

Safe At Work: Options for British Columbia to Support Survivors of Domestic Violence in the Workplace

by
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Ethics Statement

The author, whose name appears on the title page of this work, has obtained, for the research described in this work, either:

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Abstract

As one of the last Canadian provinces to implement domestic violence leave, British Columbia lags behind pan-Canadian standards on support for survivors of domestic violence (DV) in the workplace. Studies have demonstrated that domestic violence (DV) experienced in the personal life of an employee can produce negative externalities in the workplace for survivors, co-workers, perpetrators, and employers. Using a literature review, jurisdictional scan, and expert interviews, this study helps to fill the gap in the literature by examining what changes need to occur in British Columbia to better support survivors of domestic violence in the workplace. The options evaluated include a review of the status quo, occupational health and safety regulations, and a province-wide women's advocate program. The study concludes with the recommendation for BC to amend occupational health and safety regulations to incorporate both the psychological and physical aspects of DV as a workplace hazard.

Keywords: Domestic Violence (DV); Occupational Health and Safety; Employment Policy; Violence Against Women (VAW); British Columbia

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Table of Contents

Approval.....	ii
Ethics Statement.....	iii
Abstract.....	iv
Acknowledgements.....	v
Table of Contents.....	vi
List of Tables.....	ix
List of Figures.....	ix
Glossary.....	x
Executive Summary.....	xii
Chapter 1. Introduction.....	1
1.1. Research Strategy.....	1
Chapter 2. Background.....	2
2.1. What is Domestic Violence? Rooted in Violence Against Women.....	2
2.2. Policy Context in Canada.....	3
2.2.1. Costs.....	5
2.3. Policy Context in British Columbia.....	6
2.3.1. Considerations for BC.....	7
Northern and Remote Communities.....	7
Indigeneity.....	8
Chapter 3. Methodology.....	9
3.1. Methodological Considerations.....	9
3.2. Literature Review and Jurisdictional Scan.....	9
3.3. Qualitative Interviews.....	11
3.3.1. Sample Framework.....	11
3.4. Policy Analysis.....	12
3.5. Research Considerations.....	12
3.5.1. Intersectional Lens.....	12
3.5.2. Trauma-Informed Perspective (TIP).....	12
3.6. Limitations.....	13
Chapter 4. Literature Review.....	14
4.1. The Case for Employment Supports.....	14
4.2. Domestic Violence and the Workplace.....	14
4.2.1. Pan-Canadian Survey.....	15
4.2.2. Impacts of Domestic Violence in the Workplace.....	16
4.2.3. Employers.....	16
4.2.4. Co-workers.....	17
4.2.5. Perpetrators.....	18
4.2.6. Survivors.....	18

Chapter 5. Jurisdictional Scan	21
5.1. International	21
5.1.1. Philippines	21
5.1.2. Australia	23
5.1.3. Manitoba	24
5.1.4. Ontario	26
5.1.5. Alberta.....	28
5.2. Jurisdictional Summary.....	30
Chapter 6. Interview Analysis	31
6.1. Word Cloud	32
6.2. Domestic violence as a pervasive social issue	32
6.3. Barriers.....	33
6.3.1. Stigma.....	33
6.3.2. Stability	33
6.4. BC’s Weak Policy Response	34
6.5. Raising the Bar	34
6.6. No Need to Reinvent the Wheel.....	35
6.7. Industry and Corporate Social Responsibility	35
6.8. Typology of Workplace Supports.....	36
6.8.1. Trust and Confidentiality.....	36
6.8.2. Training.....	36
6.8.3. Safety Planning.....	37
6.8.4. Reduce Red Tape	37
6.8.5. Collaboration.....	37
Chapter 7. Policy Criteria & Considerations	38
7.1. Equity and Fairness	38
7.2. Stakeholder Acceptance.....	38
7.3. Positive Externalities.....	39
7.4. Cost.....	39
7.5. Administrative Complexity	39
7.6. Evaluation Framework.....	40
Chapter 8. Policy Options	42
8.1. Option 1: Status Quo	42
8.2. Option 2: Occupational Health and Safety Revisions	43
8.3. Option 3: Women’s Advocate	44
Chapter 9. Policy Analysis & Evaluation	46
9.1. Evaluation of Option 1: Status Quo	46
9.1.1. Equity and Fairness.....	46
9.1.2. Stakeholder Acceptance	46
9.1.3. Positive Externalities	47
9.1.4. Cost.....	47

9.1.5.	Administrative Complexity	47
9.2.	Evaluation of Option 2: Occupational Health and Safety Regulation	48
9.2.1.	Equity and Fairness.....	48
9.2.2.	Stakeholder Acceptance	48
9.2.3.	Positive Externalities	48
9.2.4.	Cost.....	49
9.2.5.	Administrative Complexity	49
9.3.	Evaluation of Option 3: Women’s Advocate	49
9.3.1.	Equity and Fairness.....	49
9.3.2.	Stakeholder Acceptance	50
9.3.3.	Positive Externalities	50
9.3.4.	Cost.....	51
9.3.5.	Administrative Complexity	51
9.4.	Policy Evaluation Summary	52
9.5.	Recommendation.....	52
9.5.1.	Implementation Considerations.....	53
Chapter 10.	Conclusion.....	54
References.....		55
Appendix A.	Interview Guide.....	66
Appendix B.	Jurisdictional Matrices	68

List of Tables

Table 2.1.	Costs of Domestic Violence in Canada	5
Table 3.1.	Jurisdictional Evaluation Framework and Research Questions	11
Table 4.1.	Impacts of DV in the Workplace	16
Table 5.1.	Jurisdictional Summary Evaluation	30
Table 7.1.	Policy Evaluation Framework	41
Table 9.1.	Policy Evaluation and Rating Summary	52

List of Figures

Figure 6.1.	Interview Word Frequency Cloud	32
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Glossary

The literature, as well as different policies, use a variety of terms to describe domestic violence. Terms are often used interchangeably which causes inconsistencies in the scope and nature of the problem. This capstone will use terms as outlined below.

Domestic Violence (DV)	This refers to violence against adults and children in the context of intimate or familial relationships (Rossiter, 2011). It includes an intersectional perspective of violence. DV includes physical, emotional, psychological, financial, and sexual abuse. For the purpose of this report, DV is an umbrella term and interchangeably with the terms Intimate Partner Violence, Family Violence, and Sexual Violence.
Domestic Violence (DV) Leave	This refers to any policy in place that provides employment leave for survivors of domestic violence. There are various typologies and titles for DV leave but the one common trait among all of them is the job-protected aspect. This means that if an individual accesses DV leave they will return to the same or equal job upon return and will have their job-protected.
Family Violence	This refers to violence conducted within the context of a family setting. Family Violence has a broad application and is often used when referring to violence committed against children and older adults. The term is used by the Canadian Government and Statistics Canada.
Gender Based Violence (GBV)	This refers to violence directed towards an individual based on their sex or gender identity. It is often used to as a gender-neutral alternative to the term VAW.
Intersectionality	This refers to the complex cumulative manner in which multiple forms of discrimination combine, overlap, or intersect especially in the experiences of marginalized individuals or groups. The term was coined by feminist scholar Kimberle Crenshaw in 2013 and is used in feminist analysis. Throughout this thesis, intersectionality will be used when referring to anything that considers the complex cumulative experiences of individuals.
Intimate Partner Violence (IPV)	This refers to violence conducted within an intimate relationship in a gender-neutral manner.
Survivor	This refers to the individual who an act of domestic violence has been committed against. It is used intentionally throughout the report to highlight a strengths-based and anti-oppressive approach. The term is often used by the anti-violence sector and is used interchangeably with “victim”.

Trauma Informed	A trauma-informed approach identifies a survivor's strengths and denotes that a traumatic experience is an event that continues to exert negative effects on thinking (cognition), feelings (affect), and behavior long after an event occurs (Haskell and Randall, 2019).
Violence Against Women (VAW)	This highlights violence as being inherently gendered where women experience violence at higher rates, severity and disproportionate to men. The term VAW conceptualizes violence as being based on power and control. VAW is used frequently by advocacy groups and the international community (e.g. the United Nations)

Note on Terminology

This thesis is written as a policy analysis ultimately concluding with options and a recommendation for the Government of British Columbia. I have made a decision to use terminology based on the intended government audience which prefers gender neutrality. Despite the inherent and statistically supported gendered nature of domestic violence, the terminology used in this report remains gender-neutral to appeal to the intended government audience. This in no way diminishes the fact that domestic violence disproportionately impacts women.

The term "survivor" is used throughout this thesis as opposed to the legally preferred term "victim" as it reflects an anti-oppressive, trauma-informed, strengths-based approach while retaining power for individuals impacted by DV.

Executive Summary

Domestic violence is not just a private matter. A pan-Canadian study demonstrated that about one in three Canadian workers experience DV at some point in their lives (Wathen, MacQuarrie & MacGregor, 2014). Research on the effects of domestic violence found that the impacts of DV one may experience at home often carry over into the workplace and impose negative externalities to co-workers, clients and employers. There is currently a piecemeal approach to DV supports for survivors across Canada with the most common support in the form of DV employment leave policy. From 2016 to 2020 policies aimed at reducing the impacts of domestic violence (DV) in the workplace have been created and implemented by employers, unions, federal and provincial governments. The focus of this study is British Columbia since provinces and territories are responsible for regulating 94% of the workforce and can, therefore, have a significant policy reach. The goal of this study is to provide an evaluation of policy options for the Government of British Columbia (BC) to better support survivors of domestic violence in the workplace.

Key Research Findings

Domestic Violence in the Workplace

According to various studies conducted about DV in the workplace, there are some common examples that demonstrate how DV is manifested in the workplace. Although survivors have different experiences of violence, DV in the workplace often includes; unannounced visits, difficulty concentrating or being productive, calling for a survivor and lying about them being sick, and pestering or threatening co-workers and employers for information (Adams et al., 2013; Crowne et al., 2011; MacGregor, Wathen & MacQuarrie, 2016; Rothman, Hathaway, Stidsen & Vries, 2007; Showalter, 2016; Swanberg, Macke & Logan, 2007, Swanberg & Logan, 2005; Wathen, MacQuarrie & MacGregor, 2014).

Types of Workplace Supports

The literature and jurisdictional scan demonstrate that there are three common mechanisms used to support survivors in the workplace. The most common method is through legislated domestic violence (DV) leave. Although the details and eligibility of DV

leave differ by jurisdiction, the leave is considered job-protected. This means that a survivor accessing the leave should return to the same job they had prior to being on leave or a job at a similar level. The other noteworthy debate about DV leave is whether it should be paid, unpaid or a combination. The second workplace support mechanism is occupational health and safety (OHS) regulations. OHS brings a regulatory approach to DV since it forces employees and employers to receive training, monitor and report the effects of DV in the workplace. Finally, there are many employer and union-led initiatives used to address DV in the workplace. These include special leave provisions within collective agreements or contracts, workplace policies on violence, discrimination and harassment, and employee assistance programs (EAPs).

Groups Impacted

The literature demonstrates four groups within the workplaces that are all impacted by DV. 34% of Canadian workers identify as having experienced DV (Wathen, MacGregor & MacQuarrie, 2015). There have also been studies that outline the demographics of female survivors which include; having lower-skilled jobs, lower personal income, more casual or part-time work, underemployment, less job stability, and fewer promotions (Costello, Chung & Carson, 2005; Moe & Bell, 2004; Swanberg, Macke & Logan, 2007). Next, over 71% of employers in Canada have had to protect an employee who was a survivor of DV (Conference Board of Canada, 2015). This signifies a significant proportion of employers in Canada who have had to handle a situation of DV. Employers also feel the effects of DV through increased absenteeism and tardiness, lost output, productivity loss, and administrative costs from training and staffing (Swanberg & Logan, 2005; Tudor et al., 2011). Additionally, co-workers are often the first point of contact for survivors, where 81.5% of survivors disclosing their situation to co-workers rather than a supervisor or human resources (Wathen, MacGregor & MacQuarrie, 2015). Finally, perpetrator work performance and concentration are also impacted by their perpetration of DV. Overall, the literature provides evidence and context about how DV impacts a range of stakeholders in the workplace.

Methodology

The study investigates the question of how the Government of British Columbia can use employment policy to better support survivors of domestic violence in the

workplace. A series of qualitative methodologies were used including a literature review, jurisdictional scan of the Philippines, Australia, Manitoba, Ontario and Alberta, and four expert interviews. The main limitation of the study is that due to ethical considerations, survivors of violence were not able to participate in interviews.

Policy Options

Status quo: This option is a wait-and-see approach. The issue of DV in the workplace has been salient in the media and public. Policy trends across Canadian provinces have converged towards support in the form of a combination of paid and unpaid DV leave embedded into provincial employment standards regulations. Retaining the status quo consists of monitoring and a subsequent evaluation of DV leave revisions announced on February 11, 2020, which include up to five days of paid leave for survivors of DV.

