

Domestic Violence at Work: A Union Concern

CFNU Convention

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**Workshop Presented by the
Canadian Labour Congress**

Representing and Supporting Members

Domestic violence seriously affects the work lives and workplaces of both victims and abusers. One out of three women have experienced domestic violence, and for the majority, it follows them to work. Yet, the workplace is a place where many victims feel safe, and having a job can be a key pathway to leaving a violent relationship.

Victims of domestic violence may receive harassing phone calls, emails or text messages, and they may be stalked and harassed at or near their workplace. Abusers may try to sabotage their victim's work or prevent them from going to work as a way of keeping them economically dependent and isolated. Many victims can face discipline or even lose their job, but may never disclose the real reason.

Co-workers may be affected either directly or indirectly when their co-workers are distracted or are underperforming, and their safety at work is also at risk.

Unions need to challenge the view that domestic violence is a private matter and create a climate where victims can feel safe to disclose their situation to their union or employer, and where they can get the support they need and keep safe at work.

Unions also need to hold employers responsible for their legal obligations and ensure they are taking domestic violence seriously as a workplace safety issue.

Having a shop steward, women's advocate or health and safety representative who is informed and prepared can make all the difference to a member who is experiencing domestic violence.

Information for representatives and co-workers is available at the Canadian Labour Congress' (CLC) online resource centre:

<http://www.domesticviolenceatwork.ca>

Representing and Supporting Members – Discussion Questions

How can your union promote a more welcoming environment so that members could turn to the union for support?

What do you think could help a shop steward or health and safety representative support and represent members who are experiencing domestic violence?

See the sheet of community resources. Where could you look locally for information to build your own list of local resources?

Education and Awareness

CLC Domestic Violence at Work (DV@Work) Education Plan

The education plan is being developed in collaboration with the Centre for Research and Education on Violence against Women and Children at Western University and a steering committee made up of affiliate representatives. Our goal is to build awareness of the impact of domestic violence on workers and workplaces, and strengthen the labour movement's capacity to address the issue, as well as to support and represent workers who may be experiencing violence at home. We are developing a series of workshop modules that will be delivered by the Canadian Labour Congress (CLC) or adapted by affiliates in order to be integrated into their education programs. Further products, including online training for negotiators, will follow.

Facilitator Training (2.5 days)

DV@Work Facilitator training is intensive training with a small selected group of experienced union educators who are recommended by their union. Following the training, these facilitators will work nationally or regionally to deliver the training for union representatives, workplace awareness presentation and/or training programs adapted by affiliates. Facilitator Training workshops are delivered by the CLC on a regional basis. Facilitators will need advanced facilitation skills, as well as some experience or knowledge of women's issues or workplace violence.

DV@Work: What Everyone Needs to Know: Workplace Awareness Presentation (1 hour)

This presentation will cover the basic information about domestic violence: how to recognize warning signs; what to do if you think someone you work with is experiencing or committing domestic violence; and why it is a union and workplace issue. The objective of this presentation is to build awareness of domestic violence and its impact on the workplace among workers; which will help build support for collective bargaining initiatives and create a safer climate for people to seek support.

DV@Work: Workshop for Union Representatives (2.5 Days)

This course is designed to empower representatives to recognize and respond effectively to domestic violence in the workplace, and it includes role playing scenarios as well as video content and training to deliver the base-level 1-hour presentation.

Future workshops will include training for leaders and negotiators and focus on why domestic violence is a union issue, the legal obligations of unions and employers, how to address it with employers in bargaining, and they will give examples of workplace supports and collective agreement language.

Education and Awareness Discussion Questions

How can you make the case that your union should add, create and partner to establish a new training program on these issues? How would you make the case for your local to send representatives?

Could you see the one-hour workshop working in your workplace, and who would deliver it?

What sorts of materials would work to help raise awareness about domestic violence in your workplace and union?

Collective Bargaining

Collective bargaining is one way that unions can help keep members safe on the job. Unions negotiate workplace violence clauses, safety policies, anti-discrimination and anti-harassment language. All of these provisions can help support members.

