

# **Intimate Partner and Domestic Violence in Canada**

**Canadian Labour Congress Submission to  
the House of Commons Standing  
Committee on the Status of Women**

February 23, 2022



## Introduction and Summary of Recommendations

In 2014, the Canadian Labour Congress collaborated with the Centre for Research and Education on Violence against Women and Children to run the first National Survey on Domestic Violence at Work. The results showed that over a third of workers in Canada have experienced domestic violence and that domestic violence has significant impacts on both workers and workplaces.<sup>1</sup> Since that time, the CLC has worked hard to address domestic violence at work; however, ending domestic violence requires a coordinated approach from all levels of government, social service providers, employers, and unions.

The CLC recommends the Federal government improve efforts to prevent and address domestic violence and its impacts at work by:

- Ratifying International Labour Organization Convention No. 190 (C-190);
- Establishing a National Action Plan on Gender-Based Violence;
- Increase the number of paid days of domestic violence leave for workers in federally-regulated industries to 10, and work with all Canadian jurisdictions to ensure all workers have access to a minimum of 10 paid days of domestic violence leave, and include domestic violence in occupational health and safety legislation;
- Increase core funding for women's shelters and other support services;
- Invest in programs for people using abusive behaviour; and
- Prioritize funding for social services and initiatives over criminal justice approaches to GBV.

### A Workplace Safety Issue

Domestic violence impacts the workplace. The 2014 CLC survey,<sup>2</sup> found that of respondents who had experienced domestic violence:

- 82% said that domestic violence negatively affected their work performance (through distraction, tiredness, lateness, interruptions at work from the abuser, poor concentration and absenteeism);

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<sup>1</sup> Wathen, C. N., MacGregor, J. C. D., MacQuarrie, B. J. with the Canadian Labour Congress. (2014). *Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace*. London, ON: Centre for Research & Education on Violence Against Women and Children. [https://canadianlabour.ca/wp-content/uploads/2019/04/dvwork\\_survey\\_report\\_2014\\_enr.pdf](https://canadianlabour.ca/wp-content/uploads/2019/04/dvwork_survey_report_2014_enr.pdf)

<sup>2</sup> Ibid.

- 53% said they experienced violence at or near the workplace;
- 38% reported that domestic violence affected their ability to get to work;
- 37% said that it negatively impacted their co-workers; and
- 8.5% had lost a job as a result of domestic violence.

Further, after a separation, the workplace is often the only place where a perpetrator can locate a victim further highlighting the importance of including workplaces and unions in domestic violence initiatives as an actual or impending separation is one of the main risk factors for domestic homicide.<sup>3</sup>

### **Recommendations:**

As evidenced above, domestic violence has a considerable impact on workers and workplaces. Since 2014, the CLC has been advocating for paid domestic violence leave to reduce the financial and employment impacts of DV. Since that time, most Canadian jurisdictions (with the exception of Alberta and Nunavut) have instituted between 2 to 5 days of paid domestic violence leave; however, 2 to 5 days is insufficient. Evidence from New Zealand suggests that 10 days of paid domestic violence leave provides the economic security necessary to seek supports, potentially leave, and recover from a violent relationship.<sup>4</sup> The Canadian Labour Congress requests that the Federal government provide 10 paid days of domestic violence leave to workers in federally-regulated sectors, and work with provinces and territories to ensure that workers in all jurisdictions have access to a minimum of 10 paid days of domestic violence leave.

Including domestic violence in occupational health and safety legislation is another essential step in keeping workers who experience DV safe at work. As of March 2022, several Canadian jurisdictions have included DV in occupational health and safety legislation. The CLC recommends the Federal Government work with outstanding jurisdictions to recognize DV as an occupational health and safety issue.

