

Response to:

# Consultation on Interpersonal Violence and Employment Leaves

Presented to:

Mr. Mike Carr, Deputy Minister  
Ministry of Labour Relations and Workplace Safety  
Government of Saskatchewan

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# Submission to the Government of Saskatchewan: Consultation on Interpersonal Violence and Employment Leaves

## Introduction

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The Canadian Union of Public Employees (CUPE) plays a valuable role in Saskatchewan's workforce. CUPE is the largest union in Saskatchewan, representing over 30,000 public sector workers in health care, school boards, municipalities, universities, libraries, community-based organizations and various boards and agencies.

CUPE is encouraged by the Government of Saskatchewan's consultation on interpersonal violence (intimate partner violence) and employment leaves. It is imperative now more than ever, in light of Saskatchewan's high rates of intimate partner violence (the highest in the country), that the government enact further protections for victims.

Several provinces across Canada have led the way by introducing similar legislation that works to provide supports and protections for victims and survivors of intimate partner violence. CUPE proposes that Saskatchewan enact legislation that builds on the progress of these other jurisdictions. As outlined in the *Domestic Violence Death Review Interim Report Pilot – Phase 1*, there is some legislation that applies to intimate partner violence in Saskatchewan. These pieces of legislation are important in protecting victims, survivors and their families. However, CUPE strongly believes that intimate partner violence is an issue that impacts many areas of a victim's life, including the workplace. Therefore, we assert that legislation be enacted to provide victims support from their employers.

This submission will emphasize CUPE's view that intimate partner violence leave should be accessible for victims by law. In our discussion, we will examine the relationship between intimate partner violence and the workplace by using statistical information gathered in Saskatchewan and across Canada. Furthermore, we will give examples of introduced legislation from other jurisdictions and will discuss the positive impact further protections will provide. To conclude, we will provide our recommendations for Saskatchewan legislated intimate partner violence leave.

### Recommendations:

1. Victims of intimate partner violence have access to **10 days of paid leave and up to 17 weeks of non-paid leave over a 52/week period;**
2. The creation of a **publicly funded education campaign** to raise awareness on intimate partner violence and its effects on the workplace;

3. The formation of a **free** and **accessible** employee's guide to intimate partner violence **toolkit workshop series**. This toolkit workshop series should be accessible online for ease of access by employees and employers;
4. Employers should legally be required to maintain **confidentiality** and withhold any information they may have on an employee who is a victim of intimate partner violence;
5. Victims of intimate partner violence be **protected from facing discipline** from missing work, being late for work or an inability to do their tasks at work because of the domestic violence they are facing;
6. **Flexible language** be used to keep from further victimizing individuals facing intimate partner violence. This includes **flexible standards of proof (or verification) and flexibility in offered accommodations** for accessing intimate partner violence leave;
7. Amending *The Occupational Health and Safety Regulations, 1996* to include intimate partner violence and the **responsibilities** of the employer;
8. Employers be required to enact **workplace policies** as per *The Occupational Health and Safety Regulations, 1996*, as amended. These policies will reflect the principles of providing protections and supports to victims of domestic violence.

## **The Impact of Intimate Partner Violence on Workers and the Workplace**

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Intimate partner violence, also known as domestic violence, is defined as any form of violence against spouses, common-law or intimate partners. Intimate partner violence refers to both current and past relationships, and it occurs between both opposite sex and same sex partners (Statistics Canada, 2015; Canadian Labour Congress, 2014). Intimate partner violence includes: emotional, psychological and physical abuse. Canadian studies have found that intimate partner violence has detrimental effects on the workplace; the workplace being any facility or function related to work.

Studies suggest that intimate partner violence costs the Canadian economy roughly \$77.9 billion annually (Zhang, Hoddenbagh, McDonald & Scrim, 2012); and a study conducted in Saskatchewan estimates that the cost of one intimate partner violence incident costs human service systems roughly \$112,000 (The Circle Project, 2016). However, the costs to victims, survivors and their families go far beyond any monetary amount.