Occupational health and safety regulation: This option proposes adding both physical and psychological impacts of domestic violence as a specific type of workplace hazard under the BC Occupational Health and Safety Regulation (OHSR). Situating DV into occupational health and safety contextualizes and acknowledges that DV is a workplace issue and delegates responsibility to employees to provide support to protect employees against the impacts of DV that may enter into the workplace.

Women's advocate program: This option proposes a province-wide program extrapolated from a union-employer led initiative. The role of the advocate is to provide employees in BC regardless of occupation, industry, geography or type of employment with information about options available to them based on the features of their employment.

Evaluation Considerations

Equity and fairness

Stakeholder acceptance

Positive externalities

Cost

Administrative complexity

Recommendation

The recommendation is for BC to include domestic violence into the BC Occupational Health and Safety Regulation (OHSR). This option outperforms the others as it ranks high for three out of five criteria. OHS revisions have three key positive impacts. First, by directly calling out DV in the workplace it reduces the silencing of survivors and reduces the stigmatization associated with DV as a private matter. Second, it forces employers to provide training to their employees about DV which helps to create more positive, healthy workplaces. The skills taught are transferable and can be applied in a variety of other means to support others in the workplace who may be impacted by the residual impacts of DV. Third, since the provincial government has recently amended DV leave to include a paid component, the policy combination of a partially paid leave as well as OHS revisions together, provide supports for the majority of stakeholders involved.

Chapter 1. Introduction

The workplace presents a unique environment to provide safety, support and resources to survivors of domestic violence (DV). DV is prevalent in society with one-third of all police-reported violence in Canada involving domestic violence (Burczycka & Conroy, 2018). The impact of DV in the workplace is apparent with over 40% of Canadian workers believing they had a co-worker who was a survivor of DV (MacGregor et al., 2016). The externalities that DV imposes onto co-workers, survivors and perpetrators, make the workplace a critical avenue for prevention, protection, remedy and empowerment.

Canada currently has a patchwork of legislation consisting of various typologies of DV leave and occupational health and safety (OHS) policies. Although the federal domestic violence leave provides relief to survivors in federally regulated workplaces, the inconsistencies in provincial and territorial leaves for non-federally regulated industries is problematic. Although survivors may face different experiences of domestic violence in their personal lives, research has demonstrated that there are patterns and consistencies among the impacts that trickle into the workplace, which will be discussed in the literature review.

1.1. Research Strategy

This capstone uses three methods including a literature review, jurisdictional scan, and qualitative interviews with experts. The goal of this report is to add value to the literature on employment supports for survivors of domestic violence. Additionally, another goal of this research is to provide an evaluation of options available to the Government of British Columbia (BC) on how to better support people in the workplace who have been impacted by DV. The policy problem is that there are inadequacies in the level of support provided to survivors of DV in British Columbia.

Chapter 2. Background

The purpose of this capstone is to research and analyze employment policy measures that the Government of British Columbia can take to create workplace supports for people who have experienced domestic violence (DV). Domestic violence impacts survivors in multiple domains. This research will specifically discuss the impacts that DV which may be occurring within the home and workplace, has on employed survivors.

In 2016, there were 9,363 police-reported cases of DV in BC (Rotenberg, 2016). Of the police-reported cases, 68% of the victims were female, while 31% were male (Rotenberg, 2016). Statistics on domestic violence are often underrepresented since many cases are not reported and the violence occurs behind closed doors. The figures suggest that more needs to be done to address domestic violence in BC. Domestic violence (DV) has been shown to have significant impacts on perpetrators, survivors, and co-workers in the workplace (Hathaway, Stidsen & Vries, 2007; Jonge, 2018; MacGregor, Wathen & MacQuarrie, 2016; Rothman, Rothman & Corso, 2008; Showalter, 2016; Swanberg et al., 2012; Swanberg, Macke & Logan, 2007; Swanberg & Logan, 2005). Many workplaces are reluctant to incorporate and invest in policies and practices to address DV since it has traditionally been viewed as a problem outside their jurisdiction.

2.1. What is Domestic Violence? Rooted in Violence Against Women

Domestic violence refers to violence against adults and children in the context of intimate or familial relationships (Rossiter, 2012). It includes an intersectional perspective of violence. DV is an umbrella term and includes both intimate partner violence (IPV) and family violence. Domestic violence takes many forms including physical, financial, emotional, psychological and sexual. It can be manifested online, in person, in public, at work, and in a multitude of other ways (Abraham & Tastsoglou, 2016). It transcends far beyond private life as it has societal impacts. Domestic violence has deep roots and complex causes that are rooted in gender inequality, VAW, privilege, and power (Carter, 2014; Dickerson, 2013). DV is inherently gendered and is based on

the historic and ongoing systemic inequalities between men and women (Rossiter, 2012). In Canada, DV was the most common kind of violence reported by women with eight in ten victims of police-reported DV identifying as female (Burczycka & Conroy, 2018). Although power and control are at the centre of the majority of analyses of violence, social factors and structures perpetuate and enable the continuation of DV (Abraham & Tastsoglou, 2016; Srivastava, Chaudhury, Bhat, & Sahu 2017).

The era of MeToo presents an interesting policy window for DV in the workplace. The movement has triggered a host of policies and cultural shifts within workplaces to encourage low tolerance for DV and VAW (Fortado, 2018). The MeToo movement triggered workplace sexual harassment cases to become highly salient in the public eye, leading to various initiatives and programs aimed to reduce violence in the workplace (Lazaroiu, Rowland & Bartosova, 2018).

2.2. Policy Context in Canada

There is currently a piecemeal approach to employment supports for survivors across Canada with the most common support in the form of DV employment leave policy.

Federalism plays a significant role in how DV and employment policies are manifested across Canada. The federal government regulates employment policy through the Canada Labour Code and Canada Occupational Health and Safety regulation for federally regulated workplaces. Provinces and territories regulate provincially regulated workplaces through their own employment standards codes and OHS regulations.

In 2019, the federal government amended the Canada Labour Code to include leave for victims of family violence. The leave was implemented during a wave of international and provincial policy shifts to implement employment support in the form of paid leave for survivors of DV. The leave grants an employee who is a victim of family violence or is the parent of a child who is a victim, the right to a maximum of ten days of leave (5 days paid, 5 days unpaid) per calendar year (*Canada Labour Code*, S.6). The leave is meant to support survivors to obtain medical care, services from an organization that supports survivors of family violence, psychological or advisory services, to move

temporarily or permanently, obtain legal services or prepare for court, and/or take any measure prescribed by regulation (*Canada Labour Code*, S.6). The regulation outlines that to be eligible for 5 days of paid leave, the employee must have worked for the employer for a minimum of three months. Otherwise, they shall be entitled unpaid leave only. The leave provides grounds for the employer to request written proof to support the reasons for the leave, in so much that they can obtain and provide them. Although this clause intends to provide concessions for the employer, it may have significant impacts on the privacy and confidentiality rights of the survivor if they are expected to disclose the details of their DV situation with their employer.

The federal leave is limited to employees in federally regulated workplaces which consists of approximately 18,000 employers and 900,000 employees (ESDC, 2019). Examples of federally regulated industries include; interprovincial services such as railways, road transport, telephone and cable systems, pipelines, ferries, marine and port services, shipping, radio and television broadcasting, air transport, banks, some First Nations communities, most federal Crown corporations and other undertakings declared by Parliament (*Canadian Labour Code, Part III*).

Although the federal DV leave received positive regards for its national application, in practice, the Canadian Labour Code only accounts of 6% of all Canadian employees, highlighting the important role that provincial governments play in supporting those who have experienced DV in their personal lives retain and maintain employment (ESDC, 2019). Regulation states that if an employee has a collective agreement with their employer, the regulations outlined in the collective agreement take precedence over both federal and provincial employment standards policies. This means that any Canadian employee who is subject to a collective agreement must follow the policies and supports for DV outlined in the agreement. The complexity of regulatory responsibility of workplace supports for employees who experience DV across Canada creates a barrier for survivors seeking to access the leave entitlement, since they are often unsure which regulatory body and government provision they fall under. This creates an additional layer complexity for survivors who may be in unsafe conditions and may not have the resources or time to research the options available to them.

2.2.1. Costs

The costs of DV in Canada were estimated at CAD \$7.4 billion or \$220 per Canadian in 2009 (Zhang et al., 2012). DV has far-ranging impacts on society including increased costs to healthcare, housing, criminal justice, child welfare, government expenditures and labour markets (Mcinturff, 2013; Showalter, 2016). A breakdown of the costs associated with DV can be seen in Table 2.1. A costing study by Zhang et al, attempts to quantify the costs of DV via the justice system, victim costs and third-party costs (2012). Zhang *et al* evaluated the economic impact of DV in Canada across a variety of systems and parties. The costs of DV are broken into three broad categories including justice, survivor, and third-party costs. Justice costs include costs related to both the criminal and civil justice systems including child protection, corrections, legal aid, and separation and divorce (Zhang et al., 2012). Survivor costs include health care costs, mental health, productivity and property losses, and intangible costs due to pain, suffering and loss of life (Zhang et al., 2012) The data demonstrates that DV has significant costs for Canadians whether direct or indirect. Finally, third-party costs are the broadest category that includes intangible costs to family members, costs to other persons harmed or threatened, social service operating costs, losses to employers, impacts on children, and other government expenditures (Zhang et al., 2012). The costing study shows that that majority of the costs of DV were borne by victims and their families. An additional noteworthy finding from Zhang *et al* demonstrates that according to the 2009 General Social Survey, 57% of survivors of DV were employed or seeking employment (2012). DV has too great of an economic burden on society, survivors, government services, and employers to address the issue.

Table 2.1. Costs of Domestic Violence in Canada

Costs	Total (CAD)
Justice system (criminal and civil justice systems)	\$545,184,737
Survivors (health care, mental health, productivity loss, property and legal costs, intangible costs)	\$5,985,234,977
Third-Party (social services operating costs, losses to employers, impact on children exposed, costs to other persons harmed/threatened)	\$889,881,609
Total costs	\$7,420,301,324

Source: Zhang et al., 2012

Statistics on DV in Canada are collected by Statistics Canada and include the Uniform Crime Reporting Survey, the Transition House Survey, the General Social

Survey (GSS), the Homicide Survey and the Victims Services Survey (Rossiter, 2011). Valid and reliable statistics on DV are difficult to generate and access. A common trend of DV data collection in Canada is that most cases are not reported to the police and therefore are not included in the data collected. DV may not be reported to police for a variety of reasons including stereotyping, social norms, pressure, guilt, and lack of trust in authorities. Most recently, victim surveys including the pan-Canadian survey on DV in the workplace conducted by researchers at Western University, alongside various union-led data collection initiatives are being used to get a sense of the overall impact that DV has in the lives of Canadian employees. Overall, Canada's DV data collection is often dated or unreliable which fails to show the true scope of DV in Canada. The lack of reliable data is problematic for policymakers who aim to make evidence-based policy decisions to provide better supports for survivors of DV.

2.3. Policy Context in British Columbia

British Columbia amended its *Employment Standards Act* in 2019 with Leave Respecting Domestic or Sexual Violence, Part 6, Section 52.5. The regulation states that any employee or eligible person (defined in respect to an employee as a child or dependent) who experiences DV or sexual violence, may request up to ten days of leave, in units of one or more days, up to a 15-week maximum annually (*Employment Standards Act, Part 6. S. 52.5*). The leave may be taken for one or more of the following reasons; to seek medical attention, obtain victim or social services, psychological or professional counselling services, temporarily or permanently relocate, to seek legal or law enforcement assistance, or any prescribed purpose (*Employment Standards Act, Part 6. S. 52.5*). After facilitating online public consultations about Leave Respecting Domestic or Sexual Violence in October 2019, BC announced in the February 11, 2020 throne speech that they will be implementing a paid component to their DV leave. The announcement follows prolonged criticism of the initial DV leave implemented by the BC government which prior to the announcement, offered ten days of unpaid leave. The revised leave will offer survivors up to five paid days of leave with the additional five days unpaid.

There are three notable elements of BC's DV leave. First, all employees regardless of employment tenure are eligible for the leave. Second, the act specifically states that the leave is a statutory entitlement that cannot be granted at the discretion of

the employer. This helps protect survivors who may need to access the leave with short notice due to safety concerns since their employer cannot refuse to grant the leave. Third, the leave applies to eligible persons as well as employees experiencing domestic violence themselves. The fact that the leave is inclusive of sexual, domestic and family violence makes it accessible to a wider population including family members who require time off of work to support another immediate family member who may be experiencing violence. These three aspects of BC's DV leave suggest that it is flexible and applicable to a wide range of survivors across various fields of employment. BC interprets DV leave as a statutory entitlement for all eligible persons and or employees regardless of the length of their employment. They also note that for employees under a collective agreement, the enforcement matters related to DV leave is done through the grievance procures outlined in the collective agreement, not through labour standards.

