



Ontario Association of Interval & Transition Houses



**Western**

Centre for Research & Education on  
Violence Against Women & Children

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& Transition Houses**

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**Briefing Note to Standing  
Committee on Finance and  
Economic Affairs Regarding Bill 148**



Ontario Association of Interval & Transition Houses



## Background:

**Ontario Association of Interval & Transition Houses (OAITH)** is a coalition of first stage emergency shelters, second stage homes and community-based organizations offering women's programs and services. Initially formed in 1977, we carry with us nearly 40 years of experience in organizing services, contributing to social policy and broad-based advocacy to ensure the safety of women and their children is a priority in society.

OAITH supports our Member Organizations through government relations, public awareness, training, research and the development of resources to enhance the work they do with those accessing their programs and services. We represent over half of the First Stage Emergency Shelters in Ontario, funded through the Ministry of Community and Social Services, that provide a range of services and supports:

- Safe emergency beds for women and their children experiencing violence
- Access to system navigation and supports; legal, health, child welfare, education, employment, income support, mental health, substance use, immigration/refugee and developmental services
- 24-hour crisis lines, risk assessment, risk management and safety planning
- Transitional, legal, outreach support, counselling and group programming
- Prevention Programs and Awareness Campaigns
- Community Coordination
- Parenting Supports and Programming
- Child Witness Programming
- Select Integrated Sexual Violence and Domestic Violence Service Delivery Models

**The Centre for Research & Education on Violence against Women & Children at Western University** is committed to the development and application of knowledge for the prevention of violence against women, children and vulnerable adults through promoting innovation, collaboration and equality. We facilitate the collaboration of individuals, groups and institutions representing the diversity of the community to pursue research questions and training opportunities to understand and prevent violence and abuse. We serve local, national and international communities by producing useful information and tools to assist in the daily work to prevent and stop violence and abuse. Now in our 24th year of operation, funding from a variety of sources including the Social Sciences and Humanities Research Council (SSHRC), the Public Health Agency of Canada (PHAC), and the Ontario Ministry of the Status of Women allows us to address major challenges in the field. We have major initiatives to enhance research and practice to prevent domestic homicides on a national level, explore the importance of trauma-informed interventions for survivors of abuse, recognize and respond to elder abuse and understand the potential role of workplaces in addressing domestic violence.

## OAITH & CREVAWC Position on Bill 148:

While we support the amendment to include sexual and domestic violence as a reason to use Personal Emergency Leave and the need for this recognition in the workplace, it falls short of providing the support and job protection that is critical to survivors of SV/DV.

## Recommendations on Legislative Changes

### Recommendation 1

Under Schedule 1, Subsection 50:

Removal of (4) Sexual or domestic violence, or the threat of sexual or domestic violence, experienced by the employee or an individual in subsection (2)

Rationale:

The proposed amendment to include domestic and sexual violence as a reason to use PEL can easily be conflated with other reasons including medical, illness or injury. The purpose and intent to include domestic and sexual violence, is to recognize the unique impacts these specific issues have on the workplace, on those experiencing it, and of co-workers.

While those needing time off for medical, illness and injury reasons are granted and needed, the current proposed amendments to PEL, doesn't capture, nor respond to how domestic violence and sexual violence impact the workplace. Multiple studies have shown that domestic violence survivors are harassed on the phone, electronically and in person while they are at work (Swanberg, Jennifer E., T. K. Logan, and Caroline Macke; Swanberg, Jennifer, and T. K. Logan, 2007; Wathen et al, 2015).

### Recommendation 2

Under Schedule 1, Subsection 50, a new subsection be added:

#### Domestic and Sexual Violence Leave

An employee be entitled up to 10<sup>1</sup> days of paid leave relating to sexual or domestic violence, the threat of domestic or sexual violence, experienced by the employee or an individual described in subsection (2). We put this forth for the following reasons:

1. Employment and economic security can act a critical pathway for women and their children to seek safety, adequate housing and stability to aid in living a life free of violence. The experience of DV/SV is both traumatic and isolating, however leaving and maintaining a violence-free life, particularly in post-separation/post-assault, often bring increased risks of lethality, harassment, on-going abuse and control (Jaffe, P.G. and Juodis, M., 2006; Campbell, J.C., et al, 2007).