Intimate partner violence adversely affects the lives of victims and their families. It effects all incomes, communities, religions, ethnicities, ages and genders; although some groups are more disproportionately affected than others. Wendt and Hornosty (2010) explain that intimate partner violence impacts future generations, cultural preservation, the health of families and development

and productivity. Their research also finds a strong correlation between increased health costs for victims and survivors of intimate partner violence, some evidence suggesting increases of up to 100% compared to non-victimized individuals. Mental health is another concern as victims, survivors and their families are known to suffer from depression, anxiety and post-traumatic stress disorder (PTSD).

According to a 2014 report released by the Canadian Labour Congress (CLC), 81.9% of victims reported that intimate partner violence affected them in the workplace, and 91.5% of respondents reported that they believed that intimate partner violence impacts the workplace as a whole. The Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) conducted a similar 2017 study of Saskatchewan in which workers who experienced intimate partner violence reported that the violence followed them to work, confirming the findings of the CLC. For example, victims reported that their partner would come to the workplace to check up on them. Some would repeatedly call, text and email while the victims were at work, and some were prevented from attending work all together. These studies suggest that emotional, psychological and physical intimate partner violence greatly impacts the health and safety of Saskatchewan workers.

### Saskatchewan Statistics

Statistics Canada (2015) reported Saskatchewan as the province with the highest rates of domestic violence at approximately 666 per 100,000 population, more than double the national rates in the same study. Similarly, PATHS conducted an online survey in 2016 called the *Intimate Partner Violence & the Workplace: A Saskatchewan Study*. PATHS received 437 survey responses and 27 individuals in focus groups and/or individual interviews. This PATHS study found that 50% of respondents have experienced abuse, and 83% of those who experienced abuse reported that the abuse followed them to work. Furthermore, of those who experienced abuse 61% reported that they had called in sick because they were too upset to work; 46% made a mistake at work; 30% were afraid to go to or leave work; 18% were reprimanded at work; and 15% quit a job, whereas 12% were terminated because of the abuse. The study also found that 44% of those experiences were repeated calls, texts or emails from their partner while at work; 35% were prevented from attending work; and 29% had experienced their partner checking up on them at the workplace. PATHS also asked respondents to identify the type of abuse they experienced (see Table 1 below):

### Emotional, Psychological and Physical Abuse Table 1

Being yelled at or sworn at	49%		Pulling hair, slapping or pushing	24%
Being called names	42%		Kicking, punching, or hitting with an object	17%
Partner gets jealous when talks to others	37%		Confinement or being locked in	12%
Being humiliated in front of others	36%		Sexual Assault (forced to have sex)	11%
Controlling who respondent talks to	22%		Choked or Strangled	10%

Source: Provincial Association of Transition Houses and Services of Saskatchewan

## Canadian Statistics

Statistics Canada (2015) gathered data on police-reported *Criminal Code* offenses committed against victims aged 15 years and over within intimate relationships. The data is from solved crimes and does not include non-police-reported intimate partner violent offenses. In 2015, Statistics Canada found that there were 92,000 victims of intimate partner violence, 79% of which were female. The most common form of violence was physical assault. In Canada, rates of intimate partner violence were 309 per 100,000 population (Saskatchewan's intimate partner violence rates at 666 per 100,000 are more than double). Furthermore, it was reported that most victims of intimate partner violence (69%) do not report the incident to police (Statistics Canada 2011).

The Canadian Labour Congress (CLC) and their affiliates conducted an online survey between 2013 and 2014 which focused on people's experiences with intimate partner violence and the workplace. Their findings were released and compiled into a report: *Can Work Be Safe, When Home Isn't?* Of a total of 8,429 people respondents, 33.6% reported experiencing intimate partner violence. Furthermore, of those who reported experiencing intimate partner violence, 38% reported that it "impacted their ability to get to work including being late, missing work, or both" (p. 6); 8.5% of victims reported that they lost their jobs because of their inability to get to work; 81.9% reported that intimate partner violence effected their work performance; and 37.1% reported that their co-workers were concerned about the situation.

## Our Vision: Legislation that Protects and Provides Supports for Victims of Intimate Partner Violence

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Unions in Canada are negotiating collective agreements that address intimate partner violence to varying degrees. Still, there are many workers who have no supports. CUPE's vision is that all workers are equally able to access the necessary supports and protections after an incident of intimate partner violence.

