

FEDERAL LABOUR STANDARDS – WORKPLACE SEXUAL HARASSMENT COMPLAINTS OVERVIEW (NON-UNIONIZED WORKERS)

Who can make a Federal Labour Standards complaint?

This guide is for **non-unionized workers** who have experienced **workplace sexual harassment** and have a **federally regulated employer** (like banks, airlines and Indigenous band councils (and sometimes other Indigenous community services)). Most employers are **not** federally regulated.

To understand if you work for a federally regulated employer, you can look here:

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

What is workplace sexual harassment?

Sexual harassment is included in [Part II](#) of the *Canada Labour Code*:

It is "any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee."

What are the possible solutions (remedies) available through the Federal Labour Program?

If you make a complaint, your employer is required to mediate and investigate the complaint within certain timelines. If they do not, you can [register an occupational health and safety complaint](#) to the Labour Program. This program does not provide monetary compensation (but see other guides).

How do I start a complaint?

First, you must make a complaint to your employer. Make your complaint in writing if you can.

Your employer has to follow certain steps, including mediation and investigation (if you request it).

More information is available here:

<https://www.canada.ca/en/employment-social-development/programs/workplace-health-safety/harassment-violence-prevention/complaints/resolve.html>

If your employer does not follow those steps, you can **register your complaint** with the Labour Program:

<https://catalogue.servicecanada.gc.ca/content/EForms/en/Detail.html?Form=LAB1060>

When do I need to start a claim?

Make your complaint **as soon as possible**. If your job ended, you have up to **three months** from the end of your job to make your complaint. If your claim is later than this, get legal advice right away (see below).

What if I am punished for filing a complaint?

Under the *Canada Labour Code*, the employer is not allowed to punish you for filing a complaint. This is called **reprisal**. If you are punished, you can file a **reprisal complaint** with the [Canada Industrial Relations Board](#) (CIRB).

The forms for filing a reprisal complaint can be found here under “Occupational Health and Safety” at <https://www.cirb-ccri.gc.ca/en/resources/section-147-reprisal-complaint-canada>.

More information on CIRB [Health and Safety – Reprisal Complaints](https://www.cirb-ccri.gc.ca/en/about-appeals-applications-complaints/health-safety-reprisal-complaints) can be found here: <https://www.cirb-ccri.gc.ca/en/about-appeals-applications-complaints/health-safety-reprisal-complaints>.

Further information and free legal advice

Detailed process guides on Federal Labour 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 from a lawyer, as well as several other legal assistance programs. Call: 604-878-7400 or 1-877-762-6664; Email: appointments@accessprobono.ca; Website: <https://accessprobono.ca>

Law Students’ Legal Advice Program (LSLAP): This program provides free legal advice and representation (by supervised law students) in the Lower Mainland. Call: 604-822-5791; Website: <https://www.lslap.bc.ca>

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