



**BC Association of Specialized Victim
Assistance & Counselling Programs**

**COMMUNITY-BASED VICTIM ASSISTANCE PROGRAMS
REGIONAL TELECONFERENCE CALLS REPORT**

June 2008

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PART 1. INTRODUCTION

1.1 About the Teleconference Calls

The BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP) conducted four teleconference calls with Community-Based Victim Assistance Programs (CBVAP) from all regions across BC, in May 2008. These calls are an opportunity for CBVAP workers to connect with each other to identify critical issues facing survivors of violence and to strategize about ways to address these issues. It is an opportunity for CBVAP workers to identify gaps in policies, programs and systems response; to present priorities for resource development work; to identify training needs and to share information and successes.

The Association makes a considerable effort to provide this critical support and information in order to meet the needs of the programs and their staff. These teleconferences were offered with no cost being incurred by the CBVAPs. We are proud to provide this support again this year. We offered these teleconferences with no additional funding or access to the previous Victim Services and Crime Prevention Division (VSCPD) of the Ministry of Public Safety and Solicitor General's Provnet Teleconference Services.

This summary report is based on the issues presented over eight hours of discussions with CBVAP workers from all regions of the province. Although CBVAP workers were unable to articulate in depth and offer an analysis of every single issue affecting survivors in their communities due to the limited time allocated to these calls, this report is a grounded overview of the current issues and forms a sound basis for the Association's recommendations.

1.2 Participating Agencies

The four Regional Teleconferences were conducted between May 5 and 8, 2008. The teleconferences were attended by 33 CBVAP workers from 26 programs across the Province.

May 5, 2007: Region 1: North Vancouver Island, Region 2: South Vancouver Island

- Campbell River Family Services Society
- Comox Valley Family Services
- Sunshine Coast CBVAP
- Powell River Community Services Association
- VictimLink

May 6, 2007 Region 3: Lower Mainland, Region 4: Fraser Valley

- Abbotsford Community Services
- Chilliwack Community Services

- Maple Ridge/ Pitt Meadows Community Services
- Tri-City Women's Resource Society
- VictimLink
- Women Against Violence Against Women Rape Crisis Centre
- Surrey Women's Centre

May 7, 2007 Region 5: Interior, Region 6: Okanagan, Region 7: East Kootenays, Region 8: West Kootenays

- Central Okanagan Elizabeth Fry Society
- Lillooet Friendship Centre Society
- South Okanagan Victim Assistance Society
- Vernon Women's Transition House Society
- North Kootenay Lake Community Services
- The Advocacy Centre/Nelson District Community Resources
- Trail Family & Individual Resource Centre Society
- VictimLink
- Summit Community Services

May 8, 2007 Region 9: North East, Region 10: North West, Region 11: North Central

- North Peace Community Resources Society
- Northern Society for Domestic Peace
- Prince George & District Elizabeth Fry Society
- Prince Rupert Community Enrichment Society
- VictimLink

1.3 Association Updates

CBVAP workers were provided with a quick update on recent BCASVACP initiatives, including:

- **Third Party Reporting Training**
The BCASVACP and Community Coordination for Women's Safety have worked with the RCMP, municipal police and the Ministry of Public Safety and Solicitor General to find ways that victims can get information to police without having to engage with the justice system. RCMP and municipal police in BC have now adopted a provincial protocol for third party reporting. Training was provided in May and June 2008 to CBVAPs, PBVAPs and police. The next step is the development of a written package about third party reporting for other anti-violence programs. This is currently in development.
- **The Renewing Resources For Safer Communities Project**
This is an innovative partnership between the anti-violence sector and the resource sector (particularly forestry and mining) that aims to improve the resource sector's capacity to respond to violence in relationships. The

BCASVACP and the Ending Relationship Abuse Society (ERA) have come together to manage this one-year violence prevention project, working in partnership with WorkSafe BC, the BC Federation of Labour, and the United Steelworkers Union.

