



report

Domestic Violence, Workers, and Workplaces

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The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

Larry Brown, President

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Introduction

Despite the gains made in advancing gender equity, domestic violence continues to be a prevalent and serious issue in Canada. Although domestic violence can impact anyone, it disproportionately affects women, particularly those of marginalized communities, and gender diverse and Two Spirit persons.

Domestic violence is not simply a private issue. For someone who is experiencing domestic violence, it impacts all aspects of their life, including their work and the health and safety of the workplace. Importantly, work can also become a source of safety and of accessing support. As this link becomes more widely recognized (a result of much advocacy), job-protected leave for victims* of domestic violence is becoming a key policy tool for protecting workers.

This briefing provides an overview of domestic violence and how it affects workers and workplaces. To profile the response from governments, it gives a snapshot of current legislation across Canada. Lastly, it discusses the role of labour unions in raising awareness, supporting workers—and in eliminating domestic violence altogether.

1. What is Domestic Violence?

Domestic violence is synonymous with terms such as intimate partner violence or spousal abuse, or may be included in family violence. Domestic violence (DV) is defined as “a pattern of behaviour used by one person to gain power and control over another with whom they have or have had an intimate relationship.”¹

DV includes harassment and control through physical violence, verbal abuse, sexual, emotional, and psychological intimidation, stalking, or using electronic devices.² Compared to other forms of violence, there are several unique dimensions of DV, such as the abuser “using property, pets, or children to threaten and intimidate; economic abuse such as withholding or stealing money; stopping a partner from reporting to work, or from getting or keeping a job; or sexual, spiritual, or emotional abuse.”³

Anyone can be a victim of DV. The abuser may be a current or former partner. They may or may not be living together, and may or may not be married.

However, women and girls are more likely to be affected, as are gender diverse people. In 2017, intimate partner violence (IPV) accounted for nearly 30% of all police-reported violent crime in Canada and affected nearly 96,000 people aged 15 to 89.⁴ The fact that family violence is consistently underreported, for various reasons, is important context. Statistics Canada estimates that 70% of spousal violence is not reported to police.⁵

* We recognize that there is an important ongoing debate on whether the term *victim* or *survivor* is most appropriate when discussing gender-based violence. For the purpose of this paper, we use the term *victim*.

Women are disproportionately affected, accounting for nearly 8 in 10 victims of DV,⁶ with younger women being the most likely to experience violence. Furthermore, DV is more likely to be severe when women are the targets. When DV results in death, nearly all victims are women and nearly all perpetrators are men.⁷ Given this imbalance, DV is often encompassed in the term gender-based violence (GBV).

The prevalence of GBV, including domestic violence, is disproportionately higher for those at the intersection of multiple bases of oppression. This means that Indigenous women, women with disabilities, immigrant and refugee women, lesbians and bisexual women, and transgender women are at a greater risk of violence.⁸ Gender diverse and Two Spirit people also face heightened risk of violence and discrimination.⁹

Additionally, marginalized women and gender diverse people face unique barriers in accessing supports and avenues for justice. For example, when reporting violence, racialized women are more likely than non-racialized women to have their experiences dismissed, and newcomer women are less likely to even report for fear of further victimization or jeopardizing their status.¹⁰

Despite increased awareness surrounding DV and greater supports for victims, DV continues to persist in Canada. In fact, research shows that DV has increased during times of economic crisis and natural disasters,¹¹ which we know are only becoming more prevalent. Notably, though, there is growing recognition of and response to the potential work-related effects of DV.

2. Is Domestic Violence a Workplace Issue?

At first glance, DV may seem like a private issue, and not a work-related one. However, for someone experiencing it, DV impacts all aspects of their life, and that includes their work. In short, “when domestic violence follows a victim to work, it becomes a workplace issue.”¹²

For a victim of DV, the impacts on their health, well-being, and safety extend beyond their home or the instances of abuse. This includes how DV impacts their work and life in the workplace. They may be injured, unwell, or sleep deprived. It may be difficult to focus or to complete tasks; and thus, DV can contribute to reduced productivity, motivation, and morale.¹³ They may be unable to get to work on time, or at all.