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<sup>1</sup> The Domestic Violence at Work Network is working to establish an international standard of 10 days paid domestic violence leave. If this standard cannot be met, we strongly recommend matching the 5 days paid leave that Manitoba has made available in their Employment Standards legislation.

2. Women and their children leave abusive situations that strive on and are maintained through isolation, control and secrecy. Once able to leave, they are then put into a myriad of systems that demand details, disclosures, and proof their experiences of abuse even existed at all.
3. These systems often include; police and justice, criminal and family court, child welfare, immigration, education and health care. Often times what this means is that women have to attend numerous appointments with police, lawyers, court dates, housing workers, doctors, counsellors, therapists, child welfare workers, rehabilitative programs/services and other supportive agencies.
4. With these systems involved survivors are constantly having to collect information, documents and various records from the school/day care, health care providers, Canada Revenue Agency, financial institutions, police, employers, friends and family members.
5. Navigating all of these systems takes time and support from community-based agencies such as shelters, sexual assault centres and other advocates tasked at supporting women through these systems.
6. There are considerable financial impacts related to court preparation, meetings with lawyers, paying for child-related specialists, child-care costs, fees related to document requests and time off work.
7. Amidst attending numerous appointments, responding to the many systems involved with their lives and collecting the documents they need, the abuse most often continues post-separation/post assault with women having to deal with ongoing control, financial, psychological, physical abuse and harassment, while trying to maintain the safety of themselves and their children.

Despite these challenges, typically survivors of domestic and/or sexual violence want to be at work. It allows them to continue routines and establish normalcy in their lives. An Australian survey of employers found that just under half of the respondents indicated the typical amount of leave requested per incident requested two-to-three days (Breckenridge, J., Cale, J., Hameed, S. & McCaskie, L. Dr Stacy Tzoumakis).

## Creating a Cultural Shift in the Workplace

Not being aware that an employee is experiencing domestic violence and/or sexual violence, especially when the violence includes stalking at the workplace creates unnecessary risks for the survivor and the workplace. Having provisions for paid and unpaid sexual and domestic violence leave will reduce the stigma associated with being a survivor of this kind of violence and open space for conversations about it in the workplace.

Survivors will be much less likely to hide their experiences and much more willing to disclose them to human resource professionals, health and safety experts and/or workplace managers if they know supportive measures are available to them (Breckenridge, J., Cale, J., Hameed, S. & McCaskie, L. Dr Stacy Tzoumakis). By promoting greater awareness of the problems, the provisions for paid and unpaid sexual violence/domestic violence leave will encourage more disclosures, whether or not survivors access the leave.

While Ontario is a world lead in terms of its Occupational Health and Safety legislation to address domestic violence in the workplace, many other jurisdictions around the world have already implemented paid domestic violence leave. Filipino workers have paid domestic violence leave on

a national level. As the Changing Workplaces Review Final Report noted, several states in the US have such provisions including Arizona, Arkansas, California, Colorado, Connecticut, Massachusetts, Florida, Hawaii, Illinois, Kansas, Maine, New Jersey, New Mexico, North Carolina, Oregon, Virginia, Washington, and the District of Columbia (International Trade Union Confederation-Asia Pacific, 2015; Mitchell, C., & Murray, J., 2017; Widiss, D. A., 2007; Elash, 2017).

## Unique Considerations for the Workplace: Stalking & Harassment

Stalking is a high risk behaviour (Logan, T. K., 2010) and the workplace is an obvious location for perpetrators to monitor and locate victims. Perpetrators who extend their abuse to the work setting are increasing the number of domains in which they control their partners. This is indicative of increasing risk.

