

Domestic Violence Leave – Information for Employees

What is Domestic Violence Leave?

Domestic violence leave is a protected leave from work which can be taken by an employee who is experiencing domestic violence, or whose child (under 18) is experiencing domestic violence. The employee must have worked with the employer for at least three months to qualify for domestic violence leave.

How does Labour Standards define Domestic Violence?

Under the Labour Standards Code, domestic violence is defined broadly: it is an act or threat of abuse that can be physical, sexual, emotional, or psychological. It can include coercion, stalking, harassment, or financial control.

What relationships are covered?

Although it is named “Domestic Violence Leave”, the leave applies to circumstances of domestic violence (also known as intimate partner violence) and family violence.

The employee may be experiencing abuse by:

- their current intimate partner or their former intimate partner (domestic violence/intimate partner violence), or
- their child, a person under 18 years who lives with them, or an adult who lives with them and is related to them by blood, marriage, adoption, or foster care (known as family violence).

The employee’s child may be experiencing abuse by:

- the child’s current intimate partner, the child’s former intimate partner (domestic violence/intimate partner violence) or
- a person who lives with the child (known as family violence).

What can this leave be used for?

Employees have the right to take time off work to:

- seek medical attention for themselves or their child;
- obtain services from various organizations, such as victim services, women's shelters, child and family wellbeing programs, or other relevant resources for themselves or their child;
- obtain psychological or other professional counselling services for themselves or their child, including culturally-specific services;
- relocate temporarily or permanently; and
- seek legal or law enforcement assistance (includes appearing in court if charges have been laid).



How long is the leave?

An employee may take up to ten intermittent or consecutive days of leave per calendar year. The employee may also take up to 16 consecutive (continuous) weeks of leave per calendar year.

Is domestic violence leave paid?

Up to five days of leave must be paid by the employer. The employee's paid day of leave must not be less than their wages for all hours they would have worked on the day of the leave. If an employee takes a partial day of paid leave, the employee must receive their regular pay for the hours they worked on that day, plus their regular pay for the hours of leave they take.

Paid leave examples:

- If a part-time employee was scheduled to work four hours but takes a paid day of leave instead, the employee would receive regular pay for four hours.
- If an employee has a one-hour appointment for which they request paid domestic violence leave, and also works five hours that day, they would be paid for six hours total.

The employee can choose which days of leave should be paid. If an employee takes part of a work day as paid leave, that part day can be counted as 1 of the 5 paid days available to the employee. If the employee does not identify specific leave days to be paid, the employer will pay the first 5 days off (or parts of days off).

How should I notify my employer that I am taking the leave?

The Labour Standards Code requires employees to inform their employer of their intention to take the leave as well as the anticipated start and end date of the leave in writing as soon as possible. If an employee needs to start their leave before they can notify their employer, the Code allows the employee to inform their employer of the date the leave began and the anticipated end date of the leave as soon as possible.

Although employees who qualify for domestic violence leave have the right to take the leave, telling your employer you need the leave can be hard. One example of how an employee might inform their employer they are taking leave is:



- The employee tells a supportive manager that they will be taking domestic violence leave.
- The employee follows up by email providing the dates and times they are planning to take the leave. If the employee intends to take a period of leave, they note in their email the date they plan to start their leave and the date they plan to return to work.
- The employee tells their employer in writing which days of leave should be paid. If the employee does not choose which days will be paid, their employer must pay the first 5 days of leave.

An employee can notify their employer in writing of their intention to take leave – and the leave days for which they wish to be paid – in various ways. For example, the employee could email or text the employer or provide the employer with handwritten notice.

What information can my Employer ask for?

The law allows an employer to ask the employee to provide a form developed by the Labour Standards Division to support the employee's entitlement to domestic violence leave. While an employee may choose to share detailed information about their situation with their employer, employers may only require employees to provide the Domestic Violence Leave Notification form. **An employer may choose not to ask for this documentation.**



Domestic Violence Leave Notification Form

An employee can obtain the form [online](#) or by [contacting the Labour Standards Division](#).