As a result, DV may even cause a worker to lose their job.¹⁴ The impacts of DV on work outcomes are, in part, the result of the physical and mental health effects of DV. Job instability can, in turn, negatively affect health and well-being. Thus, the pattern “can be seen as a ‘vicious circle.’”¹⁵

The acts of violence or the perpetrator themselves may literally follow the victim to the workplace. The perpetrator may show up, stalk, physically hurt, or repeatedly call, text,

or email the person at their workplace. They may disturb or threaten the person, their co-workers, or others at the workplace, or destroy work property.¹⁶

These impacts can extend to co-workers or clients, which may further compound the effects. When a worker is absent, unwell, or unable to do their job to the best of their ability, it impacts their co-workers' ability to do their jobs too, and may impact services to clients. According to the international Domestic Violence at Work Network, "violent partners or ex-partners who use the workplace to gain access to their partners and ex-partners also pose a risk to co-workers and employers, clients, customers or patients who are in the same workplace."¹⁷

All of these impacts may compound the harm to victims. Already experiencing isolation due to DV, they may feel further isolated at work, especially if they do not feel safe or able to speak out. They may "experience additional burden due to concerns about others knowing about the [DV], feelings of embarrassment or shame due to stigma, and fear of job loss."¹⁸

For these reasons, DV is a workplace health and safety concern. According to the Canadian Centre for Occupational Health and Safety, "although domestic violence may not be recognized by some employers or workers as a workplace hazard, it can interfere with the victim at work and impact a workplace—and employers should address this issue."¹⁹

Lastly, although these extensive impacts provide sufficient reason to address DV at work, there is also an economic argument. Researchers have calculated the impact of DV on workers and workplaces in economic terms. In Canada, employers lose \$77.9 million annually as a result of the impacts—direct and indirect—of DV.²⁰ Employers themselves are increasingly recognizing that employees' personal well-being is key to an effective or successful workplace.²¹

In addition to the negative effects of DV on work, workers, and workplaces, it is also worth noting that workplaces can be important places for accessing supports. Co-workers, supervisors/managers, employers, and unions can play a crucial role in supporting a victim of DV. Also, employment can provide income security, physical safety, and social connections, and is shown to be an important avenue for individuals to leave a violent relationship.²²

3. Prevalence in Canada

The relationship between DV and work is increasingly being recognized. Depending on the study, estimates of employed DV victims being affected at work range from 36% to 75%.²³ Although specific figures vary by country and survey, DV is consistently found to have negative effects on attendance, performance, and safety.²⁴

Until recently, there was a lack of data specific to the Canadian context. The Canadian Labour Congress (CLC) and Western University's Centre for Research and Education on Violence against Women and Children (CREVAWC) partnered to conduct the first-ever pan-Canadian survey on DV and the workplace.

NUPGE and its Components were supporters of this initiative, and members participated in the survey. Prior to the survey, at a meeting organized by the CLC in 2012, NUPGE highlighted the work of Health Sciences Association of Alberta (HSAA/NUPGE), in which HSAA actively supported the Employer's Toolkit developed by the Alberta Council of Women's Shelters.

The survey results, released in 2014, confirmed the prevalence and the effects in Canada. Of those workers who reported experiencing DV, the pan-Canadian survey reported the following:

- Most (81.9%) said that it negatively impacted their work performance, primarily because they were distracted, tired, or feeling unwell.
- For 38%, it interfered with their ability to get to work (being late, missing work, or both).
- Over half (53.5%) experienced some type of abusive act at or near the workplace, primarily abusive calls or texts (40.6%) and stalking or harassment (20.5%).