Researchers examining workplace violence and stalking incidents in the United States and in four Canadian provinces indicate that the violence outcomes associated with stalking in businesses and organizations may be higher than forensic science statistics suggest. According to these researchers, stalking acts in businesses and organizations generally result in workplace violence outcomes a significant 44% of the time; in medical facilities, in particular, such acts result in workplace violence outcomes a significant 67% of the time (Feldmann et al., 1997).

Very alarming from an organizational point of view is the fact that in 90% of these workplace violence cases, clear warning signals were apparent to managers and union leaders. ***If these red flags had been acted upon expeditiously and judiciously—rather than minimized or not acted upon at all—these workplace tragedies may have never occurred*** (emphasis added) (Schell, B., 2003).

Stalking also has a direct, negative impact on organizational productivity and turnover rates. By harassing, stalking, and threatening the target at work, perpetrators may succeed getting the victim fired and thereby increase the victim's dependence (Reeves, C., O'Leary-Kelly, A., Farmer, A., Paetzold, R., & Tiefenthaler, J., 2001). A recent target impact study conducted indicates that over 50% of stalking targets reportedly change jobs or take early retirement to avoid their stalkers, markedly decrease their work productivity because of the intense mental distress they are under, or stop work altogether because of their fears of psychological and/or physical injury by their stalkers. (Pathe and Mullen, 1997; Schell, Bernadette H)

It is for these reasons that domestic and sexual violence requires a specific and designated paid leave provision without the risk of conflation with PEL.

## Recommendation 3

Education and training about domestic and sexual violence be a mandatory requirement in workplace training.

### Rationale:

Management experts have been discussing the importance and the benefits of employers being prepared to respond to domestic violence since the 90s. This quote from the U.S. based Journal of Management Development is illustrative:

Liability attaches when a responsible party either knew or should have known of a particular hazard and thereafter failed to address it. The latter gives cause for the most concern. In considering a well-argued case, a jury may well conclude that the fact of foreseeability is as close as the nearest newsstand or news broadcast. One need only read today's newspapers or

listen to today's news broadcasts to see how foreseeable the threat of domestic violence to the organization really is (Chavez, 1997). Finally, the Occupational Health and Safety Act (OHSA) regulations obligate employers to provide a safe and healthful workplace. Because domestic violence that spills over into the workplace may be both predictable and preventable, courts have held companies liable for the negligent hiring of abusers, negligent retention of aggressors, and for the failure to warn employees of potential dangers (Clarridge, 1997). (Johnson, P.R., Gardner, S., 1999)

Only recently has Ontario's Occupational Health and Safety Legislation mirrored this perspective, but already Canadian researchers are making recommendations that employers ensure that managers and co-workers receive training in order to recognize and respond to domestic violence.

The 2014 Canadian report concludes that identifying the scope and impact of domestic violence on workers and workplaces is only a first step and that immediate next steps are needed, including, "educating managers, supervisors and workers about DV in the workplace, and providing specific protocols and tools to protect and support victims and intervene with perpetrators (e.g., [www.makeitourbusiness.com](http://www.makeitourbusiness.com))" (Wathen et al, 2014).

The Conference Board of Canada echo this recommendation in their 2015 report stating, "Without proper training on policies and procedures to address domestic violence at work, employees and managers may not know how to react or where to find resources or support if they become aware of a situation. Our findings reveal a gap between expectations placed on employees and managers and the training necessary to meet these expectations" (Boyer, Charles, and Chénier, Louise, 2015).

Deputation To:  
Standing Committee on Finance & Economic Affairs  
Monday July 19th, 2017

Marlene Ham, Provincial Coordinator, OAITH

Hello

Thank you very much for the opportunity to be here today. As mentioned my name is Marlene Ham and I am the Provincial Coordinator of the Ontario Association of Interval & Transition Houses. I am joined by my colleague Barb MacQuarrie, Community Director at the Centre for Research & Education on Violence Against Women & Children at Western University. Today we will be speaking to Schedule 1, Subsection 50.