The current BC *Occupational Health and Safety Regulation (OHSR)* does not specifically denote DV as a workplace health and safety hazard. This is problematic since it generalizes the issue into other forms of violence in the workplace, thus amalgamating the issue to other forms of workplace violence. The BC *OHSR* currently defines violence as an attempt or actual exercise of any physical force to cause injury, including threats to cause physical harm (OHSR, 2019). There are three elements to BC's *OHSR* including; risk assessment, establishment of policies and procedures to minimize the risk of violence, the requirement to inform workers who may be exposed to violence, and advice to consult a physician (OHSR, 2019).

2.3.1. Considerations for BC

Northern and Remote Communities

Women and girls living in small and remote communities experience a higher frequency and severity of DV yet have more barriers preventing them from accessing available resources (Rotenberg, 2019). Survivors of DV in BC's northern and remote communities face a multitude of intersecting barriers including living in remote and under-resourced locations. The communities see the compounded effects of DV since families and communities are bound to each other by geography (Moffitt et al., 2013). In addition to the barriers faced by survivors across BC, survivors in rural and remote communities face a host of additional challenges including transportation, intermittent

and inconsistent services, lack of confidentiality, and normalization of violence (Moffitt et al., 2016; Moffitt et al., 2013; Zorn et al., 2017). The remoteness of some communities alongside the inclement weather conditions makes it harder to travel and access various communities. This restricts both a survivor's ability to flee, response times for police, access to services, and safety planning (Zorn et al., 2017).

Indigeneity

Indigenous women face the highest rates of violence in every jurisdiction across Canada. Indigenous women experience rates of violence three times higher than non-Indigenous women (Brennan, 2011). In addition to increased rates of DV, seven in ten Indigenous women stated in a survey that they did not report instances of DV to police (Brennan, 2011). Post-colonial changes led to gendered power shifts from the decreased traditional activities and impacts of colonization (Moffitt et al., 2013). These impacts are still felt today by Indigenous communities in BC. In conducting this research, it is imperative to recognize how DV can be experienced differently by Indigenous people across Canada and in BC.

Chapter 3. Methodology

This study utilized three main methodologies including a literature review, jurisdictional scan and qualitative interviews. Quantitative elements include survey data from the pan-Canadian study on DV in the workplace, analyzing labour market data from Employment and Social Development's (ESDC) Labour Market Information database, publicly available General Social Survey (GSS) data and crime statistics provided by Statistics Canada.

The rationale for focusing on British Columbia is twofold. First, BC has one of the highest rates of DV in Canada. Second, BC presents a case where unpaid DV leave was implemented despite the status quo of blended paid and unpaid leave. This ambiguity alongside the public saliency of the issue prompted the provincial government to conduct public consultations on the policy and led to the implementation of up to five days of paid leave for survivors of DV.

3.1. Methodological Considerations

A consideration was made to include recent GSS datasets, however, the length of time to fill out an RDC application and uncertainty with what the dataset included provided reasons to use qualitative methods instead. Additionally, the only available datasets on domestic violence are from 2014. The use of quantitative surveys and interviews with survivors and perpetrators was also considered, however, there was a high level of ethical risk to both researcher and participant.

3.2. Literature Review and Jurisdictional Scan

Phase one of the project included an extensive literature review and cross-jurisdictional scan of Canadian provinces prioritizing the following:

- I. Identifying the externalities that result from DV that are experienced by employers, co-workers, perpetrators and survivors in the workplace
- II. Evaluating and comparing existing workplace supports, resources, and policies available to survivors of DV across Canadian provinces.

III. Identifying interventions and/or alternatives to current program and policy measures aimed at supporting survivors

The goal of the jurisdictional scan was to identify best practices and strategies used in other Canadian jurisdictions and to consider how the effects of DV in the workplace are framed. The intent of this process was to find similarities and differences in how various places have dealt with the policy problem and how those approaches worked out in practice. The jurisdictional scan was evaluated according to a series of themes and guiding questions seen in Table 3.1. The scan concludes with common themes and provides insight into policy options that could be considered by the BC government.

This study evaluated two international jurisdictions; Philippines and Australia in order to provide a global context for DV policies. It also focuses on three Canadian jurisdictions in-depth: Manitoba, Ontario and Alberta. The analysis consisted of an evaluation of each jurisdiction's domestic violence leave policies and approaches to DV policy. Each jurisdiction was selected based on its initiatives to support survivors of domestic violence in the workplace. Manitoba was selected because it was the first province to implement paid DV leave. Ontario was selected because it has done the most out of all provinces to address DV in the workplace. Finally, Alberta was selected since it borders BC. The three Canadian provinces evaluated have all implemented some variation of DV leave into their provincial employment standards and have taken some occupational health and safety measures. However, the composition of policies differs which creates gaps and inconsistencies for the parties involved, even though research shows the impacts of DV in the workplace are similar interprovincially and internationally (Adams et al., 2013; Crowne et al., 2011; Moe & Bell, 2004; Stanford, 2016; Swanberg et al., 2012; Swanberg, Macke & Logan, 2007; Swanberg & Logan, 2005; Reeves & O'Leary-Kelly, 2007; Wathen, MacQuarrie and MacGregor, 2014).

Table 3.1. Jurisdictional Evaluation Framework and Research Questions

Characteristic	Measure
Policy Characteristics	
Year Implemented	When was the policy first implemented?
Policy Structure	How is the policy structured? Are there any noteworthy features of the policy?
Exclusion Criteria	Are there any exemptions or exclusion criteria in the policy? (i.e. age, employment tenure, type of employment or occupation, gendered language)
Policy Influences	
Awareness Campaigns	Does the jurisdiction have any awareness campaigns? Who leads them and are they effective?
Advocacy and Interest Groups	Do advocacy and or interest groups have a role in policy changes or development?
Other policies or laws that may influence	Are there other regulations, policies or laws that intersect? How do they interact with each other?
Outcomes and Impacts	
Use	Has this policy been used? Have there been any compliance issues?

3.3. Qualitative Interviews

Phase two of the project included conducting 4 semi-structured qualitative interviews with experts and key stakeholders. Interviews were conducted in January 2020 and were re-coded and then analyzed with NVIVO software.

3.3.1. Sample Framework

A heterogeneous purposive sample was used to obtain a picture of the central themes that cut across a variety of groups. Participant recruitment was targeted to five stakeholder groups including support service providers and advocacy groups, employers and human resources professionals, unions, academics, and government officials. The intent was to include qualitative interviews with at least one person from each of the target sample groups to incorporate a holistic analysis of the problem, however, due to time constraints and limited interest from stakeholders, only four out of the five groups were interviewed as part of this study.

3.4. Policy Analysis

Phase three of the project included a policy analysis that reflected on the findings from the interviews, literature review and jurisdictional scan. The analysis consisted of a qualitative and quantitative evaluation of policy options with recommendation(s).

3.5. Research Considerations

A key aspect of this research was to incorporate an intersectional, trauma-informed approach. This meant not only evaluating employment policies but also looking at ways that communities support members to heal from the violence experienced and establish a workplace culture that is free of violence. To account for this, the following considerations were given in the development of the research methodology.

3.5.1. Intersectional Lens

An intersectional lens is key to a gendered analysis. Due to the complex, multi-layered and unique needs of the groups impacted, an intersectional lens is imperative to provide a holistic analysis. Intersectionality is defined as a complex manner where multiple aspects of social and political identities alongside types of discrimination overlap (Crenshaw, Mays & Tomlinson, 2013).

3.5.2. Trauma-Informed Perspective (TIP)

A trauma-informed perspective to research was included in the development of the research questions, qualitative interview questions, and analysis of the literature and policy options. A trauma-informed approach identifies survivor's strengths and denotes that a traumatic experience is an event that continues to exert negative effects on thinking (cognition), feelings (affect), and behavior long after an event occurs (Haskell and Randall, 2019). TIP recognizes that trauma is complex and that survivors will develop various responses to deal with the trauma they may have experienced. It highlights resiliency and empowerment rather than adaptations developed to cope with trauma (Haskell and Randall, 2019) The study used TIP as demonstrated by the choice to use survivor centred language, during interviews, building rapport with interviewees, and when analyzing factors, considerations, behaviors as responses to trauma.

3.6. Limitations

The topic of domestic violence is complex in its discourse, impacts on communities and history. The lack of consistent and up to date data creates issues in extrapolating findings to the population. Additionally, there is a barrier in fully assessing the issue since data is limited, there is significant stigma and sensitivity about the topic, stakeholders and community engagement is challenging with the limited resources and time. The biggest limitation of the study was the inability to include survivors and perpetrators of domestic violence. Since survivors are the direct population of the study and will be the most impacted by any policy changes in this area, it is essential to listen to their needs and experiences in any policy implementation. Another key stakeholder group that was not represented in the interviews was employers. The interviewees frequently noted that for any effective policy change in this area, employers need to be on board to accept ownership and instill meaningful change. Finally, due to time restraints, the interview sample size was limited to four, thus, the interviews are not representative of the sample population. It is critical to factor these limitations when interpreting a government response to DV in the workplace.

Chapter 4. Literature Review

4.1. The Case for Employment Supports

Survivors of domestic violence are likely to experience spillover effects from their experiences in their workplace. The overall impact of trauma can have vicarious effects in a survivor's workplace which could impact their relationships at work, their performance and productivity, as well as the workplace environment.

In addition to the literature which demonstrates some of the negative externalities imposed on the workplace due to DV, the International Labor Organization (ILO) provides recommendations to nations on how to mitigate the impacts that DV may have in the workplace. The recommendations include leave for survivors, flexible work arrangements and protection for workers, temporary protection against dismissal of victims, the inclusion of DV in workplace risk assessments, a referral system to public mitigation for DV, and raising awareness about the effects of DV (ILO, 2019). The fact that international standards are being set to recognize domestic violence as a workplace issue supports the case for BC to take appropriate measures to mitigate the impacts of DV in the workplace. Although there is evidence of employment supports for survivors of DV led by private sector initiatives, the focus of this capstone is on presenting options that the provincial government can implement rather than individual business solutions.

4.2. Domestic Violence and the Workplace

Employment provides an avenue for survivors of DV to establish economic independence and to break free from the cycle of abuse. Studies have proven that economic independence is associated with an increased capacity to break out of the cycle of violence (Basu & Famoye, 2004). The general figures gathered by the literature suggests that about 36% to 75% of employed female survivors of DV report experiencing abuse from their partner while they are at work (Mankowski et al., 2013, Swanberg, Macke & Logan, 2007, Taylor & Barusch, 2004). These figures suggest that DV is not only a private matter affecting people at home, but that it often follows employees into the workplace through a variety of forms. Studies evaluating the impacts of DV in the workplace include evaluations of the efficiency of workers (hindering

cognitive employment processes including self-efficacy and expectations), work time allocated to averting abuse, dealing with, or perpetrating DV, co-worker and employer recognition of DV and workplace disruptions resulting from DV including work time reduction, job loss, a shift in performance, and on-the-job harassment.

4.2.1. Pan-Canadian Survey

The largest study on DV and the workplace in Canada was conducted by the Canadian Labour Congress and Western University's Centre for Research and Education on Violence Against Women and Children (CREVAWC). The study assessed the perceived impacts of DV in the workplace (Wathen, MacGregor & MacQuarrie, 2015). It included a pan-Canadian sample of 8,429 participants. The overall findings suggest that almost 40% of respondents were able to recognize a survivor and/or perpetrator of DV in their workplace (Wathen, MacGregor & MacQuarrie, 2015). Key findings are shown in Table 4.1 below. Over half of the respondents who had experienced DV felt that the violence manifested in their workplace through a variety of means including harassment and stalking while at work (Wathen, MacGregor & MacQuarrie, 2015). The most staggering finding was that 33.5% of employees reported having experienced DV at some point in their life. The respondent demographics are consistent with Canadian trends where of participants who self-reported having experienced DV at work, 37.6% were female and 17.4% were men (Wathen, MacGregor & MacQuarrie, 2015). This finding is interesting for two reasons. These findings suggest that close to one-third of the respondents representing employed persons in Canada have experienced DV. This indicates that there is a large population of employees who would benefit from employment policies pertaining to DV. Additionally, the survey reinforces the gendered bias of DV survivorship.

Table 4.1. Impacts of DV in the Workplace

Pan Canadian Survey of DV in the Workplace (N= 8429)	
Employed – permanent, FT	75%
Any experience of DV	33.5%
DV affected ability to get to work (most common reason)	38% (physical injury and/or restraint)
DV continued at workplace	55.4%
Work performance affected by DV	82.4%
Took time off due to DV	39.5%
Believed DV can impact work lives of employees	91.5%
Believed workplace supports can reduce impact of DV in workplace	74.4%

Source: Wethan, MacGregor & MacQuarrie, 2015

4.2.2. Impacts of Domestic Violence in the Workplace

The literature often discusses DV in relation to the group impacted. For this reason, I have categorized the literature by the groups below. Domestic violence has been shown to have significant impacts on the environment, perpetrators, survivors, and co-workers in the workplace. Many workplaces are reluctant to incorporate and invest in policies and practices to address DV since it has been traditionally viewed as a problem outside their jurisdiction (Jonge, 2018). Domestic violence has intersectional impacts on the lives of those experiencing it. These impacts carry into the workplace and can produce negative externalities for job performance and workplace safety (Samuel et al., 2011). Various academics have attempted to evaluate the externalities that DV produces in the workplace by stakeholder group (Jonge, 2018, Showalter, 2016, MacGregor, Wathen & MacQuarrie, 2016, Rothman, Hathaway, Stidsen & Vries, 2007, Swanberg et al., 2012; Swanberg, Macke & Logan, 2007, Swanberg & Logan, 2005). A description of the impacts to each stakeholder group is outlined below.