A significant number (37.1%) also reported that their co-workers were affected. Co-workers were often concerned or stressed about the abuse.

Notably, the effects of DV are uneven. It is worth noting that of those experiencing DV, women are more likely than men to experience impacts when they are at or near the workplace, or on job performance, and on the ability to get to work. They are also more likely to need time off and to suffer job loss.²⁵

The pan-Canadian survey found that Indigenous workers, workers with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) workers were more likely to report experiencing DV.²⁶ Furthermore, lesbians, bisexual and transgender women, gender diverse people, and Two Spirit people, along with GBT men, are less likely to report sexual violence and/or DV, facing discrimination and revictimization when they do.²⁷ There continues to be limited data on DV for lesbians, bisexual and transgender women, and gender diverse and Two Spirit people.

Experts and front-line workers, including those in shelters and police departments, have observed a rise in both prevalence and severity of DV in Canada in recent years, noting that the data continues to be limited.²⁸ This underlines not only the need for proactive efforts to eliminate DV but also the need to ensure there are proper supports and resources in place for those currently affected in order to reduce harm.

4. Policy and Legislative Context

International, national, and provincial and territorial actors are increasingly recognizing DV as a work-related issue. This section provides an overview of recent key developments. It is important to note that the focus here is on DV as it relates to work, rather than on policies and strategies for DV prevention and supports more broadly.

Until recently, there was no international standard addressing violence and harassment at work.²⁹ In June 2019, the International Labour Organization (ILO), a key global actor in setting labour standards, adopted a new treaty, the Convention concerning the elimination of violence and harassment in the world of work. The Convention and its corresponding recommendations outline rights and protections for workers experiencing violence or harassment, notably giving specific consideration to DV.³⁰

Governments that ratify the Convention will be required to implement preventative and protection measures, including national laws that prohibit workplace violence, engage in awareness-raising and training, and provide access to remedies.³¹ In addition to protections in cases of violence and harassment at work, the Convention also outlines standards and measures that will mitigate the work-related effects of DV, including:³²

- (a) leave for victims of DV;
- (b) flexible work arrangements and protection for victims of DV;
- (c) temporary protection against dismissal for victims, as appropriate;
- (d) include DV in workplace risk assessments;
- (e) referral system to public mitigation measures for DV, where they exist; and
- (f) awareness-raising about the effects of DV.

Its recommendations provide a concrete framework that may help guide policies and programs, and so, NUPGE has called on the Canadian government to ratify the Convention. In a letter to Prime Minister Justin Trudeau, President Larry Brown wrote,

Ratifying ILO Convention No. 190 would demonstrate Canada's commitment to the right of all workers to a work environment free from violence and harassment. Further, the Convention also provides a roadmap for governments on how to get there. This includes measures for preventing violence and harassment in the world of work, and for protecting those who are affected.³³

Another important international framework is the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It requires governments to take measures to eliminate discrimination, for example, violence against women in all areas of life, including employment. CEDAW also requires governments to ensure women have access to safe and healthy working conditions.³⁴

Within Canada, the protections for workers experiencing DV are piecemeal. In recent years, domestic violence leave has been the focus of much advocacy, and consequently, has emerged as a key protection across jurisdictions. A victim may need to take time off from work to address health, safety, or legal issues associated with DV.

Time off may be essential to leaving an abusive partner, finding housing, and/or caring for children.³⁵

As a result, there has been growing recognition of DV leave in federal and provincial and territorial legislation. The *Canada Labour Code* provides the leave, under the umbrella of family violence, within its personal leave provisions.³⁶ This applies to workers in federally regulated workplaces (e.g., banks, Crown corporations, air transport, radio and TV, and some First Nations communities).

