

## BRITISH COLUMBIA EMPLOYMENT STANDARDS: WORKPLACE SEXUAL HARASSMENT OVERVIEW

---

### Who can make an Employment Standards claim?

Most **non-unionized** workers in British Columbia can make a claim with the Employment Standards Branch if they have issues with unpaid wages, overtime, breaks and leave. It does not address workplace sexual harassment directly but can help when these issues come up in workplace sexual harassment cases.

### What are the possible solutions (remedies) available through Employment Standards?

You can ask for money from your employer if the employer did not pay your wages properly, including overtime pay, statutory holiday pay, and pay for breaks (going back 12 months from the date of your complaint). If your job was terminated or if you were forced to leave due to sexual harassment, you may be entitled to payment for “length of service” as well. In some cases, you can also seek reinstatement to your job.

If your job was terminated, you may be able to make a court claim for a higher amount than what you can claim through Employment Standards. **You should get legal advice right away.**

### When do I need to start a claim?

You need to start a claim with the Employment Standards Branch within **6 months minus 1 day** of the last day you worked. If you still work for the employer, you need to start your claim in **6 months minus 1 day** of the incident that caused the dispute.

### How do I start a claim?

You will need to use a form called Employment Standards Branch Complaint Form. You can find it here: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/complaint-process>

### Further information and free legal advice

Detailed process guides on BC Employment Standards and other topics are available at: [Stand Informed Resources](#).

**You can get free legal advice at:**

**Access Pro Bono:** This program provides free summary advice (15 minutes) from a lawyer, as well as several other legal assistance programs. Call: 604-878-7400 or 1-877-762-6664; Email: [appointments@accessprobono.ca](mailto:appointments@accessprobono.ca); Website: <http://accessprobono.ca>

**Law Students’ Legal Advice Program (LSLAP):** This program provides free legal advice and representation (by supervised law students) in the Lower Mainland for low-income people at all stages of the Employment Standards process. Call: 604-822-5791; Website: <https://www.lslap.bc.ca>

**University of Victoria - The Law Centre:** This program provides free legal advice and representation (by supervised UVic law students) in Victoria, BC. Call: 250-385-1221; Email: [reception@thelawcentre.ca](mailto:reception@thelawcentre.ca); Website: <https://www.uvic.ca/law/about/centre/services/humanrightsclinic.php>

**Find an Advocate:** You can also **find advocates** across BC by using PovNet's "Find an Advocate" Tool, available online: <https://www.povnet.org/find-an-advocate>.