



Written feedback on the Saskatchewan Ministry of Labour Relations and Workplace Safety's initial Consultation on *Interpersonal Violence and Employment Leaves*

Saskatchewan Union of Nurses August 2, 2017

Introduction

The Saskatchewan Union of Nurses (SUN) welcomes the opportunity to provide written feedback to the Ministry of Labour Relations and Workplace Safety's initial consultation regarding employment leaves for victims of domestic and interpersonal violence.

That the Ministry is seeking input on the issue is a welcome sign of growing recognition of the seriousness and urgency of the issue of domestic and interpersonal violence in Saskatchewan, which has the highest rates of police-reported family and intimate partner violence among all provinces (see Figures 1 and 2).¹

Intimate partner violence represented more than one quarter of all police-reported violent crimes in the province in 2015.² It is estimated that Canadian employers lose at least \$77.9 million annually due to effects of spousal violence alone.³ Interpersonal violence costs the human services system and individuals more than \$450 million each year in Saskatchewan.⁴

¹ The Ministry of Labour Relations and Workplace Safety consultation paper references the Ministry of Justice interim report (May, 2017) as having found that "Saskatchewan has one of the highest rates of police-reported interpersonal and domestic violence across Canada." In fact, on its first page the report states that "Saskatchewan has **the highest rate** of police-reported interpersonal and domestic violence of all provinces across all relationships" (emphasis added).

² Juristat. 2017. *Family Violence in Canada: A Statistical Profile*. Statistics Canada/ Canadian Centre for Justice Statistics.

³ Zhang, T., et al. 2012. 'An estimation of the economic impact of spousal violence in Canada, 2009.' Ottawa: Department of Justice Canada, Research and Statistics Division.

⁴ Saskatchewan Ministry of Justice. 2017. *Saskatchewan Domestic Violence Death Review Interim Report, Pilot – Phase 1* (May): p.1.

The broader costs of domestic and interpersonal violence to individuals, families, and communities across generations are immense and difficult to measure.

Domestic and interpersonal violence occurs across demographic and socio-economic groups, but women (and children) are disproportionately affected. Women are more than twice as likely as men to be a victim of family violence, and more than four times as likely to be a victim of intimate partner violence. Some women (and children) are more vulnerable than others based on a variety of institutional and social factors including age, immigration status, language barriers, disability, and geographic location or isolation. In Saskatchewan, a legacy of colonialism, generational dislocation, and continued marginalization means that Aboriginal women are disproportionately represented among victims of violence.⁵

Domestic and Interpersonal Violence as a Workplace Issue

Lost productivity and the possibility that violence will directly impact a victim's workplace and co-workers are not the only reasons that domestic and interpersonal violence should be considered an important employment and workplace issue.

Women with a history of domestic violence are known to have a more disrupted work history, to be more likely to work in casual and part-time roles, and to have lower personal incomes as a consequence. Financial autonomy – including being and staying employed – has been shown to be a key enabler for leaving violent relationships and for maintaining economic security for victims and their dependents.⁶

Paid and Unpaid Leaves

As in the case of personal and family illness, tragedy, or transition, which are currently recognized in legislation, provision of job-protected employment leaves for domestic and interpersonal violence is a key way to remove barriers to victims coping with violence, seeking support, and exiting violent relationships or situations. The opportunity to access paid and unpaid leaves will reduce the likelihood that either falling victim to violence or trying to escape it will lead to job loss, other adverse employment consequences, or economic hardship, all of which are well known to reinforce patterns of victimization.

SUN recommends that the government consider amending the *Saskatchewan Employment Act* to recognize the following job-protected domestic and interpersonal violence leaves:

- Up to **10 days paid leave**
- Up to **17 weeks unpaid leave**

Short-term paid leave will ensure that victims of violence can take short-term measures to cope with the consequences of, and/ or attempt to escape, violent situations without facing immediate adverse employment consequences or economic hardship for

⁵ Scrim, K. 2016. 'Aboriginal Victimization in Canada: A Summary of the Literature.'" *Victims of Crime Research Digest* No. 3. Ottawa: Department of Justice Canada Research and Statistics Division.

