

Sexual Violence – Know The Laws Of Your Province



Sexual violence leave regulations are crucial for protecting employees affected by violence, ensuring they have the necessary time and support to recover and seek assistance. These regulations require **employers** to provide paid and unpaid leave for victims or those supporting affected family members. Leave can be used for medical care, counselling, victim services, legal assistance, or relocation. **Employers must** maintain confidentiality and ensure that employees are not penalized for taking leave. While general protections are consistent across Canada, specific entitlements and conditions vary by province and territory to address local needs. Compliance with these regulations supports victims, promotes workplace safety, and fosters a supportive and inclusive work environment.

FEDERAL

In Canada, **employers must** comply with the [Canada Labour Code, Part III, Section 206.7](#) to support employees affected by family violence. **Employers are required** to grant up to 10 days of leave per year to victims or parents of child victims for seeking medical attention, obtaining professional support, relocating, or pursuing legal action. Employees with three months of continuous employment are entitled to five days of paid leave. **Employers** may request documentation within 15 days of the employee's return. These measures ensure workplace support and safety for victims.

PART III – Standard Hours, Wages, Vacations, and Holidays

Leave for Victims of Family Violence

Definitions

(1) The following definitions apply in subsection (2).

Child means a person who is under 18 years of age.

Parent has the same meaning as in subsection 206.5(1) but does not include a curator to the person.

Leave – 10 days

(2) Every employee who is a victim of family violence or who is the parent of a child who is a victim of family violence is entitled to and **shall** be granted a leave of absence from employment of up to 10 days in every calendar year, in order to enable the employee, in respect of such violence,

(a) to seek medical attention for themselves or their child in respect of a physical or psychological injury or disability;

(b) to obtain services from an organization which provides services to victims of family violence;

(c) to obtain psychological or other professional counselling;

(d) to relocate temporarily or permanently;

(e) to seek legal or law enforcement assistance or to prepare for or participate in any civil or criminal legal proceeding; or

(f) to take any measures prescribed by regulation.

Leave with pay

(2.1) If the employee has completed three consecutive months of continuous employment with the **employer**, the employee is entitled to the first five days of the leave with pay at their regular rate of wages for their normal hours of work, and such pay **shall** for all purposes be considered to be wages.

Exception

(3) An employee is not entitled to a leave of absence with respect to any act of family violence if the employee is charged with an offence related to that act or if it is probable, considering the circumstances, that the employee committed that act.

Division of Leave

(4) The leave of absence may be taken in one or more periods. The **employer** may require that each period of leave be of not less than one day's duration.

Documentation

(5) The **employer** may, in writing and no later than 15 days after an employee's return to work, request the employee to provide documentation to support the reasons for the leave. The employee **shall** provide that documentation only if it is reasonably practicable for them to obtain and provide it.

Regulations

(6) The Governor in Council may make regulations defining the expressions "**regular rate of wages**" and "**normal hours of work**" for the purposes of subsection (2.1).
Section 206.7 (1) to (6).

Further details on the Canada Labour Code can be found at justice.gc.ca.

In Alberta, **employers must** comply with the [Employment Standards Code, Part 2, Section 53.981](#), which mandates up to 10 days of unpaid domestic violence leave for employees who have worked at least 90 days with the same **employer**. This leave supports employees who are victims of domestic violence or have dependents affected by it, allowing them to seek medical attention, professional counseling, victim services, relocation, or legal assistance. Employees **must** provide reasonable notice before taking leave. These regulations ensure workplace support and safety for affected employees.

Part 2 – Standards

Domestic Violence Leave

(1) For the purposes of this Division, domestic violence occurs when an employee, the employee's dependent child or a protected adult who lives with the employee is subjected to any of the acts or omissions listed in subsection (2) by another person who:

(a) is or has been married to the employee, is or has been an adult interdependent partner of the employee or is residing or has resided together with the employee in an intimate relationship,

(b) is or has been in a dating relationship with the employee, regardless of whether they have lived together at any time,

(c) 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,

(d) is related to the employee by blood, marriage or adoption or by virtue of an adult interdependent relationship, regardless of whether they have lived together at any time, or

(e) resides with the employee and has care and custody over the employee pursuant to an order of a court.

(2) The following acts and omissions constitute domestic violence for the purposes of this Division:

(a) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a person;

(b) any act or threatened act that intimidates a person by creating a reasonable fear of property damage or injury to a person;

(c) conduct that reasonably, in all circumstances, constitutes psychological or emotional abuse;

(d) forced confinement;

(e) sexual contact of any kind that is coerced by force or threat of force;

(f) stalking.

(3) An employee who is a victim of domestic violence and has been employed by the same **employer** for at least 90 days is entitled to unpaid domestic violence leave of up to 10 days in a calendar year.

(4) An employee may take domestic violence leave for one or more of the following purposes:

- (a) to seek medical attention for the employee or the employee's dependent child or a protected adult in respect of a physical or psychological injury or disability caused by the domestic violence;
- (b) to obtain services from a victim services organization;
- (c) to obtain psychological or other professional counselling for the employee or the employee's dependent child or a protected adult;
- (d) to relocate temporarily or permanently;
- (e) 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;
- (f) any other purpose provided for in the regulations.

