

BC Federation of Labour Submission on Paid Leave for Workers Facing Domestic and Sexual Violence

Submitted to Minister Harry Bains
and Parliamentary Secretary Mitzi Dean
September 2019





INTRODUCTION

The BC Federation of Labour (“BCFED”), through its affiliated members, represents over 500,000 union members in the province of British Columbia and acts as a voice for all working people in the province. The BCFED welcomes the opportunity to provide this written submission on the topic of paid leave for workers who are survivors of domestic and sexual violence.

The BCFED believes that all workers should have the resources to leave a violent situation and the ability to pursue justice, and needed supports and services without loss of pay. Providing barrier-free access to paid leave under the BC Employment Standards Act is essential to making that happen.

BACKGROUND

There is a clear need for paid leave for workers experiencing violence in BC. According to a recent study from the Canadian Centre for Justice Statistics¹, Intimate Partner Violence (IPV) disproportionately impacts working-aged Canadians including British Columbians. The study, released in 2018, shows that nine out of ten cases of IPV reported to police were by survivors aged fifteen to fifty-four years old, or in prime years of employment. Clearly, this is a worker’s issue.

Troublingly, another study from the Canadian Centre for Justice Statistics, shows that crimes of a sexual nature are incredibly commonplace, and that sexual assault is the only type of violent crime in Canada that is increasing². We also know that IPV and sexual violence affects women, trans people, people with disabilities, Indigenous people and people of colour disproportionately³.

Despite these worrisome statistics, BC is behind the curve in establishing paid leave for survivors of violence. Provinces and jurisdictions with far fewer instances of reported IPV have paid leave for domestic and sexual violence in place. BC is an outlier in Canada. While jurisdiction like New Zealand and the Philippines offer 10 days of paid leave⁴, workers in BC experiencing violence are being punished with lost pay.

The BCFED and our affiliates are currently working with the Workers Compensation Board on proposed amendments to the prevention of workplace violence regulatory framework. Expanding the definition of workplace violence to include IPV will ensure that employers are responsible for providing education, awareness, early intervention and control measures that are essential to preventing domestic violence incidents in the workplace.

The BCFED has long advocated for paid leave for survivors of violence. We were encouraged when Minister of Labour, Harry Bains, indicated that the BC Government would not stop at unpaid leave, but was already exploring how to implement paid leave for workers facing intimate partner and sexual violence.



RECOMMENDATIONS:

1. The BCFED recommends at least ten days of paid leave under the *Employment Standards Act* for workers who are experiencing domestic or sexual violence. We believe at least ten days of leave are required to account for the range of stressors and trauma survivors typically experience. This duration of leave is critical to enable those who have experienced violence to seek the supports they need, for example to access the justice system, health and mental health services, or to be able to find alternative shelter if needed.

In addition, court dates can be frequent for those pursuing legal recourse, and court proceedings often come months, if not years, after the violence has occurred. Furthermore, safe houses often require at least a week stay, and require survivors to not frequent habitual places like work and school. Because abusers often know to find survivors of violence in those places, it creates a risk the abuser following them back to the safe house, placing staff and other residents in danger.

2. The BCFED recommends that this leave be stand alone. Changes to the *Employment Standards Act* should ensure this leave is not combined with other types of leave. This leave needs to be a resource for people who are facing one of the worst times in their lives, not a caveat that forces them into giving up other rights they may have under the *Employment Standards Act*.
3. The BCFED recommends that there be no burden of proof on workers who need to access leave for domestic and sexual violence. We know that instances of violence and sexual assault are grossly under-reported, and significant barriers exist for survivors to come forward. Having to provide proof to an employer, or supervisor, or anyone else can put workers in a difficult situation with respect to their privacy and safety, especially for vulnerable workers. To be effective, leave needs to come with no requirement to share personal or sensitive information.
4. The BCFED recommends compulsory training for employers on a trauma-informed approach to supporting workers who are experiencing domestic or sexual violence. In the Canadian Labour Congress report, *Can Work Be Safe When Home Isn't?*, survey respondents found workplace culture, and lack of employer understanding to be added points of stress for survivors.⁵
5. The BCFED recommends there be no threshold of length of service for workers to meet before being able to claim leave. All workers deserve to have their jobs protected to allow them to flee from violence and seek supports to deal with its impacts.

REFERENCES:

1. Burczycka, Marta, Shane Conroy and Laura Savage. Family Violence in Canada: A Statistical profile, 2017. Canadian Centre for Justice Statistics, Juristat. Statistics Canada, Dec. 5, 2018.
2. Moreau, Greg. Police-reported crime statistics in Canada, 2018. Canadian Centre for Justice Statistics, Juristat. Statistics Canada, July 22, 2019.
3. McDonald, Susan, Andrea Wobick and Janet Graham. Bill C-46: Records Applications Post-Mills, A Caselaw Review. Research and Statistics Division, Department of Justice. June, 2004.
4. Roy, Eleanor Ange. "A huge win: New Zealand brings in paid domestic violence leave." The Guardian, July 26, 2018.
5. Wathen, C. N., MacGregor, 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.



#200 – 5118 Joyce Street
Vancouver, BC
Canada, V5R 4H1
604.430.1421

bcfed@bcfed.ca

The British Columbia Federation of Labour represents over 500,000 members working in every corner of the province, and in every sector of the economy.

The BCFED has a long and proud history of fighting for the rights of all working people.

The goals of the BCFED are best exemplified by its slogan:
"What we desire for ourselves, we wish for all."

www.bcfed.ca