4.2.3. Employers

The negative externalities associated with DV are felt by employers. One of the greatest costs to employers is the annual cost due to absenteeism of those experiencing DV (Swanberg & Logan, 2005). A study surveying employee's in three mid-sized organizations in the US, shows that the annual cost to employers is greater for lifetime survivors of violence compared to one-off occasions (Reeves & O'Leary, 2007). The study demonstrates that female survivors of DV lost close to eight million days of paid work annually, which cost employers USD \$728 million annually in the US (Reeves &

O'Leary, 2007). In Canada, Zhang *et al* estimated that the cost of DV to employers can be measured through lost output, tardiness and distraction and administrative costs totaling to \$77.9 million (2012). This compares to a calculation model presented by Michelle Harris-Genge which estimates that for a company with 1000 employees, the total annual costs incurred to a company as a result of domestic violence are CAD \$69,366 (2014).

According to both Reeves and O'Leary, and Zhang *et al*, the greatest cost to employers is from survivors being distracted or tardy at work. A 2011 study evaluated small business employers' perceptions of DV among their workforce. The study demonstrated that small business managers and supervisors recognize warning signs of DV among their employees (Tudor et al., 2011). The most frequent warning signs of DV reported by managers and supervisors included a decline in work performance, and lateness or absenteeism (Tudor et al., 2011). Additionally, it was found that the stigma of DV as a private matter and lack of knowledge and training on DV, prevented supervisors from taking action to support their employees (Tudor et al., 2011). Small business employers found providing time off for employees experiencing DV to be burdensome due to small teams which makes it challenging to find adequate coverage (Tudor et al., 2011). The findings are relevant for BC since businesses range from small to large and the perception of DV as a private matter is prevalent. In addition to the findings above, the Conference Board of Canada presented a report that shows 71% of employers experienced a situation where they had to protect an employee who was a survivor of DV (Conference Board of Canada, 2015). The report also showed that 63% of employers have a DV policy as either a subset of workplace policy or as a separate agreement (Conference Board of Canada, 2015). Overall, employers have vested interests in providing support for employees experiencing DV and would support action in this area.

4.2.4. Co-workers

In a pan-Canadian survey on the impacts of DV in the workplace, close to 29% of workers were stressed or concerned about the DV situation in their co-workers' lives (Wathen, MacGregor & MacQuarrie, 2015). The survey also noted that survivors of DV overwhelmingly disclosed their DV situation to colleagues (81.6%) compared to supervisors (44.7%) and HR personnel (10.7%) (Wathen, MacGregor & MacQuarrie,

2015). Over one-third of employees talked about their experience of DV with colleagues at work, which signifies that colleagues are exposed to externalities of DV in the workplace. In addition, co-workers suffer economic impacts related to a DV situation at their workplace. A Canadian study found that the costs imposed on others who are harmed or threatened by another person's DV situation equates to \$9.7 million in productivity losses for third party persons (Zhang et al., 2012). Overall, co-workers are an impacted stakeholder group that is often overlooked in DV employment policies since they tend to experience DV indirectly.

4.2.5. Perpetrators

Most of the literature conducted on perpetrators of DV in the workforce is limited to the USA. Mankowski *et al* classify male perpetrators by the severity of abusive behaviors displayed while at work and evaluate the impact of these behaviors on the abuser's employment and work performance. They determine categories of work-related DV perpetration including low-level tactics, interference with threats or physical violence, and extreme abuse with and without jealousy (Mankowski et al., 2013). The findings conclude that the extremely abusive cohort of men saw the highest level of negative work performance with over 87% having negative performance at work due to their DV perpetration (Mankowski et al., 2013). Ironically, this cohort also had the highest likelihood of being employed (53%) (Mankowski et al., 2013). Other surveys of male perpetrators found that 75% had difficulty concentrating while at work, whereas 53% felt their performance at work was negatively impacted as a result of their perpetration of violence (Schmidt & Barnett, 2011). Overall, there is evidence that DV has a negative impact on perpetrator employment, work productivity and safety, which supports the need for employers and governments to take action on addressing the impacts of DV in the workplace in a manner that considers both perpetrators and survivors. Although this study focuses more on supports for survivors, a large body of research remains to examine the effects that DV perpetration has on abusers and their work environments.

4.2.6. Survivors

Close to 34% of employees across Canada report experiencing DV (Wathen, MacGregor & MacQuarrie, 2015). This signals that almost 34% of the Canadian workforce are survivors of DV. Survivors face various types of structural and inherent

discrimination in the workplace. Studies find that female survivors of DV tend to have lower-skilled jobs, lower personal income, fewer promotions, increased absenteeism from work, disrupted work history, more part-time and casual work, and be underemployed with less job stability (Costello, Chung & Carson, 2005; Swanberg & Logan, 2005; Moe & Bell, 2004). Longitudinal studies analyzed both the short and long term impacts of DV on a woman's job stability up to three years after the violence has ended (Adams et al., 2013; Crowne et al., 2011; Reeves & O'Leary-Kelly, 2007). The studies suggest that employees with current DV experiences may use attendance at work as a coping mechanism to help them heal from their experience in the short term (Reeves & O'Leary-Kelly, 2007). In the long run, employees with past experiences of DV were more likely to report absenteeism than current survivors (Reeves & O'Leary-Kelly, 2007). In Canada, 70% of female survivors of DV held post-secondary education suggesting that they should maintain higher-earning positions in the workplace (Zhang et al., 2012). However, an evaluation of personal income for female survivors in Canada found that the majority (64%) had incomes of less than \$39,999 (Zhang et al., 2012). This is consistent with the literature which suggests that survivors in the US earn on average USD \$38,577 per year while non-victims earn on average USD \$50,338 annually (Reeves & O'Leary, 2007). In addition to the employment factors noted above, Zhang et al, estimate that the costs of DV to survivors equates to over \$119.6 million due to loss of work from mental health concerns (2012).

In Canada, out of those who had experienced DV, almost 82% reported that their experience of DV negatively impacted their work performance (Wathen, MacGregor & MacQuarrie, 2015). Key areas of impact include negative job performance, impeded ability to get to work, having to take time off due to DV job interference and job loss resulting from DV (Versola-Russo & Russo, 2009; Wathen, MacGregor & MacQuarrie, 2015; Wathen, MacQuarrie & MacGregor, 2014; Wettersten et al., 2004; Yragui et al., 2012). DV is associated with poorer general health including mental health, higher stress levels and reduced quality of life (Adams et al., 2013; Alexander, 2011; Banyard et al., 2011; Hensing & Alexanderson, 2000). These adverse consequences are felt less by survivors who are currently working which suggests that work may have a defensive impact for survivors of DV. The variety of factors that survivors of DV face in the workplace such as precarious employment and low earnings suggests that the

workplace may be an appropriate setting to provide survivors with the adequate supports they need to maintain, gain and remain in the workforce.

Chapter 5. Jurisdictional Scan

Domestic violence leave is linked to research and efforts from the Government of Australia and various labour unions, who in 2011 published a survey on the impact of DV on the workplace. Having similarly high rates of DV, the Canadian Labour Congress and Western University developed a similar study to assess the impacts of DV in the Canadian labour force (Wathen, MacGregor & MacQuarrie, 2015). The purpose of this scan is to consider how the problem is framed internationally in Australia and the Philippines. It also examines the policy responses across three Canadian provinces.

The jurisdictional scan uses three broad themes to guide an evaluation. The framework, which consists of certain characteristics and measures are outlined in chapter three, Table 3.1. The themes include policy characteristics, influences, outcomes and impacts. The policy characteristic section includes a summary of the features of each region's policies. Policy influences explores the role of stakeholder groups, other laws or regulations and proceedings that may influence policy in the region. Finally, the outcomes and impacts section discusses externalities and data resulting from policies in each jurisdiction.

5.1. International

5.1.1. Philippines

Policy Characteristics

The Philippines was the first country to provide up to ten days of paid DV leave in 2004. In the Philippines, DV leave falls under the *Republic Act No. 9262* otherwise known as the *Anti-Violence Against Women and Their Children Act, 2004*. The structure is different from the Canadian model where policies to support survivors at work are implemented through employment standards or labour codes. In addition to providing a legal ground for ten days of paid leave for survivors of domestic violence, the *Act* serves to address intersectional barriers often faced by female survivors of DV. It grants jurisdictional authority to the lowest level of government, barangays (villages) to issue and enforce protection orders and outlines provisions for support services and perpetrator programs (Guanzon, 2008). In addition, it addresses both civil and criminal

proceedings for survivors of DV, the need for training for police and judicial officials and the various protections are stated in a manner that protects the survivor's access to property to promote economic stability (Guanzon, 2008). Although the *Act* provides a comprehensive approach to addressing the needs of female survivors of DV, there are some key issues with the law and its implementation. The main issue with the law is that although it outlines the need for training of police, judicial officials and service providers, it does not appropriate funds for training and services which limits the authority and level of implementation and compliance. Moreover, the *Act* does not address underlying barriers for survivors of DV in the Philippines which include dealing with a costly, lengthy and corrupt legal system. Finally, the fact that the *Act* uses gendered language has led to numerous constitutional challenges. Most notably, three aspects of the *Act* have been challenged in court including that it only protects the rights of women, violates a perpetrator's right to due process since perpetrators can be removed from the home, and delegates judicial powers including the enforcement and issuance of Barangay Protection Orders to the village level (Guanzon, 2008).

Policy Influences

The *Act* was legislated as part of progressive reforms in the Philippines after the establishment of the 1987 Constitution, where specific gendered provisions on the rights and equality of women began to garner advocacy and legislative attention (Guanzon, 2008).

Outcomes and Impacts

A survey on DV at work in the Philippines demonstrates low employee awareness of the leave with only 39% being aware of it (ITUC-AP, 2015). Additionally, the survey revealed employee discrimination, with 26% of employers not acting positively toward employees who report their DV situation (ITUC-AP, 2015). The survey data from the Philippines highlights important issues with DV leave that employer and employee support and awareness is key to its ability to support survivors. Employer support is essential to both ensuring equitable access to DV leave and to reduce the stigma of DV.

5.1.2. Australia

Policy Characteristics

Australia implemented DV leave in 2018 under the *Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018*. The purpose of the bill was to establish an entitlement of up to five days of unpaid leave into the National Employment Standards which is enforced by the Fair Work Commission (Murphy & Spinks, 2018). The leave applies to all paid employees in full-time, casual and part-time positions as well as across all industries which covers over six million employed persons in Australia (Murphy & Spinks, 2018). Features of Australia's Family and Domestic Violence Leave (FDV) include formal recognition that FDV is a workplace right, employers have a responsibility to uphold the confidentiality of employee information, and that an employee is eligible for FDV from the first day of employment.

Policy Influences

Australia has four key indirect influences on their DV leave policy. First, Australia has been foundational in producing research and literature on the impacts of DV in the workplace and analyzing ways to support survivors. Second, advocacy groups and research organizations such as the Centre for Gender Related Violence Studies in New South Wales, and even employer groups have had a key role in advocating and lobbying both state and federal governments for DV leave, and for shifting workplace culture to see DV as a workplace issue rather than a private matter. This has been done through qualitative and quantitative mechanisms such as cost-benefit analyzes, and pan-Australian employee surveys (Murphy & Spinks, 2018). Third, the Australian Council of Trade Union (ACTU) conferred their negotiation and bargaining powers to influence employment standards through awards, which are known as legally binding instruments made by the Fair Works Commission under the Fair Works Act that regulate particular industries (Murphy & Spinks, 2018). The combination of awards and the National Employment Standards together set the threshold of employment standards to all industries across Australia (Murphy & Spinks, 2018). The merging of the three streams of influence can be seen as having an impact on the implementation of widespread, consistent DV leave policies across Australia. Currently, the Australia Fair Work Commission is reviewing their DV leave after pressure from groups asking for ten days of paid leave.

