



You have a right to a safe workplace

Work is a big part of most people's lives. We spend about one-third of our waking lives at work, and spend time getting ready to go to work, travelling to and from work, talking about it, worrying about it . . . That's a big deal even when things are going well, but if things start to go badly, it can feel like your whole life's gone wrong. Fortunately, the law provides some protection.

It's implied in an employment contract that an employer will give employees a safe, healthy work environment. This is an obligation that every employer has to meet — they have a duty to make sure you enjoy a workplace free of bullying and harassment. It's part of occupational health and safety law that all workplaces have a bullying and harassment policy, and that includes the justice sector (correctional workers, sheriffs, lawyers, judges, etc.).



What is sexual harassment?

Bullying and harassment are broad terms that include inappropriate conduct or comments toward a worker that were known (or should reasonably have been known) to cause them to feel humiliated or intimidated. Sexual harassment is part of this.

It can mean unwanted sexual comments, jokes, behaviour, and touching. More examples are threats, violence, and stalking. Sometimes it takes a while to realize just what's happening.

Anyone can face unwanted sexual attention — women, men, or non-binary people, and people who identify as two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual, or pansexual. In fact, treating others differently because of their gender identity or expression can be a form of sexual harassment if it made the person feel humiliated or intimidated.

How often does it happen?

A Statistics Canada report stated that in 2020, one in four women and one in six men said they experienced inappropriate sexualized behaviour at work in the last year. It also noted that as many as 47% of women experienced sexual harassment in male-dominated industries, where sexual harassment is more common but often goes unreported.

Your legal options

While you can't protect yourself against every possible situation, there are several things you can do:

- You can refuse unsafe work.
- You can make a complaint through your employer's bullying and harassment policy.
- You can file a complaint with WorkSafeBC.
- You can apply for workers' compensation.
- You can file a human rights complaint.
- If you experience threats, violence, or stalking, you can make a police report.

You don't have to go through this alone

If you don't feel like you can handle this situation alone, think about getting help from a professional who is trained to provide emotional support — for example, crisis support or a mental health professional. This service may be free through your extended health benefits or the First Nations Health Authority. You'll find more options at bcacc.ca and counsellingbc.com. Even if you were "just" a witness, you may still need this kind of help.

Look up your company policy

If you were sexually harassed in the workplace (or harassed by a co-worker away from the workplace), your first step will likely be to look up the bullying and harassment policy at work. WorkSafeBC requires every workplace to have one. It should tell you what steps to follow, such as who to report to, what to report, and what to expect the employer to do with your report — like start an investigation. If you belong to a union, talk to your union rep.



Talk to a lawyer

When you're ready to deal with your legal options, you may want to talk to a lawyer. Many labour and employment lawyers offer a one-hour **consult**, where they can give you a sense of what legal options you have based on your specific situation, and whether you need to have a lawyer to pursue them. If you can't afford to pay for a consult, look for a pro bono (free) lawyer or advocate.

File a complaint with WorkSafeBC

If your workplace doesn't have a policy, or if for some reason you can't follow the policy (for example, the person you're supposed to report the harassment to is the person you're reporting), you can file a complaint with WorkSafeBC. They're responsible for ensuring workplace health and safety in BC.

What can a complaint to WorkSafeBC get you? They may work with the employer to resolve the situation or investigate on their own.

WorkSafeBC (worksafebc.com)

Prevention Information Line:

604-276-3100 (Greater Vancouver)

1-888-621-7233 (elsewhere in BC)

Apply for workers' compensation

WorkSafeBC also oversees the workers' compensation system. If the sexual harassment caused an injury or illness (physical or mental, including anxiety and depression) or made an injury or illness worse, you can apply for workers' compensation. You have up to one year after the sexual harassment to apply.

What can workers' compensation get you? Compensation for lost income, or healthcare and rehabilitation services.

