

# Interpersonal Violence and Sexual Violence Leave Q and A

Last revised: June 2019  
Last reviewed: June 2019  
Next review: June 2020

*This document is the Q and A for the Interpersonal Violence and Sexual Violence Leave policy.*

## Questions and Answers

### 1. What has changed with this policy?

*The Saskatchewan Employment (Interpersonal Violence and Sexual Violence Leave) Amendment Act, 2019, provides eligible employees with a mandatory leave option to include five days of unpaid leave and five days of paid leave to access services or to relocate as a result of interpersonal violence and sexual violence at, within, or outside the workplace*

### 2. Why has this change been made?

This legislation change is part of a larger effort to address the issue of interpersonal violence and sexual violence in Saskatchewan. This policy change has been made to align the Government of Saskatchewan with changes in *The Saskatchewan Employment Act*.

### 3. What is the effective date of this change?

Effective May 15, 2019, the Government of Saskatchewan implemented the changes to The Saskatchewan Employment Act.

### 4. How long is the leave?

The leave is five paid days and five unpaid days in a 52-week period, which can be taken intermittently or in one continuous period.

In Saskatchewan, leave is based on time away from work. As a result, the 10 days can be broken into blocks of time for employees seeking assistance.

A day is interpreted as the number of hours in an employee's usual work day. For example, health-care workers or facility workers may work 10 or 12 hour days where an office worker would be eight hours a day.

### 5. How do I access this leave?

Interpersonal and sexual violence leave can be accessed by either a written or verbal request to the employee's immediate manager/supervisor. Requests for interpersonal and sexual violence leave may be unforeseen, however, an employee must give notice as far as possible in advance.

### 6. Is the employer required to maintain confidentiality of an employee's leave reason?

Yes. The employer must maintain confidentiality respecting all matters that come to the employer's knowledge in relation to interpersonal violence and sexual violence leave taken by an employee. The Employer will not disclose information relating to the leave to any person except for employees or agents of the employer who require the information to carry out their duties; or with the consent of the employee to whom the leave relates.

### 7. What timecode is used on the timecard to track the paid leave and unpaid leave?

To ensure that confidentiality is maintained, employees should use the existing timecodes as follows:

- AL – Assigned Leave with Pay
- LA – Personal Leave without Pay

### 8. When would the employer have to disclose this information?

The employer may have to disclose the reason for the leave to human resources to ensure the employer can

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account for the time properly, as well as provide any additional assistance to the employee.

## 9. How do I qualify for this leave?

To qualify for this leave, employees must:

- Have worked for the employer for a minimum of 13 consecutive weeks;
- Be the victim of interpersonal violence/ sexual violence or be the parent or caregiver of someone who is a victim;
- Be accessing medical or professional services, or be relocating.

If an employee has not worked for the employer for a minimum of 13 weeks, a discretionary personal leave without pay may be considered.

## 10. What evidence do I required to provide my manager/supervisor in order to access this leave?

An employee needs to provide written evidence to verify the circumstances of the leave.

Written evidence from one of the following must be provided:

- Registered social worker.
- Registered psychologist.
- Qualified medical practitioner.
- Registered nurse or Registered psychiatric nurse.
- RCMP or a member of a police service as defined in *The Police Act, 1990*.
- Person, approved by the employer, who works for an agency or organization that provides support for victims and/or accommodations in an emergency or transitional shelter because of homelessness or abuse.

## 11. What can the leave period be used for?

The leave can be taken to:

- Seek medical attention.
- Obtain services from an organization that provides assistance programs and sanctuary to crime victims. These assistance programs are generally offered by a variety of agencies, including police-based services, court-based services, community-based services, volunteers, non-governmental organizations or charitable organizations.
- Seek psychological or other professional services.
- Temporarily or permanently relocate.
- Seek legal or law enforcement assistance or to appear in court.

If the leave is to seek medical attention, depending on the circumstances and the length of the leave, the employer may require medical verification that the employee is fit to return to work.

## 12. Who is considered a victim for the purposes of this leave?

A victim can be an employee, a child of an employee or a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together. An employee is entitled to the leave period if the victim has suffered interpersonal violence at the hands of a:

- Family member
- Spouse
- Intimate partner
- Date

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- Person whom the employee has a child with or is in a caregiving relationship regardless of whether they lived together at any time.

An employee is entitled to the leave period if the victim is subjected to sexual violence by an acquaintance to the victim or by a person unknown to them.

## 13. Can more than one person access the leave to take care of the same victim?

Yes. For example, the leave can be accessed by both parents of a child or both caregivers of a victim.

## 14. Can the leave be accessed by a person who committed the interpersonal or sexual violence?

No. You must be a victim or a parent or caregiver of a victim.

