

Domestic Violence Leave – Information for Employers

What is Domestic Violence?

Domestic violence occurs between persons in an intimate partner relationship where one exercises power over the other, causing fear, as well as physical, psychological, sexual and/or economic harm. It may be a single act or a series of acts forming a pattern of abuse. Domestic violence can occur in diverse relationships and can impact people of all genders and any sexual orientation. Domestic violence disproportionately impacts women, girls, and 2SLGBTQIA+ individuals.

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. More information, including definitions of these terms, is available in this brochure:

<https://novascotia.ca/lae/documents/domestic-violence-leave-brochure.pdf>

Signs of Domestic Violence

Domestic violence can take many forms and will not always look the same. A person experiencing domestic violence may try to hide it.

A person experiencing domestic violence may:

- seem sad, lonely, or afraid
- miss work more often
- hide or make excuses for injuries
- have trouble concentrating on a task
- use drugs or alcohol to cope
- appear nervous around the abuser

Domestic violence may occur in work-related contexts, through work-related communications or when commuting to and from work. An abuser may try to interfere with their victim at work by:

- sending harassing emails or phone calls
- interfering with the victim's transportation to work, work tools, identification, or uniform
- showing up at the workplace, asking co-workers about the victim, or threatening co-workers

You can find more information about domestic violence here: [Offering Support | Status of Women](#)

How Might Domestic Violence Impact Workplaces?

The impacts of domestic violence go beyond the home and may affect employment, productivity, and workplace health and safety. Domestic violence can contribute to:

- increased absences from work
- lower productivity
- higher replacement, recruitment, and training costs
- increased company health expenses
- lower morale and strained co-worker relations
- risk of harm to employees, co-workers and/or clients if violent abusers enter the workplace
- liability costs if anyone at the workplace is harmed



How Can Employers Support Employees Experiencing Domestic Violence?

- ✓ Understand the Law – What is Domestic Violence Leave?
- ✓ Understand how to Respond to an Employee who Discloses Domestic Violence
- ✓ Create a Safety Plan
- ✓ Share Resources with Employees

✓ Understand the Law – What is Domestic Violence Leave?

Relationships Covered by Domestic Violence Leave

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

Employee Rights

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 family violence.

The 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 per calendar year. **Up to five days of the leave must be paid by the employer.** To qualify for domestic violence leave, the employee must have worked with the employer for at least three months. Employees who take domestic violence leave may also be entitled to other protected leaves.

Please consult [the Labour Standards website](#) or read this [brochure](#) for more information:



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).

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 – or the employer believes they may take – a leave of absence to which they are entitled under the Labour Standards Code.

Employees who believe they have experienced reprisal in relation to domestic violence leave or been denied their right to the leave can file a complaint with the Labour Standards Division. Labour Standards will work with the employer and employee to try to resolve the issue and will conduct an impartial and objective investigation into the matter and issue a formal decision if necessary.

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.

For more information about what happens when a Labour Standards complaint has been filed, visit [Complaint Process | novascotia.ca](https://novascotia.ca/complaint-process).

Domestic Violence Leave Notification Form

The employer may ask the employee to provide a form developed by the Labour Standards Division to support the employee's entitlement to domestic violence leave. An employee can obtain the form [online](#) or by [contacting the Labour Standards Division](#). **This is not a requirement - an employer may choose not to ask for this documentation.**

Domestic Violence Leave Workplace Policy

Employers can support employees by understanding the domestic violence leave protections in the Labour Standards Code and creating workplace policies and procedures in relation to the leave, including a procedure for confidentially tracking any period of domestic violence leave taken by an employee. Employers should consider designating a staff member as a subject matter expert, to learn about domestic violence leave and act as a point of contact for employees who take this leave.



For more information on creating workplace policies, go to: [Developing a policy - Make It Our Business - Western University](#).

When creating or applying a domestic violence leave policy, employers should consider the sensitive nature of domestic violence leave. A workplace policy should not include asking invasive questions about an employee's experience of domestic violence, or placing an employee on an attendance management plan in response to absences related to domestic violence.

To learn more about this leave, including how it applies to part-time or casual workers, how to administer paid domestic violence leave and how partial days of leave are counted, visit the [Labour Standards website](#) or read this [brochure](#).

✓ Understand How to Respond to an Employee Who Discloses Domestic Violence

Domestic violence is a sensitive issue for employees and employers to address. Remember to bring up domestic violence only in a safe and private environment, and to keep information confidential. If there is a threat to the workplace, share the information on a need-to-know basis.

If an employee discloses abuse, show that you are supportive, and remain non-judgmental. When you ask questions, be clear, and be sensitive. You could ask:

- What can we do to help you feel and be safer at work?
- Has your partner ever threatened to come to your workplace?
- What are your hours - do you arrive early or stay late? Should we explore changes to your hours?
- How do you travel to work - do you take public transportation, or do you drive? Do you park in a well-lit area? How can we support your safety?
- Can I give you information about resources in the community that can support you?

When talking to an employee, **do not** say things like:

- This is so hard to believe!
- Things may get better with time.
- If I was there, I would have protected you!
- Your partner just doesn't seem like that kind of person.
- If you're still with them, it must not be that bad.
- You can't stay in this situation.
- How will you improve your attendance going forward?