You may already have language in your agreement that can cover the workplace impacts of domestic violence, even if it is not specifically listed. But naming domestic violence in these clauses, or negotiating specific provisions, can help raise awareness, build members' trust and make it easier to keep your members safe and ensure they are treated fairly.

Principles for Collective Bargaining

The Canadian Labour Congress (CLC) strongly encourages unions to include provisions designed to protect and support employees who are experiencing domestic violence in line with the principles below. Collective agreement language should, at minimum, do the following:

1. Provide dedicated paid leave for employees experiencing family or domestic violence;
2. Disclose information only on a “need to know” basis to protect confidentiality while ensuring workplace safety;
3. Implement workplace safety strategies, including risk assessments, safety plans, training and a timely and effective process for resolving concerns;
4. Provide for counselling and referral to appropriate support services;
5. Provide appropriate training and paid time off work for designated support roles (including union health and safety representatives);
6. Provide employees experiencing domestic violence with flexible work arrangements, an advance of pay, and other accommodations; and
7. Protect employees from adverse action or discrimination on the basis of their disclosure, experience, or perceived experience of domestic violence.

Model Language

These model clauses are suggested language that unions can use to develop proposals on domestic violence for collective bargaining. Using the principles and language adapted from precedents in Canada and Australia, this language can serve as a starting point. This resource will continue to link to new clauses as they are negotiated by Canadian unions.

Paid Leave

When victims of violence know their job and income are secure, they may feel more confident about seeking help. Paid leave means that people have access to time off to do things like go to court, talk with legal advisors, meet with domestic violence counsellors, find child care or do other tasks that may need to take place during working hours. It's important to negotiate additional, dedicated paid leave which can be accessed prior to depleting other leave—workers in a domestic violence crisis need all available leave. The number of days can vary depending on your industry and workplace environment. Precedents range from 5 days (Yukon Teachers) to 20 days and even unlimited (Australia).

Model Language:

- 1. The employer recognizes that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance and performance at work.*
- 2. Workers experiencing domestic violence will be able to access (x) days of paid leave for attendance at medical appointments, legal proceedings and any other necessary activities. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day, without prior approval.*

General Provisions and Workplace Safety and Violence Policies

In addition to paid leave, unions can negotiate language that recognizes domestic violence as an important workplace concern and requires specific services and supports, like safety planning, training, referrals and accommodation. Language should include provisions for confidentiality and protection from discipline or adverse action due to the impacts of domestic violence at work. Collective agreements can also require employers to develop and make accessible a clear policy on addressing the impacts of domestic violence at work.

Proof

Some employers might insist on a requirement for proof in order to access domestic violence entitlements. If that is the case, unions should ensure that language is as flexible as possible and includes the possibility of letters provided by workers at women's shelters or other crisis services.

Confidentiality

All personal information concerning domestic violence will be kept confidential in line with relevant legislation. No information will be kept on an employee's personnel file without their express written permission.

Protection from discipline and adverse action

The Employer agrees that no adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic violence.

Workplace Policy

The Employer will develop a workplace policy on preventing and addressing domestic violence at the workplace. The policy will be made accessible to all employees and will be reviewed annually. It should explain the appropriate action to be taken in the event that an employee reports domestic violence or is perpetrating domestic violence; identify the process for reporting, risk assessments and safety planning; indicate available supports and protect employees' confidentiality and privacy, while ensuring workplace safety for all.

Workplace supports and training

The Employer will provide awareness training on domestic violence and its impacts on the workplace to all employees.

The Employer will identify a contact in [Human Resources/ Management] who will be trained in domestic violence and privacy issues, for example training in domestic violence risk assessment and risk management. The Employer will advertise the name of the designated domestic violence contact to all employees. [NOTE: unions may also want to negotiate recognition of and support for trained union-led peer support representatives, such as Women's Advocates].

