

<b>STATEMENT of POLICY and PROCEDURE</b>			
Chapter:	Human Resources	SPP No.	<b>HR 4.28.ON</b>
Section:	Benefits	Issued:	Dec. 16, 2019
Subject:	<b>DOMESTIC and SEXUAL VIOLENCE LEAVE</b>	Effective:	Jan. 1, 2020
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## **1 POLICY**

- 1.01 Subject to the presentation of reasonable evidence of the necessity of the leave and subject to paragraph 7.01, an employee who has been employed for at least thirteen (13) consecutive weeks and who experiences domestic violence or sexual violence, or the threat of it, or whose child experiences domestic violence or sexual violence, or the threat of it, is entitled to the following periods of leave in each calendar year:
- (a) up to ten (10) days of leave, and
  - (b) up to fifteen (15) weeks of leave for the purposes of:
    - (i) seeking medical attention for the employee or the employee's child in respect of a physical or psychological injury or disability caused by the violence;
    - (ii) obtaining services for the employee or the employee's child in respect of the violence from a victim services organization;
    - (iii) obtaining psychological or other professional counselling for the employee or the employee's child in respect of the violence;
    - (iv) relocating temporarily or permanently;
    - (v) seeking legal or law enforcement assistance, including preparing for or participating in any civil or criminal proceeding related to or resulting from the violence; or
    - (vi) any other purpose which may be prescribed by regulation.
- 1.02 The first five (5) days of leave in each calendar year shall be with pay in accordance with paragraph 7.02 below.
- 1.03 Leave under paragraph 1.01 shall not be granted if the domestic or sexual violence is committed by the employee.

## **2 PURPOSE**

- 2.01 The purpose of this Statement of Policy and Procedure is to establish effective procedures to be used by an employee who may experience domestic violence or sexual violence, or whose child has experienced domestic violence or sexual violence, and who may require time off from work to deal with the repercussions of the violence.

## **3 SCOPE**

- 3.01 This Statement of Policy and Procedure applies to all employees who meet the entitlement qualifications.

## **4 RESPONSIBILITY**

- 4.01 When requesting leave under this policy, employees are responsible for:
- (a) giving as much notice as possible to the employee's supervisor when requesting leave under paragraph 1.01(a);

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- (b) giving as much written notice as possible to the employee's supervisor when requesting leave under paragraph 1.01(b);
- (c) when requested, presenting reasonable verification of the necessity for the leave prior to the beginning of the leave, or as soon as possible thereafter; and
- (d) setting out the days or weeks expected to be taken as leave and providing a date upon which the employee expects to return to work.

- 4.02
- (a) Upon receipt of such notice or request of the employee's need for leave under this policy, supervisors are responsible for maintaining the confidentiality of the employee and ensuring the written records regarding any such leave are securely stored in accordance with policy Personal Information Protection (SPP HR 5.07.ON).
  - (b) **Community Resource Centre** shall:
    - (i) maintain confidentiality in respect of all matters that come to management's knowledge in relation to a leave taken by an employee under this policy; and
    - (ii) not disclose information relating to the leave to any person except: to employees or agents who require the information to carry out their duties; as required by law; or with the consent of the employee to whom the leave relates.

## **5 DEFINITIONS**

- 5.01 **"Child"** means child, step-child, foster child or child under legal guardianship of the employee who is under eighteen (18) years of age.

## **6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

*Employment Standards Act, 2000* and Regulations (Ontario)  
 SPP HR 4.04.ON — Personal Leave of Absence  
 SPP HR 4.07.ON — Bereavement Leave and Child Death Leave  
 SPP HR 4.12.ON — Family Responsibility Leave  
 SPP HR 4.13.ON — Short Term Disability/Sick Pay Benefits  
 SPP HR 4.15.ON — Family Medical Leave and Family Caregiver Leave  
 SPP HR 4.24.ON — Critically Ill Care Leave  
 SPP HR 4.25.ON — Crime-Related Child Disappearance Leave  
 SPP HR 5.07.ON — Personal Information Protection

## **7 PROCEDURE**

### **7.01 Requests for Leave Under Paragraph 1.01(a)**

- (a) Requests for domestic or sexual violence leave under paragraph 1.01(a) may be verbal, however, it is preferable that such notice be in writing and submitted to either the employee's immediate supervisor as soon as reasonably practicable in

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the circumstances, together with reasonable verification of the necessity of the leave and the total leave period expected to be taken. Upon giving the appropriate notice, an employee shall be granted leave in accordance with paragraph 1.01(a).