## 15. Why is a portion of the leave unpaid?

Most employment leaves prescribed by *The Saskatchewan Employment Act* are unpaid leaves. The *Saskatchewan Employment (Paid Interpersonal Violence and Sexual Violence Leave) Amendment Act, 2019* is the first paid leave introduced in Saskatchewan.

In addition to the five days paid and five unpaid days, employees may be eligible for other applicable leaves through policies and Collective Bargaining Agreements, such as Compassionate Care Leave or Family Caregiver Benefits covered under Federal Employment Insurance and may be eligible for EI benefits.

Employees may also use paid leave (vacation leave, sick leave, family leave, etc.) in qualifying situations.

## 16. Should a request for a definite leave of absence be submitted?

No, a definite leave of absence is not required to access the leave. The time away from work is to be coded as follows:

Paid leave – AL – Assigned Leave with Pay

Unpaid leave – LA – Personal Leave without Pay

If the unpaid interpersonal and sexual violence leave period is combined with additional unpaid leave and when combined, will be equal to a full pay period, an employee may want to consider taking a definite leave of absence. This will provide the employee with the option to contribute to their pension plan for the pay period upon return from leave.

If the leave period is less than a pay period, the time away can be recorded through timecard entry and a definite leave of absence request does not need to be submitted.

## 17. Is it a job-protected leave?

Yes. All leaves in *The Saskatchewan Employment Act* are job-protected.

## 18. What is interpersonal violence and sexual violence?

**Interpersonal violence** is a pattern of behavior used to establish power and control over another person through fear and intimidation. Interpersonal violence often includes the threat or use of violence. It may also be referred to as intimate partner violence, domestic violence or battering.

**Sexual violence** is any sexual act or attempt to obtain a sexual act by violence or coercion, acts to traffic a person or

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acts directly against a person's sexuality. Although there are many types of sexual violence, the most common often refers to crimes that include rape, child sexual abuse, and intimate partner sexual violence.

Interpersonal and sexual violence may fall into one or more of the following categories:

## Dating Violence

Dating violence is a pattern of destructive behaviors used to exert power and control over a dating partner. It usually involves a series of abusive behaviors over the course of time.

## Domestic Violence

Domestic violence is any abusive, violent, coercive, forceful or threatening act or word inflicted by one member of a family or household on another. It may also be referred to as spouse abuse, family violence or domestic abuse.

- It is a crime with serious repercussions, not only to the victim, but also to family members and friends.
- It includes a pattern of manipulative and violent tactics.
- These behaviors are a combination of physical force and terror.
- The victim is forced to change his/her behavior in response to the abuse.

## Sexual Assault

Sexual assault is any unwanted, non-consensual sexual contact against any individual by another using manipulation, pressure, tricks, coercion or physical force. Sexual assault can be verbal, visual, or anything that forces a person to join in unwanted sexual contact or behaviors without their explicit consent.

## Criminal Harassment

Criminal harassment is a pattern of repeated and unwanted attention, harassment, contact, stalking or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. A victim of criminal harassment may fear bodily injury or death to self, a family member, a household member or damage to personal property.

Interpersonal and sexual violence may include behaviors or actions, such as:

## Physical Abuse

- Push, shove or kick
- Hit or punch
- Weapons or objects used against the individual
- Slap or bite
- Unwanted sexual touching
- Lock out or deny access to home
- By physical force, not allowed to leave
- Denial of help when ill, injured or pregnant
- Strangled or choked
- Abandoned in a dangerous situation

## Emotional and Psychological Abuse

- Threat to harm the individual, their family or pets
- Individual convinced they are to blame for abuse
- Ridicule of beliefs, race, heritage, class, religion or sexual orientation

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- Manipulation or threats to coerce a victim into non-consensual sex
- Manipulation with lies and contradictions
- Stalking –occurs at, within, or outside the workplace

## **Economic Abuse**

- Deny access to bank accounts, credit cards or vehicle
- Partner controls all the finances
- Access to health, prescription or dental insurance limited
- Prevention from getting or keeping a job or from going to school

## **19. Where can I find additional information and support?**

For additional information on interpersonal violence leave and sexual violence leave, you can contact:  
Supervisor or manager; or  
Ministry Human Resource Business Partner Team.

Support is also available through the [Employee and Family Assistance Program](#).

## **20. Where can I find more information about the leave?**

[The Saskatchewan Employment Act](#)

[The Victims of Interpersonal Violence Act](#)

[Employment Standards in Saskatchewan – Employment Leaves – Family Leave](#)

[Government of Saskatchewan HR Manual - Section 702: Leaves of Absence without Pay](#)

[Government of Saskatchewan HR Manual – Section 701: Leaves of Absence with Pay](#)