At the provincial level, in 2016, Manitoba became the first province to guarantee job-protected DV leave. Each province has since amended its employment standards legislation to include paid and/or unpaid days of job-protected leave for victims of DV, with some provinces providing the option of additional weeks of continuous unpaid leave when needed.³⁷ In the most recent development, changes to the Northwest Territories' employment standards, which came into effect January 1, 2020, include paid domestic violence leave.³⁸

Despite greater public recognition of DV in recent years, advocates continue to push for paid DV leave in all jurisdictions.³⁹

Notably, Alberta, Manitoba, Ontario, New Brunswick, and Newfoundland and Labrador also include reference to DV (or family violence) within their occupational health and safety legislation. They identify employer obligations for protecting workers from violence, including DV.⁴⁰

In addition to dedicated DV leave, there are numerous factors, and corresponding policy areas, that relate to the prevalence of DV and affect responses to DV. For example, job insecurity, child care, income supports, pay inequity, housing, and health may impact a person's ability to leave an abusive situation. 2 crucial policy areas that affect responses to DV worth highlighting here are 1. funding for shelters and transition houses, and 2. access to affordable housing.

According to Women's Shelters Canada (WSC), while the need for shelters for victims of violence against women (VAW) is growing and their scope of services expanding, these shelters are chronically underfunded, under-resourced, often at capacity, and sometimes not accessible. Due in part to insufficient and unpredictable funding, shelter staff experience high rates of burnout, precarious employment, and turnover.⁴¹

Shelters and transition houses offer crucial supports to victims of DV by providing immediate safety, long-term healing, resiliency, and the ability to leave abusive situations.⁴² Governments across Canada, therefore, must ensure that women's shelters, transition houses, and other community supports receive sufficient and stable funding to continue their important work.

Living in a rural environment may further complicate a victim's experience with DV. Although DV occurs in both urban and rural settings, a rural one presents additional

barriers. There is often limited or lack of access to support services, communication, transportation, and housing. Furthermore, victims face challenges speaking out or accessing supports due to isolation, stigma, lack of anonymity, and strong community ties.⁴³

Relatedly, the lack of affordable housing in Canada poses a major obstacle to addressing DV. It can contribute to an abusive situation, or impede a person's ability to leave one if they are unable to find or afford housing. Even if a person is able to access a shelter in the short term, two-thirds of residents have difficulty finding and acquiring affordable housing during their stay.⁴⁴

Women of marginalized communities, including women with disabilities, racialized women, and Indigenous women, and LGBTQI2S people, experience higher rates of poverty and violence, which create barriers to accessing or maintaining housing. In turn, insecure housing makes them more vulnerable to experiencing violence.⁴⁵

Addressing the housing crisis in many parts of Canada is, therefore, closely linked to efforts to eliminating DV as well as to reducing harm in the near term. The rising cost of home ownership—and the debt associated with it—are well documented, especially in cities such as Toronto and Vancouver.⁴⁶ The cost of rental housing, too, is out of reach for many Canadians. A 2019 report by the Canadian Centre for Policy Alternatives found that, in almost every neighbourhood across Canada, the hourly wage required to afford rent is much higher than minimum wage, and the cost of renting is on the rise.⁴⁷ The rising cost of housing (owning or renting) may cause stress, exacerbate conflict or violence in relationships, or limit a person's ability to leave an abusive situation.

The lack of access to safe and affordable housing, therefore, can play a role in perpetuating DV. Governments at all levels in Canada must ensure that affordable housing and appropriately-resourced community supports are available to all people, including those fleeing violence.

