

**Standing Committee on Human Resources, Skills and Social  
Development and the Status of Persons with Disabilities**

**October 23, 2012; 8:45am-9:45am**

**Remarks: Sue O' Sullivan -**

**Federal Ombudsman for Victims of Crime**

**INTRODUCTION**

- Bonjour, Monsieur le président et chers membres du Comité.
- Thank you for inviting me here today to discuss the proposed amendments to the Canada Labour Code that would provide for unpaid leave for parents of murdered or missing children.

**MANDATE**

- As you may know, the Office of the Federal Ombudsman for Victims of Crime was created to provide a voice for victims at the federal level.
- We do this through our mandate by:
  - receiving and reviewing complaints from victims;
  - promoting and facilitating access to federal programs and services for victims of crime by providing information and referrals;
  - by promoting the Basic Principles of Justice for Victims of Crime;

- by raising awareness among criminal justice personnel and policy makers about the needs and concerns of victims, and
- by identifying systemic and emerging issues that negatively impact on victims of crime.
- The Office helps victims in two main ways: individually, and collectively.
- We help victims individually by speaking with victims everyday, answering their questions, and addressing their complaints.
- We help victims collectively by reviewing important issues and making recommendations to the Federal Government on how to improve its laws, policies or programs, to better support victims of crime.
- I would like to thank the committee for inviting me here today to speak to about the amendment to the Canada Labour Code providing for unpaid leave. I will also raise some points for consideration related to the Federal Income Support for parents of murdered or missing children.

## **POSITION**

- I would like to begin by stating that our office was pleased to hear about the introduction of Bill C-44 which includes an amendment to the Canada Labour Code to provide for unpaid leave for

parents coping with the death or disappearance of a child. We were also encouraged by the announcement of a new federal income support program to help ease the financial hardship of parents of missing or murdered children.

- While we support both of these measures in principle, it is apparent that the new provisions for unpaid leave and the income support program fail to address the circumstances of many victims of crime, and could be more inclusive in their eligibility and reach.
- Therefore our office will be asking the committee members to consider amending and broadening the reach of unpaid leave and income support in order to be more inclusive of the needs of victims of crime.

## **CONTEXT**

- To provide some context, the trauma associated with victimization can have devastating psychological and socio-economic impacts on the family.
- A recent study from the Department of Justice estimates that almost 83% of the costs associated with crime fall squarely on the shoulders of victims. These costs include lost productivity and wages, costs of medical and psychological care, and time away from work to attend criminal proceedings.

- A study of families bereaved by homicide conducted in the UK in 2011 confirmed that “the physical health, the ability to work, to maintain relationships, care for children, and manage new financial burdens were all significant problems for families who had experienced the homicide of a loved one.”
- That same study revealed that “70% of respondents stopped working for a period of time as result of bereavement. The amount of time taken off varied from under a month to over a year. Several respondents in the study noted that they had lost their jobs as a result of the impact of the loss of their loved one.” This speaks to the need for unpaid leave, and accompanying income support.”
- However it should be noted that respondents in this study were not all parents of children, instead the study also highlights the impacts on spouses, siblings, and co-residing extended family. This demonstrates that need to take time away from work, and the subsequent need for income support are not exclusive to parents of missing or murdered children.

## **CONSIDERATIONS**

- In fact, if one considers losing a spouse to homicide, the financial impact may be even more than losing a child.

- For this reason, I would like to highlight that the proposed amendments to the labour code are not inclusive and do not recognize the impacts of crime on other family members, for example: spouses and siblings. They also do not recognize the impact of victimization when someone is older than the age of 18. The impact on a family would be the same if their child was 22 “let’s say”.
- Moreover, the amendments also fail to address other circumstances outside of homicide and/or disappearance. In this way, the unpaid leave provisions fail to adequately address the impact of victimization within the family unit, nor do they recognize the tremendous impacts of other types of crime, such as serious physical or sexual assault.
- Further, when one considers Bill C-44 in its entirety, one may question why families of critically ill children qualify for an Employment Insurance Benefit, while the parents, sibling or spouse or a murdered person would not.

## **RECOMMENDATIONS**

- Taking this into account, I would respectfully request that the committee consider the following recommendations;
  - Widening the reach of the Canada Labour Code amendments to be more inclusive to victims of crime, to

include for instance: leave for spouses and siblings, and removing the age limit of 18 years of age.

- Creating a separate Employment Insurance category for victims of crime, to ensure that Canadians who are impacted by crime are able to access an existing structure to access the benefits they already for.
- In such instances where family members may not meet Employment Insurance eligibility requirements for such a category, that a program similar to the Federal Income Support recently announced act as a backup to EI. This program could ensure that victims of crime requiring income support do not fall through the cracks of EI eligibility.

## **CONCLUSION**

- Our office strongly supports the proposed changes to the Canada Labour Code and income supports for parents of murdered or missing children.
- However, we recommend that the unpaid leave provisions be available to a broader range of victims and their family members, as they too carry just as heavy a burden in the aftermath of crime.

- My office hears from victims on a daily basis that there is a lack of tangible supports across the country available to them. We hear from victims about their struggle to access the supports they need to keep their families afloat following a crime.
- While the proposed changes to the Labour Code included in C-44 are indeed a step forward, creating more inclusive leave provisions for victims of crime with an accompanying Employment Insurance Benefit would not only serve as a recognition of the long-lasting impact of victimization, but would significantly strengthen the supports available to victims of crime in Canada.
- Thank you. I am happy to answer any questions you may have.
- Merci. Je serai heureuse de répondre à vos questions.