

May 13, 2016

Ms. Peggy Sattler
Main Legislative Building, Room 359
Queen's Park, Toronto, ON
M7A 1A5

Dear Ms. Peggy Sattler,

At its April 21, 2016 meeting, the Middlesex-London Board of Health reviewed correspondence from Dr. David McKeown, Medical Officer of Health, Toronto Public Health regarding the *Proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act*. The Middlesex-London Board of Health passed the following motion to endorse this letter:

It was moved by Ms. Vanderheyden, seconded by Mr. Meyer, that the Board of Health endorse the letter from Toronto Public Health re Proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act.

Carried

The Middlesex-London Board of Health supports advocating for workplace recognition of the physical and emotional toll that domestic or sexual violence can have on people and the impact this may have on their employment.

Yours sincerely,



Jesse Helmer
Chair, Middlesex-London Board of Health

cc: Dr. David McKeown, Medical Officer of Health, Toronto Public Health
Linda Stewart, Executive Director, Association of Local Public Health Agencies
Deb Matthews, MPP London-North Centre
Jeff Yurek, MPP Elgin-Middlesex-London
Monte McNaughton, MPP Lambton-Kent-Middlesex
Theresa Armstrong, MPP London-Fanshawe
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March 8th, 2016

The Honourable Peggy Sattler
Main Legislative Building, Room 359
Queen's Park, Toronto, ON
M7A 1A5

Re: *Proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act*

Dear Ms. Peggy Sattler,

I am writing to express my support for the proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, which would require all employers to provide employees experiencing violence with workplace accommodations and paid and extended leave. It also would require all employers to receive information and instruction about domestic and sexual violence in the workplace.

In Canada, half of all women have experienced at least one incident of physical or sexual violence in their lifetime, and every six days, a woman is killed by her partner or ex-partner. Domestic and sexual violence have immediate and long lasting health, social and economic consequences for victims, their families, communities and society as a whole.

People experiencing domestic and sexual violence are in a position of significant physical, mental, emotional and financial hardship. Although some employers may have policies related to assisting employees experiencing violence, the proposed amendments will ensure universal access to important measures. This bill, if enacted, would promote safety in the workplace for the victim and their coworkers; reduce the burden of providing evidence when leave is necessary; prevent victims from losing their jobs when financial security is vital; help offset the costs associated with coping with or leaving an abusive partner; and afford them the time, energy and resources to focus on healing and rebuilding their lives. The attached document provides a more detailed public health rationale for key elements of this bill.

As the damaging effects of domestic and sexual violence are also seen in the workplace, a comprehensive public health approach to addressing these issues must include measures

in the workplace. I strongly support your proposed bill as an important measure that would help mitigate the negative impact of violence on the health and well-being of thousands of victims.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McKeown". The signature is fluid and cursive, with a large initial "D" and "M".

Dr. David McKeown
Medical Officer of Health

Proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016 – A Public Health Perspective

Domestic and Sexual Violence: Serious public health concerns

Domestic and sexual violence are significant public health concerns. Half of all women in Canada have experienced at least one incident of physical or sexual violence since the age of 16.¹ In Canada, women are more likely to experience violence by an intimate partner than by any other perpetrator.² Every six days, a woman in Canada is killed by her partner or ex-partner.² Men also experience domestic and sexual violence; however women are much more likely to be victims of severe forms of abuse, multiple victimizations, injuries and death.²

Domestic and sexual violence have immediate and long lasting health, social and economic consequences for victims, their families, communities and society as a whole. Women who have experienced violence have higher rates of stress-induced physiological changes, mental disorders, including depression, anxiety, sleep and eating disorders, homelessness, loss or separation from family and friends, loss of employment, debt and destitution.²

Children exposed to domestic and/or sexual violence also suffer a range of physical and mental health consequences. These consequences may put children on a negative developmental trajectory, including educational and economic under-performance, unsafe sexual practices and becoming future victims or perpetrators of abuse.^{2, 3}

The impact of domestic violence in the workplace

The damaging effects of domestic violence also take place in the workplace. A recent Canadian survey found that one in three employees has experienced some form of domestic violence. Over 80% of those employees said that domestic violence had a negative effect on their work performance and over a third reported that co-workers were affected as well.⁴

Domestic violence in the workplace has substantial negative impacts not only on the victim, but also their co-workers, clients and the organization as a whole. These include:

- Reduced employee productivity;
- Potential harm to employees, co-workers and/or customers when violent abusers enter the workplace;

- Increased absenteeism;
- Decreased employee morale;
- Strained relations among co-workers;
- Replacement, recruitment and training costs when victims are injured or dismissed for poor performance;
- Higher company health expenses; and
- Liability costs if someone at the workplace is harmed.^{5, 6}

Canadian employers lose an estimated \$77.9 million annually due to the direct and indirect impacts of domestic violence.²

A comprehensive public health approach to addressing domestic and sexual violence must include measures in the workplace, such as those outlined in the proposed Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016, that would amend the Employment Standards Act and the Occupational Health and Safety Act.

Public Health Rationale for Proposed Amendments

The following is the health rationale in support of the proposed amendments to the Employment Standards Act and the Occupational Health and Safety Act, specifically with regards to the provision of alternate work location and hours; paid and extended leave; prescribed sufficient evidence; and information and instruction about domestic and sexual violence in the workplace.

Provision of Alternate Work Hours and Location

Perpetrators of domestic abuse can interfere with a worker's employment. Providing alternate work hours and an alternate work location are important safety precautions and help an employee maintain work performance.