(5) Before taking a leave under this section, the employee **must** give the **employer** as much notice as is reasonable and practicable in the circumstances. **Section 53.981 (1) to (5)**.

Further details on the Employment Standards Code can be found at alberta.ca.

BRITISH COLUMBIA

In British Columbia, **employers must** comply with the [Employment Standards Act, Part 6, Section 52.5](#), which provides up to 5 days of paid leave, 5 days of unpaid leave, and up to 15 weeks of additional unpaid leave for employees experiencing domestic or sexual violence, or for those supporting an affected eligible person. Employees may take leave to seek medical attention, access victim services, obtain counseling, relocate, or seek legal protection. **Employers must** compensate employees for paid leave based on their average daily wage. If requested, employees **must** provide reasonable proof to support their leave.

Part 6 – Leaves and Jury Duty

Leave Respecting Domestic or Sexual Violence

(2) In addition to experiencing domestic or sexual violence in the circumstances described in the definition of “domestic or sexual violence” in subsection (1), a child who is an employee or eligible person also experiences domestic or sexual violence if the child is exposed, directly or indirectly, to domestic or sexual violence experienced by any of the following individuals:

- (a) an intimate partner of the child;
- (b) a family member of the child.

(3) If an employee or eligible person experiences domestic or sexual violence, the employee may request leave for one or more of the following purposes:

- (a) to seek medical attention for the employee or eligible person in respect of a physical or psychological injury or disability caused by the domestic or sexual violence;
- (b) to obtain for the employee or eligible person victim services or other social services relating to domestic or sexual violence;

(c) to obtain for the employee or eligible person psychological or other professional counselling services in respect of a psychological or emotional condition caused by the domestic or sexual violence;

(d) to temporarily or permanently relocate the employee or eligible person or both the employee and eligible person;

(e) to seek legal or law enforcement assistance for the employee or eligible person, including preparing for or participating in any civil or criminal legal proceeding related to the domestic or sexual violence;

(f) any prescribed purpose.

(4) If an employee requests leave under subsection (3), the employee is entitled during each calendar year to:

(a) up to 5 days of paid leave,

(b) up to 5 days of unpaid leave, and

(c) up to 15 weeks of additional unpaid leave.

(4.1) A leave under subsection (4) (a) or (b) may be taken by the employee in one or more units of time.

(5) A leave under subsection (4) (c) may be taken by the employee in:

(a) one unit of time, or

(b) more than one unit of time, with the **employer's** consent.

(5.1) Subject to subsection (5.2), an **employer must** pay an employee who takes leave under subsection (4) (a) an amount in money equal to at least the amount calculated by multiplying the period of the leave and the average day's pay determined by the formula

amount paid ÷ days worked

where

amount paid is the amount paid or payable to the employee for work that is done during and wages that are earned within the 30 calendar day period preceding the leave, including vacation pay that is paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime, and

days worked is the number of days the employee worked or earned wages within that 30 calendar day period.

(5.2) An **employer must** pay an employee in a prescribed circumstance who takes leave under subsection (4) (a) an amount in money equal to at least the amount calculated in accordance with the regulations.

(6) An employee is not entitled to leave under this section respecting an eligible person if the employee commits the domestic or sexual violence against the eligible person.

(7) If requested by the **employer**, the employee **must**, as soon as practicable, provide to the **employer** reasonably sufficient proof in the circumstances that the employee is entitled to the leave. **Section 52.5(2) to (7).**

For more information:

- Child domestic or sexual violence, eligible person, family member, intimate partner. **Sections 52.5(1).**

Further details on the Employment Standards Act can be found at gov.bc.ca.

MANITOBA

In Manitoba, **employers must** comply with [The Employment Standards Code, Part 2, Section 59.11](#), which grants employees up to 10 days of leave (intermittent or continuous) and up to 17 weeks of continuous leave if they or their dependents are victims of interpersonal violence, including domestic violence, stalking, and sexual violence. **Employers are required** to provide up to 5 days of paid leave, with wages calculated based on the employee's regular earnings. Employees may take leave to seek medical attention, access victim services, obtain counseling, relocate, or seek legal protection. **Employers** may request reasonable verification for both paid and unpaid leave.

PART 2 – MINIMUM STANDARDS

INTERPERSONAL VIOLENCE LEAVE

Definitions

(1) The following definitions apply in this section.

“**common-law partner**” has the same meaning as in [section 59.2](#).

“**dependent**” means:

- (a) a child of the employee;
- (b) a child of the employee's spouse or common-law partner;
- (c) any person under 18 years of age who is under the care and control of the employee;
- (d) any person who is 18 years of age or older, and who, because of illness, disability or any other reason, is under the day-to-day care and control of the employee; and
- (e) any other prescribed person.

“**interpersonal violence**” means:

- (a) domestic violence within the meaning of [subsection 2\(1.1\)](#) of *The Domestic Violence and Stalking Act* that is caused by an act or omission of a person described in [subsection 2\(1\)](#) of that Act;
- (b) stalking within the meaning of [subsection 2\(2\)](#) of *The Domestic Violence and Stalking Act*, including the conduct referred to in [subsection 2\(3\)](#) of that Act; and
- (c) any sexual act or act targeting a person's sexuality, gender identity or gender expression – whether the act is physical or psychological in nature – that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, indecent exposure, voyeurism and sexual

exploitation. **Section 59.11(1)**.