5. The Role of Unions

Workers and their unions have an important role to play in furthering awareness and enhancing supports for victims of DV, as well as in fighting to end DV altogether. In fact, “the workplace can play an important role between people experiencing violence of any kind, and assisting individuals to get the necessary help.”⁴⁸

There are numerous ways unions, in particular, can be part of the solution. Unions can provide direct support to members who are experiencing DV, as well as to the co-workers. A union representative or steward may be a trusted source to which a victim of violence can go to disclose abuse or seek help navigating resources.⁴⁹

Unions can also advance protections through the collective bargaining process. Where legislation does not exist, unions have negotiated DV leave for their members. For

example, the Yukon Teachers' Association negotiated paid DV leave for its members, as Yukon does not have territorially legislated leave requirements.⁵⁰ The Professional Institute of the Public Service of Canada (PIPSC) has also negotiated paid DV leave for its federal public service workers, who are not included in the federal legislation (the *Canada Labour Code*).⁵¹ Several NUPGE Components have negotiated or are in the process of developing domestic violence language including domestic violence leave. The CLC has compiled guidelines on collective bargaining strategies and model collective agreement language to help unions negotiate protections.⁵²

Additionally, unions can encourage employers to create workplace violence prevention policies and programs, for which there are many templates.⁵³ Unions may also develop their own worker-led programs, such as the Canadian Union of Postal Workers' (CUPW) Social Stewards Network.⁵⁴

Unions are advocates for legislative or policy change, such as paid DV leave and other complementary policies that protect workers and advance gender equity. Unions can pressure governments to implement such policies, expand them, or dedicate resources to preventing DV. Unions may also lobby the government to ratify international treaties, such as the recent ILO Convention No. 190, or other standards that serve as guidelines.

The Canadian labour movement has played a leadership role in fostering discussion on this issue. Canadian unions, including NUPGE, have played an important role in raising awareness and working to fight GBV through research, educational materials, lobbying, and campaigns.⁵⁵ The CLC's joint survey with CREVAWC provided crucial data that filled a knowledge gap in Canada.

The CLC has also compiled materials under the Domestic Violence at Work Resource Centre, which includes materials on a variety of topics important to Canadian unions. In addition to the collective bargaining materials, the online centre provides information for union representatives and stewards on the union's role, warning signs for DV, and what to do when one suspects a member is experiencing abuse.⁵⁶ Through conducting research and developing educational materials, the labour movement can help to inform advocacy around DV at work.

The CLC, in collaboration with CREVAWC, has developed the Domestic Violence at Work Facilitator Training program. NUPGE has assisted with the coordination of the training course for union representatives. It is designed to train stewards, health and safety representatives, and staff to be able to respond to members experiencing DV, and to gain a deeper understanding of the dynamics of DV at work and the roles of the union and employer in addressing it. Over 20 NUPGE activists have now completed the facilitator training, and there are now facilitators in every Component province.

More broadly, unions are an important voice for social and political change. Working with members and allies, unions can continue the work to end the root causes of GBV, discrimination, and inequality. The ILO Convention on Violence and Harassment acknowledges that

gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work.⁵⁷

In his letter urging Prime Minister Trudeau to ratify the Convention, NUPGE President Larry Brown noted that “addressing violence and harassment in the world of work is a crucial step in the fight against gender-based violence and inequality.” He added that “Canadian governments, employers, and unions all have a role to play in eliminating violence and harassment in the world of work, and to ensure the proper supports are in place for those who are affected. In fact, we all have a responsibility to do so.”⁵⁸

Conclusion

We all have a responsibility to act to address DV. Attitudes that dismiss DV as an entirely personal matter contribute to the further isolation of the person experiencing DV and may limit their access to supports. For this reason, CREVAWC has entitled its DV at work campaign, Make It Our Business.

Not only is there a clear moral reason to support an employee, co-worker, or member who is experiencing DV, but there are health and safety reasons to address DV at work.

Given the new and expanded legislation in recent years, the link between DV at home and at work is clear. It is important to build upon these gains to ensure that all workers affected by DV have access to leave and other supports, and to further work to eliminate DV (and gender-based violence) altogether.

It is worth noting that while this report focuses on DV leave and supports in the context of work, there are many other areas in which policy change and resources are needed to support victims and to ameliorate violence. Examples include affordable housing, universal public child care, health care and mental health services, and community-based social services. What is also needed is broader efforts to address societal norms and inequities.

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