

Manitoba Introduces New Legislation for Paid Leave and Job Protection for Victims of Domestic Violence

Manitoba is the first of what seems likely to be a number of provinces to introduce a statutory leave of absence for victims of domestic violence.

The proposed legislation would permit a victim of domestic violence who has at least three consecutive months of service with their employer a leave of absence for (a) up to 10 days, taken intermittently or continuously; or (b) up to 17 weeks to be taken in one continuous period. If requested by the employee, five of these days would be paid, with the remainder being unpaid leave. Note that where an employer provides for paid sick leave or other paid leave benefits that are greater than the minimum required by minimum standards, the employer may require the employee to first exhaust those benefits before seeking payment for the five days associated with this particular leave.

The following would be grounds to take the proposed leave:

- (i) Seeking medical attention for the employee or the employee's child in respect of physical or psychological injury or disability caused by domestic violence;
- (ii) To obtain services from a victim services organization;
- (iii) To obtain psychological or other professional counselling;
- (iv) To relocate temporarily or permanently;
- (v) 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; or
- (vi) Any other purposes set out in the regulations.

An employer would be permitted to seek reasonable verification that the employee qualifies for the leave.

The domestic violence leave proposed in this bill, if passed, would be effective April 1, 2016. If Manitoba does enact this new leave of absence it will only be a matter of time before some other provinces follow suit.



In general, given the types of leaves available and the qualifying criteria which vary so much from province to province, our clients are reminded to schedule a consultation with one of our Advisors if they receive a leave request from an employee. If you have any questions about this particular leave, or any other statutory leaves of absence, please contact our ClientCare team.