Outcomes and Impacts

A key debate between employers, unions and stakeholder groups is about paid versus unpaid DV leave. A study conducted by Stanford, estimates incremental wage payments that would be associated with the implementation of a ten-day paid DV leave in Australia (2019). According to the study, the wage payouts to workers is estimated to cost the Australian economy \$80 - \$120 million AUD per year (Stanford, 2016). In estimating the use of DV leave, Stanford predicts that about 1.5% of female and 0.3% of male survivors will use DV leave in any given year (2016). One of the key concerns by the public and employers in Australia was that the new leave provision would be used wrongfully (Stanford, 2016). The low uptake rates provide evidence that the policy has not been used improperly since its onset. Australian companies publicly endorsed the policy which garnered stakeholder and public support (Stanford, 2016). In 2015 an Australian survey of employers found that the average DV leave over twelve months was only 43 hours per DV situation (Stanford, 2016). In addition to the low uptake, employers reported that DV leave helped to raise employer reputation, improved cooperation and bargaining with unions, improved morale and confidence in speaking with management and helped to reduce stigma and raise awareness of DV (Stanford, 2016). The Australian case demonstrates how DV leave policies can impact workplace morale and provide positive externalities in the workplace. The situation in Australia helps to quell some of the concerns about implementing DV supports for employees related to costs and integrity.

5.1.3. Manitoba

Policy Characteristics

Manitoba was the first province to provide DV leave in Canada through the *Employment Standards Code* in on June 1, 2016. On December 5, 2019, Manitoba amended their provincial DV leave to include interpersonal and sexual violence as means to align themselves with other Canadian provinces and to expand the entitlement to survivors regardless of their relationship to the perpetrator of violence. The amendment changed the title of the leave to interpersonal violence leave. Manitoba's interpersonal violence leave is the only DV leave policy in Canada to contain two leave options for employees. Survivors have the option of taking ten days of consecutive or intermittent leave within a 52-week cycle (Government of Manitoba, Employment

Standards, 2019). The other option allows survivors to take up to 17 consecutive weeks off work within a 52-week period. Although providing two options for survivors may allow more flexibility for survivors based on their personal needs and type of employment, the structure of the leave includes other exclusion criteria. For example, survivors are only paid for up to five days of interpersonal violence leave in a 52-week period. They are only eligible for the leave if they have been employed with the same employer for a minimum of 90 days. Survivors are also required to show verification for why they require interpersonal violence leave to receive pay, while taking unpaid leave does not require verification.

Policy Influences

One of the reasons behind the implementation of DV leave was strong support from the Manitoba Government and General Employees' Union (MGEU) and the Manitoba Federation of Labour. The union representing public sector interests made the topic salient in the province's public sector which advocated to expand the leave for all provincially regulated workplaces in Manitoba. The Manitoba Federation of Labour has promoted and encouraged union workers to advocate for paid DV leave and conducted information and awareness campaigns. Another influence in Manitoba's interpersonal violence leave was previous policy initiatives in regards to DV. Manitoba introduced the *Domestic Violence and Stalking Act* in 1999 which provides a host of available supports, legal frameworks and process for survivors of DV. The fact that Manitoba directly links its interpersonal violence leave in the *Employment Standards Code* to a legal framework is similar to the approach taken by the Philippines, where employment policy intersects with legal foundations.

Another intersecting regulation includes part two of the *Manitoba Workplace Safety and Health Regulation (WSHA)*. The WSHA outlines a series of industries where violence in the workplace is recognized as a hazard. The list includes education, financial services, pharmacies, law enforcement, security, crisis counselling, public transportation and others (The Workplace Safety and Health Act (WSHA), C.C.S.M.c.W210, Manitoba Regulation, 217/2006). The requirements for employers under this section include the development and implementation of violence prevention policy, worker training and information sharing, preparation of an annual report on violent incidents and obligation to investigate and implement control measures (WSHA,

C.C.S.M.c.W210, Manitoba Regulation, 217/2006). Although Manitoba provides accountability mechanisms for employers under their WSHA regulations, they limit the application to specific workplaces and fail to denote DV as a specific hazard.

Outcomes and Impacts

In 2016, there were 4,820 police-reported victims of DV, with most of the victims (65%) identifying as female (Rotenberg, 2016). Since statistics about DV can be unrepresentative due to underreporting, stigma, privacy concerns and various other reasons, it is difficult to quantify the impact of Manitoba's interpersonal violence leave. Future research is recommended to monitor and track the use of interpersonal violence leave to help improve Manitoba's policy response in the future.

5.1.4. Ontario

Policy Characteristics

Ontario introduced domestic or sexual violence leave into its *Employment Standards Act* on October 5, 2017. Similar to Manitoba, Ontario provides two options for survivors of domestic or sexual violence. Survivors are entitled to ten days of domestic or sexual violence leave, with a maximum of five days of paid leave per calendar year (Government of Ontario, Ministry of Labour, Training and Skills Development, 2019). In addition to the ten days of leave, survivors are also entitled to take up to 15 weeks either consecutively or separately of domestic or sexual violence leave per calendar year. The dual option provides a blend of financial support for five days and flexibility for survivors who may need additional time beyond ten days to take unpaid leave. Ontario frequently refers to DV as gender-based violence and sexual assault, highlighting the role that gendered terminology plays in the provincial response to DV. There are three other notable aspects of Ontario's domestic or sexual violence leave. First, to be eligible for the leave, a survivor must be employed with their employer for a minimum of thirteen consecutive weeks. Second, a survivor is required to provide their employer with advanced notice and evidence that is reasonable in the circumstances as to why they would like to access the leave. Third, Ontario's domestic or sexual violence leave grounds employee rights in the same context as employees who take pregnancy or parental leave which includes protection from employers threatening to fire or penalize an employee for accessing the leave.

Ontario also provides support for survivors of DV through occupational health and safety standards. Under section 32.0.4 of the Occupational Health and Safety Act (OHSA), employers who are aware or ought to be reasonably aware of domestic violence that may expose a worker to physical injury in the workplace are required to take precautions to protect the worker (OHSA, Section 32.0.4). The fact that Ontario's OHSA specifically denotes DV and employer responsibilities to protect employees against physical injury created by DV in the workplace places onus on employers to take action in addressing DV in the workplace. Although Ontario's OHSA only requires employers to protect their employees from the physical aspect of DV, it explicitly recognizes DV as a workplace hazard. The denotation of DV within OHSA demonstrates three things. First, it helps break down the stigmatization and isolation of DV as a private matter. Second, it places responsibility and accountability on employers to create violence prevention plans, policies and procedures. Third, it signals that DV is a workplace issue. It broadens the jurisdictional authority of the provincial government to intervene and creates a new access point for the government to regulate and monitor DV.

Policy Influences

Ontario is home to the main academic and research hub for DV in the workplace in Canada through the Centre for Research and Education on Violence Against Women and Children (CREVAWC) based out of Western University. CREVAWC provided leadership for the largest pan-Canadian survey on DV in the workplace, provides training, information and campaigns directed to the public, the workplace and government on violence against women and children. The DV-at-work network is a collaboration of partners including industry experts, government representatives and academics to mobilize knowledge about domestic violence in the workplace. The network has provided advice, guidance and advocacy to labour organizations, legislators, and other stakeholders across Canada and has had a foundational role in the proliferation of information and policies about DV in the workplace in Canada. In addition to the influence of CREVAWC on Ontario's domestic or sexual violence leave, the Canadian Labour Congress has been instrumental in lobbying the government to implement paid DV leave, with campaigns focusing in Ontario.

Outcomes and Impacts

In 2016, there were 20,231 police-reported victims of DV in Ontario with 69% of the victims identifying as female (Rotenberg, 2016). Like other provinces, statistics on the use and outcomes of DV leave and other support mechanisms are scarce due to privacy issues, and data reliability.

5.1.5. Alberta

Policy Characteristics

Alberta was one of the last provinces to institute DV leave. Alberta introduced domestic violence leave under the provincial *Employment Standards Code* effective January 1, 2018. The legislation entitles survivors who have been employed with their employer for over 90 days to ten days of unpaid, job-protected leave each calendar year. A survivor must also meet the merit of the DV definition included in the *Employment Standards Code* which sets defined examples of criteria that constitutes DV including; intentional or reckless act causing injury or property damage, any act or threat creating fear of property damage or injury to a person, psychological or emotional abuse, forced confinement, sexual contact that is coerced by threat or force, and stalking (*Employment Standards Code 2019 (AB) s. 53.981. Canada*). The prescriptive purposes outlined in order to access domestic violence leave as well as the requirement that employees must give notice in advance of taking leave can be restrictive for some survivors. In addition to dictating acts of domestic violence, the code also outlines the reasons for which DV leave can be taken including, to seek medical attention for oneself or dependent child or protected adult in respect of a physical or psychological injury, to obtain victim services, counselling, to relocate, and or to seek legal assistance including civil or criminal related matters to or resulting from the DV (*Employment Standards Code 2019 (AB) s. 53.981. Canada*). Despite the composition and qualifiers embedded in Alberta's domestic violence leave which limits access to the entitlement, the biggest factor that differentiates Alberta's domestic violence leave from other jurisdictions is the fact that there is no paid component.

Policy Influences

Alberta has a multitude of advocacy, interest and union groups who have been lobbying for increased government response to DV in the workplace. Despite efforts

from groups, precedent policies set by other provinces, and survey reports from over 800 Albertans, the provincial government decided to implement an unpaid, restrictive domestic violence leave policy. The Alberta Council of Women's Shelters commissioned market research via Leger Marketing on the impacts of DV in Alberta workplaces in 2009. Research about DV in the workplace tends to be generalized across Canada so having region-specific data provides an opportunity to create policy that is reflective of Albertans. Part 27 of Alberta's *Occupational Health and Safety Code (OHSC)* denotes violence and harassment as hazards and requires employers to have a violence prevention plan, policy and procedures in place (Occupational Health and Safety Code (OHSC), Alberta Regulation, 87/2009). In addition to the general regulations on workplace violence and harassment, Alberta's OHSC denotes domestic violence as a specific hazard. The regulation regarding DV states that if an employer is aware that a worker is or is likely to be exposed to DV at a worksite, the employer must take precaution to protect the work and other persons at the worksite who may be impacted (OHSC, Alberta Regulation, 87/2009)The fact that Alberta is inclusive of both physical and psychological injury stemming from domestic and sexual violence demonstrates a recognition that employers are responsible for the psychological safety of workers experiencing or exposed to DV.

Outcomes and Impacts

In 2016 there were 12,210 police-reported victims of DV in Alberta (Rotenberg, 2016). Market research shows that 94% of Albertans agreed with the statement that violence in the workplace must be understood and addressed and 78% thought that it should be a priority of the Alberta Government (Leger Marketing, 2009). This suggests strong public support for policy action. In terms of awareness, the survey showed that 59% of respondents were aware of workplace violence legislation in Alberta, while 91% indicated that they have never received training on addressing DV in the workplace (Leger Marketing, 2009). Overall, the survey showed that the most common mechanisms for responding to DV in the workplace in Alberta were through formal employer policies and senior personnel (Leger Marketing, 2009). This contrasts with findings from the literature which indicates that the majority of survivors of DV disclose and seek support for their situation from co-workers rather than supervisors (Wathen et al, 2015; Samuel et al, 2011; Tudor et al., 2011).

5.2. Jurisdictional Summary

The jurisdictional summary outlined in Table 5.1 demonstrates the complex and intersectional factors involved in the generation of policies and supports for survivors of DV in the workplace.

Table 5.1. Jurisdictional Summary Evaluation

Characteristic	Philippines	Australia	Canada	Manitoba	Ontario	Alberta	BC
Policy Characteristics							
Year Implemented	2004	2018	2019	June 1, 2016	October 5, 2017	January 1, 2018	April 29, 2019
Policy Structure	Federal	Federal	Canada Labour Code, COHSR	Provincial Employment Standards, WSHR	Provincial Employment Standards, OHSA	Provincial Employment Standards, OHSC	Provincial Employment Standards, OHSR
Exclusion Criteria	Women only 10 days paid	5 days unpaid	5 days paid, 5 unpaid 3 months employed	5 days paid, 5 unpaid 2 options 90 days employed DV and sexual violence	5 days paid, 5 unpaid 2 options 13 weeks employed DV and sexual violence	Unpaid, 10 days 90 days employed	5 days paid, 5 unpaid DV and sexual violence Effective 1 st day of work
Policy Influences							
Awareness Campaigns	No	Yes	Yes	No	Yes	No	No
Advocacy and Interest Groups	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other policies or laws that may influence	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Outcomes and Impacts							
Use	Yes	Yes	N/A	N/A	N/A	N/A	N/A

Chapter 6. Interview Analysis

Expert interviews were conducted to complement the findings of the literature review, and jurisdictional scan. The interviews provided an avenue to discuss policy options and helped to orient the problem of domestic violence in the workplace. Four interviews were conducted in January 2020 with individuals who have experience supporting, advocating or working with survivors of domestic violence and or employment policy. The following experts were interviewed:

- **Participant 1**, Elected official in British Columbia
- **Lisa Kelly**, Director, Unifor Women's Department
- **Barbara MacQuarrie**, Community Director, Centre for Research & Education on Violence Against Women and Children
- **Amy S. FitzGerald**, Executive Director, BC Society of Transition Houses

6.3. Barriers

6.3.1. Stigma

Stigma was the most frequently cited barrier facing employees, employers and public policies. Stigma from employers was mentioned by all interviewees including the notion that one's personal life should not enter into the workplace. Stigma was also mentioned as being a reason why survivors do not disclose their situation out of fear of retribution or losing their job. Interviewees discussed stigma in terms of BC's decision to implement unpaid DV leave. They mentioned that the previous unpaid feature reinforced the stigma and sends a message that the health and safety of employees experiencing or being exposed to DV is not an employer's responsibility. Another feature of stigma mentioned was the language used in the public and in workplaces about DV. Often employers and co-workers ascribe erratic work patterns or warning signs of DV to other things such as being distracted or lazy without understanding the underlying causal factors. As an interviewee explained, by naming DV as an aspect of the workplace, one can open dialogue and shift language to help reduce the stigma.

