

Bill introduced the 29<sup>th</sup> day of  
April, 2019

Kate Ryan  
A/Clerk of the House

Government Bill

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Fourth Session, Forty-first Parliament  
68 Elizabeth II, 2019  
Legislative Assembly of British Columbia

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FOR REPORT  
Certified correct as amended in  
Committee of the Whole on the  
27<sup>th</sup> day of May, 2018  
Kate Ryan - Muzel  
A/Clerk of the House

## BILL 8

# EMPLOYMENT STANDARDS AMENDMENT ACT, 2019

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Honourable Harry Bains  
Minister of Labour

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SECTION 19, by deleting the text shown as struck out and adding the underlined text as shown:

19 The following section is added:

Leave respecting domestic or sexual violence

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52.5 (1) In this section:

“child” means a person under 19 years of age;

“domestic or sexual violence” includes

- (a) physical abuse by an intimate partner or by a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm,
- (b) sexual abuse by ~~an intimate partner or by a family member~~ any person,
- (c) ~~attempts to physically or sexually abuse by an intimate partner or by a family member,~~
- (c) attempts to commit
  - (i) physical abuse by an intimate partner or by a family member, or
  - (ii) sexual abuse by any person, and
- (d) psychological or emotional abuse by an intimate partner or by a family member, including
  - (i) intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property,
  - (ii) unreasonable restrictions on, or prevention of, financial or personal autonomy,
  - (iii) stalking or following, and
  - (iv) intentional damage to property;

“eligible person” means, with respect to an employee,

- (a) a child who is under the day-to-day care and control of the employee by way of agreement or court order or because the employee is the child’s parent or guardian,
- (b) a person who
  - (i) is 19 years of age or older,
  - (ii) is unable, because of illness, disability or another reason, to obtain the necessities of life or withdraw from the charge of the person’s parent or former guardian, and
  - (iii) is under the day-to-day care and control of the employee, who is the person’s parent or former guardian, and
- (c) a prescribed person;

“family member” means any of the following:

- (a) with respect to a person,
  - (i) the spouse, child, parent, guardian, sibling, grandchild or grandparent of the person, or
  - (ii) an individual who lives with the person as a member of the person’s family;
- (b) any other individual who is a member of a prescribed class;

“intimate partner” means, with respect to a person, any of the following:

- (a) an individual who is or was a spouse, dating partner or sexual partner of the person, or
- (b) an individual who is or was in a relationship with the person that is similar to a relationship described in paragraph (a).

(2) In addition to experiencing domestic or sexual violence in the circumstances described in the definition of “domestic or sexual violence” in subsection (1),

(iii) is under the day-to-day care and control of the employee, who is the person's parent or former guardian, and

(c) a prescribed person;

**"family member"** means any of the following:

(a) with respect to a person,

(i) the spouse, child, parent, guardian, sibling, grandchild or grandparent of the person, or

(ii) an individual who lives with the person as a member of the person's family;

(b) any other individual who is a member of a prescribed class;

**"intimate partner"** means, with respect to a person, any of the following:

(a) an individual who is or was a spouse, dating partner or sexual partner of the person, or;

(b) an individual who is or was in a relationship with the person that is similar to a relationship described in paragraph (a).

(2) In addition to experiencing domestic or sexual violence in the circumstances described in the definition of "domestic or sexual violence" in subsection (1), a child who is an employee or eligible person also experiences domestic or sexual violence if the child is exposed, directly or indirectly, to domestic or sexual violence experienced by any of the following individuals:

(a) an intimate partner of the child;

(b) a family member of the child.

(3) If an employee or eligible person experiences domestic or sexual violence, the employee may request leave for one or more of the following purposes:

(a) to seek medical attention for the employee or eligible person in respect of a physical or psychological injury or disability caused by the domestic or sexual violence;

(b) to obtain for the employee or eligible person victim services or other social services relating to domestic or sexual violence;

(c) to obtain for the employee or eligible person psychological or other professional counselling services in respect of a psychological or emotional condition caused by the domestic or sexual violence;

(d) to temporarily or permanently relocate the employee or eligible person or both the employee and eligible person;

(e) to seek legal or law enforcement assistance for the employee or eligible person, including preparing for or participating in any civil or criminal legal proceeding related to the domestic or sexual violence;

(f) any prescribed purpose.

(4) If an employee requests leave under subsection (3), the employee is entitled during each calendar year to

(a) up to 10 days of unpaid leave, in units of one or more days or in one continuous period, and

(b) in addition to the period of time referred to in paragraph (a), up to 15 weeks of unpaid leave.

(5) A leave under subsection (4) (b) may be taken by the employee in

(a) one unit of time, or

(b) more than one unit of time, with the employer's consent.

(6) An employee is not entitled to leave under this section respecting an eligible person if the employee commits the domestic or sexual violence against the eligible person.

(7) If requested by the employer, the employee must, as soon as practicable, provide to the employer reasonably sufficient proof in the circumstances that the employee is entitled to the leave.