

BULLETIN

Domestic violence and workplace safety: Why policy change is needed

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By Samantha Ponting, HSA Communications

When we talk about health and safety in the workplace, domestic violence issues rarely enter the discussion. Yet for someone who has been awake most of the night from duress, their ability to manage workplace risks and hazards can become a serious issue.

“For those people that might be in a workplace driving company vehicles, working on a drilling rig, or doing iron work, you need to have your wits about you,” says Tracy Porteous, Executive Director of Ending Violence Association of BC (EVA BC).

“If you’ve been up all night because you’re being abused and you’re experiencing a level of trauma that causes you sleeplessness, all it takes is one second for an accident to happen.”

Danger can also arise for someone being stalked at or around work. Their physical and emotional safety and the safety of their co-workers becomes compromised.

“The number one place for her to be stalked or followed is at home. The number two place is at work,” says Porteous.

“If she has an estranged spouse that is threatening to hurt her, he may be following her to work, he may be sitting in his car,” she explains. “All of her co-workers are at danger because they could get caught in the crossfire.”

Porteous says that the most dangerous thing a woman can do who while in a violent relationship is leave their partner. Her safety is most at risk during the period between two and 18 months after leaving.

A 2014 study produced out of Western University found that one third of workers across Canada had experienced domestic violence at some point in their life, and in over half of these cases, violence followed the person to work.

According to a US study published by the American College of Epidemiology, homicide accounts for the largest or second largest cause of workplace deaths among women, depending on the year. Approximately one third of women murdered at work are killed by intimate partners.

“I think a lot of employers don’t understand why they should care about this, or why this is a business issue for them. It doesn’t take very much scratching of the surface to understand,” says Porteous.

Provinces and territories across Canada consistently have regulations that require employers to address workplace hazards. However, many provinces, including BC, have no regulations that outline the responsibilities of employers to address workplace hazards that employees face as a result of domestic violence.

“We’re not there yet,” says Porteous. “But the employer’s responsibility to do something about a hazard is very clear. I think it would be neglectful of an employer if they knew that somebody on their staff was experiencing domestic violence or perpetuating violence and they didn’t address it.”

In contrast, Ontario has made some important headway on this issue. Section 32.0.4 of Ontario’s Occupational Health and Safety Act names domestic violence as a threat to workplace safety, and, in cases where domestic violence could expose a worker to a workplace physical injury, requires the employer to take “every precaution reasonable in the circumstances for the protection of the worker.”

In the past, EVA BC has called for provincial policy or legislation that delegates responsibility to the employer to deal with hazards associated with domestic violence and sexual assault, even when it doesn’t happen in the workplace. In 2015, WorkSafe BC published an employer handbook on addressing domestic violence in the workplace. While serving as an importance resource, Porteous says a clear mandate for employers to address domestic violence is important. “We don’t have that yet but we do believe that it is needed.”

Job-protected leave from work is critical for employees experiencing domestic or sexual violence who may need to relocate or seek community services such as medical attention, legal services, or counselling.

“They might have to go to the hospital to attend to their injuries. They might have to go to court. They might be so traumatized that they can’t keep up and will need to have some time off,” says Porteous.

According to a 2014 national study, 8.5 per cent of domestic violence survivors reported losing a job due to domestic violence. 82 per cent said domestic violence negatively impacted their work performance and 38 per cent said it affected their ability to get to work.

Workers in precarious jobs, such as those in the service industry, are particularly vulnerable.

“I personally know women who have been fired because their bosses have said ‘if you miss one more day of work, you’re going to lose your job,’” says Porteous. “And this is not ok. This is a tragedy.”

In both Ontario and Manitoba, legislation has been passed providing job-protected paid leave to survivors of domestic violence, and in the case of Ontario, these protections are extended to survivors of sexual violence and parents whose children are at risk of domestic or sexual violence.

Ontario provides 10 consecutive or intermittent days of leave per year in addition to 15 consecutive weeks of leave annually. Manitoba provides up to 10 consecutive or intermittent days per year and 17 consecutive weeks annually. In both provinces, 5 of these days must be paid.

In 2017, BC NDP MLA Jodie Wickens introduced legislation to amend the Employment Standards Act to allow for 10 days paid leave and 17 weeks of unpaid leave for an employee who has experienced, or child has experienced, domestic or sexual violence. While the bill passed its first reading, it was not passed in time before last year’s election.

But legislation is just one piece of the puzzle. Porteous says that “more than anything, what we need to see is more investment in community anti-violence services and cross-sector anti-violence teams, because we know they’re saving lives.”

“We have to understand that when people have been hurt in this way, we have to rally around them,” says Porteous.

The facts on domestic violence

When you look at the statistics, it’s clear we have a long way to go to end violence against women. While reports suggest Canada has experienced an overall decline in violent crime, rates of domestic violence are actually on the rise, according to the Ending Violence Association of BC (EVA BC).

- In BC, domestic violence charges by Crown Counsel have increased from 9,000 in 2002-2003 to 12,000 in 2009, 2010, and 2011.

- In 2009, domestic violence represented 11 per cent of all police-reported violent crime in Canada.
- Indigenous women, women with disabilities, and young women are at the highest risk of intimate partner violence
- According to a 2014 Statistics Canada survey, Indigenous women report being three times more likely to experience violence than non-Indigenous women, and three times more likely to experience spousal violence.

This article originally appeared in the March 2018 edition of *The Report* magazine. [Click here to view the full issue.](#)

Update: Since this piece was published, the provincial government introduced reforms to the Employment Standards Act providing up to 10 non-consecutive days of unpaid job-protected leave for workers escaping domestic violence, and up to 15 weeks of consecutive unpaid leave. The BC Federation of Labour is calling on the provincial government to provide ten days of paid, job-protected leave to workers experiencing domestic or sexual violence. To add your voice to this call, [click here](#).

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