Entitlement to Leave

(2) An employee is entitled to interpersonal violence leave if:

(a) the employee or a dependent is a victim of interpersonal violence; and

(b) the employee has been employed by the same **employer** for at least 90 days. **Section 59.11(2)**.

Length of Leave

(2.1) An employee is entitled to both the following periods of interpersonal violence leave in each 52-week period:

(a) leave of up to 10 days, which the employee may choose to take intermittently or in one continuous period;

(b) leave of up to 17 weeks to be taken in one continuous period. **Section 59.11(2)**.

Purposes for Which Leave may be Taken

(3) An employee may take an interpersonal violence leave for only one or more of the following purposes, as those purposes relate to the employee or to a dependent:

(a) to seek medical attention in respect of a physical or psychological injury or disability;

(b) to obtain services from a victim services organization;

(c) to obtain psychological or other professional counselling;

(d) to relocate temporarily or permanently;

(e) 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 interpersonal violence;

(f) any other prescribed purpose. **Section 59.11(3)**.

Child Exposed to Interpersonal Violence

(3.1) For the purpose of this section, a child is also considered to be a victim of interpersonal violence if they are directly or indirectly exposed to interpersonal violence experienced by:

(a) a parent as defined in [subsection 59.9\(1\)](#);

(b) a parent or child of a person referred to in clause (a);

(c) a spouse or common-law partner of the child;

(d) a child of the child; or

(e) any other person who lives with the child as a member of their family. **Section 59.11(3.1)**.

Unpaid Leave

(4) Subject to subsection (5), leave taken under this section is unpaid leave. **Section 59.11(4).**

Paid Leave

(5) Up to 5 days of leave taken under this section in a 52-week period is paid leave, provided that when giving notice under subsection (9) the employee notifies the **employer** which days, if any, are to be paid leave. **Section 59.11(5).**

For more information:

- Amount of pay. **Sections 59.11(6).**
- Employer's option re: paid leave. **Sections 59.11(7).**
- Leave for part day. **Sections 59.11(8).**
- Employee to give notice to employer. **Sections 59.11(9).**
- Ending leave early. **Sections 59.11(10).**
- Employee must provide verification for paid leave. **Sections 59.11(11).**
- Employer may require verification for unpaid leave. **Sections 59.11(12).**

Further details on the Employment Standards Code can be found at canlii.org.

NEW BRUNSWICK

In New Brunswick, **employers** are required to address sexual violence leave under the **Employment Standards Act, Section 44.027**. **Employers** must grant leave to employees experiencing domestic violence, intimate partner violence, or sexual violence upon request and in accordance with regulations. Employees must provide written notice of their leave, including the start date and expected duration, and inform **employers** of any necessary changes. **Employers** play a critical role in ensuring that affected employees can take the necessary time off without fear of job loss.

DOMESTIC VIOLENCE LEAVE, INTIMATE PARTNER VIOLENCE LEAVE, OR SEXUAL VIOLENCE LEAVE

(1) Subject to this section, on the request of an employee, an **employer shall** grant the employee a domestic violence leave, an intimate partner violence leave or a sexual violence leave in accordance with the regulations. **Section 44.027(1).**

(2) An employee intending to take a leave of absence under this section **shall** advise the **employer** in writing as soon as possible of the employee's intention to take the leave, the anticipated commencement date of the leave and the anticipated duration of the leave. **Section 44.027(2).**

(3) If circumstances beyond the control of the employee require a change in the duration of the leave of absence, the employee **shall** advise the **employer** in writing of the change as soon as possible. **Section 44.027(3).**

Further details on the Employment Standards Act can be found at gnb.ca.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, under **The Labour Standards Act, Part VII.7, Sections 43.33 to 43.37**, **employers must** provide employees experiencing family or sexual violence with 3 days of paid leave and 7 days of unpaid leave annually. This leave allows employees to seek medical care, access support services, relocate, or pursue legal action. **Employers** cannot penalize or dismiss employees for taking this leave

and **must** reinstate them under the same conditions. Reasonable verification may be **required**.

PART VII.7 – FAMILY VIOLENCE LEAVE

Entitlement to Leave

(1) An employee, having been employed with the same **employer** for a continuous period of 30 days, **shall** be granted by the employee's **employer** a period of family violence leave of 3 days paid leave and 7 days unpaid leave in a year where the employee or a person to whom the employee is a parent or caregiver has been directly or indirectly subjected to, a victim of, impacted or seriously affected by family violence or has witnessed family violence by:

- (a) a person who is or has been a family member;
- (b) a person who is or has been in an intimate relationship or who is living or has lived with the employee;
- (c) a person who is the parent of a child with the employee;
- (d) a person who is or has been a caregiver to the employee; or
- (e) any other person who is a member of a class of persons prescribed in the regulations.

