

Manitoba Passes Law to Offer Victims of Domestic Violence Leave from Work

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With only the clothes on her back, Michelle Gawronsky's mother, Kathy, piled five of her young children in the family car and fled to a women's shelter in Winnipeg. Her husband had been physically, mentally and emotionally abusive throughout their marriage, and on that morning in 1988, she'd had enough.

In the panic of escaping, Kathy, a teaching assistant, had the foresight to phone her boss to ask permission for a few days off, so she could file a restraining order and find somewhere safe to live with her kids. "They wouldn't do it," her daughter, Michelle, said, recalling the school's stone-cold response. "They said she had 48 hours to return to work or they would consider her terminated. And that's what happened."

Suddenly jobless, her mother was forced to go on social assistance. "If her employer could just have given her a week to get a few things settled in her life," Ms. Gawronsky said. "You have no money, no shelter. How do you look after these children? The guilt is unbelievable. As a society, we need to be supporting each other."

Ms. Gawronsky, who is now president of the Manitoba Government and General Employees' Union, told her late mother's story last month at a hearing for a [new Manitoba law](#) that will offer victims of domestic violence paid and unpaid leave from work, guaranteeing job security if they have to take time off as they seek safety away from abusers. The law, which passed third reading on March 3 and received royal assent on Tuesday, will give victims five paid days (to be taken in one stretch or intermittently, when needed), five unpaid days and an additional 17-week unpaid period, if a victim needs to flee and find a new place to live.

It is the first law of its kind in Canada, although a [similar bill](#) passed second reading in Ontario this week; it would offer 10 days of paid leave, as well as some unpaid leave and the opportunity for flexible work arrangements for victims of sexual or domestic violence.

The thinking behind the new legislation is that people should not be penalized at work when they are victimized at home. In the aftermath of an assault, victims need to be able to access emergency services, including doctors, psychologists, social workers, courts and lawyers. Many of those services operate only during work hours, Monday to Friday.

"If she takes either the five paid days or an extended leave, her job is there for her. This law will give her the time she needs," said New Democrat MLA Jennifer Howard, who put forward Manitoba's new legislation.

Ms. Howard, the province's former minister of family services and labour, said that steady income, as well as a safe physical workplace where a victim is valued by co-workers and friends outside of her abusive relationship, "are all critical to her leaving and rebuilding her life." Although victims fear disclosing to their employers, worried they'll be perceived as less professional and less competent, work also serves as a lifeline.

"Women say work is the one place they could get to where they felt safe, where they could get support and where they could actually do something that they felt successful about. They took pride in the ability to stay focused," said Anuradha Dugal, director of violence prevention at the Canadian Women's Foundation.

Proponents of such leaves argue that they also make good economic sense for employers, since domestic violence decreases productivity and increases lateness and absenteeism. A [national study](#) released in 2014 by the Canadian Labour Congress and the University of Western Ontario's Centre for Research & Education on Violence Against Women & Children found that 82 per cent of respondents who had experienced domestic violence said it hurt their job performance. Nearly 40 per cent said it made them late or miss work, with 8.5 per cent saying it got them fired. And aftershocks spread through the workplace: Nearly 30 per cent of co-workers reported that their work performance suffered due to the stress they were feeling for their victimized colleagues.

"Employers need to understand that this is already happening in their workplaces and it's already costing productivity," Ms. Howard said. "Often the abuser will show up at work or harass her on the phone, making it even harder for her to do her job. ... The better way to deal with this than to get rid of the victim is to give her the time and supports that she needs to deal with it."

In Ontario, the bill for paid leave was put forward by NDP women's issues critic Peggy Sattler, who included sexual violence in the provisions. Having scanned similar laws in the United States, Ms. Sattler found most legislation protected victims of sexual and domestic violence, as well as stalking. She is also pushing for flexible work arrangements, allowing employees affected by violence to change their hours or where they work from – significant because abusers will often show up at workplaces to further harass them.

Both Ms. Sattler and Ms. Howard took their inspiration from Australia, where many employers offer time off to survivors of domestic violence. [Follow-up studies](#) found employees were taking an average of just two or three days off to cope. "It's not an onerous burden on employers," Ms. Sattler said.

As for the notion that employees might abuse these leaves, those who work with victims scoff. "This isn't going to be abused. Nobody wants to come forward and admit that they're in that kind of a situation," said Ms. Gawronsky, whose boss at a long-term care home gave her five days off when she faced her own violent spouse decades ago. "When people are going through this, if you give them the chance to actually get their lives in order, they will give 10 times more than they've ever given you before. Employers get a much more productive and very grateful employee coming back."

Proponents say the debate around domestic-violence leaves from work mirrors conversations that occurred 50 years ago about maternity-leave benefits, and more recently about mental-health supports for staff. There is growing recognition that domestic violence is not “nobody’s business,” but an urgent public-policy issue.

“On almost any issue, there’s a gradual shift in HR from ‘Pull yourself together’ and ‘Don’t bring your personal life to work’ to understanding that our lives are complex and don’t always go so well. We can’t always pull it together and bring our best self to work,” Ms. Dugal said. “But there’s a way to turn this around in the workplace from, ‘You’re always late’ or ‘You’re not concentrating’ to ‘What do you need? What is going on? How can I help you?’”

