

# Interpersonal Violence Leave Policy (Saskatchewan)



*The following Model Policy is based on the minimum interpersonal violence leave requirements of the Saskatchewan Employment Act Section 2-56.1. So, make sure you modify the Policy accordingly if you provide leave benefits more generous than the SEA requires.*

## 1. POLICY STATEMENT

The management of ABC Company recognizes that employees may face situations of domestic and interpersonal violence and abuse (which this Policy refers to collectively as “interpersonal violence” in accordance with the terminology used in Saskatchewan’s employment laws). ABC Company also recognizes that such interpersonal violence can result in harms adversely affecting work performance, including not only severe physical and psychological injury but total dislocation of personal and family lives requiring time away from work. ABC Company is committed to providing employees unfortunate enough to fall victim to interpersonal violence the time off and support they need to get help, recover and get back to normal life. Accordingly, ABC Company has adopted this Policy to ensure that employees who experience interpersonal violence get the personal leave they need and are entitled to under the Saskatchewan Employment Act (SEA).

## 2. DEFINITIONS

For purposes of this Policy:

- **“Eligible employee”** means an employee that has been in the service of ABC Company for more than 13 consecutive weeks;
- **“Interpersonal violence”** means any of the following actions or omissions:
  - Any intentional, reckless or threatened act or omission that causes bodily harm or property damage;
  - Any act or threatened act that causes a reasonable fear of bodily harm or property damage;
  - Forced confinement;
  - Sexual abuse;
  - Harassment; or
  - Deprivation of necessities;

- “Victim” means:
- An employee;
- An employee’s child;
- A person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

### 3. GROUNDS & PURPOSES FOR LEAVE

Eligible employees are entitled to take a leave of absence for interpersonal violence if BOTH of the following conditions are met:

1. The person who commits the interpersonal violence is:

- A person who is or has been in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee regardless of whether they have lived together at any time;
- A person who is the parent of one or more children with the employee regardless of their marital status or whether they have lived together at any time;
- A person in an ongoing caregiving relationship with the employee regardless of whether they have lived together at any time; or
- Any other person listed in the SEA regulations.

1. The employee takes the leave for one or more of the following purposes:

- To seek medical attention for a victim for a physical or psychological injury or disability caused by interpersonal violence;
- To obtain services from a victim services organization;
- To obtain psychological or other professional counselling;
- To relocate temporarily or permanently;
- To seek legal or law enforcement help, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal violence; or
- For any other purpose related to or resulting from interpersonal violence that may be set out in the SEA regulations.

Exception: The above right to leave does **not** apply if the employee was the one who committed the interpersonal violence triggering the need for leave.

### 4. DURATION OF LEAVE

An eligible employee is entitled to interpersonal violence leave of up to 10 days in a 52-week period that the employee may choose to take intermittently or continuously in one period.

### 5. PAID LEAVE

*[While the SEA doesn’t require employers to provide paid interpersonal violence leave, if you choose to do so voluntarily, describe the terms of paid leave in this section.]*

### 6. EMPLOYEE DUTY TO NOTIFY

An eligible employee intending to go on interpersonal violence leave under this Policy must give ABC Company notice as soon as possible listing:

- His/Her intent to take leave;
- The expected start date of the leave; and
- The expected duration of the leave.

If circumstances beyond the *employee's* control require a change in the duration of the leave, the employee must notify ABC Company in writing as soon as possible.

## **7. EMPLOYEE DUTY TO VERIFY**

ABC Company reserves the right to require employees to furnish written evidence to verify the circumstances of the leave, including but not limited to a statement from one of the persons listed immediately below in his/her professional capacity certifying that the victim has been subjected to interpersonal violence:

- A member, as defined in The Social Workers Act, of the Saskatchewan Association of Social Workers;
- A member, as defined in The Psychologists Act, 1997, of the Saskatchewan College of Psychologists;
- A duly qualified medical practitioner;
- A practising member, as defined in The Registered Nurses Act, 1988, of The Saskatchewan Registered Nurses' Association;
- A practising member, as defined in The Registered Psychiatric Nurses Act, of the Registered Psychiatric Nurses Association of Saskatchewan;
- A member of the Royal Canadian Mounted Police or a member of a police service as defined in The Police Act, 1990;
- A person approved by his or her employer to provide statements pursuant to this section and who is employed:
- By an agency or organization that provides assistance in an emergency or transitional shelter because of homelessness or abuse; or
- To provide support for victims of interpersonal violence;
- Any other person listed in the regulations.

## **8. CONFIDENTIALITY**

In recognition that domestic violence is an extremely sensitive issue, ABC Company will maintain confidentiality respecting all matters that come to its knowledge in relation to interpersonal violence leave an employee takes or requests under this Policy and not disclose any leave-related information except:

- To ABC Company employees or agents who need the information to carry out their duties; or
- With the consent of the employee to whom the leave relates.

## **9. RETURN TO WORK AFTER LEAVE ENDS**

At the end of leave under this Policy, ABC Company shall reinstate the employee to the position he/she occupied when the leave began or, if the leave lasted more than 60 days, to a comparable position, with no reduction in seniority, benefits or rate of pay. Employees may continue participating in benefit plans throughout the leave in

accordance with the terms of the applicable benefit plan provided that they maintain their required contributions during the leave.