6.3.2. Stability

According to the interviewees, employment and economic security are some of the key factors in terms of a survivor being able to re-establish themselves. Various interviewees described the workplace as a potentially stable place for survivors who might be going through changes in their lives such as living temporarily in a transition home, finding safe housing, etc. The workplace may feel dislocated from a survivor's community, their children's school, and social circles. Having and maintaining a job may provide stability to an unstable situation, and can provide a connection to another world. The interviewees reiterated that employment provides survivors with economic security that can provide more options for survivors to decide how to navigate their situation. Economic security was cited by interviewees as one way to make sure that survivors are not vulnerable. Noting that the more access women have to employment and the more women can retain their jobs, may help to reduce their vulnerability to instability.

6.4. BC's Weak Policy Response

Collaboration and responsibility were discussed as being important features for implementing any policy option in this domain due to the complexity and wide-spread impacts and effects of domestic violence in the workplace and across the lifespan. The two top supported policy options included making DV leave paid, and implementing DV within BC's Occupational Health and Safety Legislation. In terms of the status quo, interviewees were all disappointed in the BC government's initial policy response to this issue. The interviewees specifically mentioned that although Ontario, Manitoba and even the federal government have set a precedent on DV leave as paid, BC chose a weak and ineffective policy response without applying a survivor-centric, trauma-informed lens. The fact that BC was one of the last provinces to implement a DV leave option, and the fact that it was implemented without a strong awareness or educational campaign and as part of omnibus changes to the *Employment Standards Act*, signals that this policy shift may have been meant to appease stakeholder and advocacy groups. Although the true intent behind BC implementing such a weak DV employment is not known, their shortfalls in bringing public and employer awareness may reflect the social stigma of DV as a personal matter rather than a workplace issue.

6.5. Raising the Bar

The complexity of relationships and the manner in which domestic violence manifests makes it a taboo social issue. When employers, employees and co-workers lack awareness, familiarity or information, they pull away and become uncomfortable. As the interviewees discussed, this may be due to the lack of knowledge, training and skills to handle the situation which is then used as an excuse to say the issue is not their problem. Through implementing a position on DV, recognizing it as a gendered issue and a workplace issue, BC can provide context and clarity to employers, employees and perpetrators. BC can set a tone that DV is a public health and safety issue and has impacts on society and the workplace. Since people spend the majority of their adult lives working, this is the first step in normalizing behaviors, thoughts and language to signal that violence against women is not tolerated by society.

6.6. No Need to Reinvent the Wheel

Issues of how to support employees in the workplace who may have experienced, witnessed or had co-workers disclose instances of DV has made headway in many jurisdictions according to all interview participants. Three out of four interviewees cited the Australian model, where cost-benefit studies indicate that costs to employers is marginal given the positive social and workplace externalities of having policies that promote anti-violence language (see Stanford, 2016). Other benefits cited by interviewees include increased productivity and creating positive work environments for all employees. In addition to the benefits, implementation was mentioned as being key in creating effective policies that are accessible to employees. A point brought forward by the interviews was that all workplaces in BC have mandated health and safety training for employees under occupational health and safety legislation. Many already provide employee benefits which may include employee assistance programs (EAP) programs, Women's Advocates, human resources personnel, and other employee support mechanisms. Rather than imposing significant costs for employers, the current mechanisms can be adapted to specifically address domestic violence.

6.7. Industry and Corporate Social Responsibility

Interviewees discussed the characteristics of industries and workplaces. One of the items discussed was the size of the workplace. The interview participants mentioned that with small employers, survivors may either experience increased support, since personal relationships may be stronger, or may feel stigmatized and have reduced access to supports including leave due to reduced organizational capacity. Interviewees also mentioned that unionized workplaces and workplaces with a skilled human resources department may provide an added layer of support for survivors and co-workers who witness or hear about DV. Since many larger workplaces tend to have employee assistance programs (EAPs), they can provide access to support services for employees.

Interviewees mentioned that studies show that implementing DV workplace initiatives can be a significant benefit for employers for many reasons. They can create a healthy and safe work environment, increase productivity, increase employee retention, improves civility in the workplace and sends a signal to other employees and the public

that protecting the safety of employees is something the employer takes seriously. Overall, employers have a corporate social responsibility, economic incentives, and moral obligations to make their workplaces safe and make a difference in employees' lives by sending a clear message to their employees and the public that they are on the side of ending violence.

6.8. Typology of Workplace Supports

In analyzing the interviews, the interviewees discussed various examples of initiatives in the workplace that could support employees who have experienced or been exposed to DV.

6.8.1. Trust and Confidentiality

As cited by the interviewees, trust and confidentiality are essential to any support initiative for survivors of DV. As mentioned in the interviews, confidentiality is especially important for survivors to build trust and feel supported by their employers and co-workers. The interviews built upon research that most employees experiencing DV disclose to a co-worker rather than a supervisor or manager (see Wathen, MacQuarrie & MacGregor, 2014). When reasons for disclosure were discussed in the interview, most interviewees indicated that disclosures may occur only if and when the survivor feels safe, is ready, or has built a trusting relationship with someone. Since employment makes up a significant portion of one's adult life, it is only natural that one would build trusting relationships with co-workers. However, having coworkers who are ill-equipped to deal with instances of disclosure presents numerous health and safety concerns if the perpetrator is high risk and continues to conduct the abuse in the workplace which also puts the physical and psychological safety of co-workers at risk.

6.8.2. Training

All interviewees discussed the importance of training to help reduce the stigma associated with DV and to provide tools to all those in the workplace to use to support others and contribute to a civil environment. Although the cost of training regulators, trainers, employers, and employees on how to respond to disclosures of domestic violence in the workplace was mentioned, the interviewees outlined training as being an

investment in society. Interviewees mentioned the importance of collaborating with the anti-violence sector to develop and conduct training within workplaces.

6.8.3. Safety Planning

All interviewees agreed that safety planning is good for everyone regardless if they have experienced DV. Safety planning is vital in any initiative to support employees who have experienced or been exposed to DV. Issues with safety planning include the lack of training and knowledge of employers and businesses to conduct them with employees. Interviewees mentioned that safety planning along with other types of support are not limited to instances of DV, but rather should be a best practice for all occupational health and safety issues. Safety planning encourages employers to send a signal to their employees that they take the health and safety of their staff seriously. Many safety planning models have been developed for a variety of other occupational health and safety issues that can be amended to include domestic violence.

6.8.4. Reduce Red Tape

Regulatory red tape was discussed as one of the features that would prevent effective policies to support employees in the workplace who have experienced DV. Interviewees criticized BC's domestic violence leave by stating that to access the leave, survivors must disclose their situation to their employer and if requested by the employer, demonstrate proof of domestic violence. Although the policy does not denote what is considered adequate evidence, the added bureaucratic requirements create an additional barrier for survivors who may not have the required paperwork that meets the evidentiary requirement.

6.8.5. Collaboration

All of the interviewees stressed that collaboration among the anti-violence sector, women's shelters and transition houses, unions, employers and employees is key to implementing an effective, inclusive workplace response to domestic violence.

Chapter 7. Policy Criteria & Considerations

7.1. Equity and Fairness

Those employed in precarious employment or casual work experience greater barriers to accessing DV leave since they rarely have access to employer or union-led supports. The status quo shows that many DV supports are imbedded in collective agreements or other employer policies. A policy must include regional voices and consider the needs of communities that it would affect. Due to the fact that the population of employees without access to support tends to be those in non-unionized environments, lower-skilled workers, and part-time and casual employees, it is essential that employees in more precarious jobs have access to any provincial workplace support (Costello, Chung & Carson, 2005; Moe & Bell, 2004; Swanberg, Macke & Logan, 2007). Accessibility for the most vulnerable groups is essential for any policy to be applied equitably to the population. Policy options that increase accessibility for diverse and vulnerable populations including remote and rural communities, Indigenous communities, and those with more precarious work will rank higher in equity and fairness.

7.2. Stakeholder Acceptance

Stakeholders play a key role in empowering survivors of DV to feel supported in the workplace. Stakeholder acceptance refers to the degree to which affected parties are willing to support the option. This includes employers, employees, survivors, communities, and governments. The public is not considered separately since evidence suggests general acceptance for initiatives to support survivors of DV in the workplace (MacGregor, Wathen & MacQuarrie, 2016). In evaluating stakeholder acceptance, the literature assessing the impact of DV on a variety of stakeholder groups was used to project the acceptability of each policy option. For frontline agencies, expert interviews informed the projected acceptability, subject to the limitations of representation. Four stakeholder groups are identified in the literature review and include survivors (represented by interviews with service providers), employers, advocacy agencies and communities. A high rating consists of all stakeholders supporting the policy. A medium

ranking suggests that the majority of the stakeholder groups support the policy and a low score indicates that less than half of the stakeholder groups support the policy.

7.3. Positive Externalities

Although the focus of this policy analysis is on supports for survivors of DV in their places of employment, the literature demonstrates that DV in the workplace often impacts employers, co-workers and workplace culture. Policy options that address the needs of survivors in the workplace but also emit significant positive externalities for clients, co-workers and employers will receive a high ranking, while policy options that do not generate positive externalities will receive a low ranking.

7.4. Cost

Cost to society and employers is an important consideration of any DV employment support policy. The cost includes the implementation and ongoing costs to the government and employers. It includes the costs projected by Zhang et al, 2012 and Chan & Cho, 2010. Chan and Cho summarize a variety of measures for evaluating the costs of DV in society as well as in the workplace. These costs include property damage and loss, costs to the healthcare and mental health systems, productivity losses (including lost wages, lifetime earnings, and costs for employers), government transfers, use of services and intangible costs (pain, suffering and lost quality of life) (Chan & Cho, 2010). The cost of DV to employers is valued at CAD \$77.9 million in Canada which consists of training costs, lost productivity, absenteeism and other negative impacts that DV has in the workplace (Chan & Cho, 2010). The government benefits from the incremental income tax revenue collected by survivors who remain employed as a result of DV leave. There are both savings to government services, including less dependence on social assistance programs, as well as costs to incremental uptake in support services now that survivors have additional time to access services. Policy options with low costs to government and employers will be ranked high.

7.5. Administrative Complexity

Administrative complexity refers to the ease of implementation. It includes any new departments, policies, legislation, practices or employer responsibilities that would

need to be implemented or changed as a result of a policy option. Administrative complexity is ranked high for policy alternatives which require little administrative adjustment. A medium rating is provided for options that require some administrative changes and are moderately complex. A low rating is given for policy options that require significant administrative changes at a high degree of complexity.

7.6. Evaluation Framework

Each policy receives a score of high, medium, or low for the purpose of quantifying the results. Both equity and fairness and stakeholder acceptance will be double weighted because, for any policy option to be an effective support mechanism for survivors, it should have equitable and fair access and be accepted by the stakeholders who access and are required to comply with the policy. A full summary of the evaluation framework is found on the next page in Table 7.1.

Table 7.1. Policy Evaluation Framework

Criteria	Definition	Measures	Rating	Weight
Equity and Fairness	Access to supports and suitability for diverse target population	Number of restrictions and qualifiers per options	High = Accessibility for all groups requiring support Medium = Few restrictions to access Low = Multiple restrictions or eligibility requirements that restrict equitable access for some groups	x2
Stakeholder Acceptance	Do survivors support the option?	What proportion of stakeholders highly support the option? How will stakeholders be impacted by the option?	High = All stakeholder groups support the policy Medium = Three out of four stakeholder groups support the policy Low = Two or less of the stakeholder groups support the policy	x2
	Do employers support the option?			
	Do frontline and community workers support the option?			
	Do interest groups support the option?			
Positive Externalities	Policy addresses the needs of survivors of DV but also benefits others in the workplace including employers, co-workers, clients and the public	Scope of positive externalities impacting other groups in the workplace	High = Policy will generate positive externalities for all four other groups Medium = Policy will generate positive externalities for three out of four groups Low = Policy will generate positive externalities for two or less groups	x1
Cost	Financial impact on government Financial impact on employers	Costs to government implementation and operating costs Costs to employers	High = Low cost Medium = Moderate cost Low = High cost	x1
Administrative Complexity	How easy would it be for the provincial government to implement the policy?	Legislative or procedural changes Human resource capacity changes	High = Limited number of administrative changes and minimal complexity Medium = Some administrative changes, moderate complexity Low = Significant administrative changes requires and high complexity	x1

Chapter 8. Policy Options

This section will discuss policy options that the Government of BC could implement to better support survivors of domestic violence in the workplace.

