (10%), sexual assault (7%) and criminal harassment (7%). Women were 11 times more likely than men to be a victim of sexual offences and three times as likely to be the victim of criminal harassment (stalking). (Statistics Canada, 2013)

Overall, men were responsible for 83% of police-reported violence committed against women. Most commonly, the accused was the woman's intimate partner. (Statistics Canada, 2013) Statistics show that Aboriginal women, women with disabilities and young women are at high risk of intimate partner violence (Statistics Canada 2013).

Although men can be victims of intimate partner violence, women are more likely to be physically injured, fear for their life or be murdered (Statistics Canada 2013).

Approximately every six days, a woman in Canada is killed by her intimate partner. (Homicide in Canada, Statistics Canada, 2014)

## Why is the Workplace Involved?

Domestic Violence impacts the workplace through losses in output, absences, and productivity. A Government of Canada study estimated the economic impact of domestic violence to be \$7.4 billion.<sup>1</sup> Issues of domestic violence can also increase risk for physical and psychological violence in the workplace.

Employers know that domestic violence is a workplace issue but often report they don't know how to handle it. According to the Conference Board of Canada, 71 percent of employers reported experiencing a situation where it was necessary to protect a victim of domestic abuse.<sup>2</sup> These findings are consistent with results from Western University's pan-Canadian survey which found that one third of employees had experienced domestic violence at some point in their life.<sup>3</sup>

Of those who reported experiencing domestic violence, 38% indicated it impacted their ability to get to work (including being late, missing work, or both). In total, 8.5% of domestic violence victims indicated they had lost their job because of it.

Over half (53.5%) of those reporting domestic violence experiences indicated that at least one type of abusive act occurred at or near the workplace. 81.9% reported that domestic violence negatively affected their performance. Those experiencing domestic violence are not the only ones affected by it; many (37.1%) reported that their co-workers were also affected.

Many employers have already created a domestic violence policy or program in order to comply with domestic violence in the workplace legislation.

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1 An Estimation of the Economic Impact of Spousal violence in Canada, 2009. Department of Justice, Government of Canada

2 Domestic Violence and the Role of the Employer. The Conference Board of Canada. November 2015

3 Wathen, C.N., MacGreggor, J.C.D., MacQuarrie, B.J. with the Canadian Labour Congress. (2014) *Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic violence and the Workplace*. London, ON: Centre for Research & Education on Violence Against Women and Children

## **A Catalyst for Legislative Change in Ontario: The Murder of Lori Dupont**

In 2005 Lori Dupont, a nurse at a hospital in Windsor, was murdered in the workplace by another hospital employee with whom she had previously been in a relationship. This event was the catalyst for Bill 168 in Ontario which outlines the specific role and responsibilities of the employer when they discover or have had reason to suspect issues of domestic violence. The legislation states: "If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker."

Most other jurisdictions in Canada have also put legislation in place to deal with violence in the workplace.

## **Domestic Violence and Colleagues: The Murder of Tony McNaughton**

In January 2000, Tony McNaughton, a Starbucks manager in Vancouver, BC, confronted an armed man who entered the Starbucks to attack his estranged wife, a Starbucks worker.

McNaughton was not aware that the employee was being threatened and harassed by her ex-husband. However she had told a few colleagues of the situation after her husband had repeatedly called work to try to determine her whereabouts and lunch activities. Neither the victim nor the colleagues had reported the situation to management, thinking it was a private, family problem.

McNaughton was killed during the confrontation trying to defend the employee. The perpetrator was eventually convicted of second degree murder. This tragedy was the prime mover behind the efforts of WorkSafeBC to develop a workplace toolkit to help employers address domestic violence.

To download the toolkit please visit: <https://www.worksafebc.com/en/health-safety/hazards-exposures/violence/domestic-violence/resource-toolkit>

## **Unifor Women's Advocate Program**

The Women's Advocate program was first negotiated in 1993 at Ford, Chrysler and General Motors. It has been bargained across the country in all sizes of workplaces, in all sectors. It has been recognized internationally in the ILO's *Gender Equality and Decent Work - Good Practices in the Workplace Guide* and has been the subject of presentations during the UN Commission on the Status of Women proceedings. The Women's Advocate is part of a successful Domestic Violence at Work Policy and Program.



## **Principles of a Domestic Violence at Work Policy and Program**

A Domestic Violence at Work policy will demonstrate that the employer takes employees' safety seriously and recognizes that domestic violence is affecting its employees and can enter the workplace.

A successful policy will include the following principles:

1. Union selection of a Women's Advocate.;
2. The plan should provide for referral of employees to appropriate domestic violence support services;
3. Confidentiality of employee details must be assured and respected to the extent possible. Information will be shared on a "need to know" basis;
4. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned;
5. Provision of appropriate training and paid time off work for Women's Advocates;
6. Entitlement to domestic violence leave as well as access to flexible work arrangements where appropriate;
7. Protections against adverse action or discrimination on the basis of disclosure of, experience of, or perceived experience of, domestic violence.

## **Why is this Different than an EAP/EFAP Program?**

We find that the majority of employers indicate that their EAP or EFAP has a role and responsibility to address domestic violence at work although most employers are unsure what actual services and supportive practices they provide. We do find that the majority of victims will seek counselling on symptoms that emerge as a result of the abuse.

