

Legislative
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Bill 157

**An Act to amend the Employment Standards Act, 2000 and the
Occupational Health and Safety Act with respect to domestic and sexual violence**

Ms A. Horwath

Private Member's Bill

1st Reading September 26, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Employment Standards Act, 2000* to provide that an employee who has been employed by an employer for at least 13 consecutive weeks and who has experienced domestic or sexual violence or the threat of domestic or sexual violence is entitled to up to 10 days of paid leave and up to 15 weeks of unpaid leave.

The *Occupational Health and Safety Act* is also amended to require employers to ensure that every supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.

**An Act to amend the Employment Standards Act, 2000 and the Occupational Health and Safety Act
with respect to domestic and sexual violence**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

EMPLOYMENT STANDARDS ACT, 2000

1 The *Employment Standards Act, 2000* is amended by adding the following section:

DOMESTIC OR SEXUAL VIOLENCE LEAVE

Domestic or sexual violence leave

Definitions

49.6 (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; (“enfant”)

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

Entitlement to paid leave

(2) An employee who has been employed by an employer for at least 13 consecutive weeks is entitled to a leave of absence with pay 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.

Length of paid leave

(3) An employee is entitled to take, in each calendar year, up to 10 days of paid leave under subsection (2).

Appropriation required

(4) The money required to pay an employee during a leave of absence under subsection (2) shall be paid out of money appropriated for that purpose by the Legislature.

Entitlement to unpaid leave

(5) An employee who has been employed by an employer for at least 13 consecutive weeks is entitled to a leave of absence without pay 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 purposes set out in paragraphs 1 to 6 of subsection (2).

Length of unpaid leave

(6) An employee is entitled to take, in each calendar year, up to 15 weeks of leave under subsection (5).

Advising employer

(7) An employee who wishes to take a leave under subsection (2) or (5) shall advise the employer in writing that the employee will be doing so.

Same

(8) If an employee must begin a leave under subsection (2) or (5) before advising the employer, the employee shall advise the employer of the leave in writing as soon as possible after beginning it.

Exception

(9) Subsections (2) and (5) do not apply if the domestic or sexual violence is committed by the employee.

Evidence

(10) An employer may require an employee who takes a leave under this section to provide evidence reasonable in the circumstances of the employee's entitlement to the leave.

Leave under ss. 49.1, 49.3, 49.4, 49.5 and 50

(11) An employee's entitlement to leave under this section is in addition to any entitlement to leave under sections 49.1, 49.3, 49.4, 49.5 and 50.

OCCUPATIONAL HEALTH AND SAFETY ACT

2 The *Occupational Health and Safety Act* is amended by adding the following section:

Information and instruction, domestic and sexual violence

32.0.5.1 An employer shall ensure that every supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.

COMMENCEMENT AND SHORT TITLE

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Domestic and Sexual Violence Protection Act, 2017*.