

Working Policy Model on Domestic Violence

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*This sample policy is adapted from the *Trousse d'accompagnement pour les entreprises, les syndicats et les membres du personnel* [Resource kit for businesses, unions and staff members] developed by the Workplace Domestic Violence Policy Committee composed of representatives of the Centre d'aide aux victimes d'actes criminels (CAVAC) Côte-Nord, the Centre Femmes aux Quatre Vents, and the Maison des femmes de Baie-Comeau sat on the Committee. CAVAC is supported by the Ministry of Justice's assistance fund for victims of crime.*

Whereas domestic violence is unacceptable;

Whereas domestic violence has daily repercussions on the lives and safety of hundreds of workers in Québec;

Whereas domestic violence must not be considered a private matter, as its devastating repercussions are felt by the entire population, including in the workplace;

Whereas every person has the right to a workplace that respects their health, safety and physical integrity and section 51(16) of the *Act respecting occupational health and safety* imposes an obligation on employers to protect victims of domestic violence in the workplace;

Whereas women have a right to equality in the workplace, domestic violence affects the vast majority of women, and it particularly impacts Indigenous women, LGBTQIA2+ individuals, women with disabilities, immigrant women and racialized women owing to the constraints and barriers tied to their circumstances, which compound the difficulty of reporting the abuse they experience;

It is the policy of **(name of educational institution)** that every employee has the right to work in a violence-free environment. Furthermore, every employee is encouraged to seek help regarding a situation of domestic violence, even if it occurs outside the workplace.

For the purposes of this policy, and as defined in the Government of Québec's Policy on Intervention in Domestic Violence [Preventing, detecting, and countering domestic violence], published in 1995,¹

Domestic violence is characterized by a series of repetitive acts, usually of increasing frequency and intensity. Specialists refer to this progression as the "cycle of violence" [or sometimes "spiral of violence"]. For the person committing the abuse, it proceeds according to a defined cycle, through successive phases marked by mounting tension, abuse, rationalization, reconciliation and a calm period. For the victim, these phases correspond to fear, anger, a feeling of responsibility for the

¹ <https://publications.msss.gouv.qc.ca/msss/fichiers/2000/00-807/95-842.pdf>

violence and, lastly, the hope that the situation will improve. It should be noted that not all of these phases are always present and they do not necessarily follow that order.

Domestic violence includes psychological, verbal, physical, and sexual abuse as well as acts of financial domination. It is not the result of a loss of control but is rather a means chosen to dominate another person and assert one's power over that person. Domestic violence can be experienced in marital, extra-marital or dating relationships, and at any age.

Commitment by the parties

The Employer and the Union will work together to prevent incidents of workplace violence and harassment and to implement this policy.

Consequently, a number of measures will be implemented.

1.1 Employee awareness

- a) The Employer will distribute to all employees, managers and human resources officers a statement expressing our opposition to any act of violence, including domestic violence.
- b) The Employer will post copies of the policy on domestic violence in the workplace in visible locations accessible to employees.
- c) The Employer will make information available to all employees regarding the services available to help them deal with situations of domestic violence.

1.2 Procedure following a report

- a) At all times, the right to privacy of the victim of domestic violence — an essential feature of a work environment that is open to reporting — will be respected.
- b) Therefore, all reports of domestic violence will be kept confidential. Furthermore, the consent of the victim of domestic violence will be obtained before taking action, except in situations where the victim, members of their immediate family, or others in the workplace are in imminent danger of serious injury or death.
- c) Specifically, in the event of a report, only the strictly necessary information will be shared with those who need it to implement an individual safety plan for the victim or to secure the workplace for everyone.

1.3 Workplace health and safety

- a) The Employer will seek to eliminate any possibility of domestic violence in the workplace and its surroundings by analyzing the environment and minimizing, to the extent possible, the physical and organizational characteristics that could expose staff members to acts of violence.
- b) To this end, in consultation with employees, their associations, the occupational health and safety committee, and health and safety officers, the Employer will conduct an assessment of domestic violence risks in the workplace and its surroundings and implement measures to mitigate such risks.

- c) In consultation with employees, their associations, the occupational health and safety committee, and health and safety officers, the Employer will regularly review its assessment of domestic violence risks and the preventive measures adopted to mitigate them in the workplace.
- d) The Employer will provide reasonable support to victims of domestic violence and assist them in developing and implementing individual workplace safety plans.
- e) The Employer will refer victims to external resources specializing in domestic violence issues [specify here the local resource(s) that can conduct a risk assessment in accordance with best practices or refer to an appendix] to ensure collaboration on the development of an individual safety plan and the necessary support.
- f) The Employer will refer individuals who commit acts of violence to resources that work with perpetrators of violence.
- g) The Employer will comply with any court order, particularly orders prohibiting the person committing acts of violence from entering the victim's workplace.
- h) The Employer will have a safety plan for emergencies. This plan will describe how employees are to contact law enforcement when they observe anyone engaging in threatening behaviour.
- i) The Employer and the Union will explore options to ensure the affected employee's safety, including:
 - relocating the employee's workspace;
 - modifying their schedule or work cycle²;
 - reorganizing their job, such as changes to their duties or a reduction in their workload;
 - accompanying them when they enter and exit the building;
 - changing their phone number and email address or screening calls to prevent harassment;
 - taking any other appropriate measures, including those available under current provisions governing flexible and family-friendly work arrangements.
- j) When a request for intervention is made by the victim of domestic violence, the employer will implement reasonable measures as soon as possible, within a period not exceeding seven (7) days.