The form asks for the employee's name, position, contact information, and the reason for the protected leave. A person who is providing service to help the employee, such as a medical practitioner, counsellor, victims services staff, lawyer, or law enforcement officer can sign the form to confirm the employee's need for this leave. **You don't have to share details about your health or personal life with your employer if you don't want to.**

Will my information be private?

Employers are required to keep confidential any information they receive in relation to a protected leave of absence an employee takes. Employers must not share the information except in situations where:

- the employee has consented to the information being shared
- an agent or employee of the employer (e.g. manager) needs the information to do their job, or
- the law requires that the information be disclosed



What if...

What if my employer does not know about this leave?

Employers can learn more about domestic violence leave and their obligations on the [Labour Standards website](#).

What if I only need a few hours off to attend an appointment - how does the time count?

An employee does not have to take a whole day off. An employee can work for part of the day, and take a few hours of leave, as required. An employee should know, however, that even part of a day will count as one of the 10 days of intermittent leave. They should also be clear with their employer if they want this day to be one of the five paid days.

What if I have not experienced domestic violence for two years, and now need time off to attend court? Or realize I have a trauma and require counselling?

An employee has the right to take leave in either of these situations. There is no time limit on when an employee can access domestic violence leave.

What if I am also entitled to other relevant leaves?

There could be multiple leaves available, at any given time, to an employee experiencing domestic violence. For instance, an employee may be entitled to leave for medical appointments and domestic violence leave under the Labour Standards Code. If an employee's medical appointments (for the employee or their child) relate to domestic violence, the employee can access either or both leaves.

What if I am concerned about my safety at work?

Employees who have safety concerns should reach out to their employer, union, or joint occupational health and safety committee for help creating a safety plan. Safety plans may include accommodations like changed work schedules, relocated workstations, phone call screening, or remote work arrangements. Safety plans should address the unique risks of a workplace, like a restaurant or store which an abusive partner could enter publicly.



What if my employer won't approve this leave?

If an employee qualifies for the leave, it is their right to take it. If your employer is refusing to approve your leave, [contact Labour Standards](mailto:labourstandards@novascotia.ca) at 1-888-315-0110 (Toll free within Nova Scotia) or email labourstandards@novascotia.ca.

If you are a unionized employee, you can also contact your union for support throughout the domestic violence leave process.

What if my employer fires me?

It is against the law to fire, lay off, or discriminate in any way against an employee because they have taken or said they intend to take a leave of absence that the Labour Standards Code says they can take. If an employee is fired or discriminated against for taking a protected leave, they can file a complaint with Labour Standards. If Labour Standards finds an employee has been discriminated against for having taken a leave, the employer may be ordered to bring the employee back to the job with full back pay dating to the date the employee was fired. If the employee does not wish to go back to the job, Labour Standards may order a reasonable alternative remedy.

As noted above, if the employee works in a unionized workplace, they can contact their union for support in navigating domestic violence leave rules and any related matters.

Where can victims of domestic violence access support?

If you have experienced or are experiencing domestic abuse, you are not alone: supports are available.

- If you are in immediate danger, call 911.
- If you are seeking help or are looking for information about abuse, you can call the Transition House Association of Nova Scotia 24-hour toll-free line: 1-855-225-0220.
- To connect with community resources in Nova Scotia, call 211.
- You can also get a copy of [Making Changes](#), a resource from the [Nova Scotia Status of Women Office](#) for women experiencing abuse.



In Nova Scotia, there are many places that victims of violence can turn for support, including:

- Ten [transition houses](#) (also known as women's shelters)
- Two [Mi'kmaw Family Healing Centres](#), in We'koqma'q and Millbrook
- [Alice House](#), second stage housing
- Nine [Women's Centres](#)
- [YWCA](#)
- [Men's treatment programs](#)
- [Nisa Homes](#), the shelter for Muslim women in Halifax;
- Victim services – through the [RCMP](#), [Halifax Regional Police](#), or [NS Department of Justice](#), and the [Mi'kmaw Legal Support Network](#)
- [Legal Information Society of Nova Scotia](#)

For more detailed information, please go to the Labour Standards website, the Status of Women Office website or this brochure: <https://novascotia.ca/lae/documents/domestic-violence-leave-brochure.pdf>

