

# DOMESTIC OR SEXUAL VIOLENCE LEAVE

## under Ontario's Employment Standards Act

In Ontario, the Employment Standards Act (ESA) outlines various leaves of absence that employees are legally entitled to take. Domestic or sexual violence leave (DSVL) was added to the ESA in 2017. DSVL is a job-protected leave for when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. Employees are eligible for up to 10 days and up to 15 weeks of DSVL per calendar year, where the first five days of leave are paid.

### FREQUENTLY ASKED QUESTIONS

#### **Am I eligible for domestic or sexual violence leave?**

You are eligible for DSVL if all of the following statements apply:

- You have worked for your current employer for at least 13 consecutive weeks.
- You or your child has experienced or been threatened with domestic or sexual violence.
- You are taking the leave of absence to:
  - Seek medical attention because of an injury or disability caused by the violence
  - Access supports from a victim services organization (e.g., [Ontario Victim Services](#))
  - Receive psychological or other professional counselling
  - Move (temporarily or permanently)
  - Obtain legal or law enforcement assistance or participate in court proceedings related to the violence

Some industries and jobs are not covered by the ESA or have special rules and exemptions for leaves of absence. You can find out if your job may be ineligible for DSVL [here](#).

## **How long can I take domestic or sexual violence leave for?**

You can take up to 10 days and up to 15 weeks of DSVL in the calendar year (January 1 to December 31). These represent two separate ‘banks’ of leave: individual days and full weeks. If you are requesting single days of leave, this will come out of your 10 days. If you are requesting multiple days of leave in the same week, this can come out of your 10 days or your 15 weeks. When using your 10 days, taking DSVL for part of a day (e.g., an afternoon) can be counted as a full day by your employer. When using your 15 weeks, taking DSVL for part of a week (e.g. Tuesday and Friday) can be counted as a full week. Days and weeks of DSVL can be taken separately throughout the year or all in a row. Regardless of when you started working for your employer during the year, you are entitled to the entire amount of DSVL.

## **Will I be paid during domestic or sexual violence leave?**

The first five days of your DSVL must be paid by your employer. For these days, you are entitled to be paid your regular wages, as if you had not taken a leave of absence. Examples of how to calculate your domestic or sexual violence pay can be found [here](#).

## **How should I notify my employer about taking domestic or sexual violence leave?**

Once you plan to take DSVL, you should tell your employer right away. If you are unable to notify them about your leave in advance, you are still entitled to take it – just let your employer know as soon as possible. If you are taking single days of DSVL from your 10-day entitlement, you don’t need to provide your notice in writing. But if you are taking one or more weeks of leave from your 15-week entitlement, you do need to provide written notice (e.g., an email). Be sure to keep a copy of this notice that shows when and to whom it was sent. You will need to provide notice to your employer each time you take DSVL.

## **Can I lose my job because of taking domestic or sexual violence leave?**

DSVL is a job-protected leave. This means that your employer cannot threaten, fire, or penalize you for using your leave entitlement. These same protections apply even when you ask questions about DSVL, share that you are eligible for it, make plans to take it, or return to work after taking it. When you are on leave, you are still entitled to certain benefit plans (e.g., extended health care) and to earn time towards your length of employment and seniority. More information on your rights during leave can be found [here](#).

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More information on Ontario’s domestic or sexual violence leave policy can be found through the [Government of Ontario](#) or [Steps to Justice](#).