1.4 Non-discriminatory support policies

- a) The Employer will take reasonable measures to develop policies, practices and measures that take into account employee absenteeism, productivity and safety, with a view to addressing the need for support and consultation regarding domestic violence.

² Canadian Labour Congress, Domestic Violence at Work Resource Centre/Model language for collective agreements:
<https://canadianlabour.ca/domestic-violence/model-language/>

- b) The Employer will ensure that policies and practices are in no way discriminatory toward employees who are victims of domestic violence, and it will be sensitive to their needs, in particular by recognizing its duty to accommodate in such circumstances.
- c) The Employer will not base any staffing decisions on employees' alleged or known issues of domestic violence.

1.5 Training

- a) The Employer will regularly provide training to managers, human resources officers and safety officers on domestic violence and its effects on the workplace.
- b) The Employer will provide employees with training on the signs of domestic violence, the effects of domestic violence on the workplace, relevant guidance, confidentiality, and individual intervention and safety plans.

1.6 Family violence

- a) This policy applies, with the necessary modifications, to situations of family violence.

1.7 Responsibility for the policy

- a) The Employer will ensure that all managers and human resources officers implement this policy and distribute copies to all staff members upon its entry into effect and to new employees thereafter.
- b) The Employer will review the policy annually to ensure it remains based on the best available scientific knowledge and to ensure it meets its objectives.

1.8 Victim support officer³

- a) Employees with questions or complaints regarding workplace behaviours related to domestic violence that fall under this policy may discuss them with **(title of responsible officer)**, who is a woman appointed by the Union from among its members.⁴

The role of the victim support officer to listen without judging and offer immediate support to the victim in order to implement this policy.

(Appendix to be included: Directory of external resources specializing in domestic violence issues, by region)

³ Canadian Labour Congress, Domestic Violence at Work Resource Centre/Model language for collective agreements: <https://canadianlabour.ca/domestic-violence/model-language/>

This clause is based on one in a Unifor program document:

https://www.unifor.org/sites/default/files/legacy/documents/document/bdvpp_v.1_fre.pdf.

⁴ It is noteworthy to point out that a victim support officer may assist any victim, regardless of their gender identity. This policy specifies that the officer must be a woman because the majority of victims are women. This model can be adapted to suit different settings.

Incorporating domestic violence prevention obligations in the Policy on Preventing Workplace Harassment and Sexual Violence

In the event that it proves impossible to adopt a separate policy on the prevention of domestic violence, the recommended fall-back approach is to incorporate the following elements into the employer's existing policy on the prevention of psychological harassment.

This solution is not the preferred one, particularly because existing policies vary greatly from one employer to another and domestic violence affects the workplace in different ways.

The policy in effect in each workplace must be carefully reviewed on a case-by-case basis and the necessary amendments made to relevant sections. Below we present the elements we consider essential to include in this policy so that the employer fulfills its legal obligations and, above all, so that the Union is provided with the essential intervention tools.

1. In the section on definitions, include a definition of domestic violence, such as the one given on page 2 of this document.
2. If the policy includes a “preamble,” ensure that it includes a passage raising awareness about the issue of domestic violence, as well as a statement condemning any act of domestic violence. It could also emphasize every person's right to fair and reasonable working conditions that respect their health, safety, and physical and psychological integrity.
3. Review the scope of the policy and ensure that it can be applied to situations where domestic violence occurs not at the workplace or in the course of work, but rather in the employee's personal life. The employer has a duty to prevent domestic violence in such instances because, even if it occurs outside work, the violence may well have repercussions on the victim's work sooner or later (work performance issues, absenteeism, difficulty concentrating, etc.). For example, include a statement such as this one: “The policy applies in cases of domestic violence where an employee is a victim, including where the violence occurs outside work.”
4. Ensure that a reporting procedure is available to the victim of domestic violence.
5. Ensure that the policy includes the Employer's commitment to take reasonable and necessary measures to:
 - a) prevent domestic violence;
 - b) protect the employee when a situation is brought to the Employer's attention — for example, by adjusting the work schedule or planning actions to take in case the person committing acts of violence enters the workplace;

- c) refrain from imposing any disciplinary or administrative measures on an employee experiencing violence if a link can be established between their work performance, behaviour or absences and the violence they have experienced (leniency clause).
- 6. Ensure that all measures implemented under the policy are carried out only with the consent of the person concerned.
- 7. Ensure the confidentiality of the reporting process, except in cases of imminent danger to safety, as well as respect for the privacy rights of the person concerned.
- 8. Provide a list of specialized resources in your region.