



Domestic Violence Leave

PRESENTED BY



Department of Labour,
Skills and Immigration



Nova Scotia
Advisory Council on
The Status of Women

NS Advisory Council on
the Status of Women

Introduction



Domestic violence occurs between two persons in a relationship, where one exercises power over the other, causing fear, as well as physical and/or psychological harm. It may be a single act or a series of acts forming a pattern of abuse.

Domestic violence happens in our homes, families, and intimate relationships. It is a harmful behaviour that should not happen. It affects us all and has devastating impacts on individuals, families, workplaces, and communities. In some cases, it can result in death.

Domestic violence can occur in any relationship; however, women are primarily victims and men are primarily perpetrators. Young people may experience harm by being exposed to violence in adult relationships and/or being direct victims of violence.

Domestic violence is also commonly called relationship and/or dating violence, intimate partner violence, and gender-based violence. It happens in both heterosexual and same sex relationships. It can affect transgender and intersex populations as well.

Facts about domestic violence

- Women are over three times more likely to be a victim of intimate partner violence, thirteen times more likely to be a victim of sexual offences, and five times more likely to live in poverty if they leave their abusive partner.
- The rate of assault for women is three times higher than for men, and women experience higher levels of injury. The rate of intimate partner homicide for women is consistently higher than for men in Nova Scotia and Canada.



Addressing domestic violence is a shared responsibility. Establishing domestic violence leave under the Nova Scotia Labour Standards Code (the Code) is part of Standing Together, Nova Scotia's action plan to prevent and address domestic violence.

Job protection for employees experiencing domestic violence

An employee who has been in their job for at least three months is entitled to leave from work under the Code if the employee, or their child (under 18), experiences domestic violence.

The leave applies to employees who work in Nova Scotia for provincially regulated employers, including unionized employees whose terms and conditions of employment are set out in collective agreements.

The Code defines domestic violence for the purpose of the leave as an act of abuse that can be physical, sexual, emotional, or psychological. It can include coercion, stalking, harassment, or financial control, or it can be a threat of such abuse.

The relationships covered by the law

The employee may be experiencing abuse by their current intimate partner, their former intimate partner, their child, a person under 18 years who lives with them, or an adult who lives with them and is related to them by blood, marriage, adoption or foster care.

The employee's child may be experiencing abuse by the child's current intimate partner, the child's former intimate partner, or a person who lives with the child.



Why is domestic violence an important issue in workplaces?

Problems at home often come to work, which means that domestic violence can contribute to:

- an increase in absences from work;
- lower productivity;
- higher replacement, recruitment and training costs;
- increased company health expenses;
- lower employee morale;
- strained co-worker relations;
- risk of harm to employees, co-workers and/or clients, if violent abusers enter the workplace; and
- liability costs, if anyone at the workplace is harmed.

Employers have an important role to play in keeping their employees safe. Domestic violence leave offers benefits to employees and employers including:

- helping the victim by protecting their job while they seek assistance;
- cost savings – both employer costs and social systems such as courts, healthcare, and child welfare;
- increasing productivity at work;
- reducing turnover; and
- building a healthier workplace.



Why give employees a protected leave?



The safety and security of Nova Scotians is a priority. Women living in abusive relationships often face a difficult choice between remaining in the abusive relationship or facing poverty.

Economic independence and security are necessary for the prevention of domestic violence. Domestic violence leave gives victims the time they need away from the workplace, knowing their job is secure until their return. Economic insecurity can increase risks and make it harder for women to rebuild their lives. Women often work part-time or in lower income jobs, so the risk of losing their income is a significant factor in their lives and that of their families.

How can domestic violence leave help someone break the cycle of violence?

Domestic violence affects home, work, health, children and schooling. The Code gives employees the right to take time off work to:

- seek medical attention for themselves or their child;
- obtain services from a victim services organization for themselves or their child;
- obtain psychological or other professional counselling services for themselves or their child (this includes culturally-specific services);
- relocate temporarily or permanently; and
- seek legal or law enforcement assistance (this includes appearing in court if charges have been laid).

Victims may need time off for one or many of the above reasons.

How much time can an employee take away from work?

The law recognizes that some employees may need one long period of time off to address their situation of domestic violence, while others may find a day or two now and again is enough support, and still other employees may need a combination of continuous time and some intermittent time.

In each calendar year, an employee is entitled to domestic violence leave for:

- up to 10 days, which an employee can take in one continuous period or intermittently (the days broken up); and
- up to 16 weeks, which an employee must take in one continuous period (unbroken time off).

For example, an employee may require a half-day off to attend counselling (which counts as one of the 10 days of intermittent

DAY PLANNER			MONTH: _____		
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT. SUN.
1	2	3	4	5	6
					7
8	9	10	11	12	13
					14
15	16	17	18	19	20
					21
22	23	24	25	26	27
					28
29	30	31			

leave), and then the employee may access a five-week continuous period to move and settle their children into a new school. After returning to work, they may need a few more days off to deal with law enforcement issues. An employee can take both, the 10 intermittent days plus up to 16 continuous weeks in a calendar year.

An employee who does not use the entire 16-week period at one time cannot take the remainder of the 16 weeks in the same calendar year. While the 16-week period cannot be broken up in one calendar year, the employee may qualify in the next calendar year for another 10 intermittent days and up to 16 continuous weeks.

Are employees entitled to paid leave?

Up to three days of domestic violence leave must be paid by the employer each calendar year (out of the 10 days / 16 weeks). An employee can determine which days of leave should be the paid leave days, but if the employee does not identify specific leave days to be paid, the employer will pay the first three days off (or parts of days off).

