



Canadian Labour Congress
Congrès du travail du Canada



Ontario Association of Interval & Transition Houses

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**ONTARIO
FEDERATION OF
LABOUR**

Western  Centre for Research & Education on
Violence Against Women & Children

September 27, 2017

The Honourable Kathleen Wynne
Premier
Legislative Building, Room 281
Queen's Park
Toronto, ON M7A 1A1

Dear Honourable Premier:

We are writing today, as representatives of trade unions, service providers and experts on gender-based violence, to call on the Ontario government to ensure that paid domestic and sexual violence (DV/SV) leave is a part of the amendments introduced to Bill 148, the *Fair Workplaces, Better Jobs Act*.

We know that DV/SV has a significant impact on workplaces and workers – the evidence is clear. A recent national study on the impacts of DV/SV on workers and the workplace found that one third of Canadian workers experience DV/SV in their lifetime. For over half of them (54%), violence follows them to work. 82% of survivors found that DV/SV negatively affected their work performance and 37% said that their co-workers were also negatively impacted. Less than 10% of survivors lost their jobs for reasons connected to the volatility at home.

Numerous studies have shown that women with DV/SV 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. Ontario has already taken a number of important steps in clarifying employers' responsibilities to protect and support workers through reforms to the Occupational Health and Safety legislation.

Although we support the recent amendment to provide a designated leave of survivors of DV/SV, it falls short of providing the support and job protection that is critical to survivors of DV/SV.

Designated paid leave is an important component of helping survivors keep their jobs and economic security. We know from research that being in employment is a key pathway for women to leave a violent relationship. The financial security that employment affords can allow women to escape becoming trapped and isolated in violent and abusive relationships.

Furthermore, the unintended result of not providing a dedicated paid DV/SV leave is that survivors may not be able to access the leave when they require it. Paid leave is also important because of the dynamics of power and control in abusive relationships. Research shows that over 90% of DV/SV survivors experience financial control. If accessing unpaid leave results in a lower pay cheque than the abuser is expecting, there may be serious consequences for the worker. Again, an unintended result of not providing a paid leave.

For this reason, we are respectfully recommending that subsections 50 (5) of the *Employment Standards Act* be amended to allow for 10 paid days of domestic or sexual violence leave, followed by 60 days of job-protected unpaid leave.

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It is also important to mention that Bill 148 currently restricts access to the DV/SV leave to the employee herself and her child, step child, or foster child under the age of 18. It also restricts access for survivors by requiring them to have worked for 13 consecutive weeks before gaining the entitlement.

Instead, we are recommending that the legislation expand eligibility to also include the child of a spouse and a person's adult child – similar to current provisions on personal emergency leave. Lastly, we are recommending providing survivors with immediate access to the DV/SV leave, but to allow for a one week waiting period to access to paid days – again, similar to current provisions on personal emergency leave.

Together, these amendments will ensure that survivors have access to paid safe time when they need it and will ensure that employers have more awareness when employees are experiencing DV/SV, allowing them to mitigate risks to the workplace.

Research shows that even 10 paid days leave for DV/SV would not be an onerous cost for employers. It is important to note that these days are normally taken intermittently, not consecutively. 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 1% of current payrolls (0.02%) (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.

It must be emphasized that the creation of this leave alone will not be sufficient to help survivors of sexual and domestic violence. It is a first step and many more need to be taken, such as a requirement for mandatory workplace training, creating greater access to transitional housing, medical services, and counselling.

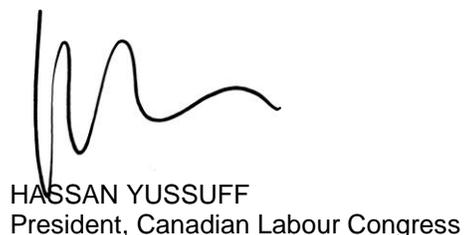
We recognize and applaud the government's commitment to advancing women's economic equality and to addressing and eliminating gender-based violence. Having a designated paid leave will signal your government's ongoing commitment and is, we believe, a natural extension of the progress your government has already made.

Most of all, we know that providing a designated paid DV/SV leave will save jobs and lives. We hope you will give our proposal serious consideration.

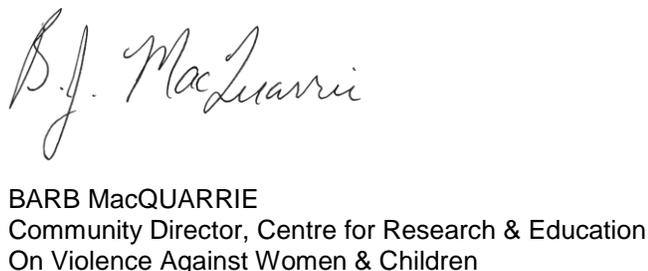
Sincerely,



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President, Ontario Federation of Labour



HASSAN YUSSUFF
President, Canadian Labour Congress



BARB MacQUARRIE
Community Director, Centre for Research & Education
On Violence Against Women & Children



MARLENE HAM
Provincial Coordinator, Ontario Association of
Interval and Transition Houses

Cc: Hon. Indira Naidoo-Harris, MPP Minister of the Status of Women
Hon. Kevin Flynn, MPP Minister of Labour
Hon. Helena Jaczek, MPP Minister of Community and Social Services