Employers should consider providing training to managers and human resources staff on trauma-informed approaches, privacy concerns, and appropriate responses to disclosure of domestic violence.

When responding to an employee who has requested accommodations for their safety, employers should make an effort to communicate promptly and clearly. Communication delays may cause an employee more stress in an already challenging situation.

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 when a staff member of the employer, such as the manager, requires information to carry out their job duties. If leave information is recorded on a document, that document should be stored securely and only available to staff that require the information.

Resources for Navigating Conversations

- [Offering Support | Status of Women](#)
 - A general guide to offering support to someone experiencing domestic violence.
- [How to communicate with an employee at risk - Make It Our Business - Western University](#)
 - A guide to speaking to an employee experiencing domestic violence.
- [Being a Trauma-Informed Employer - ToolkitNB - TrousseNB](#)
 - A guide for employers to provide a trauma-informed response to domestic violence.
- [How to talk to someone who is abusive](#)
 - How to talk to someone who may be perpetrating abuse.
- [How to help someone who has an abusive partner](#)
 - Provides some warning signs of abuse, and some ways to help.

✓ Create a Safety Plan

In Nova Scotia, employers are responsible to make sure all workers have a safe working environment. Creating safety plans and procedures to respond to violence or threats of violence can improve workplace safety for all employees.

- Be prepared: create safety plans to address workplace violence, including domestic violence, before violence is reported.
- Train all staff on measures and procedures for the prevention of workplace violence, including domestic violence.
- If an employee is experiencing domestic violence, work with that employee to develop a specific safety plan.
- Offer employee accommodations such as changed work schedules, relocated workstations, phone call screening, or remote work arrangements.
- Workplaces that are open to the public, such as restaurants and stores, may have unique challenges, as an abusive partner can access these spaces. Consider the vulnerabilities of your workplace when creating a safety plan.

Safety Planning Resources

- [Nova Scotia Occupational Health and Safety Violence Risk Assessment](#)
 - A tool for employers to assess the risk of workplace violence.
- [WorkSafe BC Domestic Violence Risk Assessment Tool](#)
 - A tool for employers to assess the risks of domestic violence in their workplace.
- [Public Services Health and Safety Association Domestic Violence in the Workplace Handbook](#)
 - A handbook of suggestions on how to address domestic violence in the workplace.
- [Make it Our Business – Safety Planning at Work](#)
 - Safety planning suggestions for the workplace.
- [It's Your Business - A DIPV Workplace Toolkit](#)
 - A toolkit to respond when domestic and intimate partner violence enters the workplace.

✓ Share Resources with Employees

Community resources can provide essential support to people experiencing domestic violence. Develop a list of resources to share with employees who may be experiencing domestic violence. Consider making the list available in common areas of the workplace.

Below are some of the resources available in Nova Scotia:

- To connect with community resources in Nova Scotia, including the men's, women's, and all genders helplines, call 211
- [Nova Scotia Status of Women Office](#)
- [Making Changes brochure](#). Copies are available from Status of Women. Also available in [French](#).
- To contact a transition house or shelter for abused women in your area: www.thans.ca
- To contact a women's centre in your area: <https://womenconnect.ca/>

Consider including resources specific to your workplace, such as supports available through health insurance, an employee and family assistance program, or other assistance programs offered to employees.



Impacts of Domestic Violence – Personal Experiences

L's Story

L decided to share her story to help employers understand how workplace policies and actions may hurt rather than support employees who are experiencing domestic violence. Below is L's description of her experience with her employer after she took approved leave from work related to domestic violence. Details have been anonymized and paraphrased to protect privacy.

L is an employee of a large employer in Nova Scotia. She took time off work following a domestic violence situation that resulted in serious injuries. L qualified for her workplace's short-term illness (STI) leave, which she took, informing her employer that this medical leave was related to injuries from domestic violence. After her leave, L's supervisor informed her that she was being placed on an attendance management plan due to her absences. L informed her employer that she disagreed with the decision – L had no issues with sick time, all missed time was related to domestic violence.

Despite L's objection, she was placed on an attendance management plan and was warned that she could be fired for future issues. Throughout the process, L's supervisor made comments that she found inappropriate, including:

- Telling L that she was speaking to the supervisor like they were her therapist during a discussion regarding putting her on an attendance management plan.
- Telling L that she should apologize for putting the supervisor through the situation of challenging the decision to put her on an attendance management plan and asking who made the decision.
- Telling L not to take the decision to place her on an attendance management plan personally, and that she is just one small part of a large organization and they are not going to change the rules for her.
- Telling L that if the supervisor could be there in person to protect her, they would.
- Asking L how she would improve her sick time and getting frustrated when L replied that she did not know how to answer the question because her missed time was due to the domestic violence assault.

L reached out to her workplace's human resources and occupational health departments but was told that the attendance management plan was entirely decided by her supervisor. Despite disclosing her experience of domestic violence, L was not offered any support or resources.

L felt she was treated unjustly by her employer. The experience caused L to feel isolated, fearful and anxious at her workplace. L believes employers should – through their actions and words – reassure employees who experience domestic violence that they will not be reprimanded, lose their job, or be shamed for experiencing domestic violence. Unfortunately, this was not her experience.

L's story highlights that support from an employer can be valuable to those who have experienced domestic violence, while dismissive or thoughtless comments can lead to increased pain and isolation.