8.1. Option 1: Status Quo

The BC government reviewed its domestic violence employment leave policy after pushback from the anti-violence sector and advocacy groups for their weak policy response of implementing unpaid leave for survivors of domestic and sexual violence. The status quo option is to continue on the policy trajectory set by the BC government which recently announced plans to implement up to five days paid of the ten-day DV leave. The benefits of paid leave include increased economic independence and reduced financial barriers that prevent survivors from fleeing abuse. In addition, the leave provides job security and financial stability for survivors to access the supports and services they need to deal with their situation including but not limited to seeking legal services, finding child care, relocating, accessing medical services, meet with counsellors.

The status quo option includes the combination of federally regulated DV leave alongside various leave options available in collective agreements. It also includes retaining BC's current employment leave respecting domestic or sexual violence and leaving DV unrecognized in BC's OHS. A consideration to be made in maintaining the status quo is that due to the novel structure and recent implementation of DV leave in BC, it is difficult to measure the effectiveness and use. In addition to the status quo option, the Employment Standards Branch is encouraged to establish data collection and performance measures on the use of DV employment leave in order to measure its use and effectiveness in the long run. The data collection element is key since data collection on DV and family violence tends to be under-reported, and limited to instances of disclosure.

8.2. Option 2: Occupational Health and Safety Revisions

Both Ontario and Alberta specifically include DV in their *occupational health and safety regulations*. The regulations state that any employer who is aware of DV that would expose an employee to physical injury in the workplace must take every precaution to protect the worker. Although Ontario has taken steps to implement DV into their occupational health and safety, only physical aspects of DV are mentioned. Alberta's regulation includes psychological violence. Ontario's actions run contrary to research which has demonstrated that most of the impacts in the workplace are psychological and performance-based (MacGregor, Wathen & MacQuarrie, 2016). In addition, the ILO supports implementing DV within occupational safety and health provisions on violence and harassment.

Calling out DV as a specific occupational health and safety hazard is an important aspect of shifting employer, employee and public behaviour and perspectives about DV. Recognizing this, it is essential that BC includes both psychological and physical violence if they were to implement OHS revisions. This addition is critical in order to have an effective policy to support employees in the workplace. The inclusion of co-workers in policies regarding DV in the workplace is important since survivors of DV overwhelmingly disclose their DV situation to colleagues (81.6%) (Wathen, MacQuarrie & MacGregor, 2015). Currently, WorkSafeBC manages employer compliance with occupational health and safety regulations and should be trained on how to recognize DV as a workplace hazard, so that employers and employees understand their rights and responsibilities in responding to DV in the workplace.

The type of training that OHS revisions entail includes basic training for employers and employees on how to recognize the signs of DV in the workplace, how to talk to an employee or co-worker who may be experiencing DV, and learning about the resources that are available for survivors. The goal of the training is to provide liaison support to connect survivors to the various services available to survivors of DV, while also promoting recognition that DV is a health and safety hazard.

8.3. Option 3: Women's Advocate

Extrapolating from Unifor's Women's Advocate program, the Women's Advocate would provide all employees in BC with access to safety planning, confidential information and support about how to manage their DV situation without losing their job. The program works as a referral system that has specially trained representatives with knowledge about employment policy and regulations and connections to the anti-violence sector and support services (Unifor, 2013). The program has been recognized by the International Labor Organization (ILO) and the UN for its ability to assist people experiencing harassment, sexual violence, and DV either at home or in the workplace (ILO, 2019). The Women's Advocate program demonstrates the impact that a union and management workplace initiative can have to create healthy, safe workplaces. Benefits of the Women's Advocate program include early prevention and response to negative externalities in the workplace, quick referrals and safety planning in the workplace, and liaison support between the survivor, Employment Standards branch, community resources and employers.

The program would work in addition to the current DV leave in BC. It could start as a pilot project implemented and operated by the BC Employment and Labour Standards Branch to provide equitable service to all employees in BC. Although advocates can be set up as an employer or union-led initiative, having a provincial advocate program ensures equitable and fair access to the program for all employed persons in BC regardless of occupation, type of employment, or union membership. Given the wide geographical landscape of BC, it is recommended that the program has regional divisions to ensure equitable access to all employees in BC. The program also recognizes DV as a gendered issue, but would still operate as an inclusive program to all employees in BC who are experiencing DV and are employed. The role of the advocate is to provide employees with information about regulatory options available to them based on the features of their employment. This may include, the review of collective agreement, employee assistance programs (EAPs), employment documents and contracts. Having the advocates operate from a trauma-informed lens with knowledge about community and support services is essential to provide employees with adequate information and support. Many support services in BC are not accessible or available for those who have experienced disclosure of domestic violence, the advocate program

would be made available to all employees in the workplace looking for information on how to handle disclosures, as well as how to support co-workers who may need support.

Chapter 9. Policy Analysis & Evaluation

9.1. Evaluation of Option 1: Status Quo

9.1.1. Equity and Fairness

The status quo option imposes issues of access for many vulnerable populations. First, the fact that the leave consists of a combination of paid and unpaid leave, means that survivors who are not eligible for paid leave may take on financial hardship while accessing the mechanism. This reduces access since survivors who rely on their income to support themselves and their families may be less inclined to take the leave despite needing it. The current DV leave is also only applicable for provincially regulated workplaces. This excludes 13% of the workforce in BC from accessing provincial supports (Statistics Canada, 2019). However, the current DV leave, unlike other provincial leaves, does not require an employee to be employed by the same employer for a minimum of three months which may help survivors in more precarious jobs access the leave. For these reasons, a medium score is assigned.

9.1.2. Stakeholder Acceptance

Although the recent policy shift to include a paid element to BC's DV leave is a step forward, advocacy, union and anti-violence groups continue to cite the economic barriers faced by survivors and advocate that the entire ten days of leave should be paid. Since the results of the public engagement campaign have not been released to the public, it is difficult to determine what public acceptance is. Employers, and especially medium and small-sized employers, are likely to be opposed to the status quo scenario since they are required to provide employees with paid time off and tend to argue that additional regulatory requirements have negative impacts on their bottom line. A report by the Conference Board of Canada showed that 63% of employers have a DV policy as either a subset of workplace policy or as a separate agreement (2015). This suggests that most employers are willing to take action in addressing DV in the workplace. The fact that only one out of the many stakeholder groups support the status quo option provides a reason to provide this option with a low score.

9.1.3. Positive Externalities

The positive externalities resulting from option one are likely to be minimal and limited to survivors who are found eligible since they receive a direct benefit from DV leave. The status quo of DV leave only provides support for survivors in the form of paid and unpaid time off work to seek supports for their situation. It does not include benefits for employers, co-workers or clients who may face negative impacts that a DV situation can bring into the workplace. This criterion is given a low score since it does not generate incremental positive externalities in the workplace.

9.1.4. Cost

Costs for the government remains stable, with minimal costs for compliance and enforcement. The combination of paid and unpaid leave imposes moderate costs for employers since they are required to pay an employee for up to five days. Although the costs to employers from retaining the status quo may include lost productivity and opportunity costs of employees taking leave, the costs for employers will be moderate since the current domestic violence leave imposes direct costs in the form of wages to employers. The status quo situation results in moderate incremental costs to employers who are required to pay eligible employees up to five days of wages which results in a medium score.

9.1.5. Administrative Complexity

With the status quo option, there is still a level of administrative complexity. This stems from the recent public engagement and consultations facilitated by the provincial government on BC's DV leave policy. Public consultation processes and evaluations require a series of administrative actions including review of the feedback, online questionnaire and formal submissions and decision making on policy adjustment. For this reason, option one is given a medium score.

9.2. Evaluation of Option 2: Occupational Health and Safety Regulation

9.2.1. Equity and Fairness

Implementing DV in BC's *Occupational Health and Safety Act* would ensure equitable access for all workplaces in BC since it is the primary regulatory framework for workplace health and safety. The jurisdiction of the OHS Act applies to every provincially regulated workplace without restricting access for any employee based on their type of employment or work history. Option two is fair since OHS decisions are regulated and enforced consistently and equitably across all workplaces in BC. For these reasons, option two is given a high score for equity and fairness.

9.2.2. Stakeholder Acceptance

Occupational Health and Safety (OHS) revisions are likely to be supported by anti-violence groups, survivors, unions and potentially employers. With survey data indicating that employers admitted not knowing how to address the impacts of DV in the workplace, along-side the costs associated with domestic violence in the workplace, employers may support the idea of training and information being provided within the OHS context (Conference Board of Canada, 2015). However, medium and small size employers may oppose option two, since it may impose some additional costs for training. Unions have been advocating for OHS changes for years, therefore they would be highly in favor of option two as demonstrated by the Canadian Labour Congress and other union campaigns. Option two is given a high score for this criterion since the majority of stakeholders would support it.

9.2.3. Positive Externalities

Adjusting occupation health and safety regulations to specifically include domestic violence generates significant positive externalities since OHS applies to workplace training initiatives, employers, employees and co-workers. Additionally, OHS adjustments can act as a catalyst to align employers with provincial standards and help shift workplace culture across BC. In addition, the scope of those impacted will increase since Employment Standards and WorkSafeBC is responsible for monitoring, promoting,

training, facilitating information campaigns and collecting data on workplace health and safety. For these reasons, option two is given a high score for this criterion.

9.2.4. Cost

Incremental costs to employers that result from the additional employee training required by OHS revisions are likely to be offset by the incremental benefits generated. A major benefit is sustained productivity of employees who are equipped with information, resources and skills to manage and support colleagues who may be experiencing DV. The average cost of OHS training in Ontario in 2017 was on average \$1,303 annually per employee (Mustard et al., 2018). Since OHS training is already a cost imposed on employers, adding training about DV will not impose significant additional costs for employers. Government costs include administrative costs of adjusting policy and training of inspectors and regulators. Since the costs of additional OHS training is minimal compared to the benefits of implementing DV into OHS, option two is given a medium score.

9.2.5. Administrative Complexity

Since the regulatory, and compliance enforcement bodies already exist via the Employment Standards branch and WorkSafeBC, adding DV as an additional OHS requirement does not require significant administrative complexity other than additional training for inspectors. A high score is given since implementing option three does not involve additional administrative complexity.

9.3. Evaluation of Option 3: Women's Advocate

9.3.1. Equity and Fairness

The Women's Advocate program would only be available to provincially regulated workplaces. Considering that in 2017, federally regulated workplaces accounted for 13% of employees in BC, this creates barriers for some groups since access would be limited (ESDC, 2018). Implementing a program under provincial oversight would apply to 87% of employees in BC which is a considerable number of employees. The benefits of having a provincially funded program means that survivors and employees requiring

support who are precariously employed would have access to the program. This is a significant feat since the literature demonstrates that many survivors experience employment instability and are employed in temporary or precarious types of work (Costello, Chung & Carson, 2005; Moe & Bell, 2004; Swanberg & Logan, 2005; Versola-Russo & Russo, 2009; Wettersten et al., 2004). In BC, 13% of all employees are temporary employees (Statistics Canada, 2019). Overall, policy option three would increase access for an additional 13% of employees in BC. Although the policy option would reduce access for 13% of employees through excluding federally employed persons, it would increase support for 13% providing an overall net benefit of zero. In addition, studies demonstrate the effectiveness of EAP programs similar to the woman's advocate program as having a prominent role in responding to DV in the workplace due to the large population reach, level of confidentiality, and practical assistance and referral support (Walters et al., 2010). For these reasons, this criterion is given a medium score.

9.3.2. Stakeholder Acceptance

The Women's Advocate program would be supported by unions in BC since it began and continues to be a union-led initiative. The need to focus on supports for survivors of domestic violence in the workplace has been advocated by the Centre for Research and Education on Violence Against Women and Children (CREVAWC), and anti-violence groups. Employers would generally be in support of this pilot program since the costs to them are minimal since it would be operated by the provincial government. This criterion is given a high score due to overall majority support from stakeholders.

9.3.3. Positive Externalities

The positive externalities of implementing a provincial Women's Advocate program will be widespread. It would be accessible to all industries and types of workplaces under the *Employment Standards Act*. The positive externalities may be felt more in smaller workplaces that may not already have initiatives or extensive human resource capacity. The Women's Advocate program would provide all employers and employees access to an information hub that may have not been previously available to them due to limited organizational capacity. For these reasons, this criterion is given a high score.

9.3.4. Cost

This policy option has high costs for the government and low costs for employers in BC. It requires the BC government to take responsibility for the implementation and operation of the advocate program including costs associated with staffing, training, variable and fixed costs. Cost estimates for the government include 40 hours of training per advocate and wages for regional advocates. The position is likely to fall under National Occupational Code 5164, social program officer, with a median wage in BC of \$29.33 per hour or \$57,194 annually pre-tax income (Government of Canada Job Bank, 2020). Altogether annual wages for four advocates would approximately cost the provincial government \$228,776 gross minus the revenue collected from income and other taxes collected from the advocates if they were not currently employed before. The goal is that the money spent on the program will equate to the amount of lost productivity in the workforce and reduced dependence on social services resulting from survivors who may leave their jobs and apply for Income Assistance. For these reasons, option three is given a medium score for cost.