Perpetrators can interfere with an employee's work in a number of ways, including:

- Preventing them from getting to work through psychological or physically controlling behaviours or threats;
- Repeatedly phoning or emailing the victim;
- Coming to the workplace and asking questions of co-workers about the victim;
- Being dishonest with co-workers about the victim's whereabouts;
- Threatening co-workers;
- Verbally abusing the victim's or organization's property;
- Physically harming the victim and/or co-workers; and

- Stalking and/or watching the victim, which is one of the primary risk factors for attempted and actual murder of female partners in intimate relationships.^{5, 6}

Studies estimate that 36 to 75% of domestic violence victims are bothered by their abusive partners while at work. In a study of employed women who recently filed domestic violence orders, 35% were stalked on the job.⁶

Providing an employee with alternate work hours is an important safety precaution with several benefits. It might prevent the perpetrator from interfering with the victim getting to work. It also allows the victim to alternate their hours and avoid routine, which may make it more difficult for the perpetrator to know the victim's work schedule. Flexible hours also allow the victim time to remove themselves from the abusive situation and or seek health or other supportive services to deal with issues arising from the violence which may be affecting their ability to attend work, or work safely and productively.

An alternate work location that is unknown to the perpetrator is also an important safety measure as it helps to prevent the victim from being abused at work and creates a secure environment where the employee, co-workers and clients can be safe and maintain work performance. Maintaining job performance helps the victim retain their job, which is an important factor in being able to leave an abusive partner.

Entitlement to Paid and Extended Leave

The health consequences of domestic and sexual violence can have a significant impact on work performance, which may put them at risk of losing their job. Victims of violence report increased levels of depression, stress, anxiety, embarrassment or shame due to stigma and fear of job loss. These lead to an inability to concentrate, more absenteeism and tardiness at work, overall lower work productivity and poor job performance. Victims of domestic violence report being fired or having to quit as a direct result of domestic abuse.⁷

The challenges involved when dealing with abuse may require taking time off work well beyond the time available through other leave entitlements currently available to employees, such as sick days and vacation. Dealing with an abusive incident or choosing to leave an abusive partner requires several actions and access to a range of services and supports, and takes substantial time, effort and financial resources. This includes accessing health services, relocating temporarily or permanently; seeking support services from a victim services organization and/or other professional counselling; finding affordable child care services and retaining a lawyer to address one or more legal issues, including family, child protection, criminal and/or immigration. Some groups, such as persons with low income, racialized women, women with disabilities, Indigenous women, and the LGBTQ community, may experience greater difficulty taking these steps due to a lack of or barriers to existing services, such as insufficient emergency, transitional and permanent housing; the cost of legal representation; lack of programs and mental health services; and the cost and time associated with transit.^{8, 2}

An extended leave is an important measure that enables victims to maintain employment at a time when economic independence and financial security are vital and allows them to focus on the actions required for them and their family to heal from the abuse and rebuild their lives. Receiving pay for a portion of this leave helps offset the costs associated with dealing with domestic and/or sexual violence, which is especially critical for individuals living on low incomes.

Prescribed Sufficient Evidence

Acquiring the necessary evidence to prove that one needs accommodation or leave from work because of violence can exacerbate the employee's level of stress. Some types of evidence are easier to acquire than others (e.g., note from health provider vs. police record). Providing flexibility in the type of evidence that is acceptable lessens the burden of proof and enables employees to exercise a level of control over their personal information, which may minimize barriers to seeking access to accommodation or a leave.⁹

Adding Information and Instruction about Domestic Violence in the Workplace to the Occupational Health and Safety Act

Domestic and sexual violence are sensitive and complex issues. In order for management and staff to protect themselves, co-workers and their organization, they must be trained to recognize the signs of violence; the importance of being sensitive; and to fully understand their roles and responsibilities, as outlined in workplace domestic and sexual violence policies and procedures. For example, there is still a lot of stigma around domestic violence. Victims of domestic violence might choose not to disclose to their employer because they fear losing their job, are ashamed and believe that the employer will be apathetic. Employers who are educated about domestic and sexual violence are more likely to create a supportive work environment, implement protective measures and ensure available resources are utilized.^{6, 10, 5}

Despite the importance of education on domestic and sexual violence, studies show that few employers currently provide training to managers, supervisors and employees on what to do if they themselves experience domestic violence or if they suspect a colleague of being a victim of domestic violence.⁴ A survey of Canadian employers found that while the majority had a domestic violence policy in place, less than one third trained their managers and employees on this subject.⁴ When employers were asked why they had created domestic violence policy and associated procedures, 70% said it was to comply with legislation.⁴ Similarly, mandating information and instruction in the workplace will help ensure employers and their employees are prepared to respond to employees experiencing domestic and sexual violence and administer their policies and procedures in an effective, sensitive, and consistent manner.

Conclusion

This bill acknowledges that people experiencing domestic and sexual violence are in a position of significant physical, mental, emotional and financial hardship. Although some employers may have policies to support employees experiencing violence, the proposed amendments will ensure universal access to important safety measures. It will promote safety in the workplace for victims and their co-workers; reduce the burden of providing evidence when leave is necessary; help prevent victims from losing their jobs when financial security is vital; help offset the costs associated with coping with or leaving an abusive partner, which is critical for vulnerable populations; and afford them the time, energy and resources to focus on rebuilding their lives. Mandating information and instruction on domestic and sexual violence in the workplace will also ensure employers and their employees will be prepared to effectively assist employees in crisis.

References

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