- **Increasing The Safety Of Immigrant And Refugee Women Project**
This three-year project, funded by the Law Foundation, will consult, analyze and undertake action to address serious policy gaps or problems that compromise the safety of refugee, immigrant and non-status women who experience violence.
- **Recent Publications**
 - Keeping Women Safe: Eight Critical Components Of An Effective Justice Response To Domestic Violence
 - Men Speak Up: Ending Violence Together (DVD)
 - Backgrounder: Dual Arrest
 - Freedom From Violence: Tools For Working With Trauma, Mental Health And Substance Use
 - Safe Choices Program's Healthy Relationships And Service Provider Curriculum

PART 2. ISSUES AND RECOMMENDATIONS FROM THE TELECONFERENCE CALLS

2.1 Referrals from Police-Based Victim Services

Some communities have made progress in this area. However, many communities still face barriers, including:

- Staff turnover at PBVS, with new staff being unfamiliar with CBVAPs and existing referral protocols
- PBVS working with victims of sexual and domestic violence and establishing rapport, making it difficult for the victim to transfer over to CBVAP
- Ongoing concerns on the part of police and Crown about privacy legislation

At least one community has been granted access to and is reviewing all police K-files to determine why referrals were not made. In another community, the PBVS coordinator is documenting all the files that are not referred to CBVS and reporting to CBVS quarterly. This resulted from a community coordination meeting. Some communities have found that it is more productive to work directly with police or RCMP on referrals, as opposed to PBVS.

Recommendation 1

A lack of referrals from the police or PBVS in any community is a serious risk factor and one that should be acted on as soon as possible. The Association made recommendations in our last two reports on this issue and urge VSCPD to revisit them:

- Providing training to PBVS and CBVAPs for making effective referrals
- Acting on the recommendations of the Nanaimo Coroner's Jury, following the deaths of William Jeffrey Bethell and Seth Thornett in August, 2006
- Liaison with the Association to develop a standardized referral card, with the CBVAPs contact information in addition to that of VictimLink and
- The development of a generic consent form for the police was recommended to enable victims to be referred to CBVAPs.

2.2 Women Charged With Assault/Dual Arrest

Workers are deeply concerned about the numbers of women being arrested and/or charged with assaulting their abusive partners. There have also been many reports of both partners being charged with assault, in some cases in same-sex relationships. Workers continue to report that some RCMP officers are not following the Primary Aggressor section of the RCMP Violence in Relationships Policy. Many communities have seen an increase in rates of dual arrest over the last year. It seems that women using substances are more likely to be arrested. The consequences of dual arrest include:

- Decreased ability to prosecute. One part of the standard for charge approval is "substantial likelihood of conviction." With both parties

- arrested, this standard is unlikely to be met.
- Increased liability for police services, particularly if violence increases, resulting in injury or death.
 - The aggressor gains more power and a sense of entitlement to continue his tactics.
 - Battered women who use violence are further victimized.
 - Increased potential for eventual homicide by the abuser.
 - Decreased chance of victims seeking further help. They are unlikely to call police in the event of another assault because they were not believed the last time.
 - Victims are often unable to access victim services as the fact that they have been arrested means that they do not meet the service criteria of being a victim, so may not be referred to the appropriate service.

CBVAP workers are trying to address this issue through:

- Tracking numbers of dual arrests
- Discussion with police and Crown at VAWIR committees
- Mock case conferencing at the VAWIR committees
- Meeting with new officers to discuss the role of CBVAP, violence against women in relationships, Victims of Crime Act, dual arrest, etc
- Advocating with Crown to encourage them to look at the historical nature of the relationship abuse before proceeding with charges

There are questions regarding which agency should provide services to women who have been charged with assault. In one community, the STV Outreach worker will provide services to women who have been charged with assault if they are in an abusive relationship, while CBVAP works with the male partner who was also deemed a victim. In another community, CBVAP is serving both parties, has checked in with the Ministry regarding this, and has been told it is not a problem.

The Association is working with police and RCMP to develop training for officers across the province in the hopes of stopping this disturbing trend of women being arrested. The RCMP has been very open to collaboration in this area.

Recommendation 2

This is a significant issue that seriously affects women's safety. We recommend that the VSCPD monitor this issue and support the programs' and Association's ongoing efforts to address the issue with police, RCMP and Crown.

2.3 Need for Alternative Means of Testifying

CBVAP workers regularly provide services to women in extremely high-risk situations. Many of these women are too fearful of retaliation to testify at trial. Workers raised concerns that there should be alternatives available to women such as testifying by video, so that charges are not dropped due to her

“reluctance.” This should be routinely available through Bill C-2, but usually is not.