Ms. Dugal said the new legislation is important because it shifts the onus away from victims. “Societally, we are stopping the constant expectation that women will bear all the brunt of the abuse they experience. She gets to keep her job and her employer has a duty to understand this and work around it.”

Ms. Sattler concurred, arguing that paid leave for women who are escaping abuse is part of a larger conversation about closing the gender wage gap. “Because an individual has experienced violence, they shouldn’t have to use up their holidays to get the support they need. It was important that this be in addition to other leave entitlements.”

Some details need ironing out with the new legislation, such as whether victims will be eligible for employment insurance during their unpaid leaves, and what documentation they will need to show their bosses. Critics argue that a balance will have to be struck between satisfying employers, without making it too onerous on victims.

The goal, they say, is a broad range of guarantors beyond police, should a victim not wish to report. Acceptable paperwork might come from counsellors, doctors, lawyers or women’s shelter staff, or it might be a lease with a new address or a new daycare schedule. Both the Manitoba law and the Ontario bill stress confidentiality: Employers can only disclose the information to those who absolutely need it to do their jobs, or if the employee consents.

Most urgently, the laws could mean the difference between leaving now and leaving later – and later could be fatal. The period when a woman leaves her abuser is the most dangerous time; proponents argue the paid leaves offer a crucial window to develop a safety plan.

“We didn’t feel that a fear of losing your job or a couple days’ pay should be an impediment to people leaving a dangerous situation,” said Kevin Rebeck, president of the Manitoba Federation of Labour.

Mr. Rebeck also spoke at last month’s hearings for Manitoba’s new law, recalling how a colleague called him late one night to pick up her, her children and their suitcases: “She couldn’t take him hitting her any more,” he said.

When they arrived at her cousin’s home, the colleague told him she had wanted to leave sooner but had to wait while secretly saving money to rent her own place. “It made me sick that I didn’t

realize she was suffering through that and worse, that she'd been dragging out leaving for financial fears," Mr. Rebeck said.

For another friend, no help came. A passionate labour activist, she had failed to show up at a CUPE convention one day.

"At lunch time, I found out that the reason she wasn't at the convention was because she'd gotten into an argument with her partner again the night before. He ended the argument like he usually did, through violence. Only this time, he picked up a hammer before he started," Mr. Rebeck said, upset as he recalled his friend's death.

"I can't help but think, was she saving? And was she a day away, a week away, a month away from moving to be safe? I'll never know the answer to that question. I do know that a law like this means there will be less of those stories."

EFFECTS ON A WOMAN'S CAREER

How does domestic violence affect a woman's career? It erodes her work performance, drops productivity and hurts the bottom line, according to a national survey of 8,429 people released in 2014.

- Among those who had experienced domestic violence, more than a third reported that the violence affected their ability to get to work.
- The vast majority of respondents, 82 per cent, reported that domestic violence negatively affected their work performance: They felt distracted, tired or unwell.
- 53.5 per cent of survey respondents reported that harassment continued at the workplace, including abusive phone calls, text messages and e-mails, stalking near or inside the workplace, and contacting the victims' co-workers or employers.

Source: [Can Work Be Safe When Home Isn't? A Pan-Canadian Survey on Domestic Violence and the Workplace, from the Centre for Research & Education on Violence Against Women & Children at the University of Western Ontario and the Canadian Labour Congress](#)

ATTITUDES TOWARD VICTIMS

A 2016 survey released by Interval House, a Toronto shelter for abused women and children, revealed negative attitudes toward victims: 66 per cent of Ontarians think a woman who says she's been abused is lying or exaggerating and 37 per cent believe she's to blame for consequences if she stays. That number jumps to 46 per cent when only men are asked.

Here, some tips for employers who want to help staff who may be experiencing domestic violence:

- Recognize the physical signs of abuse, such as bruises, cuts, broken bones and sudden hearing loss. An employee may be wearing excessive clothing or makeup to cover them up.
- Look out for behavioural signs, such as calling in sick, coming in late, staying late, appearing distracted, making more mistakes. On the abuser's side, watch for unwanted phone calls and visits to the office.
- Talk to the victim in a supportive, non-judgmental manner that indicates you believe her.
- Offer resources, be it a health and safety or union-appointed representative.

Source: [*Interval House*](#)

CANADIAN SPOUSAL VIOLENCE

A 2014 study of spousal violence found that 4 per cent of Canadians reported being physically or sexually abused by a spouse in the past five years, a drop from 7 per cent a decade earlier.

- 31 per cent of spousal violence victims reported sustaining physical injuries as a result of the violence.
- Women were more likely than men to have suffered physical injuries: four out of 10 female victims were injured, compared with 24 per cent of male victims.
- 16 per cent of victims reported symptoms of post-traumatic stress disorder; that figure rose to 22 per cent of female victims.
- 70 per cent of victims never reported the violence to police.

Source: [*Statistics Canada*](#)