



A Guide for Employers

Domestic or Sexual Violence Leave

Ontario

April 2019



PENINSULA

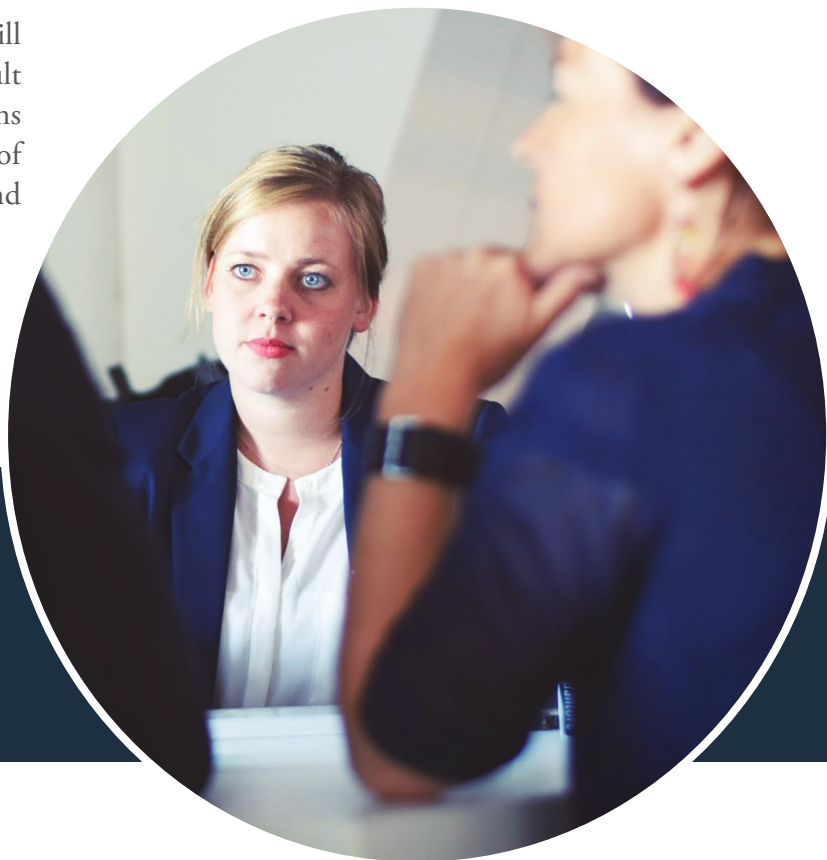
A Guide for Employers Domestic or Sexual Violence Leave

Managing Domestic or Sexual Violence Leave

In this guide, you will find useful information on Domestic or Sexual Violence Leave and how to manage this type of absence. Does your business have a policy addressing this type of leave, and are you prepared to deal with requests as they arise?

Managing leaves according to an established protocol helps support your business growth and enforces a strong organizational culture. As an employer, it is important that you keep up with Ontario's changing labour laws. Bill 148 introduced Domestic or Sexual Violence Leave, directly affecting how employers must manage employee absence.

A clear Domestic or Sexual Violence Leave policy will provide support to your employees during a difficult time in their lives and help to manage expectations around this type of absence. Read about this type of job-protected leave and protect your business and employees with our HR best practices.



Employees in Ontario are entitled to 10 days and 15 weeks per year of job-protected Domestic or Sexual Violence Leave. The first five days of leave must be paid, while the rest of the leave is unpaid.

When can Domestic or Sexual Violence be taken?

All employees, regardless of their work hours, are entitled to Domestic or Sexual Violence Leave if they have been employed by their employer for at least 13 consecutive weeks and if they, or their child, have experienced or been threatened with domestic or sexual violence. The leave can be taken to seek medical attention for themselves or their child, access victim support services, attend counselling, change their living situation, or seek legal or law enforcement assistance.

How long is the leave?

Employees are entitled to 10 days plus 15 weeks of leave in a calendar year. The leave can be taken in part days, full days, or in periods of more than one day. In addition, the leave does not have to be taken consecutively. Employees do not have to use the 10-day leave first.