While counselling is very effective to help debrief after the situation often what needs to happen is assistance right in the moment. A woman is five times as likely to speak to someone she knows about an issue as opposed to a health professional. Threat assessments, access to a shelter, food banks, safety planning, follow up; someone who is in the workplace with the community resources at her fingertips to assist is the most effective means of help in the moment.

## **What is the Advocate's Role?**

The role of the Women's Advocate is to listen to and support others, to provide information, to refer women to appropriate resources and to follow-up in a confidential manner. The Women's Advocate provides referrals on issues such as domestic violence/intimate partner violence, sexual assault and stalking, she participates in risk assessments and safety planning, and often acts as a resource on equity issues in the workplace.

## **How is the Advocate Trained?**

In order to be able to respond to domestic violence, a Women's Advocate needs to be trained on the signs and symptoms of a victim of domestic violence. The Union holds a forty-hour training course for the Unifor Women's Advocate. Key components of the course are - defining abuse, risk assessment, communication, suicide, and accessing services. The course contains several role playing scenarios as well as a visit to a women's shelter.

## **What is the Employer's Role?**

The role of the employer is to support the Women's Advocate. The employer designates a member of management who will be able to deal in confidence with issues impacting the workplace. The Advocate is trained on confidentiality and understands when to report incidents to the employer so that reasonable action can be taken.

## How do the Women's Advocate and their Company Counter-Part Work Together?

A Women's Advocate will work with her company counterpart to do a risk assessment and safety planning for the workplace when an employee has indicated they are experiencing domestic violence. There will be outreach to the local community resources, including most often the women's shelter for safety planning. The Women's Advocate will also work with her company counterpart in a confidential manner when domestic violence is impacting a worker's productivity or attendance.

## Information on Different Models

In all cases Women's Advocates must receive the training provided by Unifor. There lost time, travel, accommodations and course costs must be covered. To carry out their role, some Women's Advocates have regular, paid time off, some work "time as required", others work after hours in a volunteer capacity.

## Why Call it a Women's Advocate and not an Employee Advocate?

Domestic Violence is still a very gendered experience. Although men experience domestic violence, it is the women who are most often hospitalized and murdered. Keeping the name Women's Advocate recognizes that women are most often the ones needing assistance and the ones with fewer resources in society.

We know from experience that having a woman fulfil the role of the Advocate supports disclosure. There are many components of disclosure, such as sexual assault, that make it difficult for women to speak to a man. The collective agreement is applied equally to all workers so if there are men experiencing domestic violence they would seek the assistance of the Women's Advocate as well.

## Where Have We Bargained Women's Advocates?

We currently have over 350 Women's Advocates in collective agreements across the country and in a variety of industries and sectors including: school boards, airlines, manufacturing, paper mills, shipyards, hospitals, nursing homes, long term care homes, casinos and rail facilities. They are in large and small workplaces; in female dominated workplaces and where women are the minority. The Women's Advocate should be part of every workplace.

## Quotes from Women Who Have Used the Program

*"She was like a snow plow clearing the way. I still had to drive my car in the storm but she moved barriers to help keep the vehicle moving. "*

*"Because of the support and quick referral to counselling, I was strong enough to carry on in a hard time of my life. Being at work was my only place of sanity and safety."*

*"After what happened, I wanted to curl into a little ball and die. The Advocate at my work site was supportive and linked me to someone trained to help. She was a life saver."*



## MODEL LANGUAGE

### **Paid Domestic Violence Leave & Discipline Protection**

The Company agrees to recognize that women sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. For that reason, the Company and the Union agree, when there is adequate verification from a recognized professional (i.e. doctor, lawyer, counsellor, shelter worker), a woman who is in an abusive or violent situation will not be subjected to discipline if work performance or absence can be linked to the abusive or violent situation.

Absences which are not covered by sick leave or disability insurance will be granted as an absence with permission with pay.

### **Women's Advocate**

The parties recognize that female employees may sometimes need to discuss with another woman matters such as violence or abuse at home or workplace harassment. They may also need to find out about specialized resources in the community such as counselors or women's shelters to assist them in dealing with these and other issues.

For this reason the parties agree to recognize the role of Women's Advocate in the workplace. The Women's Advocate will be determined by the Union from amongst the female bargaining unit employees. The Advocate will meet with female members as required, discuss problems with them and refer them to the appropriate agency when necessary.

The Company agrees to provide access to a confidential phone line and voice mail that can be maintained by the Women's Advocate and that is accessible for female employees to contact the Women's Advocate. As well, the Company will provide access to a private office so that confidentiality can be maintained when a female employee is meeting with the Women's Advocate.

The Company and the Union will develop appropriate communications to inform female employees about the advocacy role of the Women's Advocate providing contact numbers to reach the Women's Advocate. The Company will also assign a management support person to assist the advocate in her role.

The Women's Advocate will participate in an initial 40 hour basic training program and an annual three (3) day update training program delivered by the Unifor National Women's Department.

The Company agrees to pay for lost time, including travel time, registration costs, lodging, transportation, meals and other reasonable expenses where necessary.

### **Moment of Silence - December 6th**

National Day of Remembrance and Action on Violence Against Women - The Company agrees to allow employees one (1) minute of silence at 14:00 on December 6th of each year in observation of the women killed in the Montreal Massacre.





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