(2) Notwithstanding subsection (1), an employee **shall** not be granted a leave of absence under this Part unless it is:

- (a) to allow the employee or a person to whom the employee is a parent or caregiver to seek and receive medical attention, counselling or other services from a health professional for physical, psychological or emotional harm or an injury or disability that is a result of the family violence;
- (b) to allow the employee or a person to whom the employee is a parent or caregiver to seek and receive services provided by a transition house, a policing agency, the government of Canada, the government of a province or municipality or any organization that provides services to persons who have been directly or indirectly subjected to, a victim of, impacted or seriously affected by family violence or have witnessed family violence;
- (c) to allow the employee to move the employee's place of residence;
- (d) to allow the employee or a person to whom the employee is a parent or caregiver to seek and receive legal services or assistance including services or assistance with respect to participation in or the enforcement of a legal proceeding relating to or as a result of the family violence; or
- (e) for a purpose prescribed in the regulations.

(3) An employee who wishes to take a leave of absence under this Part may be **required** to provide the **employer** with reasonable verification of the necessity of the leave in accordance with the regulations.

(4) The wages to which an employee is entitled under subsection (1) **shall** be calculated by multiplying the employee's hourly rate of pay by the average number of hours worked in a day in the 3 weeks immediately preceding the family violence leave.

(5) An unused portion of the period of leave provided for in this section expires at

the end of the year in which it was granted. **Section 43.34 (1) to (5).**

Notice

(1) An employee who intends to take family violence leave under this Part **shall** give written notice to the employee's **employer** as soon as possible before the leave is to begin of that intention, unless there is a valid reason why that notice cannot be given.

(2) An employee who gives notice under subsection (1) **shall** include in that written notice to the **employer** the length of the leave of absence that the employee intends to take. **Section 43.35.**

Employee Protection

(1) An **employer shall** not dismiss an employee or give notice of dismissal to an employee because an employee intends to take, applies for or takes a leave of absence under this Part.

(2) Where an employee is dismissed contrary to subsection (1), the onus of proving that the reason for dismissal is unrelated to the family violence leave rests with the **employer**.

(3) An **employer shall** reinstate an employee at the end of the employee's leave of absence under this Part on terms and conditions that are not less beneficial than those that subsisted before the leave of absence began.

(4) Unless the **employer** and the employee otherwise agree, a period of leave under this Part does not count towards the application of the rights, benefits and privileges conferred by this Act upon an employee, but the period worked upon resumption of employment after leave **shall** be considered, for the purpose of this Act, to be continuous with the period worked before the leave. **Section 43.36 (1) to (4).**

For more information:

- **Sections 43.33.**
- **Sections 43.37.**

Further details on the Labour Standards Act can be found at assembly.nl.ca.

NOVA SCOTIA

In Nova Scotia, under [The Labour Standards Code](#), **Sections 60Y to 60ZB**, employers must provide unpaid leave for victims of domestic violence if the employee or their child experiences abuse. Employees with at least three months of service are entitled to up to 10 days of leave per year, which can be taken intermittently, and up to 16 weeks in a continuous period. This leave allows employees to seek medical care, access victim services, relocate, or obtain legal assistance. **Employers** may request reasonable verification but cannot penalize employees for taking leave.

LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE

Interpretation

In this Section and Sections 60Z to 60ZB,

(a) “**child**” means, in relation to an employee, an individual who:

(i) is under eighteen years of age, and

(ii) is a child, step-child, foster child, or child under the legal guardianship of the employee;

(b) “**domestic violence**” means:

(i) an act of abuse between:

(A) an employee and:

(I) the employee’s current or former intimate partner,

(II) a child of the employee or an individual under eighteen years of age who resides with the employee, or

(III) an adult who resides with the employee and is related to the employee by blood, marriage, foster care or adoption, or

(B) a child of the employee and:

(I) the child’s current or former intimate partner, or

(II) an individual who resides with the child of the employee, whether the abuse is physical, sexual, emotional or psychological and may include an act of coercion, stalking, harassment or financial control, or

(ii) a threat or attempt to do an act described in subclause (i);

(c) “**intimate partner**” means a spouse, boyfriend or girlfriend, dating partner, sexual partner or other individual in a similar relationship;

(d) “**transition house**” means a member organization of the Transition House Association of Nova Scotia. **Section 60Y.**

Entitlement to Leave

(1) An employee who has been employed by an **employer** for a period of at least three months is entitled to an unpaid leave of absence if the employee or a child of the employee experiences domestic violence and the leave of absence is taken:

(a) to seek medical attention for the employee or the child of the employee for a physical or psychological injury or disability caused by the domestic violence;

(b) to obtain services for the employee or the child of the employee from a victim services organization, an employee of a transition house or a person employed by the Department of Justice, a municipal police department or the Royal Canadian Mounted Police who provides victim services;

(c) to obtain psychological or other counselling from a qualified person for the employee or the child of the employee;

(d) to relocate temporarily or permanently;

(e) 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; or

(f) for a purpose prescribed by the regulations.

(2) An employee is entitled to take, in each calendar year, the leave of absence described in subsection (1) for:

(a) up to ten days, which the employee may take intermittently or in one continuous period; and

(b) up to sixteen weeks in one continuous period.

(3) Nothing in this Section precludes an employee from taking a leave of absence to which the employee is otherwise entitled under this Section, at any time, irrespective of when the domestic violence occurred. **Section 60Z.**

Starting and Ending Leave

(1) Where an employee takes any part of a day as leave under Section 60Z, the **employer:**

(a) may count that day as one day of leave for the purpose of that Section; and

(b) **shall** pay the employee for the part of the day worked.