Recommendation 3

We recommend the continued and expanded use of Bill C-2 provisions in violence against women cases, as victims are extremely vulnerable to intimidation. More information on Bill C-2 is available on our website: Easy Reference Guide to Bill C-2: Amendments to the Criminal Code of Canada and the Canada Evidence Act.

2.4 Breaches Not Prosecuted

Workers report that it is rare for an abuser to be charged with breaching a protection order. Abusers, survivors and the community in general are aware that breaches are rarely enforced and this can seriously compromise women’s safety. In small communities it can be difficult to prove that stalking is happening, and police often do not respond to reports of stalking.

Some workers have found that judges’ release conditions are taken more seriously than protection orders and are trying to get all K-files handled by a judge and overseen by a bail supervisor. It has been previously suggested that the inclusion of an enforcement clause is at the discretion of the judge, based on recommendations presented by the victim’s lawyer. While there is a Standard Form Order, which includes an enforcement clause, this is not always requested by the lawyer or the judge.

Workers have made suggestions during past teleconference calls, for breaches of protection orders to require a “reverse onus” in order for the defendant to be released after a first breach of a protection order. Generally, the onus is on Crown Counsel to show why the defendant should be detained at a bail hearing, including situations where he is charged with breach for the first time. (Under current Code provisions it is only when the defendant commits a breach while released on a previous breach charge that the onus shifts to the accused to show why he should be released.) This highlights the importance of arresting and charging when orders are breached the first time.

Recommendation 4

In our previous teleconference recommendations, the Association has urged:

- Police training to include clarification of differences between criminal and family court protection orders
- The need for the enforcement aspect of civil orders to be clearly written
- The importance for police and Crown training to include clarification of the significance of breaches of protection orders in VAWIR cases compared with other types of breaches.

We continue to stress that VSCPD revisit these recommendations and continue their partnership with the Community Coordination for Women’s Safety project.

Recommendation 5

We recommend that breaches be considered a serious indication of high risk to women's safety and that they be investigated and prosecuted. We continue to emphasize that the VSCPD be actively involved in influencing the Attorney General in this regard.

Recommendation 6

We recommend that family law lawyers, judges and justices of the peace receive information about the importance of including clearly written enforcement clauses in civil protection orders. The Association continues to commit to bringing this issue to the attention of our CCWS Provincial Working Group.

2.5 Applications to Vary Bail Conditions

CBVAP workers in some communities have a protocol set in place with Crown that in the case of applications to vary offenders' bail conditions, the victim will be referred to CBVAP for safety planning and risk assessment before any variation is approved. It can be difficult to maintain such protocols if Crown or RCMP have staff turnover, particularly if the protocols are not written down and formalized.

Recommendation 7

We recommend that all communities establish protocols for referrals from Crown to CBVAP in applications for varying bail conditions. We recommend that VSCPD lend support and dedicate financial assistance for programs to commit their efforts to establishing written protocols in their communities with support and expertise of the CCWS Program.

2.6 Domestic Violence Units

CBVAP workers have questions about what it could mean for CBVAPs to become involved in any of the new Domestic Violence Units that are being developed across the province. It would be important to ensure that they would be able to keep files confidential and not be obligated to disclose information, as PBVS are.

Recommendation 8

We recommend that all DVUs in BC have strict policy regarding confidentiality of counsellor files. The Association strongly recommends that the VSCPD see this issue as a priority and provide clarity to DVUs of what the CBVAPs' mandate is and address the issues of confidentiality.

2.7 Critical Incident Debriefing

CBVAP workers continue to emphasize their need for support in processing the impact of their work. Some programs are able to access employer-established resources yet critical incident debriefing for victim service providers is not available to many of them. Some programs in larger agencies have the opportunity for CBVAPs to debrief with their teams. Stopping the Violence

Counsellors are funded through the Ministry of Housing and Social Development and have access to clinical supervision as part of their contract. The need for professional debriefing is just as essential for CBVAP workers, as they often deal with the immediate impact of crime and may not see the victim through their healing process. In some cases they are not able to debrief with anyone due to the isolation within their communities and their busy workloads. Workers have requested critical incident debriefing for several years, given the complexity of their work.

