

Workplace Sexual Harassment:

What are my rights as a worker?



You have the right to:

- Be free of unwanted sexual comments, behaviour and touching.
- Be treated equally regardless of sexual orientation, gender identity or gender expression.
- Be free of threats, violence and stalking.
- Refuse unsafe work, including within a sexualized

As a worker, you also have responsibilities including:

- Not engage in unwanted sexual comments, behavior or touching, threats, violence or stalking.
- If you experience harassment or bullying, or see it happening, report it to your employer.
- Follow employer procedures.

Can my employer punish me for filing a complaint?

Both human rights law and workers' compensation law prohibit employers from punishing people for making a complaint. If your employer punishes you for making a complaint, you may have the right to further remedies from the Human Rights Tribunal, the Canadian Human Rights Commission or the Workers' Compensation Board.

What can I do if I am being sexually harassed?

You can:

- Keep your own records of every incident: times, places, people.
- Go to your doctor if you are experiencing mental or physical health problems.
- Tell your boss or supervisor, if it is safe to do so.
- File a police report if you are being threatened, stalked, touched or assaulted.
- File a human rights complaint with the BC Human Rights Tribunal (within one year of the last incident of harassment).
- Apply for compensation WorkSafeBC if you have been injured or missed work.
- Make a health and safety complaint to the Workers' Compensation Board.
- Contact SHARP Workplaces Legal Clinic to access up to five hours of free legal advice and learn more about legal options for addressing workplace sexual harassment.

What are the BC Human Rights Tribunal and Canadian Human Rights Commission?

These are independent decision-making bodies that can assist people who have experienced discrimination, including workplace sexual harassment.

The BC Human Rights Tribunal covers many employers in BC while the Canadian Human Rights Commission covers employers that are federally regulated, including some on-reserve and other Indigenous-connected employers. It is important to know whether your employer is provincially or federally regulated at the BC Human Rights Tribunal, and at the Canadian Human Rights Commission. You can use this search tool to determine whether your employer is provincial or federal:

<https://www.canada.ca/en/services/jobs/workplace/federally-regulated-industries.html>

A Human Rights Tribunal can:

- Receive complaints about workplace sexual harassment.
- Offer mediation (an informal process for the parties to find a solution together with the help of a mediator).
- Hold a hearing (a formal process with evidence and witnesses, where a decision-maker makes a final decision).
- Make decisions on whether or not something is discrimination.
- Give orders against employers, including compensation for lost wages, compensation for injury to dignity or pain and suffering, or policy changes.



What are the BC Human Rights Tribunal and Canadian Human Rights Commission?

What is WorkSafeBC?

WorkSafeBC is also known as the Workers' Compensation Board. It is an independent statutory agency that deals with workplace injuries and workplace safety. It can:

- Conduct investigations and make orders to employers if there is a health or safety problem in the workplace, including sexual harassment.
- Make decisions about whether or not an injury or illness is work-related.
- Give compensation for lost work time.
- Give compensation for temporary or permanent injuries and illnesses.

What are remedies?

Remedies are solutions that tribunals and other decision-makers can offer after they make a decision on a legal issue. They legally are binding. For example, if your employer is ordered to pay compensation, they must pay it. Remedies can include financial compensation as well as orders to reinstate (hire back) a worker, or for the employer to improve their policies. Different remedies are available from different tribunals and decision-makers.



Other legal options

You may have other legal options beyond what is covered in this fact sheet.

To find out more about your options, please visit us online or contact the SHARP Workplaces Legal Advice Clinic:

T 604-673- 3143 or

1-888-685-6222

E SHARPWorkplaces@clasbc.net.

W CLASbc.net.

This is a free and confidential legal service.