(2) An employee **shall** advise the **employer** in writing as soon as possible of any intention to take a leave of absence under Section 60Z, the anticipated start date of the leave and the anticipated end date of the leave.

(3) Where an employee **must** begin a leave under Section 60Z before advising the **employer** pursuant to subsection (2), the employee **shall** advise the **employer** as soon as possible of the date the leave began and the anticipated end date of the leave.

(4) An employee **shall** make reasonable and practicable efforts to schedule an appointment for a purpose set out in subsection (1) of Section 60Z to take place during non-working hours.

(5) An employee may end a leave of absence taken under clause (a) of subsection (2) of Section 60Z early by giving the **employer** as much notice as is reasonably practicable of the intention to end the leave.

(6) Unless the employee and **employer** agree otherwise, an employee may end a leave of absence taken under clause (b) of subsection (2) of Section 60Z earlier than the expiry of the leave period by:

(a) giving the **employer** written notice of at least fourteen days before the employee wishes to end the leave; or

(b) where there are fewer than fourteen days remaining in the leave period, giving the **employer** as much written notice as is reasonably practicable before the employee wishes to end the leave. **Section 60ZA (1) to (6).**

For more information:

- Provision of information regarding leave. **Sections 60ZB (1)(2).**

Further details on the Labour Standards Code can be found at [nslegislature.ca](https://www.nslegislature.ca).

NORTHWEST TERRITORIES

In the Northwest Territories, under [The Employment Standards Act, Section 30.2](#), **employers must** provide family violence leave to employees who have completed the **required** period of continuous employment. Employees or their children experiencing family violence are entitled to up to 10 days of leave per year (the first five days paid) and up to 15 weeks of unpaid leave. This leave allows employees to seek medical care, access victim services, obtain counselling, relocate, or pursue legal action. **Employers must** maintain confidentiality of records and may request reasonable verification for leave.

Family Violence Leave

(2) An employee who has completed the prescribed period of continuous employment with an **employer** is entitled to family violence leave in accordance with this section if the employee or a child of the employee experiences family violence, and the leave is taken for any of the following purposes:

- (a) to seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the family violence;
- (b) to obtain services from a victim services organization for the employee or the child of the employee;
- (c) to obtain psychological or other professional counselling for the employee or the child of the employee;
- (d) to relocate temporarily or permanently;
- (e) 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 family violence;
- (f) any other prescribed purposes.

Exception

(3) Subsection (2) does not apply if the family violence is committed by the employee.

Length of Leave

- (4) An employee is entitled to take, in each calendar year,
- (a) up to 10 days of family violence leave, the first five of which are paid and the balance of which are unpaid; and
 - (b) up to 15 weeks of unpaid family violence leave.

Family Violence Leave Pay

(5) Subject to subsection (6), if an employee takes a paid day of leave under this section, the **employer shall** pay the employee,

- (a) either,
 - (i) the wages the employee would have earned had they not taken the leave, or

(ii) the daily wages of the employee, based on the average of the employee's daily wages for the four weeks that the employee worked immediately preceding the start of the paid family violence leave, if the number of hours worked by the employee in a normal work day varies from day to day, or the employee's wage for regular hours of work varies from day to day; or

(b) if some other manner of calculation is prescribed, the amount determined using that manner of calculation.

Family Violence Leave where Higher Rate of Wages

(6) An employee is not entitled to more than the employee's regular rate for any leave taken under this section, including if a paid day of leave under this section falls on a day or at a time when overtime pay would be payable by the **employer**.

Section 30.2 (1) to (6).

For more information:

- Leave deemed to be taken in entire days. **Section 30.2(7).**
- Separate periods of leave. **Section 30.2(8).**
- Notice to employer. **Section 30.2(9).**
- Verification of necessity for paid leave. **Section 30.2(10).**
- Verification of necessity for unpaid leave. **Section 30.2(11).**
- **Section 30.2(12).**
- Disclosure permitted. **Section 30.2(13).**

Further details on the Employment Standards Act can be found at gov.nt.ca.

NUNAVUT

In Nunavut, under [The Employment Standards Act](#), **Section 30.2**, employers must provide family violence leave to employees who have completed the **required** period of continuous employment. Employees or their children experiencing family violence are entitled to up to 10 days of leave per year (the first five days paid) and up to 15 weeks of unpaid leave. This leave allows employees to seek medical care, access victim services, obtain counselling, relocate, or pursue legal action. **Employers must** maintain confidentiality of records and may request reasonable verification for leave.

Family Violence Leave

(2) An employee who has completed the prescribed period of continuous employment with an **employer** is entitled to family violence leave in accordance with this section if the employee or a child of the employee experiences family violence, and the leave is taken for any of the following purposes:

(a) to seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the family violence;

(b) to obtain services from a victim services organization for the employee or the child of the employee;

(c) to obtain psychological or other professional counselling for the employee or the child of the employee;

(d) to relocate temporarily or permanently;

(e) 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 family violence;

(f) any other prescribed purposes.

Exception

(3) Subsection (2) does not apply if the family violence is committed by the employee.

Length of Leave

(4) An employee is entitled to take, in each calendar year,

(a) up to 10 days of family violence leave, the first five of which are paid and the balance of which are unpaid; and

(b) up to 15 weeks of unpaid family violence leave.