In the Summary Notes of the Regional Roundtable Meetings, May, 2006, VSCPD assured workers that they will explore options to provide access to vicarious trauma debriefing for victim service programs. Workers continue to enquire about any progress being made in making it available for them.

Recommendation 9

We recommend that the Ministry of Public Safety and Solicitor General fund the CBVAPs to allow regular critical incident debriefing sessions at work and to facilitate support while working with clients who are survivors of violence. This could be a package similar to the one that is provided to STV Counsellors. The STV Counselling programs receive \$2,500 per year in addition to their program budgets. We propose funding of \$3,000 per program for regular Critical Incident Debriefing.

(Since these calls occurred, MPSSG did announce new funding for victim service worker support that equates to \$750 per FTE per year. While not the \$3000 that was recommended, this is a beginning, and we applaud the Ministry for hearing the programs and for putting this support in place.)

2.8 Statistics Collection

Workers report that they are spending three to four hours per month recording statistics on service use. They would like to have more information about how these stats are analysed and used by the funder. Concerns were raised that workers are carrying out other tasks that are not recorded on the forms, so that this work is not recorded and therefore remains invisible.

One community reported that they have been using a new client tracking system for about one year, which also collects OPRA statistics. Other programs are interested in this system as well. Programs expressed an interest in VSCPD assisting with security of client information.

Recommendation 10

We recommend that the statistical data system should capture all of the work being done by the programs, including accompaniment to the hospital and to the police station, information regarding hospital accompaniments, all client contact, amount of time spent to give statements, etc. We also recommend that the OPRA forms need to capture the provision of emotional support by CBVAP

workers for victims of violence. VSCPD should provide CBVAP workers with regional trainings on OPRA as previously planned.

2.9 Inadequate Response by Police

CBVAP workers in many communities shared that they have had concerns with police and RCMP.

- In one case, after waiting for two hours for an officer to take her statement, a client was interviewed in the waiting area at the police station. The CBVAP worker advocated for the client to be taken into an interview room, that a file be opened, and that they interview the offender. There are reports of other officers in this community suggesting clients drop charges or saying that there is nothing they can do when women report to the police. The CBVAP is documenting these incidents and meeting with officers and the supervisor. Other workers also report that they have to advocate for police to investigate.
- Some communities report that police are asking women if they want to press charges and stating that there is no evidence due to lack of visible injuries. The program tries to gather a few complaints and then follow up with the sergeant but this can be difficult: the client may not know the officer's name, it can take a few months to gather a sufficient number of complaints to have a meeting.
- Concerns are that incidents are seen as individual incidents as opposed to systemic, and that police are not acting in ways that are accountable to the community.

Recommendation 11

We encourage programs to take these concerns to the local level and then, if that does not work, to CCWS, where it may involve applying the Safety Issues Protocol "SIP" where appropriate. More information on the SIP is available on our website.

2.10 Clients with Mental Health Issues

Workers are seeing more clients with mental health issues and are often unable to meet their needs. They are finding that women with mental health issues are very vulnerable to sexual assault and often dismissed by systems. Some programs have formed partnerships with mental health workers to better assist these clients. Programs would also like to have more training in this area.

Recommendation 12

We recommend that VSCPD respond with funds for in-depth training for programs. This will address the increasing complexities faced by clients and the need for skill development for workers. Our last year's Training Forum: Freedom from Violence: Intersections of Trauma, Mental Health and Substance Use, provided workers with the information and skills that are needed to support their clients who experienced violence, trauma and substance use in their lives. The

accompanying Freedom from Violence Resource Toolkit was distributed to all our programs. It is also available on our website for workers to download.

2.11 ASAP

Workers are eager to have training based on Aid to Safety Assessment and Planning (ASAP) manual.

Recommendation 13

We recommend that VSCPD fund regional trainings on the ASAP Manual as was previously planned.

2.12 Third Party Reporting Training

Many CBVAP workers attended the trainings that the BCASVACP presented this spring, co-facilitated by CCWS staff and VPD Sex Crimes Unit. Other workers have expressed that they would like to attend trainings in the future; this offering was for just one CBVAP worker per community. Workers feel that third party reporting could be a valuable tool in their work with marginalized women.