We know that intimate partner violence is no longer a private family matter; it's a health and safety issue. It effects individuals, families, communities and workplaces. It is important that all workers, regardless of age, gender, gender expression, sexual orientation, ability, ethnicity, race, religion or union affiliation, have supports for intimate partner violence in the workplace.

## Employment Leave for Victims of Intimate Partner Violence

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Provinces across Canada are introducing legislation to address the ongoing presence of intimate partner violence experienced by a large percentage of workers. The statistics in Saskatchewan and across Canada suggest that legislation is needed to combat intimate partner violence and to offer protections and supports for victims. Some provinces have passed legislation regarding this issue

and others are taking steps to introduce such legislation. The following bills and amendments have been introduced in Manitoba, Alberta, Ontario and Saskatchewan:

*\*Information could not be found for provinces and territories not listed above.*

## **Manitoba**

***Bill 8, The Employment Standards Amendment Act*** (leave for victims of domestic violence, leave for serious injury or illness and extension of compassionate care leave), Manitoba. Manitoba introduced the first piece of legislation in Canada to protect victims of intimate partner violence with enhanced employment leaves. The amendment provides victims with 10 days of leave (five paid, five unpaid) for up to a period of seventeen weeks. However, the bill asks that victims give notice, within a reasonable amount of time, to their employer of their absence.

## **Alberta**

***Bill 17, Fair and Family-Friendly Workplaces Act, 2017*** was passed on June 5, 2017 and received Royal Assent on June 7, 2017 by the Alberta government. The bill has made amendments to the provinces *Employment Standards Code* and *Labour Relations Code*. The amendments protect victims of domestic violence who have been employed by the same employer for at least 90 days and are now entitled to 10 days of unpaid domestic violence leave.

## **Ontario**

***Bill 26, Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016*** is an act to amend the *Employment Standards Act, 2000* and *The Occupational Health and Safety Act (OHSA)* in Ontario. The bill covers domestic violence and sexual violence. If enacted employers will be required to provide a leave of absence for employees if they are victims or their children are victims facing domestic or sexual violence. Employees will receive 10 days of paid domestic and sexual violence employment leave and are entitled to reasonable accommodation with respect to their work hours and workplace. Currently the bill is with the Standing Committee on the Legislative Assembly.

***Bill 148, Fair Workplaces, Better Jobs Act, 2017*** was introduced in Ontario and is currently in consideration by the Standing Committee on Finance and Economic Affairs. The bill makes an amendment to section 50 (Personal Emergency Leave). This amendment will give personal emergency leave to all employees – not just employees of employers who employ 50 or more people. Employees will have access to two days of paid leave and up to eight days of unpaid leave. Section 50 will also include that personal emergency leave can be taken if workers are experiencing domestic violence or sexual violence or if there is a threat of domestic violence or sexual violence. It also protects victims as it states that employers

still retain the right to ask for proof; however, it does not have to be from a qualified health practitioner.

## **Saskatchewan**

*The Victims of Interpersonal Violence Act, 1994* was amended in 2016 in Saskatchewan to grant victims of domestic violence exclusive occupation of a home they shared with the individual that harmed them. Furthermore, a provision was added to prohibit the offender from contacting the victim, which includes entering their workplace. While these 2016 amendments take steps towards tackling the issue of intimate partner violence in the workplace, they are inadequate. These amendments are not meeting the needs of employees needing to access leave to address a situation of violence in the home. Therefore, CUPE recommends enhanced employment leaves devoted specifically for victims of intimate partner violence and wage protection of at least 10 days as well as adherence to the other CUPE recommendations herein.

## **Vulnerable Populations of Saskatchewan**

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As discussed throughout this response, Saskatchewan has the highest rates of intimate partner violence among the provinces, approximately double the national average. Intimate partner violence touches every income, community, religion, ethnicity, age and gender and is a symptom of systemic and cultural systems of oppression. Women, Indigenous peoples, minorities, transgender and gender non-conforming people, and people with disabilities are disproportionately impacted. Therefore, it is important to understand the intersectionality of oppression and intimate partner violence. Legislation should be responsive to the needs of vulnerable populations and work to mitigate these systemic inequities.