Family Violence Leave Pay

(5) Subject to subsection (6), if an employee takes a paid day of leave under this section, the **employer shall** pay the employee,

(a) either,

(i) the wages the employee would have earned had they not taken the leave, or

(ii) the daily wages of the employee, based on the average of the employee's daily wages for the four weeks that the employee worked immediately preceding the start of the paid family violence leave, if the number of hours worked by the employee in a normal work day varies from day to day, or the employee's wage for regular hours of work varies from day to day; or

(b) if some other manner of calculation is prescribed, the amount determined using that manner of calculation.

Family Violence Leave where Higher Rate of Wages

(6) An employee is not entitled to more than the employee's regular rate for any leave taken under this section, including if a paid day of leave under this section falls on a day or at a time when overtime pay would be payable by the **employer**.

Section 30.2 (1) to (6).

For more information:

- Leave deemed to be taken in entire days. **Section 30.2(7).**
- Separate periods of leave. **Section 30.2(8).**
- Notice to employer. **Section 30.2(9).**
- Verification of necessity for paid leave. **Section 30.2(10).**
- Verification of necessity for unpaid leave. **Section 30.2(11).**
- **Section 30.2(12).**
- Disclosure permitted. **Section 30.2(13).**

Further details on the Employment Standards Act can be found at gov.nt.ca.

ONTARIO

In Ontario, under the [Employment Standards Act](#), **Section 49.7**, **employers must** provide domestic or sexual violence leave to employees with at least 13 consecutive weeks of employment. Employees or their children experiencing violence or threats are entitled to up to 10 days and 15 weeks of leave per year, with the first five days paid. This leave allows employees to seek medical care, access victim services, obtain counselling, relocate, or pursue legal action. **Employers must** maintain confidentiality of records and may request reasonable evidence for leave.

Domestic or Sexual Violence Leave

Definitions

(1) In this section,

“child” means a child, step-child, foster child or child who is under legal guardianship, and who is under 18 years of age;

“week” means a period of seven consecutive days beginning on Sunday and ending on Saturday.

Entitlement to Leave

(2) An employee who has been employed by an **employer** for at least 13 consecutive weeks is entitled to a leave of absence if the employee or a child of the employee experiences domestic or sexual violence, or the threat of domestic or sexual violence, and the leave of absence is taken for any of the following purposes:

1. To seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the domestic or sexual violence.
2. To obtain services from a victim services organization for the employee or the child of the employee.
3. To obtain psychological or other professional counselling for the employee or the child of the employee.
4. To relocate temporarily or permanently.
5. 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 or sexual violence.
6. Such other purposes as may be prescribed.

Exception

(3) Subsection (2) does not apply if the domestic or sexual violence is committed by the employee.

Length of Leave

(4) An employee is entitled to take, in each calendar year,

(a) up to 10 days of leave under this section; and

(b) up to 15 weeks of leave under this section.

Entitlement to Paid Leave

(5) If an employee takes a leave under this section, the employee is entitled to take

the first five such days as paid days of leave in each calendar year and the balance of his or her entitlement under this section as unpaid leave.

Domestic or Sexual Violence Leave Pay

(6) Subject to subsections (7) and (8), if an employee takes a paid day of leave under this section, the **employer shall** pay the employee,

(a) either,

(i) the wages the employee would have earned had they not taken the leave, or

(ii) if the employee receives performance-related wages, including commissions or a piece work rate, 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 had they not taken the leave; or

(b) if some other manner of calculation is prescribed, the amount determined using that manner of calculation.

Domestic or Sexual Violence Leave where Higher Rate of Wages

(7) If a paid day of leave under this section falls on a day or at a time of day when overtime pay, a shift premium, or both would be payable by the **employer**,

(a) the employee is not entitled to more than his or her regular rate for any leave taken under this section; and

(b) the employee is not entitled to the shift premium for any leave taken under this section.

Domestic or Sexual Violence Leave on Public Holiday

(8) If a paid day of leave under this section falls on a public holiday, the employee is not entitled to premium pay for any leave taken under this section.

Leave Deemed to be Taken in Entire Days

(9) For the purposes of an employee's entitlement under clause (4) (a), if an employee takes any part of a day as leave, the **employer** may deem the employee to have taken one day of leave on that day.

Advising Employer

(10) An employee who wishes to take leave under clause (4) (a) **shall** advise the **employer** that the employee will be doing so. **Section 49.7 (1) to (10)**.

For more information:

- Leave deemed to be taken in entire weeks. **Sections 49.7 (12)**.
- Advising employer. **Sections 49.7 (13)(14)**.
- **Sections 49.7 (14)(15)**.
- **Sections 49.7 (17)**.
- Disclosure permitted. **Sections 49.7 (18)**.

Further details on the Employment Standards Act can be found at ontario.ca.

PRINCE EDWARD ISLAND

In Prince Edward Island, under the [Employment Standards Act](#), **Section 22.4**, **employers must** provide domestic violence, intimate partner violence, or sexual violence leave to employees with at least three months of continuous employment. Employees are entitled to up to three days of paid leave and seven additional unpaid days per year, which may be taken intermittently or continuously. Employees **must** notify **employers** of their leave intention, start date, and expected duration.

