

For Employees - Domestic Violence, Intimate Partner Violence or Sexual Violence Leave

Effective November 1, 2019, this leave provides up to three days of paid leave and an additional seven days of unpaid leave, in a twelve-month period, for employees to address the consequences of domestic violence, intimate partner violence or sexual violence. An employee can use this leave intermittently (on an as-needed basis) or all at once.

What can I use this leave for?

You can use this leave if you are a victim of domestic violence, intimate partner violence or sexual violence and need time off work to address the consequences of the violence. You can use the leave for one or more of the following purposes:

- to seek medical attention for a victim with respect to a physical or psychological injury or disability caused by domestic violence, intimate partner violence or sexual violence
- to obtain services from a victim services organization
- to obtain psychological or other professional counselling for a matter related to or arising from domestic violence, intimate partner violence or sexual violence
- to relocate temporarily or permanently for a reason related to or arising from domestic violence, intimate partner violence or sexual violence
- to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, intimate partner violence or sexual violence
- to comply with child protection interventions and participate in child protection case planning or related activities
- for any other purpose related to or resulting from the domestic violence, intimate partner violence or sexual violence, that requires the attendance of the employee during the employee's regularly scheduled workday.

You are also able to use the leave if you need to accompany a minor child, or an individual for whom you are a primary caregiver, for one of more of the purposes listed above.

How do I use the leave?

To use the leave you must

- Tell your employer of your intention to use the leave
- Tell your employer the date that the leave will start and for how long you will be absent

You decide whether you going to use the leave intermittently (on an as-needed basis over 12 months) or in one continuous period.

If the employer requests written evidence respecting the need for the leave, you must cooperate in obtaining this written evidence.

Who can provide written evidence to give to my employer supporting my need for this leave?

The following people can give you written evidence regarding your need to take the leave if your employer has requested this:

- a social worker
- a psychologist or psychological associate
- a medical practitioner
- a registered nurse or nurse practitioner
- a member of a police service
- a person who provides victim services pursuant to the *Victims of Crime Act*
- community elder, spiritual counsellor or counsellor who is providing culturally specific services to the victim;
- any other person acceptable to the employer

What is Domestic Violence and Intimate Partner Violence?

The Province has a guide available, [Addressing Family Violence: A Guide for PEI Workplaces](#). The guide uses the term family violence instead of domestic violence and intimate partner violence. However, information in the guide will help you understand the impact family violence has in the workplace. The guide has information on:

- the social and financial effects that family violence has on a workplace
- the signs of family violence
- ways to help prevent family violence from escalating into the workplace, and
- how to talk about family violence

Domestic violence is violence committed against a victim by a person who, in relation to the victim:

- Is or has been married to the employee or has resided with the employee in an intimate relationship.
- Is or has been in a dating relationship with the employee, regardless of whether they have lived together at any time.

- Is the biological or adoptive parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time.
- Is related to the employee by blood, marriage or adoption regardless of whether they have lived together at any time, or.
- Resides with the employee and has care or custody of the employee.

Intimate Partner Violence means violence committed against a victim by an intimate partner. An intimate partner means any person with whom a victim is or was:

- In a current or former: dating relationship, common law relationship, marriage or sexual partner relationship or,
- A person who, together with the employee, is the parent of one or more children, regardless of their marital status or whether they have lived together at any time.

What is Sexual Violence?

Sexual Violence means any act perpetrated by any person that targets a victim's:

- Sexuality
- Gender Identity
- Gender Expression

This is sexual violence whether or not it is physical or psychological in nature, that is committed, threatened or attempted against a victim without the victim's consent and can include but is not limited to:

- Sexual assault
- Sexual harassment
- Stalking
- Indecent exposure
- Voyeurism
- Sexual exploitation

What acts or omissions fall under the definition of violence?

- An assault on the victim, unless the act is committed in self-defense.
- A reckless act or omission that causes injury to the victim or damage to property
- An act or threat that causes a reasonable fear of injury to the victim or damage to property
- Forced confinement
- Actions or threats of sexual abuse, physical abuse or emotional abuse
- Depriving a victim of food, clothing, medical attention, shelter, transportation or other necessities of life

- A series of acts that collectively cause the fear of safety, including following, contacting, communicating with, observing or recording.
- An act by a person solicited to do so by a domestic partner or intimate partner which, if done by the domestic or intimate partner, would constitute domestic violence or intimate partner violence.

How is my paid leave calculated if I do not work regular hours?

If your wages vary from day to day, your rate of pay for each paid day of leave must be at least equivalent to your average daily earnings, exclusive of overtime. Average daily earnings is calculated using the total hours you worked divided by the number of days you worked during the 30 calendar days immediately prior to the commencement of the leave. For example:

Shannon has worked 16 shifts in the past 30 calendar days. Shannon's total hours worked in these 16 shifts was 80 hours. Shannon's average hours worked over the past 30 days was 5 hours (80 hours/16 shifts). Shannon's paid leave would be equal to pay for a 5-hour shift.

Additional Resources

The Premier's Action Committee on Family Violence Prevention has resources available to anyone looking for additional information on family violence prevention at:

<http://www.stopfamilyviolence.pe.ca/>

There is also a Family Violence Resource Guide produced by the Premier's Action Committee. This guide has been created as a quick reference for families who have been affected by family violence and who are looking for help. It is also a valuable one-stop resource for service providers who work with victims of family violence. The guide contains phone numbers for many services including emergency/crisis shelters, victim support services and legal aid. The guide is available at:

<https://www.princeedwardisland.ca/en/publication/resource-guide-persons-affected-family-violence>

If you are in an abusive relationship and looking for help, there is an *Information For People in an Abusive Relationship* guide that can help you. This guide also provides helpful information for friends, families and neighbours who care:

<https://www.princeedwardisland.ca/en/publication/information-people-abusive-relationship>

For more information on Sexual Harassment in the workplace from the Human Rights Commission, see:

http://www.gov.pe.ca/photos/original/final_sexharass.pdf