



**BC Employment Standards Coalition Submission
To Minister of Labour Harry Bains & Parliamentary Secretary
For Gender Equity Mitzi Dean on Paid Leave for
Domestic & Sexual Violence**

At our general meeting on September 16, 2019 the BC Employment Standards Coalition debated and reached agreement on this response to your September 6, 2019 invitation to provide a submission on whether the *Employment Standards Act* should require employers to continue to pay their employee's regular wage for any of the time off for domestic or sexual violence.

In addressing this issue at our meeting discussion was focused on answers to the questions posed in the provincial government's Domestic and Sexual Violence Leave online survey questionnaire.

- 1. Should there be new rules put in place that mean employees would continue to be paid their regular wages by employers for part of the domestic or sexual violence leave now provided for in the *Act*?**

As contained in our September 2018 comprehensive submission to the Minister of Labour on changes to the *Employment Standards Act*, the *Act* should most certainly contain a provision for paid domestic or sexual violence leave as part of the much needed modernization of the *Act*. Such a change is complementary to our call for a separate paid sick leave provision, as argued for in that submission.

- 2. How many days of paid leave should an employer be required to pay?**

Paid leave for domestic or sexual violence should be for a minimum of the full 10 days leave now provided for in the *Act*.

We note that during the 5th and 6th sessions of the 2016 and 2017 sittings of the provincial legislature NDP Members of the Legislative Assembly Maurine Karagiannis (Esquimalt-Royal Roads) and Jodie Wickens (Coquitlam-Burke Mountain) table respectively member Bills M220 and M235 that, had they passed, would have amended the *Act* to provide for up to 10 days of paid leave and up to 17 weeks of unpaid leave if an employee or the employee's child

experienced domestic violence or sexual violence. However, those Bills did not get further than first reading.

3. Should an employee be required to provide reasonably sufficient proof to be able to obtain employer paid leave?

As contained in our September 2018 submission to the Minister of Labour on changes to the *Act* employers should not be allowed to require proof of the legitimacy of such leave as such language is full of ambiguity and/or provides too much discretion to employers. In addition the requirement for proof of legitimacy would create unnecessary barriers to use of such paid leave, and increase the inevitable stress and anxiety for the victims in such circumstances.

Bills M220 and M235 introduced by NDP MLAs Maurine Karagiannis and Jodie Wickens contained no requirement for such proof.

In addition there should be no threshold length of service requirement before an employee can claim paid leave for domestic or sexual violence.

4. What are the areas of concern around implementing a paid leave for domestic or sexual violence?

Our main concerns are with respect to victim/survivor privacy (hence our opposition to the requirement for proof of legitimacy), the safety of impacted employees, and that the portion of leave that is employer paid would be too short.

5. How important is having a certain amount of paid leave for BC employees experiencing domestic or sexual violence?

We are of the view that such paid leave is very important as it contributes to the much needed modernization of the *Employment Standards Act* so that workers rights are enhanced in an area where the prevalence of abuse from domestic or sexual violence is finally being recognized and addressed in a socially responsible way. The need for such leave is a societal issue not a private issue.

The BC government should be showing leadership on this workers rights issue and provide for full paid leave without conditions.

Respectfully submitted on behalf of the BC Employment Standards Coalition,

David Fairey & Chris Sorio
Co-Chairs