### **Indigenous Women**

Indigenous women in Canada face disproportionate levels of poverty, health implications and discrimination. Research suggests that these trends are directly linked to the colonial experience of Canada's Indigenous population. This research links sexism, racism and colonialism to violence impacting Indigenous women (Bourassa, McKay-McNabb & Hampton, 2004). Today, 16% of Saskatchewan's population identify as Indigenous, and 10% of Regina and Saskatoon's female population are Indigenous (Statistics Canada, 2016).

The statistics show that Indigenous women are more likely to be victims of intimate partner violence than non-Indigenous women (15% of Indigenous reported having been victims compared to 6% of non-Indigenous) (Statistics Canada, 2011). Even more alarming is that 16% of homicide victims in Canada are Indigenous women (Statistics Canada, 2016), and in Saskatchewan alone, 27 of the 48 domestic-related homicide victims in the Ministry of Justice's report were Indigenous. With Saskatchewan having the highest rate of domestic violence, it is imperative that the



government work to protect our most vulnerable peoples, which includes Canada's Indigenous population. Provincially legislated intimate partner violence leave will ensure that Indigenous women are further protected and supported.

## **LGBTQ**

Although there are legal protections in place, LGBTQ individuals remain disproportionately affected by discrimination and harassment in Canadian society. The Canadian Centre for Justice Statistics (2016) released a report which shows that individuals who identify as LGBTQ were twice as likely as non-LGBTQ individuals to report being victims of domestic violence (8% compared to 4%). Furthermore, a study conducted in Saskatchewan found that 64.9% of transgender individuals have experienced domestic violence (Canadian Labour Congress, 2014). Employers need to foster inclusive workplaces in which education and training are a priority. Enacting legislation regarding domestic violence leave will increase awareness and provide support to LGBTQ workers.

## **Precarious and low-wage workers**

Individuals who work precarious, low-wage jobs are often non-unionized and less likely to have access to benefits. Research suggests that the majority of these workers are women who in Saskatchewan earn on average 21.6% less than men (Conference Board of Canada, 2017). The precarious status in which these workers are situated also makes them less likely to be economically stable and less able or willing to leave an abusive relationship. Individuals who have precarious, low-wage employment are more likely to have fewer supports in the workplace such as paid sick leave or employee assistance plans. Legal supports and protections will ensure workers in low-paid and precarious work have improved job security and will lessen the economic impact of leaving an abusive partner.

## **Newcomers**

Newcomers to Canada face many challenges and are just as likely as other Canadians to be victims of domestic violence. Being new to a country in which there may be language barriers and a lack of knowledge of community supports leaves newcomers less likely than other Canadians to seek help when needed. Furthermore, newcomers are more likely to work in precarious, low-wage jobs in which they have fewer benefits and supports compared to unionized workers. These individuals, especially women, may also be economically dependent on a partner. Provincially legislated domestic violence leave will impose a workplace obligation on employers to support workers experiencing intimate partner violence.

## **Impact of Providing Employment Leave for Victims of Intimate Partner Violence**

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CUPE believes that legislation which provides for intimate partner violence leave will help victims leave an abusive relationship. In addition to providing supports and protections for victims, it will have a stabilizing effect on workplaces by reducing turnover rates and aiding with retention. Finally, raising public awareness and openness in the workplace about what has long been considered a private family issue may actually address Saskatchewan's alarming statistics on intimate partner violence.

### **Raising Awareness: Preventative Measures**

CUPE strongly believes that enacting intimate partner violence legislation will work as a means of education and awareness. Creating a publicly funded education campaign on the issue will have a positive impact on employees, employers and the broader society. As mentioned, we believe that intimate partner violence is not just a private family issue. Workplaces can be used as a means of raising awareness about intimate partner violence and the supports and services available to those who need it. The Manitoba government, for example, has a toolkit workshop series for employers to access from the government website (<https://www.gov.mb.ca/fs/fvpp/toolkit.html>). CUPE recommends that the Saskatchewan government create a similar toolkit workshop for employers in our province. Creating a publicly funded education campaign along with a toolkit workshop for employers will foster inclusive workplaces that are open about the issue. These supports can educate employees and employers on the signs of intimate partner violence and can work as a preventative measure.

