

BILL

No. 604

*An Act to Provide Support to Victims
of Domestic Violence*

(Assented to _____, 2017)

Preamble

Whereas Saskatchewan has the highest rate of domestic violence by intimate partners amongst all Canadian provinces;

Whereas citizens of Saskatchewan are concerned at the lack of support for survivors of domestic violence;

Whereas financial stability and a supportive work environment are vital for any survivor of domestic violence;

And whereas Ontario, Manitoba and Alberta, and other provinces have enacted progressive and supportive legislation that supports survivors escaping circumstances of domestic violence;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Saskatchewan Employment (Support for Victims of Domestic Violence) Amendment Act*.

S.S. 2013, c. S-15.1 amended

2 *The Saskatchewan Employment Act* S.S. 2013, c. S-15.1 is amended in the manner set forth in this Act.

New Subdivision

3 The following Subdivision is added after Subdivision 11:

“Domestic Violence Leave”

SUBDIVISION 11.1

Interpretation

2-59-1 In this Part,

(a) “**domestic violence**” means:

- (i) an intentional, reckless or threatened act or omission that causes bodily harm or property damage;
- (ii) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or property damage;
- (iii) conduct that reasonably, in all the circumstances, constitutes psychological or emotional abuse;
- (iv) forced confinement;
- (v) sexual abuse;
- (vi) post-traumatic stress disorder that is a result of domestic violence;

(b) “**post-traumatic stress disorder**” means post-traumatic stress disorder, as that condition is described in the *Diagnostic and Statistical Manual of Mental Disorders*;

(c) “**Diagnostic and Statistical Manual of Mental Disorders**” means the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association.

Employee entitled to domestic violence leave

2-59-2 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 both the following periods of domestic 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.

Purposes of which domestic violence leave may be taken

2-59-3 An employee may take a domestic violence leave only for one or more of the following purposes:

- (a) to seek medical attention for the employee or the employee's child 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;
- (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 prescribed purpose.

Unpaid leave

2-59-4 Subject to this subdivision, leave taken under this Division is unpaid leave.

Paid Leave

2-59-5 Up to 5 days of leave taken under this section in a 52-week period is paid leave, provided that when giving notice under this subdivision the employee notifies the employer which days, if any, are to be paid leave.

Amount of pay

2-59-6 The amount an employer must pay an employee for a paid day of leave under this subdivision must not be less than:

- (a) the wage the employee would have been paid had the employee worked his or her regular hours of work on the day of leave; or
- (b) 5% of the employee's total wages, excluding overtime, for the four-week period immediately preceding the day of the leave if:
 - (i) the number of hours worked by the employee in a normal workday varies from day to day; or
 - (ii) the employee's wage for regular hours of work varies from day to day.

Employer's option re paid leave

2-59-7 Unless a collective agreement or otherwise provides and despite Division 2, an employer who provides paid sick leave benefits or other paid leave benefits that are greater than the minimum required by this Division may require that an employee use those benefits for paid days of leave under this subdivision.

Leave for part day

2-59-8 If an employee takes any part of a day as leave under this Division, the employer may count that day as a day of leave for the purpose of this subsection.

Employee to give notice to employer

2-59-9 An employee who wishes to take a leave under this Division must give the employer as much notice as is reasonable and practicable in the circumstances.

Ending leave early

2-59-10 Unless the employee and employer agree otherwise, an employee may end a leave under section 2-59-6 earlier than the expiry of 17 weeks by giving the employer written notice at least 2 weeks before the day he or she wishes to end the leave.

Employee must provide verification for paid leave

2-59-11 An employee who takes a paid leave under this Division must provide the employer with reasonable verification of the necessity of the leave that meets the requirements, if any, specified by regulation.

Employer may require verification for unpaid leave

2-59-12 An employer may require an employee who takes an unpaid leave under this Division to provide the employer with reasonable verification of the necessity of the leave that meets the requirements, if any, specified by regulation.

Confidentiality of information

2-59-13 An employer must:

- (a) maintain confidentiality in respect of all matters that come to the employer's knowledge in relation to a leave taken by an employee under this Division; and
- (b) not disclose information relating to the leave to any person except:
 - (i) to employees or agents who require the information to carry out their duties;
 - (ii) as required by law; or
 - (iii) with the consent of the employee to whom the leave relates.

Restriction on further disclosure

2-59-14 A person to whom information is disclosed under this Division may 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 prescribed purpose.

Accommodation by Employers

2-59-15 If an employer becomes aware, or ought reasonably to be aware that domestic violence that would likely expose a worker to physical injury may occur in a workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

Coming into force

4 This Act comes into force on Assent.

FIRST SESSION

Twenty-eighth Legislature

SASKATCHEWAN

B I L L

No. 604

*An Act to Provide Support to Victims
of Domestic Violence*

Received and read the

First time

Second time

Third time

And Passed

Ms. Nicole Sarauer
