

# A GUIDE TO INTIMATE PARTNER, DOMESTIC, OR SEXUAL VIOLENCE LEAVE PROVISIONS UNDER THE EMPLOYMENT STANDARDS ACT



Intimate partner violence is a significant societal issue affecting many women, children, and men from every background, regardless of social, educational, or financial status. Studies indicate that one in four women will be a victim of intimate partner violence. Also, it is becoming more frequent for men, with one in six reporting being victims of this type of abuse. Children who witness, or who are victims of intimate

partner violence, are at serious risk of long-term physical and/or mental health problems and may be at greater risk of being violent in their future relationships.

By raising awareness about how common this problem is and by recognizing some of the most frequent warning signs, intimate partner violence can be stopped.

## Warning Signs of Intimate Partner Violence

Intimate partner violence affects each person differently, but every victim is impacted physically, emotionally, and psychologically. For a variety of reasons, many who are abused will try to cover up what is or has been happening to them. It is often a combination of related signs and symptoms that tip someone off that a person is at risk. While “red flags” are not proof of mistreatment, they are indicators to be aware of.

### 1. Physical Signs

- marks, welts, and/or bruises
- more traumatic physical injuries (e.g. fractures, loose teeth, abdominal pain, etc.) with vague or implausible explanations
- chronic unexplained pain

### 2. Social Isolation

- loss of interest in daily activities
- becoming withdrawn, even from previously close friends or family
- seeking permission to go anywhere or to meet and socialize with other people
- not having access to money, credit cards, vehicle

### 3. Emotional Signs

- constant agitation, anxiety, nervousness, fear
- constant apprehension or constant state of alertness
- inability/unwillingness to make even simple decisions or to express opinions

### 4. Psychological Signs

- low self-esteem, extremely apologetic or meek
- extreme defensiveness
- sense of helplessness
- expressions of hopelessness or despair

All of the warning signs listed above could be hidden from view. They could also be due to many other conditions or factors. But these symptoms are typical of abuse victims who feel trapped in an abusive relationship.

**Helping someone who is the victim of intimate partner violence is a delicate matter.**

## Intimate Partner Violence In the Workplace

A worker who is in an abusive relationship – be it a current or estranged partner or spouse, a family member, or other person – may have cause to believe that physical harm may be threatened or attempted at their place of work.

In these situations, intimate partner violence is also workplace violence.

**When an employer is aware or ought to be aware** that domestic violence could expose an employee to physical injury in the workplace, the employer (school board) must take precautions to protect the worker while they are at work.

Workplace precautions may include specific measures and procedures, such as:

- a safety plan for the worker (e.g. personal alarm, escort to car, screening calls, etc.)
- modification of work duties, and/or flexible accommodations to the work schedule
- other security precautions (workplace cameras, not providing personal information over the phone, not posting identifying information on school websites, etc.)

Intimate partner violence situations often involve child custody issues and privacy considerations.

Any precautionary action taken by any employer must support and respect the worker.

## Domestic or Sexual Violence Leave (Ontario Employment Standards Act)

This is a statutory, job-protected leave of absence available for all employees (including teachers and occasional teachers) who have worked for their employer for at least 13 consecutive weeks.

- An employee can take up to 10 days of this leave, per calendar year.
- Employees are also entitled to an additional 15 weeks of this leave within the calendar year (note: as soon as one day is used, it counts as “one week,” regardless of the actual number of days used during that calendar week).
- Accessing this leave does not require an employee to use sick leave or any other leave available.
- An employer cannot threaten or penalize an employee for taking this leave.
- **Only the first five days of this leave taken in each calendar year are paid**, the rest of the leave is unpaid.

This leave can be taken for a number of reasons, including:

- To seek medical attention for self or child due to a physical or psychological injury or disability caused by the domestic or sexual violence.

- To move place of residence temporarily or permanently.
- To access services from a support organization.
- To access professional counselling for the employee or the child of the employee.
- To seek legal or law enforcement assistance, making a police report, preparing for or participating in a family court, civil, or criminal trial related to, or resulting from the situation.

Other

- An employee shall advise the employer in writing that they will be accessing this leave or, due to circumstance, have already begun to do so.
- An employer may require an employee to provide evidence “reasonable in the circumstances” that they are eligible to take the leave.
- An employer shall protect the confidentiality of records related to an employee taking this leave.

## HELP IS AVAILABLE

If you are experiencing intimate partner abuse, know that what is happening to you is not your fault.

**If you are in immediate danger or fear for your safety, please CALL 911.**

**SCAN ME**

To find a shelter in your area.



To contact Kids Help Phone, call **1-800-668-6868**.

To contact the National Residential School Crisis Line, call **1-866-925-4419**.

**SCAN ME**

For links to other service providers in your area.



Police and social service organizations in your area may also be providing emergency intimate partner violence and child abuse resources.

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