

# Loi modernisant le régime de santé et sécurité au travail - LMRSST:

## Employer obligations vs domestic and family violence

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# Trigger Warning

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*This training will include discussion around domestic violence. I acknowledge that this content may be difficult. I encourage you to care for your safety and well-being.*

*If this is difficult for you to sit through the presentation, the slides will be provided after the presentation so you can read it at your own pace.*

*The presentation is going to be approximately 15 minutes.*

# Teleworking

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A telework location is now considered a workplace within the meaning of the Act.

With the exception of a few irreconcilable provisions, employers must therefore ensure that this mode of work organization is taken into account in their actions aimed at meeting their obligations in occupational health and safety.

# PL 59: since October 2021

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*La loi modifie ensuite la Loi sur la santé et la sécurité du travail (LSST) afin notamment: (...)*

*no 5 d'obliger l'employeur à prendre les mesures nécessaires pour assurer la protection d'un travailleur exposé sur les lieux de travail à une situation de violence physique ou psychologique, incluant la violence conjugale, familiale ou à caractère sexuel;*

*The Act amends the LSST in order to, in particular: (...)*

*No. 5 to require the employer to take the necessary measures to ensure the protection of a worker exposed in the workplace to a situation of physical or psychological violence, including domestic, family or sexual violence;*

# Employer's obligations

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- In a situation of domestic or family violence, the employer is required to take measures if they know, or should reasonably know, that a worker is exposed to such a situation.
- 1 out of 3 female workers experience domestic violence and half of these victims confirm that this violence continues while at work\*.
  - In the workplace, it can manifest itself in harassment on the phone, text messages or emails, surveillance around the workplace and sometimes even intrusions by the perpetrator into the workplace.

\* «*The Impact of Domestic Violence in the Workplace: Results From a Pan-Canadian Survey* », (2015) 57:7 *Journal of Occupational and Environmental Medicine*, p. e67;

# Types of domestic violence

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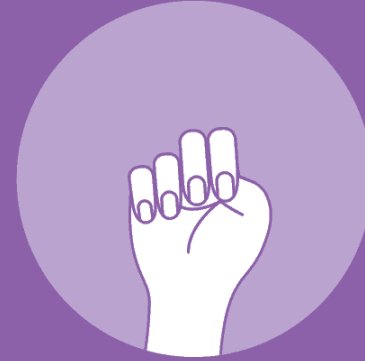
- **Physical Violence** when someone uses a part of their body or an object to hurt or control a person's actions.
- **Sexual Violence** when a person is forced to unwillingly take part in sexual activity.
- **Emotional Violence** occurs when someone says or does something to make a person feel stupid or worthless.
- **Psychological Violence** occurs when someone uses threats and causes fear in an individual to gain control.
- **Spiritual Violence** occurs when someone uses an individual's spiritual beliefs to manipulate, dominate or control that person.
- **Cultural Violence** occurs when an individual is harmed as a result of practices that are part of her or his culture, religion or tradition.
- **Verbal Abuse** uses language, whether spoken or written, to cause harm to an individual.
- **Financial Abuse** occurs when someone controls an individual's financial resources without the person's consent or misuses those resources.
- **Neglect** occurs when someone has the responsibility to provide care or assistance for an individual but does not.

# The violence at home Signal For Help

THE  
VIOLENCE  
AT HOME  
SIGNAL  
FOR HELP



1. Palm to camera and tuck thumb



2. Trap thumb

# What to do?

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The Signal for Help signifies “reach out to me safely.”

The person using it may want you to call an emergency service, but do not assume that is what they want or need in the moment.

Reach out to them and let them take the lead.

- Call them personally and start by asking them if they are alone.
- Be ready to respond if you think they might not be safe to talk right then.
- Ask questions that can be answered by “yes” or “no” or use the chat function in Teams



# Every situation is different...

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- Everyone copes with abuse differently. They may do things differently than you. Be there to support them as they explore what works for them.
- Be patient and open-minded. Abusive relationships are complicated, scary, confusing, and traumatic. Figuring things out takes time. You may need to have more conversations with the person. Don't push. There is no one right answer, no quick fix, and everyone deals with these things differently.
- Listen, be judgement-free and let them lead the way even if it doesn't seem that they are making the right decision.

# The employer's obligation

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- Ensure the confidentiality of the information.
- Asking for resources specialized in domestic violence for support. It is necessary to ensure the consent of the victim for transmission of any personal info.
- In case of an emergency, when an employer has reasonable doubt to believe that a serious risk of death or serious injury threatens the worker, we are entitled to disclose confidential information to the police, for example.
- There could be a need for some accommodation (an unpaid leave, a leave per IVAC (Indemnisation des victimes d'acte criminel), last minute vacation, family days, etc.)
- Contact your HR advisor to seek guidance and inform us of such situations as they will be dealt on a case by case basis with all the necessary precautions.

# Resources

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- Canadian Women's Foundation: *The Signal For Help Responder's Action Guide*
- Assemblée Nationale: *Projet de loi 59 Loi modernisant le régime de santé et sécurité du travail*
- CNESST, Séances d'information, février 2022, *Loi modernisant le régime de santé et sécurité du travail (LMRSST)*
- Ordre des CRHA du Québec, Vigie RT, février 2022, Me Anne-Marie Bertrand, CRIA et Denisa Voiculescu, *Violence conjugale: nouvelle obligation pour l'employeur*
- SOS violence conjugale: 1-800-363-9010
- CAVAC (Crime Victims Assistance Center) Montréal [cavac.qc.ca/en/](http://cavac.qc.ca/en/)
- McGill EFAP [www.mcgill.ca/hr/benefits/eap](http://www.mcgill.ca/hr/benefits/eap)

# Questions & Comments