9.3.5. Administrative Complexity

The piloting of a BC-wide Women's Advocate program is administratively complex. Since the current Women's Advocate program is operated through a collaboration between unions and employers who negotiate the program into a collective agreement, it will require additional steps to implement it at the provincial level. The administrative tasks include various levels of approval within the BC Ministry of Employment, Business and Economic Development, establishing program policies and procedures, hiring and training advocates, and ongoing operational costs. In addition, the pilot would require consultation and coordination with the anti-violence sector, employers and unions. For these reasons, this criterion is given a low score.

9.4. Policy Evaluation Summary

Table 9.1 provides a summary of how each policy option was scored against the selected criteria and measures

Table 9.1. Policy Evaluation and Rating Summary

Criteria	Option 1	Option 2	Option 3
Equity and Fairness			
Access for diverse populations	Medium	High	Medium
	Medium	High	Medium
Stakeholder Acceptance			
Support from stakeholders	Low	High	High
	Low	High	High
Positive Externalities			
Likelihood of positive externalities on others in the workplace	Low	High	High
Cost			
Financial impact on government and employers	Medium	Medium	Medium
Administrative Complexity			
Ease of administration and implementation	Medium	Medium	Low
Total Summary	Low-Medium	High-Medium	Medium-High

9.5. Recommendation

Based on the policy analysis conducted, it is recommended that the Government of BC implement policy option two, amend the *Occupational Health and Safety Act* to include domestic violence as a specific type of workplace health and safety hazard. Ultimately, option two is likely to gather the most support from stakeholders, and since it is operated and monitored at the provincial level, it ensures the greatest level of access and equity. Including DV into the *Occupational Health and Safety Act* will improve support not only for survivors of DV in the workplace but also impact the widest range of individuals compared to the other policy options. Option two has three key positive impacts. First, by directly calling out DV in the workplace it aims to reduce the silencing of survivors and reduce stigmatization. Second, it forces employers to provide training and provide awareness to their employees about DV which helps to create more positive workplaces, since the skills taught can be applied in a variety of other means to support

co-workers. Third, since the provincial government has already amended their DV leave to include a paid component, the policy combination of a partially paid leave as well as regulatory revisions to the *Occupational Health and Safety Act* together, provides robust support for those impacted by DV in the workplace.

9.5.1. Implementation Considerations

Training and Awareness

Training and awareness are key to ensuring OHS modifications are equitable and fair. Currently, WorkSafe BC provides online non-mandatory training for employers about DV and the workplace. This training should be updated regularly, and with insight from the anti-violence sector to ensure it meets the needs of survivors and others in the workplace. Setting a foundation and precedent for training and awareness should be the responsibility of the provincial government. Awareness is also an important implementation consideration, as research continues to explore the externalities one's experience of DV can have in the workplace, it is important to share that knowledge with employers, governments and the public so that support mechanisms can be improved. Training brings awareness, and skills for employees which in the long run helps to end the stigmatization associated with DV in BC.

Compliance and Enforcement

Compliance and enforcement are essential to ensure that employers comply with the OHS revisions as well as to ensure that people in the workplace are supported in terms of their experience or exposure to DV. Since WorkSafe BC is the delegated authority responsible for inspection of the *Occupational Health and Safety Regulation (OHSR)*, enforcement of DV as a workplace hazard is likely to be consistent, and credible since it would be regarded as equal to other *OHSR* requirements. WorkSafe BC must have the capacity and training to recognize DV as a workplace hazard to enforce compliance of workplaces across BC.

Chapter 10. Conclusion

The importance of acknowledging DV as a form of violence against women ensures that women's voices are not erased from the conversation. Since women make up the majority of the survivor population, it is essential to include women's voices when developing policies around domestic violence in the workplace.

The intent of this research was threefold. First, it was meant to increase awareness that DV has impacts beyond the home. With over 70% of employers across Canada saying they have had to handle the impacts of DV in their workplaces and over 40% of employees saying they have felt one or more of the negative externalities of DV at work, it is clear that employment policy may be an important avenue to support survivors (Conference Board of Canada, 2015; MacGregor, Wathen & MacQuarrie, 2016). Second, through the literature review, this study demonstrated some of the externalities DV has in the workplace and how various groups in the workplace are impacted. Third, using a literature review, jurisdictional scan, and expert interviews, three policy options were identified and evaluated for the BC government to help reduce the negative externalities of DV in the workplace.

Although research on domestic violence and the impacts that it can have in the workplace is increasing, more work needs to be done to reduce the stigmatization of DV not only in the workplace but in society as a whole. The current methodologies used to measure DV are limited and unreliable. It would be beneficial for future studies to find ways to reduce stigmatization of data collection, develop additional mechanisms for support and conduct more cost-benefit analyses on the topic of domestic violence in the workplace.

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Appendix A. Interview Guide

Introduction: (5-10 minutes)

- *Review purpose of the interview*
 - Seeking perspectives of individuals working with people impacted by domestic violence (DV) or with knowledge about employment policy, on how they view DV employment protections and what approaches government can do to reduce impacts on the workplace.
 - Information obtained will be used in part of a policy analysis ultimately recommending policies to provide workplace support to those who have experienced domestic violence in their home life.
- *Trigger warning*
 - Nothing in this study is designed to cause physical, psychological or emotional harm to the you, however due to the sensitive nature of the topic some participants may be triggered by the subject matter. As a safeguard, you may choose to not answer a question or stop the interview and or your participation if you feel uncomfortable. As an additional safeguard, you will be provided with the interview questions in advance of the interview. If you require additional resources or support please reach out to the Crisis Centre at 1-866-661-3311, or BC 2-1-1.
- *Guidelines – speak from your own perspective, no right/wrong answers, want your views; my opinions don't count.*

Is there any specific work that you do to with people experiencing domestic violence or with employment matters?

Domestic Violence & Employment: (15- 20 minutes)

1. Let's talk generally about DV and British Columbia (BC). In your view, how serious of a problem is domestic violence in BC? What's happening that you notice or see? Can you note any differences between Canadian provinces and or territories?
2. What are the top 3 barriers to gaining and or maintaining employment for survivors of DV in BC? Of the barriers that you mentioned, which is the most serious? How do they affect survivors of DV more than others?
3. How do these barriers work to affect survivors from gaining employment? From maintaining employment?
4. Does DV have an effect on the workplace (i.e. culture, team work, etc) in BC??
5. Can you list examples of some of the negative impacts that DV produces in the workplace? Are any of these specific to BC?
6. What are the costs of trying to solve it and what are the benefits of solving the issue?
7. In your opinion, does the experience someone faces with their employer regarding their DV situation vary depending on the type of employment or industry in which they are employed?
8. Are there any particular jobs or industries where DV is addressed more favorably or less favorably? Why do you think so?
9. What motivations or reasons do you think employers may have to accommodate people experiencing DV in the workplace?
10. What sort of accommodations have you heard of that employers have given people experiencing DV? Do you know if these accommodations are utilized? Who do you think benefits from these accommodations the most – survivors, perpetrators, workplace colleagues, employers, others?
11. What specific actions do you think employers can do to address DV in the workplace?

Government & Policy Options (15 minutes)

12. What has the BC Government done, if anything to address DV in the workplace? Can you provide examples of specific initiatives? What other specific actions could they take to address DV in the workplace? Are you aware of any other provinces or territories that have taken action to address DV in the workplace?
13. Who else do you think has a responsibility to address DV and the workplace?

14. What do you think of the following policy options? Are they good or bad ideas? (*PROBE: for each option below ask: does this address the barriers you came up with before? How? Why/why not? Is this effective? Realistic? What limitations does this have? Do you think a combination of the options is better? What impact will this have on you and your family? On your community? Do you support this?*)
- A. 10 days of paid DV leave
 - B. Follow the federal standard of 10 days leave (5 days paid, 5 days unpaid) for federally regulated industries only
 - C. Identify DV as an occupational health and safety issue
 - D. Allow survivors to receive EI for remaining 17 weeks of unpaid leave
 - E. Mandate Employee Assistance Programs (EAPs)
 - F. Implementing a Woman's Advocate in workplaces
 - G. Establish an oversight or review committee for DV leave claimants through labour standards

***Questions for Employers/HR professionals only (5 minutes)**

- 15. What policies do you have in place regarding DV and the workplace?
- 16. Do you offer leave/benefits for survivors of DV? Are these supports utilized? How often/at what rates? Do you think these are beneficial? How much do you think this costs the employer?

Closing (5 minutes)

- 17. What advice would you give to a policy analyst evaluating employment policies to support survivors of DV?
- 18. Is there anything you want to add?

Thank you for taking the time to give me your views.

Appendix B. Jurisdictional Matrices

The following tables were used in evaluating the three Canadian provinces of Manitoba, Ontario and Alberta in the jurisdictional scan.

Table B.1 demonstrates the various domestic violence responses in each jurisdiction. Table B.2 presents a comparison of demographic information of Manitoba, Ontario, Alberta and British Columbia.

Table B.1. Summary of Domestic Violence Policies and Responses

	Legislative	Police	Crown/Court	Services	DV Action Plan
BC	<i>Family Law Act</i> <i>Child, Family and Community Services Act (CFCSA)</i>	Violence Against Women in Relationships (VAWIR) Policy RCMP "E" Division Municipal Police Dept. DV Policies	SPO 1 Spousal Violence Policy 0 Crown Counsel Policy Manual VAWIR Policy for high risk cases Protection Order Registry (POR)	Victim Services Shelters/Transition Houses Programs for Children Exposed to DV Abusive Partner Programs VAW Steering Team	DV Action Plan (2010) Provincial Office of DV
Alberta	<i>Protection Against Family Violence Act (PAFVA)</i> <i>Family Law Act (FLA)</i> <i>Bill 17 Disclosure to Protect Against Domestic Violence (Clare's Law) Act</i>	Family Violence Police Advisory Committee (PAC) Family violence Investigation Report (FVIR) Safety and Risk Assessments Integrated Threat and Risk Assessment Centre (I-TRAC) Provincial DV Police Advisory Committee (PAC)	DV handbook and Guidelines for Police and Crown 7 DV Courts across the Province	76 police based victim services 35 community programs for victims 9 sexual assault centres 43 Shelters/Transition House Abusive Partner Programs	Government -wide commitment to prevent sexual violence and improve support for survivors
Manitoba	<i>Domestic Violence and Stalking Act (2005)</i> <i>Child and Family Service Act</i> <i>Child Custody Enforcement Act</i> <i>Enforcement of Canadian Judgements Act (2005)</i> <i>The Child Sexual Exploitation and Human Trafficking Act</i> <i>Family Maintenance Act</i> <i>The Protection from DV and Best Interests of Children Act (2010)</i> <i>Victims Bill of Rights (2001)</i>	RCMP "D" Division Policy Winnipeg and Brandon Police Service DV Policy DV Policy and Directives	DV Court DV Death Review Committee (DVDRC)	Manitoba Justice Victim Services Child Victim Services Family Conciliation Office Program: <i>For the Sake of the Children</i>	Multi-Year DV Action Plans: Safer Today, Stronger Tomorrow and Moving On – Independence After DV Public Awareness
Ontario	<i>Family Law Act</i> <i>Child and Family Services Act</i> <i>Children's Law Reform Act</i>	Policing Standards Manual with DV occurrences requires police to establish and maintain at least 1 DV interagency coordinating committee	DV Court Program (DVC) in all jurisdictions in Ontario Integrated DV Court (IDV) in Toronto Child Friendly Courtrooms Crown Policy on Spouse/Partner Offences	Victim/Witness Services and Programs (V/WAP) Shelters/Transition Houses Child Victim/Witness Services Risk Assessments Tools and Checklists Family Mediation Services DV Advisory Committees Inter-Agency Protocols	Long Term Strategy to End Violence Against Indigenous Women (2016) DV Action Plan (2004, 2007 and 2012) Sexual Violence Action Plan (SVAP) (2011)

Source: Justice Canada, 2013

Table B.2. Demographic Figures on Domestic Violence by Province

Demographic Factors: 2016 figures				
	BC	Alberta	Manitoba	Ontario
Population	4,189,442	4,189,442	1,311,119	13,853,072
Indigenous People as a % of the population	6%	6.5%	18%	2.3%
Number of Police Reported DV Victims	9,363	12,210	4,820	20,231
Unemployment Rate	4.8	8.1	6.1	6.5
Employment Supports Available	DV Leave – paid up to 5 days WorkSafe BC training information	DV Leave – unpaid Resources for employers OHSC	DV Leave – paid up to 5 days DV & Stalking Action Plan WSHR	DV Leave- paid 5 days Resources for employers OHSA

Sources: Statistics Canada, 2016, Labour Market Survey, 2020