DOMESTIC VIOLENCE LEAVE, INTIMATE PARTNER VIOLENCE LEAVE OR SEXUAL VIOLENCE LEAVE

Domestic Violence, Intimate Partner Violence or Sexual Violence Leave

(1) Where an employee has been employed by an **employer** for a continuous period of three months or more, the **employer shall**, at the request of the employee, grant the employee:

(a) leaves of absence with pay of up to three days, and

(b) leaves of absence without pay of up to seven additional days, which the employee may choose to take intermittently or in one continuous period, during a twelve-calendar-month period, taken at the employee's discretion, for a domestic violence leave, intimate partner violence leave or sexual violence leave.

Advise Employer

(2) An employee who intends to take a leave of absence under subsection (1) **shall** advise the **employer** of the employee's intention to take the leave, the commencement date of the leave and, subject to subsection (1) and the regulations, the anticipated duration of the leave. **Section 22.4(1)(2)**.

Further details on the [Employment Standards Act](#) can be found at princeedwardisland.ca.

QUÉBEC

In Quebec, under the [Act Respecting Labour Standards](#), **Sections 79.1 to 79.6**, **employers must** grant leave for employees who are victims of domestic violence, sexual violence, or a criminal offence, allowing up to 26 weeks of absence within 12 months. If the employee suffers serious bodily injury from a criminal offence, they may take up to 104 weeks of leave. Employees **must** notify **employers** as soon as possible and may need to provide supporting documentation. **Employers must** reinstate employees with the same benefits upon return unless the position no longer exists.

DIVISION V.0.1

ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION, AN ACCIDENT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE OR A CRIMINAL OFFENCE

An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months, owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

However, an employee may be absent from work for a period of not more than 104 weeks if the employee suffers serious bodily injury during or resulting directly from a

criminal offence that renders the employee unable to hold their regular position. In that case, the period of absence **shall** not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and **shall** not end later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). **Section 79.1.**

The second paragraph of section 79.1 applies if it may be inferred from the circumstances of the event that the employee's serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault. **Section 79.1.1.**

The second paragraph of section 79.1 applies if the employee suffered the injury

(1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence. **Section 79.1.2.**

An employee **must** advise the **employer** as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the **employer** may request that the employee furnish a document attesting to those reasons.

During a period of absence under the second paragraph of section 79.1, the employee may return to work intermittently or on a part-time basis if the **employer** consents to it. **Section 79.2.**

An employee's participation in the group insurance and pension plans recognized in the employee's place of employment **shall** not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the **employer**.

The Government **shall** determine, by regulation, the other advantages available to an employee during a period of absence. **Section 79.3.**

At the end of the period of absence, the **employer shall** reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the **employer shall** recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph **shall** prevent an **employer** from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause. **Section 79.4.**

If the **employer** makes dismissals or layoffs that would have included the employee had

the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off. **Section 79.5.**

This division **shall** not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work. **Section 79.6.**

Further details on the Act Respecting Labour Standards can be found at gouv.qc.ca.

SASKATCHEWAN

In Saskatchewan, under **The Saskatchewan Employment Act**, **Section 2-56.1**, **employers must** provide up to 10 days of leave for employees who are victims of interpersonal or sexual violence, with five days paid and five days unpaid within a 52-week period. This leave can be used to seek medical attention, counselling, victim services, legal support, or relocation. **Employers must** keep all information confidential and may require written verification.

Interpersonal Violence and Sexual Violence Leave

(1) In this section:

(a) **“interpersonal violence”** means interpersonal violence as defined in The Victims of Interpersonal Violence Act;

(b) **“victim”** means:

(i) an employee;

(ii) a child of an employee;

(iii) a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

(2) An employee is entitled to a leave of up to 10 days in a period of 52 weeks, which the employee may choose to take intermittently or in one continuous period, if a victim is subjected:

(a) to interpersonal violence by:

(i) a person who has been or who is in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee, regardless of whether they have lived together at any time;

(ii) 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;

(iii) a person who is in an ongoing caregiving relationship with the employee, regardless of whether they have lived together at any time; or

(iv) any other prescribed person; or:

(b) to sexual violence.

(3) Leave pursuant to this section may be taken for one or more of the following purposes:

(a) to seek medical attention for a victim with respect to a physical or

psychological injury or disability caused by interpersonal violence or sexual violence;

(b) to obtain services from a victim services organization;

(c) to obtain psychological or other professional counselling;

(d) to relocate temporarily or permanently;

(e) 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 interpersonal violence or sexual violence;

(f) any other prescribed purpose.

(4) For the purposes of calculating when an employee's period of leave has been fully used in accordance with this section, only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.

(5) An **employer must:**

(a) maintain confidentiality respecting all matters that come to the **employer's** knowledge in relation to leave taken by an employee pursuant to this section; and

(b) not disclose information relating to the leave to any person except:

(i) employees or agents of the **employer** who require the information to carry out their duties; or

(ii) with the consent of the employee to whom the leave relates.

(6) A person to whom information is disclosed pursuant to clause (5)(b) **must** not disclose it to any other person unless it is to be used for the purpose for which it was originally disclosed or for a different purpose authorized by that clause.