Recommendation 14

We strongly recommend that VSCPD provide funding to the Association to offer these trainings to the rest of CBVAP workers.

2.13 Inadequate Wages

Workers are struggling with low wages; many earn less than \$20 an hour, and in unionized environments there is often no opportunity for increased wages within the current salary grid. In some cases, other workers such as STV counsellors or alcohol and drug counsellors have been reclassified by their union. They have questions about whether the recently announced funding increases from MPSSG could be used to raise wages.

Some workers have raised concerns that it seems they are doing equivalent work to other sectors such as mental health where wages are higher. Some programs have had a decrease in hours yet still have the same demand for services. There is inconsistency within the sector as well, depending on the agency.

Low wages make recruitment and retention of staff very difficult.

Recommendation 15

We have been advocating with MPSSG for the release of the Victim Fine Surcharge money and asking for increases to programs for service pressures, for crisis response money, money for sexual violence and for aboriginal communities over the years. On February 20, 2008, the VSCPD announced the release of the \$17M from the Victim Surcharge Special Account to increase the funding to Victim Services over three years. The money for the fiscal 2008/09 is to benefit and help alleviate immediate caseload and service delivery pressures. The money is also to allow VSCPD the opportunity to introduce new services. As the

money has not been allocated, we recommend that it be a priority for VSCPD to allocate the money immediately to all programs to address the wage inadequacy and inequality in the sector, in addition to reducing workload pressures in programs.

2.14 VisDA

CBVAP workers reported that it was a positive experience to participate in the VisDA consultations: they made connections with other workers, met Division staff and participated in online discussion after the forums.

2.15 Mandates

Workers have some concerns about potential overlap in mandates with PBVS and with STV Outreach. Concerns that PBVS are seen as able to do any of the work that CBVAPS can do, and that the job descriptions for STV Outreach are too similar to CBVAP.

Recommendation 16

The Association has brought this concern to the attention of the VSCPD over the past years. In March 2004, we recommended that VSCPD provide clear contractual agreements to programs across the province regarding differences in the mandates of CBVAP and PBVS. In addition, we recommend that a cross-ministry meeting be established to clarify the role of CBVAPs and the STV Outreach programs.

2.16 Crime Victim Assistance Program

There are concerns that CVAP is waiting for court cases to conclude before approving coverage for counselling. There are also delays in police and RCMP disclosing information to CVAP about the crime. In some cases they have refused to share information.

In 2006, during the VSCPD roundtable sessions, Teri Mosher, Director, invited direct communication from programs regarding any concerns they had while assisting their clients. She can be reached at: teri.mosher@gov.bc.ca or 604-660-3888; or Grant McKellar, Assistant Director at grant.mckellar@gov.bc.ca or 604-660-3888.

2.17 Legal Aid/Family Court

In some communities there are no lawyers taking Legal Aid cases, and women are forced to contact lawyers in other communities to get support. Often these lawyers will work with women on the phone but will not come to court. CBVAPs have been supporting women who are representing themselves in court. This is a huge, time-consuming piece of work that is not reflected in the CBVAP mandate. There are concerns that CBVAP work in this area will support the idea that funding for Legal Aid can be decreased.

In some communities family court cases have been adjourned because the judge is the same judge that presided over the criminal trial. Some workers report that duty counsel are trying to mediate between the two parties and some women do not feel they have any other option but to participate in mediation with an abusive ex-partner if they want legal help. In some cases judges are proceeding even if a woman does not have a lawyer or the lawyer does not show.

Recommendation 17

We continue to stress our recommendation to VSCPD of the need to increase the funding to CBVAPs to do this work. It needs to be recognized that this contributes to the continuum of victimization and the criminal and family justice systems cannot separate dealing with domestic violence and child abuse issues.

2.18 Offender Accountability

When bail conditions are varied, proceedings are often stayed, and the offender is never required to be accountable or to change his behaviour. There is a serious lack of counselling available for non-court mandated men. Some men may want to go to counselling but are not able to afford it. Workers are concerned that most offenders are never exposed to any information about abuse or the impact of abuse.

Recommendation 18

We recommend that VSCPD work with Corrections branch to increase resources for offender accountability.