### **Flexible Supports, Flexible Proof, Flexible Language**

Intimate partner violence is a complicated issue and not every case is a 'one size fits all' situation. Therefore, victims of intimate partner violence should be provided with reasonable and flexible supports from their employers. The language used in providing intimate partner violence leave should reflect this. For example, victims of intimate partner violence should be able to access employment leave for several reasons which include: legal and law support, medical appointments, psychological and counselling, social services, housing and any type of relevant support service. Flexible proof or verification is also of concern. Should an employer request proof or verification of the need for the leave, CUPE recommends that the verification request be reasonable and satisfied by various sources such as notes from shelter workers, counsellors, law enforcement, medical professionals or from any relevant support service. Finally, victims should be reasonably accommodated in the workplace if they are victims of intimate partner violence.

### **Protection from Discipline**

Victims of intimate partner violence suffer economically because of their situation. As we have noted previously, victims of intimate partner violence have been disciplined at work and at times

lost their jobs due to intimate partner violence. Therefore, we assert that protections be put in place to protect victims from discipline from employers. These protections are, but are not limited to: 10 days of paid leave for up to 17 weeks per 52/week period; ability to seek supports both within and outside of the workplace; reasonable accommodation and work hours.

### **Confidentiality**

CUPE understands that victims of intimate partner violence have suffered immensely and are at risk for re-victimization. Therefore, we believe that confidentiality be protected by law as to not put victims through any unnecessary harms.

### **Workplace Policies**

With any new employment legislation, it is important that government address the reflection of the legislation within workplace policies. It is imperative that workplaces adopt their own domestic violence policies which will work to educate employees on the supports and services available. Intimate partner violence is a workplace health and safety concern.

### **Health and Safety**

Intimate partner violence should be added into *The Occupational Health and Safety Regulations, 1996*. Adding this section will demand employers to uphold their statutory responsibilities.

## **Conclusion**

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With Saskatchewan's rates of intimate partner violence the highest among the provinces, it is essential that intimate partner violence legislation be enacted. Several provinces across Canada have introduced legislation that works to protect victims of intimate partner violence. It is time Saskatchewan do the same.

CUPE believes that legislated intimate partner violence leave will work to protect workers' health and safety. It will provide victims access to workplace supports and protections that can help mitigate the traumatic circumstances of intimate partner violence.

Furthermore, legislation with a strong education and awareness component will ensure employers and workers are more informed of the effect and signs of intimate partner violence. CUPE believes that education is a step toward greater prevention and protection for all Saskatchewan workers.

We urge the Government of Saskatchewan to show leadership among provinces on this important issue and adopt the recommendations of our submission.

## CUPE Recommendations

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1. Victims of intimate partner violence have access to **10 days of paid leave and up to 17 weeks of non-paid leave over a 52/week period;**
2. The creation of a **publicly funded education campaign** to raise awareness on intimate partner violence and its effects on the workplace;
3. The formation of a **free and accessible** employee's guide to intimate partner violence **toolkit workshop series**. This toolkit workshop series should be accessible online for ease of access by employees and employers;
4. Employers should legally be required to maintain **confidentiality** and withhold any information they may have on an employee who is a victim of intimate partner violence;
5. Victims of intimate partner violence be **protected from facing discipline** from missing work, being late for work or an inability to do their tasks at work because of the domestic violence they are facing;
6. **Flexible language** be used to keep from further victimizing individuals facing intimate partner violence. This includes **flexible standards of proof (or verification) and flexibility in offered accommodations** for accessing intimate partner violence leave;
7. Amending *The Occupational Health and Safety Regulations, 1996* to include intimate partner violence and the **responsibilities** of the employer;
8. Employers be required to enact **workplace policies** as per *The Occupational Health and Safety Regulations, 1996*, as amended. These policies will reflect the principles of providing protections and supports to victims of domestic violence.

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