If an employee takes part of a day off as domestic or sexual violence leave, the employer can treat it as a full day of leave. With respect to the 15 weeks of leave, an employee may take select days off throughout the week and the employer may treat this as a full week of leave. However, the employer must pay the employee for all hours worked in a day regardless of how they quantify the leave.

Pay During Leave

The first five days of domestic or sexual violence leave must be paid, while the rest of the leave is unpaid.

What notice is required?

If employees want to take from the 10-day leave entitlement, they must give their employer notice (verbal or written) prior to taking leave or as soon as possible after starting the leave.

If employees want to use weeks from the 15-week entitlement, written notice is required before or as soon as possible after starting the leave.

If an employee fails to give notice, they do not lose their right to take the leave.

Evidence and Domestic or Sexual Violence Leave

Employers may request evidence that is reasonable in the circumstances. It may be proof that they have pursued assistance and advice on the issue. Whether this request is reasonable depends on the situation, including the length of leave, previous absence patterns, availability of evidence, and cost.

The Employment Standards Act (ESA) recognizes that there may be instances where the employee may be unable to notify their employer, for example due to a sudden and traumatic event. It is up to employers whether they want to discipline employees for failing to provide notice, but they must make it clear that this specifically is the issue, not them taking leave.



Preparing an effective Domestic or Sexual Violence Leave Policy

Managing absences is easiest to do when there is clear policy in place. A Domestic or Sexual Violence Leave policy can be set out in an employee handbook or the employment contract.

The following HR best practices can help you create an effective Domestic or Sexual Violence Leave policy:

- Read the Employment Standards Act (ESA) to make sure your business meets its minimum requirements.
- Be clear about time off and whether the absence is paid.
- Describe the process for recording absences.
- Instruct employees on how to request leave.
- Inform employees on how to access assistance and support upon returning to work from Domestic or Sexual Violence Leave.

Learn More

Peninsula is dedicated to providing ongoing HR support to Ontario's small business owners. Call us today to get answers to your Ministry of Labour and ESA questions.

1 (833) 247-2652

We've got you covered.

Employer FAQs

What are employers asking about Domestic or Sexual Violence Leave?

1. How is Domestic or Sexual Violence Leave defined?

Domestic or Sexual Violence leave is job-protected leave that gives employees the right to take time off if they or their child have experienced or been threatened with domestic or sexual violence.

2. How many much time can an employee take for Domestic or Sexual violence leave?

Employees are entitled to 10 days and 15 weeks of leave per calendar year.

3. Is Domestic or Sexual Violence Leave paid?

The first five days of leave are paid, and the rest of the leave is unpaid.

4. Can an employee take Domestic or Sexual Violence Leave in part days?

Yes, the leave can be taken in part days.

5. Can an employee take Domestic or Sexual Violence Leave for another family member?

An employee can only take the leave if they or their child have experienced or been threatened with

domestic or sexual violence.

6. If an employee starts working part way through the year, how much leave do they get?

Domestic or Sexual Violence Leave cannot be pro-rated. All employees are entitled to 10 days and 15 weeks of job-protected leave per calendar year, provided they have worked for the employer for at least 13 weeks.