⁶ Wathen, C.N., J. MacGregor, and K. Scrim. 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.

themselves and their dependents. Up to 10 days paid leave is included in the current proposed Ontario legislation.

The opportunity to access medium-term unpaid leave will provide crucial job protection to those who require more time to attempt a transition out of violent relationships or situations, for example, the opportunity to move from their current residence to a first-stage transition home (typically offering secure housing for less than 12 weeks), followed by second-stage supported or independent living arrangements.⁷ Up to 17 weeks unpaid leave was included in recently passed legislation in Manitoba.

Adopting these leave provisions would put Saskatchewan at the cutting edge of protecting and supporting workers who are victims of domestic and interpersonal violence.

Accommodating and Supporting Victims at Work

In addition to employment leaves, legislation should be amended to require employers to make reasonable accommodation at work for victims of domestic and interpersonal violence, including place of work, work hours, and scheduling for example.

Legislative changes, for example under occupational health and safety provisions, should also require employers to develop policies regarding domestic violence, in addition to those addressing workplace violence, and to require employers to ensure that all managers, supervisors and workers receive information and training about domestic and interpersonal violence legislation and workplace policies.

Other considerations

In contemplating legislative changes and associated regulations a number of additional considerations are important:

- The Ministry should consult closely with and seek the assistance of experts, advocates and service providers in the area of domestic and interpersonal violence to ensure that provisions reflect and meet the needs of victims.
- Provisions for accessing paid and unpaid leave must not place unreasonable burdens of disclosure and documentation on employees, and should be crafted in recognition of: (1) the stigma that is still attached to being victimized by domestic and interpersonal violence, and (2) the fact that most victims of domestic and interpersonal violence do not contact police but more often turn to other institutional supports in their communities, and to informal sources of support such as family, friends, and co-workers.⁸

⁷ See Juristat. 2015. 'Shelters for abused women in Canada, 2014' Statistics Canada/ Canadian Centre for Justice Statistics.

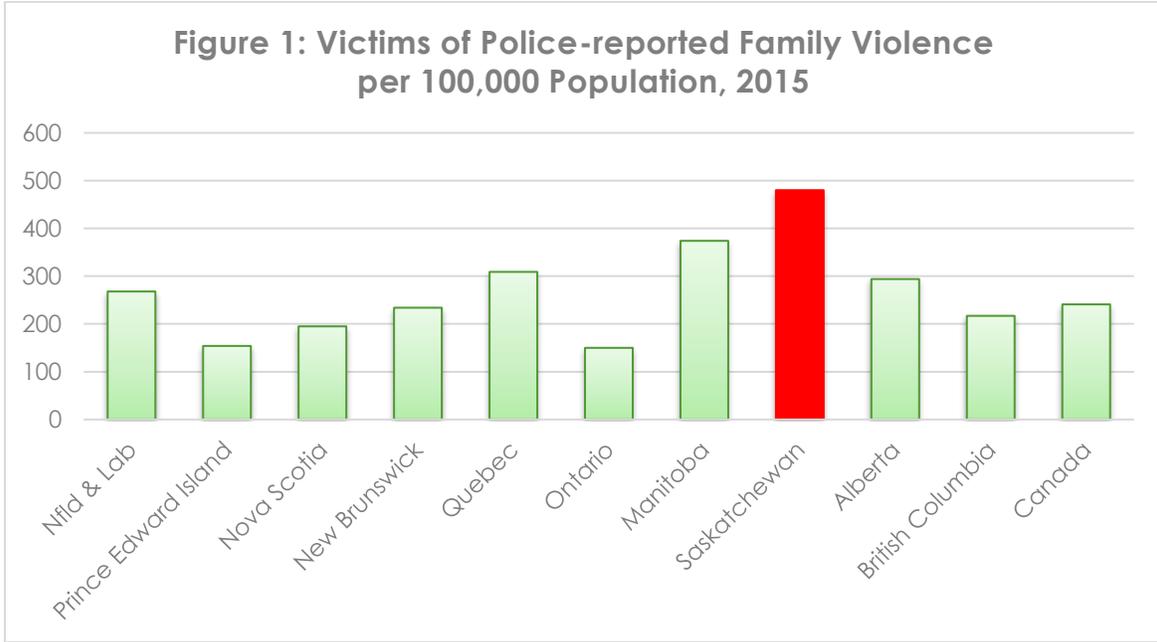
⁸ Saskatchewan Ministry of Justice. 2017. *Saskatchewan Domestic Violence Death Review Interim Report, Pilot – Phase 1 (May)*: p. 7.