(7) If the **employer** so requires, the employee **shall** provide written evidence issued by one of the persons identified in subsection 12.4(4) of The Victims of Interpersonal. **Section 2-56.1 (1) to (7).**

For more information:

- Violence Act to verify the circumstances of the leave. **Sections 2-1(8).**

Further details on the Saskatchewan Employment Act can be found at saskatchewan.ca.

YUKON TERRITORY

In Yukon, under **The Employment Standards Act, Section 60.03.01**, employers must provide leave for employees experiencing domestic or sexualized violence, including up to five paid days, five unpaid days, and 15 additional unpaid weeks per year. This leave can be used for medical care, counselling, victim services, legal support, or relocation. **Employers must** maintain confidentiality and cannot require third-party verification.

Domestic or Sexualized Violence Leave

“sexualized violence” in relation to a person:

(a) means a sexual act, or an act that targets the person’s sexuality, gender identity or gender expression, or a threat of, or attempt at, such an act, that is committed or made by another person without the person’s consent, whether the act is physical or psychological in nature, and

(b) includes sexual assault, sexual harassment, stalking and sexual exploitation of the person by the other person, and acts of indecent exposure and voyeurism by the other person in relation to the person.

(2) For the purposes of this section, a person experiences **domestic violence** if:

(a) the person is subjected to any of the following acts or omissions by their family member or intimate partner:

(i) any intentional or reckless act or omission that causes bodily harm to the person, or damage to their property,

(ii) any act or threatened act that causes a reasonable fear of bodily harm to the person, or damage to their property,

(iii) any conduct that, considered reasonably in the context of all relevant circumstances of the relationship, constitutes psychological or emotional abuse of the person,

(iv) forced confinement,

(v) any conduct that deprives the person of food, clothing, medical attention, shelter, transportation, or other necessities of life; or

(b) the person witnesses their family member or intimate partner being subjected to any of the acts or omissions described in paragraph (a).

(3) For the purposes of this section, a person experiences **sexualized violence** if:

(a) the person is subjected to **sexualized violence**; or

(b) the person witnesses their family member or intimate partner being subjected to sexualized violence.

(4) An employee is eligible for a leave of absence from employment in accordance with subsection (5) if:

(a) the employee or an eligible person in relation to the employee experiences domestic or sexualized violence;

(b) in the case of domestic or sexualized violence experienced by the employee, the employee requests a leave of absence for a purpose related to or resulting from the domestic or sexualized violence, including but not limited to the following:

(i) to seek medical attention with respect to a physical or psychological injury or disability resulting from the domestic or sexualized violence,

(ii) to obtain services relating to the domestic or sexualized violence from a victim services organization or other social services organization,

(iii) to obtain psychological or other professional counselling,

(iv) to temporarily or permanently relocate,

(v) 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 or sexualized violence; and

(c) in the case of domestic or sexualized violence experienced by an eligible person in relation to the employee, the employee requests a leave of absence to support the eligible person for a purpose related to or resulting from the domestic or sexualized violence, including one or more of the purposes described in subparagraphs (b)(i) to (v).

(5) An employee who is eligible for a leave of absence under subsection (4):

(a) is entitled to up to five days of leave without pay in each calendar year, to be taken in units of one or more days or as one continuous period; and

(b) is entitled, if the employee has completed three months of continuous employment with an **employer**, to both of the following types of leaves of absence from employment with the **employer** in each calendar year in addition to the leave described in paragraph (a):

(i) up to five days of leave with pay, to be taken in units of one or more days or as one continuous period,

(ii) up to 15 weeks of leave without pay, to be taken as follows:

(A) if the **employer** consents to the employee doing so, in units of one or more days,

(B) in any other case, as one continuous period.

(6) An **employer must** pay an employee an amount in respect of a day of leave with pay under subparagraph (5)(b)(i) that is not less than the following:

(a) an amount equal to five percent of the employee's total wages, excluding overtime, for the four-week period immediately preceding the day of leave if:

(i) the employee works irregular hours, or

(ii) the employee's wage for regular hours of work varies;

(b) in any other case, an amount equal to the wages the employee would have been paid if the employee had worked their regular hours of work on the day of leave.

(7) An employee is not entitled to a leave of absence under this section with respect to an eligible person if:

(a) the domestic violence experienced by the eligible person was an act, threatened act or omission by the employee; or

(b) the sexualized violence experienced by the eligible person was an act, threatened act, attempt or omission by the employee.

(8) An **employer must**:

(a) maintain confidentiality respecting all matters that come to the **employer's** knowledge in relation to a leave of absence requested by an employee under this section; and

(b) not disclose information relating to the leave to any person except:

(i) with the consent of the employee to whom the leave relates,

(ii) to an employee or agent of the **employer** who requires the information to carry out their duties, or

(iii) if the disclosure is authorized or **required** by law.

(9) An employee who requests a leave of absence under this section **must** give the **employer** as much notice as is practicable in the circumstances.

(10) An **employer** may require an employee who requests a leave of absence under this section to provide the **employer** with notice of the leave in the form approved by the director.

(11) The form approved under subsection (10) **must** not require an employee to provide verification from a third party of the necessity of the leave. **Section 60.03.01 (2) to (11)**.

For more information:

- Definition – child, eligible person, family member, intimate partner, parent. **Sections 03.01(1)**.

Further details on the Employment Standards Act can be found at yukon.ca.