- (b) Leave for part of a work day shall be counted as a full day of leave for the purposes of 1.01(a).
- (c) The first five (5) days of leave under paragraph 1.01 in each calendar year are to be paid in accordance with paragraph 7.02.

**Requests for Leave Under Paragraph 1.01(b)**

- (a) Requests for domestic or sexual violence leave under section 1.01(b) must be in writing and submitted to the employee's immediate supervisor, at the employee's choice, as soon as reasonably practicable in the circumstances, together with reasonable verification of the necessity of the leave and the total leave period expected to be taken. Upon giving the appropriate notice, an employee shall be granted leave in accordance with paragraph 1.01(b).
- (b) Leave for part of a workweek shall be counted as a full week of leave for the purposes of 1.01(b).
- (c) The first five (5) days of leave under paragraph 1.01 in each calendar year are to be paid in accordance with paragraph 7.02.
- (d) If an employee wishes to end the leave prior to the expiry of the leave period stated in the employee's notice, they must provide **Community Resource Centre** with two (2) weeks' written notice of the day the employee wishes the leave to end, unless agreed otherwise with the employee's supervisor or manager.

- 7.02 Employees entitled to and granted paid leave under paragraph 1.02 shall be paid:
  - (a) the wage the employee would have earned had the employee not taken the leave; or
  - (b) for those employees paid on a performance-related basis, such as commissions or piece work, the employer must pay the greater of the employee's hourly rate, if any, and the minimum wage that would have applied to the employee for the number of hours the employee would have worked if they had not taken the leave.
- 7.03 Employees are not entitled to any overtime pay, shift premiums or premium pay for work on a public holiday for any leave taken under this policy.
- 7.04 Leave periods for leaves taken under this policy are included in any calculation of an employee's length of employment. The period of the leave is not included when determining whether the employee has completed any probationary period.
- 7.05 On expiry of a leave under this policy, an employee who returns to work shall be reinstated in the position occupied by that employee at the commencement of the leave

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or in a comparable position if that position is not available. The employee shall receive a pay rate that is equal to the greater of the rate the employee most recently earned and the rate the employee would be earning had they worked throughout the leave.

- 7.06 During a leave under this policy, an employee who is eligible to participate in life insurance plans, accidental death plans, extended health plans and/or dental plans may continue to participate in those plans, unless the employee elects in writing not to do so or the employee provides written notice that they do not intend to pay the required contributions, if any, to the plan(s). If employee contributions are required, the employee is responsible for paying those contributions unless, prior to taking leave or within two (2) weeks thereafter, the employee notifies **Community Resource Centre** in writing of their intention to discontinue contributions during the leave period. Benefits do not accrue during the leave if required employee contributions are not paid. An employee wishing to continue benefits during the leave will be required to either provide post-dated cheques or make other suitable arrangements regarding payment of the employee's portion of premiums for benefit coverage.
- 7.07 Leave entitlements under this policy are in addition to any entitlements to Bereavement Leave and Child Death Leave (SPP HR 4.07.ON), Family Responsibility Leave (SPP HR 4.12.ON), Short-Term Disability/ Sick Pay Benefits (SPP HR 4.13.ON), Family Medical Leave and Family Caregiver Leave (SPP HR 4.15.ON), Critically Ill Care Leave (SPP HR 4.24.ON) and Crime-Related Child Disappearance Leave (SPP HR 4.25.ON).