The employee's paid day of leave must not be less than their wages for all hours they would have worked on the day of the leave. If a part-time employee was scheduled to work four hours but takes a day of leave instead, the employee would receive regular pay for four hours.

If an employee has a one-hour appointment for which they request domestic violence leave, and also works five hours that day, they

would be paid for six hours total. The employer may want to ensure nothing looks different on the employee's pay statement for that pay period, so it looks like the employee is receiving their normal pay in case the abuser is monitoring the employee's pay.

The employee may request that their paid days of leave be saved for certain days. For example, an employee may have a two-hour appointment. They choose to work part of their day and request one of their 10 days of



intermittent leave for the two-hour appointment. They tell their employer in writing not to pay for the appointment time, as they want to save their three paid days in the event that they need them later in the year. Later, they require four days off to relocate, so they use their 3 paid days at that time, plus they take an unpaid day of leave.

What are the employer's obligations under the Code?

The employer is required to allow an employee to take time off for the reasons noted above. The employer must also protect the employee's confidential information.

There are, however, a few exceptions when an employer can share information, for example:

- when a staff member of the employer, such as the manager, requires information to carry out their job duties. This may arise, for instance, where an employer may need to develop a safety plan for an employee, team, or a workplace;
- an employer may be required by law to disclose information. If the employer becomes aware that a child is being abused, there is an obligation to report this information under the Children and Family Services Act. Or, if an employer is subpoenaed to court in a related matter, the employer must provide information as required by the court; and



- an employer may share information where an employee consents to the information being shared for the specific purpose it is disclosed.

What information is an employer entitled to have?

Domestic violence is a very sensitive issue for employees and employers to address. Employees may be concerned about how much information they need to share with their employers. And employers may have questions about what they can say to their employees.

The law allows an employer to ask for documentation to support the employee's entitlement to domestic violence leave. While an employee may choose to share detailed information about their situation with their employer, employers may only require employees to provide the [Notification to Employer – Domestic Violence Leave form](#) developed by the Nova Scotia Labour Standards Division as confirmation of the employee's entitlement to the leave. That said, an employer may choose not to ask for documentation.



What are an employee's obligations under the Code relating to domestic violence leave?

After deciding to take the leave, an employee must give their employer written notice as soon as possible, and the anticipated start and end date of the leave. If an employee needs to start their leave immediately, they must give notice as soon they can. Employees should make reasonable efforts to schedule appointments outside of work time, if possible. If requested, an employee must provide their employer with the [Notification to Employer – Domestic Violence Leave form](#) to support their need to take domestic violence leave.

The employee may end their leave early by giving the employer as much notice as possible. For the longer leave, they must provide written notice of at least 14 days if possible.



What if?

- What if an employee only needs a few hours off to attend an appointment - how does the time count? An employee does not have to take a whole day off. An employee can work for part of the day, and take a few hours of leave, as required. An employee should know, however, that even part of a day will count as one of the 10 days of intermittent leave. They should also be clear with their employer if they want this day to be paid or not (if the three paid days are not yet used up).



- What if an employee has not experienced domestic violence for two years, and now needs time off to attend court (in relation to their earlier experience with domestic violence)? Or what if an employee has left a situation of domestic violence, and years later realizes they have a trauma and require psychological counselling? An employee has the right to take leave in either of these situations. There is no time limit on when an employee can access domestic violence leave.



- What if an employee is also entitled to other relevant leaves? There could be multiple leaves available, at any given time, to an employee in a situation of domestic violence. For instance, an employee will be entitled to leave for medical appointments and domestic violence leave under the Labour Standards Code. If an employee's medical appointments (for the employee or their child) relate to domestic violence, the employee can access either or both leaves.

How can an employer ensure the workplace is ready to support employees experiencing domestic violence?

- Create or revise a workplace policy to address the leave;
- Provide training to managers and human resource teams on the impact of domestic violence and how to respond sensitively to an employee who takes a leave;



- Consider privacy and confidentiality;
- Create a procedure for tracking the amount of domestic violence leave taken by an employee;
- Develop a list of community supports and services which can be shared with employees;
- Create safety plans and enable secondary exits, as required;
- If applicable, work with its union and/or joint occupational health and safety committee to support employees.

Do you have questions about domestic violence leave, including about the Notification to Employer – Domestic Violence Leave form?

Call the Labour Standards Division at **1-888-315-0110**. Please know that all calls are confidential. Or you can email us at LabourStandards@novascotia.ca.

Where can victims of domestic violence access support?

If you have experienced or are experiencing domestic abuse, know that you are not alone.

If you are in immediate danger, call **911**.

If you are seeking help or are looking for information about abuse, you can call the 24-hour toll-free line: **1-855-225-0220**.

To connect with community resources in Nova Scotia, including the men's, women's and all genders helplines, call **211**.

You can also get a copy of [Making Changes](#), a resource for women experiencing abuse.

In Nova Scotia, there are many places that victims of violence can turn to for support. These include:

- 10 transition houses, also known as women's shelters;
- two Mi'kmaq family healing centres in We'koqma'q and Millbrook;
- Alice House second stage housing;
- nine women's centres;
- YWCA Halifax;
- men's treatment programs;
- Nisa Homes, the shelter for Muslim women in Halifax;
- victim services through the RCMP, Halifax Regional Police or Nova Scotia Department of Justice, and the Mi'kmaw Legal Support Network; and
- Legal Information Society of Nova Scotia.