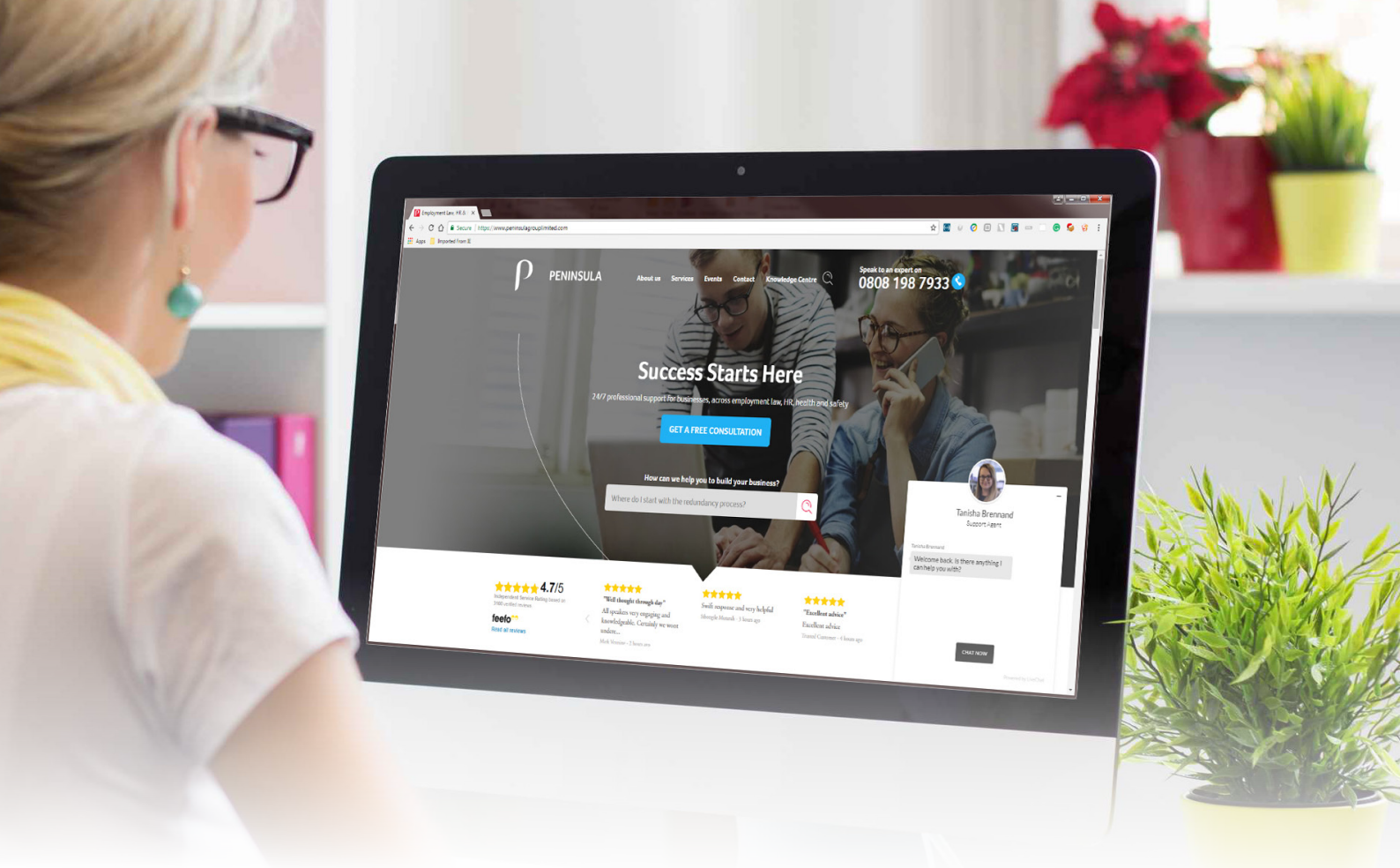
7. Do employees need to request Domestic or Sexual Violence Leave from their employer?

Yes. Employees must tell their employers if they are taking leave before or right after they start. If they want to take leave from the 15-week entitlement, notice must be provided to the employer in writing.

8. Can employers ask for proof of entitlement?

Yes. Employers can ask for evidence reasonable in the circumstances. For example, they may ask for information from the police or a support agency.

General Disclaimer: Peninsula Employment Services Limited is a company that provides external HR advice and support to businesses. Peninsula is not a law firm. This guide is for informational purposes only and is not intended to provide advice to individuals or businesses. The material contained in this guide is not intended to be legal advice. Peninsula does not warrant or guarantee the quality, accuracy or completeness of any information in this guide. You may not sell or license the information contained in this guide. Neither this guide nor any of the material contained herein may be reproduced, redistributed, or resold in whole or in part without the prior written consent of Peninsula Employment Services Limited.



Employer Resources

Get affordable and complete HR support that's right for your business needs.

For additional information, continue browsing:

- [Occupational Health and Safety Act](#)
- [Peninsula Employment Services](#)
- [Peninsula's Free Employer Downloads](#)

[Schedule A Callback](#)



PENINSULA