2.19 Diversion from the Criminal Justice System

CBVAP workers report that assault charges are being settled with peace bonds. There seems to be pressure to keep cases out of court, with Crown at times suggesting to women that they do not want to go ahead with the trial. Workers find that Crown tend to be very overworked and under pressure to find the quickest and easiest solution.

One CBVAP has done its own fundraising to enable clients to travel to meet with the Crown in advance so that they can have adequate preparation time.

Recommendation 19

These are chronic concerns and have been reported by workers over the years. In 2006, we recommended that VSCPD collaborate with us to do a full review of the status of the VAWIR cases sent for alternative measures, which contradicts the VAWIR policy. We urge the VSCPD to revisit the comprehensive recommendations that we have made over the recent years, as not prosecuting the cases continues to undermine and compromise the safety of women and sends a wrong message to communities about tolerance to violence against women and children. The Association also commits to bringing the issue to the attention of the CCWS Provincial Working group.

2.20 Safety Issues Overall and in Rural Communities

Workers reported overall safety issues and some that are particular to rural communities. Issues raised on these conference calls include:

- Violent spouses threatening workers
- Violent spouses breaching agency reception desks and aggressing towards workers in their offices
- Little anonymity in smaller communities, workers being threatened at home or being followed
- Limited number of police officers, leading to long wait times for victims of violence. In one community there are no police on duty between 2:00 AM and 4:00 AM, and officers are dispatched from the nearest urban centre.
- Lack of space in courthouses, so there is no safe area for witnesses to wait.

Recommendation 20

The Association recommends that the Ministry support workers to maintain their safety at the workplace. We recommend that the Ministry consider such measures as:

- Training for workers in recognizing the effects of mental health issues and substance use and training in differentiating between unusual behaviour and behaviour that actually might endanger worker safety
- Training for workers in identifying and de-escalating potentially violent situations
- Providing cell phones for all workers
- Encouraging all agencies to develop worker safety protocol for staff members working alone or with high risk clients
- Developing measures for providing an extra worker or RCMP/police accompaniment in situations where there are particular safety concerns
- Providing funding for the BCASVACP to develop a guide for employers to help them develop policy guidelines to protect workers.

2.21 Non-collaboration by Crown

In some communities, Crown counsel refuses to share any information with CBVAP workers, including for example, information about the sentencing of the offender.

Recommendation 21

We continue to reiterate our recommendation to VSCPD for CBVAPs to have access to JUSTIN and thus suggest that CBVAPs be designated as statutory programs under the VOCA legislation. In the meantime, we encourage programs to call the Victim Safety Unit at 1-877-315-8822 for more information about registering for victim notification and access to court-related information. The Victim Safety Unit provides court update information to registrants as it relates to the custody status of offenders.

2.22 Worker Safety

Many workers expressed concerns about their safety when providing services to clients with extremely dangerous ex-partners or when providing transportation to clients with addictions or mental health issues. Workers also have concerns for their safety when attending clients' homes.

Recommendation 22

The Association recommends that the Ministry support workers to maintain their safety at the workplace. We recommend that the Ministry consider such measures as:

- Training for workers in recognizing the effects of mental health issues and substance use and training in differentiating between unusual behaviour and behaviour that actually might endanger worker safety
- Training for workers in identifying and de-escalating potentially violent situations
- Providing cell phones for all workers
- Encouraging all agencies with CBVA programs to develop worker safety protocol for staff members working alone or with high risk clients
- Developing measures for providing an extra worker or RCMP/police accompaniment in situations where there are particular safety concerns
- Providing funding for the BCASVACP to develop a guide for employers to help them develop policy guidelines to protect workers.

PART 3. CONCLUSION

The Association acknowledges the dedication and commitment of CBVAP workers and continues to express our admiration for their contribution to the tireless work they do. We honor their continued efforts and determination to work well and creatively within the time and funding limits of their programs. They remain committed to learn and understand the issues and concerns they face in providing support to survivors of violence.

Workers expressed appreciation for the work of the BCASVACP. Workers have asked for even more from us in the areas of training, policy development, information and resource exchange, and organized networks with regular opportunity to meet with peers. The Association remains committed to jointly solving problems and offering solutions in working together with the programs across BC and with other provincial organizations and government.