- Legislative changes should be accompanied by an education campaign to ensure that employers and employees are aware of any changes and their rights and responsibilities.

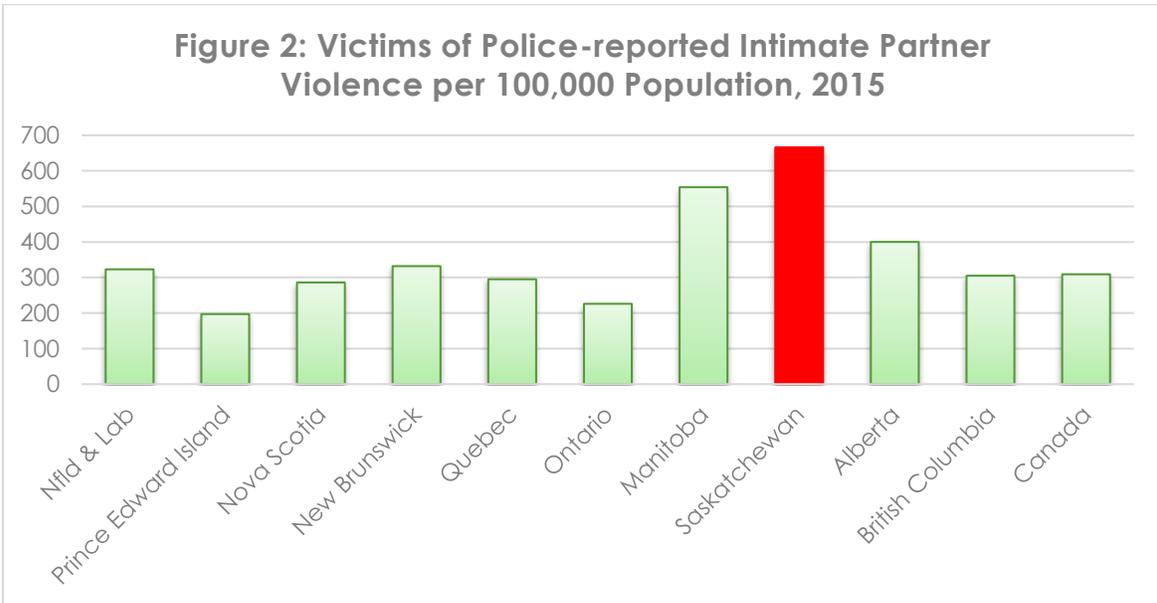
Towards a Policy Framework and Comprehensive Strategy

Saskatchewan lacks a coherent policy framework or comprehensive strategy to address domestic and interpersonal violence. Changes to labour and workplace legislation are welcome and urgently required, but it is SUN's firm belief that these legislative changes should be part of just such a broader and comprehensive framework and strategy.

SUN looks forward to the opportunity for consultation on any proposed legislative changes and to continued engagement on this important policy agenda.



SOURCE: Juristat. 2017. *Family Violence in Canada: A Statistical Profile*. Statistics Canada/ Canadian Centre for Justice Statistics, p.43.



SOURCE: Juristat. 2017. *Family Violence in Canada: A Statistical Profile*. Statistics Canada/ Canadian Centre for Justice Statistics, p.53.