Evidence from other global jurisdictions suggests that these legislative changes alone cannot adequately address DV,<sup>5</sup> instead these changes must be done alongside a larger movement to address DV in all aspects of Canadian society. Two important initiatives offer a roadmap for how to coordinate a broader DV response: 1. International Labour Convention No. 190 (C-190) on Violence and

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<sup>3</sup> Ontario Domestic Violence Death Review Committee. (2018). Office of the Chief Coroner Domestic Violence Death Review Committee Annual Report 2018. <https://www.ontario.ca/document/domestic-violence-death-review-committee-2018-annual-report>.

<sup>4</sup> Weatherall, R., Gavin, M., & Thorburn, N. (2021). *Safeguarding women at work? Lessons from Aotearoa New Zealand on effectively implementing domestic violence policies*. Journal of Industrial Relations (vol 568–590. <https://doi.org/10.1177/0022185621996766>

<sup>5</sup> Ibid.

Harassment in the World of Work; and 2. A National Action Plan on Gender-Based Violence.

C-190 is the first international standard to guarantee the right to a world of work free from harassment and violence. Importantly, C-190 recognizes harassment and violence as a continuum creating a comprehensive definition for violence and harassment that includes both overt and covert forms, recognizes third-party violence and specifically references domestic violence. C-190 calls for a “gender-responsive” approach to harassment and violence, recognizing that women and people who experience marginalization based on gender are most likely to experience violence and harassment, including domestic violence. Ratifying C-190 will be an important step in addressing DV and its impacts on workers in Canada.

Adopting a National Action Plan on Gender-Based Violence is another important step in addressing the systemic nature of DV in Canada. The Canadian Labour Congress calls on the Federal Government to work with all jurisdictions to implement a National Action Plan that includes stable and long-term funding for environmental and social infrastructure, prevention programs, legal system reforms, supports for survivors and their families.<sup>6</sup> Importantly, a NAP must centre the voices and experiences of people most affected, including people living in rural and remote areas, Indigenous people, Black people, people with disabilities, racialized people, non-binary and trans people, LGBTQI2S+ people, and migrant people. The CLC strongly endorses the suggested measures laid out in “A Report to Guide the Implementation of a National Action Plan on Violence Against Women and Gender-Based Violence”<sup>7</sup>, and notes that the gender-responsive implementation of ILO C-190 can guide any elements of the Plan that relate to gender-based violence and domestic violence at work.

The National Action Plan must include a commitment from the government to provide core funding to shelters, especially in rural, remote and other under-serviced areas. Shelters are frequently full or inaccessible, and women are too often turned away. Making federal capital funds available to increase the number of shelters, as well as supporting provinces and territories to support their operation and increase resources for safety planning and risk assessment could go a long way in preventing serious injury and death. Similarly, investing in programs for people who use abusive behaviour could help reduce domestic violence.

While legislation that recognizes domestic violence as a criminal offence plays a role in keeping some workers who experience DV safer, we ask the Committee to

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<sup>6</sup> <https://nationalactionplan.ca/>

<sup>7</sup> Dale, A., Maki, K., & Nitia, R. (2021). *A report to guide the implementation of a National Action Plan on violence against women and gender-based violence*. Women's Shelters Canada. <https://nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf>

consider the serious cautions that have been raised with prioritizing this approach, particularly in relation to the potential inclusion of coercive control in the *Criminal Code*. Some of these cautions include the high rates of dual arrest in Canada; the potential adverse impacts on Black, Indigenous and other marginalized communities; the detriments of prioritizing criminal instruments over potentially more effective social and community-based supports; and the possibility that criminal charges relating to coercive control might already be covered by existing criminal offences (e.g., criminal harassment (s. 264), uttering threats (s. 264.1)).

## **Conclusion**

Domestic violence does not stay at home and has serious impacts on workers and workplaces. Legislative changes such as the introduction of 10 days paid DV leave and the changes to occupational health and safety legislation play an important role in addressing DV but must be done alongside a broader coordinated approach. Ratifying C-190 and adopting a National Action Plan on GBV will provide a roadmap for this coordinated approach that ensures there is adequate funding for social services that can significantly reduce the risk of serious injury or death.