



## CIVIL COURT CLAIMS FOR WORKPLACE SEXUAL HARASSMENT: OVERVIEW

### What is civil court?

“Civil” court means going to (non-criminal) court to get compensation (money) if you have been harmed.

### Who can make a civil court claim?

If you have experienced **sexual harassment** at work, you can make a claim in civil court in these situations:

- **Wrongful dismissal:** If you were laid off or fired without good reason, and without enough notice.
- **Constructive dismissal:** If you had to leave your job due to sexual harassment.
- **Constructive dismissal:** If your employer changed important conditions of your work (like hours or pay).
- **Privacy Act or Personal Information Protection Act claim:** If someone shared personal photos or information about you without consent or conducted unlawful surveillance or eavesdropping.
- **Breach of Fiduciary Duty:** If you were highly vulnerable to your employer (such as being a live-in worker or a migrant worker), and your employer abused their power over you.

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

Usually, you need to start a claim **within 2 years of the date you became aware of the harm or the breach of contract by your employer**. This time limit is called a **limitation period**.

### Three different places to start a claim

Depending on the amount of compensation (remedy), you can start your claim at one of the three places below:

- Civil Resolution Tribunal for claims under \$5000;
- British Columbia Small Claims Court for claims between \$5000 and \$35,000; and
- British Columbia Supreme Court for claims over \$35,000.

### Claiming for workplace injuries

If you were injured at work, you may be unable to make a claim in court because you must use the WorkSafe BC claim process instead. This area of the law is complex and you should get legal advice.

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## FURTHER INFORMATION AND FREE LEGAL ADVICE

Detailed process guides on Civil Claims and other topics are available at:

<https://clasbc.net/resources/resources-for-lawyers/resources-for-sharp-workplaces-lawyers/>

You can get free legal advice at:

### SHARP Workplaces Legal Advice Clinic, Community Legal Assistance Society

This program provides up to five hours of free legal advice to anyone who has experienced workplace sexual harassment in British Columbia.

☎ 604-673-3143 or 1-888-685-6222

@ [SHARPWorkplaces@clasbc.net](mailto:SHARPWorkplaces@clasbc.net)

🌐 <https://clasbc.net/sharpworkplaces>

### Access Pro Bono

This program provides free summary advice from a lawyer, as well as several other legal assistance programs.

☎ 604-878-7400 or 1-877-762-6664

@ [appointments@accessprobono.ca](mailto:appointments@accessprobono.ca)

🌐 <https://accessprobono.ca>

### Amici Curiae Program

This program provides free help with filling out court forms.

🌐 <https://www.legalformsbc.ca>

### Law Students' Legal Advice Program (LSLAP), University of British Columbia

This program provides free legal advice and representation (by supervised law students) in the Lower Mainland.

☎ 604-822-5791

🌐 <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 for civil court claims.

☎ 250-385-1221

@ [reception@thelawcentre.ca](mailto:reception@thelawcentre.ca)

🌐 <https://www.uvic.ca/law/about/centre/services/humanrightsclinic.php>

You can also **find advocates** across BC by using PovNet's "Find an Advocate" Tool, available online:

🌐 <https://www.povnet.org/find-an-advocate>

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