Individual Supports

The Employer will approve any reasonable request from an employee experiencing domestic violence for the following:

- i) Changes to their working hours or shift patterns;*
- ii) Job redesign, changes to duties or reduced workload;*
- iii) Job transfer to another location or department;*
- iv) A change to their telephone number, email address, or call screening to avoid harassing contact; and*
- v) Any other appropriate measure including those available under existing provisions for family-friendly and flexible working arrangements.*

Women's Advocates and Union-led Peer Support Programs

A Women's Advocate is a specially trained workplace representative who assists women in the workplace with concerns such as workplace harassment, intimate partner abuse or family violence. She is not a counsellor, but a person that other women workers can go to for support and referrals to community resources. Unifor Women's Advocate Program is one example of an effective initiative where a union and employer work together to promote a safe and healthy workplace. All Advocates complete a week long training conducted by the union but paid for by the employer with regular supplementary training.

Model Language (adapted from Unifor):

1. *The employer and union recognize that employees who identify as women sometimes need to discuss with another woman matters such as violence or abuse at home or workplace harassment.*
2. *Workers who are women may also need to find out about resources in the workplace or community to help them deal with these issues such as the Employee Assistance Program (EAP), a women's shelter, or a counsellor.*
3. *For these reasons, the parties agree to recognize the role of Women's Advocate in the workplace.*
4. *The Women's Advocate will be determined by the Union from amongst the bargaining unit employees who identify as women.*
5. *The Advocate will meet with women workers as required and discuss problems with them and assist accordingly, referring them to the appropriate agency when necessary.*
6. *The Employer agrees to provide access to a confidential phone line and voice mail that is maintained by the Advocate and accessible for all women workers to use to make contact when needed.*
7. *The Employer will provide access to a private office in order for the Advocate to meet with employees confidentially.*
8. *The Employer and the Union will develop appropriate communications to inform all women employees of the advocacy role of the Women's Advocate and information on how to contact her.*
9. *The Employer will provide the Advocate with a management support person to assist her in her role.*
10. *The Advocate will participate in an initial basic training and an annual update training program to be delivered by the Union.*
11. *The Employer agrees to pay for lost time, travel time, registration costs, lodging, transportation, meals, and other reasonable expenses.*

For more information about the Unifor Women's Advocate Program, visit <http://www.unifor.org/en/member-services/equality/women>

Collective Bargaining Discussion Questions

**What kind of language do you think you could negotiate at your local?
How would you get your bargaining committee to put it on the table and
sell it to members as a priority?**

Political Action

The Canadian Labour movement and the CFNU have a long track record of advocating for better laws, government policies and community services to help end violence against women, keep workers safe on the job and support victims of abuse.

Provincial, territorial and federal occupational health and safety laws, as well as human rights legislation can be amended to recognize and address domestic violence as an issue in workplaces. Ontario's legislation (Bill 168) requires employers to protect employees from being hurt or threatened by domestic violence at the workplace. Manitoba recently amended their *Employment Standards Act* to give 5 days of paid leave for workers experiencing domestic violence. Let's see that other jurisdictions follow (and improve on) these examples.

There are other ways that unions can take action to end violence against women:

- Organizing and supporting events and campaigns on **December 6, the National Day of Remembrance and Action on Violence against Women**. This day commemorates the murders at Montréal's École Polytechnique in 1989.
- Supporting and participating in **Take Back the Night** marches in your community.
- Working with local **shelters and rape crisis centres** on fundraising, clothing drives, and awareness campaigns. Sheltersafe.ca can help you find a shelter in your area.
- Advocate for a **National Action Plan to end Violence against Women**. Learn more about this effort at: <http://endvaw.ca/our-work/blueprint-for-canadas-national-action-plan-on-violence-against-women>
- Monitor and help promote the **National Inquiry into Missing and Murdered Indigenous Women and Girls**. <http://www.mmiwg-ffada.ca/> Connect with indigenous women's organizations like the Native Women's Association of Canada and find out how you can help support Indigenous women and the families of the missing and murdered.
- Engage the men in your union and encourage them to get involved. **White Ribbon Canada** <http://www.whiteribbon.ca/> has resources and campaigns to help men support an end to violence against women.

Political Action Discussion Questions

How can you build support in your local for political action on VAW issues? What kind of actions would you like to see your union take on?

What role can women activists and women's committees play?