While we support the amendment to include sexual and domestic violence as a reason to use Personal Emergency Leave and the need for this recognition in the workplace, it falls short of providing the support and job protection that is critical to survivors of SV/DV.

The need for this support has been clearly identified in both national and international research:

- A recent national study on the impacts of domestic violence on workers and the workplace found that one third of Canadian workers experience domestic violence in their lifetime. For over half of them (54%) that violence follows them to work (Wathen et al, 2015). 82% of survivors found that DV negatively affected their work performance and 37% said that their co-workers were also negatively impacted. 9% of survivors lost their job for reasons connected to the volatility at home (Wathen et al, 2015).
- Numerous studies have shown that women with domestic violence experiences have more disrupted work histories, are on lower personal incomes, have had to change jobs more often and are employed at higher levels in casual and part time work than women without these experiences (Adams et al., 2013; Crowne et al., 2011; Moe & Bell, 2004; Swanberg et al., 2005).

We want to point out the following implications of the legislation as it is currently crafted:

- SV/DV intersects with other grounds for taking PEL. Personal illness, injury and medical emergencies are all connected to the physical, financial, and emotional impacts that occur as a result of SV/DV. Not identifying SV/DV as the source of illness or injury leaves the worker vulnerable and makes it impossible for the employer to fulfil their obligations under Ontario's Occupational Health & Safety legislation to prevent and respond to domestic violence when it can cause harm in the workplace.
- Subsection 50 indicates that the first 2 days of PEL taken will be paid leave. If a survivor of SV/DV takes the two paid leave days for a reason unrelated to violence and abuse, any time they subsequently take off to address their situation of SV/DV will be unpaid. If a survivor takes the additional 8 days of unpaid leave for an injury or illness unrelated to SV/DV, they will not have access to unpaid leave either, defeating the intent to provide safety and protection from economic losses for survivors.
- The unintended result of not providing a dedicated paid and unpaid leave for SV/DV is that survivors may not be able to access the leave when they require it.

## Barb MacQuarrie, Community Director, CREVAWC

For this reason, we are respectfully recommending a legislative amendment to allow for a dedicated SV/DV leave.

- Creating a dedicated SV/DV leave will ensure that survivors have access to it when they need it and will ensure that employers have more awareness when employees are experiencing SV/DV, allowing them to mitigate risks to the workplace.
- Having a designated leave, will contribute to this government's commitment to advancing women's economic equality. We know from research that being in employment is a key pathway for women to leave a violent relationship (Patton, 2003; Rothman et al., 2007). The financial security that employment affords can allow women to escape becoming trapped and isolated in violent and abusive relationships (Widiss, 2008).

We are also recommending the provision of 5 paid days of leave:

- 5 days of paid SV/DV leave meets the standard set in Manitoba's provincial legislation and will support a strong minimum standard across the province, signaling Ontario's continued leadership in addressing domestic violence in the workplace.
- Research shows that even 5 paid days leave for SV/DV would not be an onerous cost for employers.
- We have data from Australia where unions have bargained for paid DV leave since 2011 and where some companies have voluntarily provided paid leave. Only 0.001% of Telstra's 32,000-person workforce has used the leave in two years (22 employees, with an average 2.3 days per incident) (Smith, 2017).
- Jim Stanford, a Canadian economist, now working in Australia found that wage payouts associated with a 10-day paid leave policy would be equivalent to less than one fiftieth of one percent of current payrolls (0.02 percent) (Stanford, 2016).
- He further found that the costs to employers associated with paid leave are likely to be largely or completely offset by benefits such as reduced turnover and improved productivity (Stanford, 2016).

Finally, we are recommending that provisions for paid and unpaid SV/DV leave be accompanied by the requirement for mandatory workplace training.

- In their 2015 report entitled, "Domestic Violence and the Role of the Employer" the Conference Board of Canada released the startling finding that, "In total, 71 per cent of employers reported experiencing a situation where it was necessary to protect a victim of domestic abuse." They further noted that "while many workplaces have been proactive in this area, few employers offer training and education."



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