

# Domestic Violence in the Workplace



While domestic violence may not seem like a workplace issue, it can and frequently does have health and safety consequences that extend into the workplace. Indeed, domestic violence is workplace violence as soon as it occurs in the workplace, and can threaten the safety of not only the employee victim but also his or her co-workers, supervisors and clients. According to the Alberta Council of Women's Shelters, domestic violence is the fastest growing type of workplace violence in Canada. Beyond its effects on individuals, families and society, Canadian employers lose \$77.9 million annually due to the direct and indirect impacts of domestic violence.

The Ontario Government has been the first to respond to this growing issue. In 2009, it introduced Bill 168, a Bill which would amend the province's Occupational Health and Safety Act by imposing new obligations on employers with respect to workplace violence and harassment. Bill 168 became law on June 15, 2010. Bill 168 requires employers who are aware, or who should reasonably be aware, that domestic violence may occur in the workplace to take every precaution reasonable in the circumstances to protect a worker at risk of physical injury. Employers are also required to have policies and programs regarding workplace violence, including domestic violence, in the workplace.

While Occupational Health and Safety legislation in Nova Scotia does not specifically address domestic violence in the workplace, the definition of “violence” provided in the legislation arguably encompasses domestic violence that occurs in the workplace. Like the Ontario legislation, the Violence in the Workplace Regulations under our Occupational Health and Safety Act defines violence to mean not only acts or attempted acts of physical violence but also threats of physical violence. Under the Nova Scotia Regulations, violence is defined to mean:

- (i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,
- (ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

The Nova Scotia Regulations also require that every employer conduct a violence risk assessment at least once every five years, and if a significant risk of violence is identified, the employer is required to have a Workplace Violence Prevention Plan, which must be available for examination at the workplace by any employee. Further, section 13(a) of our Occupational and Safety Act provides that “every employer shall take every precaution that is reasonable in the circumstances to... (a) ensure the health and safety of persons at or near the workplace.”

Given these elements, domestic violence that occurs in the workplace is likely captured by our provincial legislation. Therefore, despite the fact that domestic violence is not explicitly referred to in our Occupational Health and Safety Act or Regulations, employers have a duty to protect workers from any such violence.

If you have concerns about domestic violence affecting the health and safety of employees at your school/campus, you should first bring your concerns to the attention of your principal/supervisor. If you are not satisfied with your principal's/supervisor's response, you should then bring your concerns to the Joint Occupational Health and Safety (JOHS) Committee and ask the Committee to make specific recommendations to the principal/supervisor in writing. The principal/supervisor has to respond within 21 days. Finally, if the JOHS Committee has not addressed your concerns adequately, you may bring your concerns to an Officer with the Occupational Health and Safety Division of the Nova Scotia Department of Labour.

The NSTU encourages its members to be proactive in creating and maintaining a safe and healthy work environment and to contact their NSTU Staff Officer for assistance at any time. An NSTU Staff Officer can assist members in obtaining timely and effective responses from principals/supervisors, the JOHS Committee or the Department of Labour and can help ensure that a member's concerns are addressed in a satisfactory manner, or assist with the filing of a grievance, if necessary.