File a human rights complaint

You may also choose to file a **human rights complaint**. Anyone who has experienced workplace discrimination on the basis of sex, sexual orientation, gender identity, or gender expression can do this. You can file a complaint whether or not you're still in your job, as long as it's **within one year** of the most recent discriminatory act. Your complaint would go to the BC Human Rights Tribunal (most often), or to the Canadian Human Rights Commission if your workplace is federally regulated, like banking or airline industries or some jobs in a First Nations band council.

The Tribunal is aware that because of colonialism and other factors, Indigenous people in Canada struggle with human rights issues differently than most Canadians. It's working to incorporate more inclusive, traditional ways of dealing with Indigenous complaints, which starts with you self-identifying as Indigenous when you fill in the complaint form.

What can a human rights complaint get you? Compensation for lost income or for injury to dignity, or non-financial remedies like an apology.

BC Human Rights Clinic (bchrc.net) for help with filing a complaint:

604-622-1100 (Greater Vancouver)
1-855-685-6222 (elsewhere in BC)

Taking a break from work

In some cases, sexual harassment can lead you to take time off work. This is often a good opportunity to chat with a lawyer about your options and what you may be entitled to.

If you've lost income

If you've lost income because you were sexually harassed, you may want to file a complaint with the Employment Standards Branch. You have **six months** from when the sexual harassment happened to do this. Or if you leave your job after you've been sexually harassed, you have **six months** from your last day of work. If your field is federally regulated (like banking or the airlines), you have to file your complaint with the Labour Program through Employment and Social Development Canada — but you only have **90 days** to complain.

What can a complaint to Employment Standards or the Labour Program get you? Payment of outstanding wages, vacation pay, or overtime. The Labour Program may even have the power to reinstate you to your job.

If you're in a union

If you're in a union, you can file a grievance based on what's set out in your collective agreement. Depending on your situation, you may be entitled to compensation for lost income or injury to dignity, or reinstatement to your job. Your union rep will help you navigate the grievance process.

Leaving your job permanently

Sometimes employers deal with sexual harassment complaints really well. You feel safe, heard, respected, and satisfied by the steps they take to resolve the situation. Sometimes, though, even when you take all the protective steps possible, you still don't feel safe going back to work. If you feel like you have to quit your job, talk to a lawyer first (if you can). Even if you choose to leave, you may still be able to get a severance package or EI benefits to help you move into a new job.



You should feel safe at work — free from bullying, harassment, and unwanted sexual attention. And if you don't, always know that you have options.



SHARP Workplaces

Sexual Harassment Advice, Response, and Prevention for Workplaces

clasbc.net/sharpworkplaces
604-673-3143 (Greater Vancouver)
1-888-685-6222 (elsewhere in BC)

The legal clinic offers up to five hours of free confidential legal advice.

Lawyer Referral Service

accessprobono.ca/our-programs/lawyer-referral-service

604-687-3221 (Greater Vancouver)
1-800-663-1919 (elsewhere in BC)

You can make an appointment to meet with a lawyer for 30 minutes for free.

Access Pro Bono Summary Advice Program

accessprobono.ca/our-programs/summary-advice-program

604-878-7400 (Greater Vancouver)
1-877-762-6664 (elsewhere in BC)

Pro bono (free) legal services to people with low and modest income. You can make an appointment to meet with a lawyer for 30 minutes. Clinics are located throughout BC.

UBC Indigenous Community Legal Clinic

allard.ubc.ca/community-clinics/indigenous-community-legal-clinic/information-clients

604-822-1311 (Greater Vancouver)
1-888-684-7874 (elsewhere in BC)

UBC law students give free legal services to Indigenous people in Vancouver who qualify.

University of Victoria — The Law Centre

thelawcentre.ca
250-385-1221 (Greater Victoria)

Legal advice, assistance, and representation for those who can't afford a lawyer.

Thompson Rivers University Community Legal Clinic

tru.ca/law/students/outreach/Legal_Clinic.html
778-471-8490 (Kamloops)

Free legal clinic in the BC Interior run by law students.

Sexual Harassment in the Workplace

For justice sector employees



NATIVE COURTWORKER
AND COUNSELLING ASSOCIATION OF BRITISH COLUMBIA

Get more help