

Prohibited action complaints

Workers

If you are a worker who becomes aware of unsafe or unhealthy conditions at the workplace and report it to your employer, your union, or WorkSafeBC, you are raising a health or safety issue. If you do so, you are legally exercising a right or carrying out a duty under the *Workers Compensation Act*.

It is illegal for an employer or union to penalize you for raising a health or safety issue at work. If you experience negative actions from your employer or union after raising a health and safety concern, you can submit a prohibited action complaint.

What do prohibited actions include?

Prohibited action takes place when these three elements are present:

1. There was a health and safety concern or unsafe condition at your workplace.
2. You raised the issue with your employer, your union, or WorkSafeBC.
3. Because you raised the health and safety concern or unsafe condition:
 - Your employer took a negative action related to your employment, or
 - Your union took a negative action related to your union membership.

Examples of a negative action toward you by an employer are:

- You are dismissed, suspended, or laid off, or your job is eliminated.
- You are demoted or an opportunity for promotion is taken away.
- Your duties are transferred to someone else.
- You are sent to another worksite.

- Your wages are reduced or your working hours are changed.
- You are coerced or intimidated in some way.
- You are disciplined, reprimanded, or penalized in any way.

The workplace health and safety issue that you report includes any right or duty that is under WorkSafeBC's occupational health and safety jurisdiction.

What is a failure to pay wages?

If your employer has not paid you as required by the *Workers Compensation Act* or Occupational Health and Safety Regulation, you can file a failure to pay wages complaint.

This applies if you were not paid wages as required by OHS provisions, including for the following:

- Working as a member of the joint health and safety committee (e.g., time to attend meetings and educational leave)
- Accompanying a WorkSafeBC prevention officer on a safety inspection
- Being laid off as a result of WorkSafeBC issuing a stop-work order

How do I submit a complaint?

This is a summary of the prohibited action complaint process. To see more information, please visit [worksafebc.com/prohibitedaction](https://www.worksafebc.com/prohibitedaction).

1. You file a prohibited action complaint

If you think you have experienced prohibited action, you should complete a prohibited action complaint form. Your complaint **must** be in writing and submitted to WorkSafeBC's Prohibited Action Complaints team. See [worksafebc.com/prohibitedaction](https://www.worksafebc.com/prohibitedaction) for how to submit a complaint.

2. We refer your occupational health and safety issue to Prevention Services

After we receive your complaint, we will refer your occupational health and safety issue to Prevention Services as we cannot fix these issues. Prevention Services will look into the occupational health and safety concerns identified in the complaint.

3. Our Prohibited Action Complaints team reviews the complaint and may offer mediation

We will review your complaint of prohibited action to confirm it can proceed and may invite you and your employer to participate in voluntary mediation.

At this point, we will provide your employer with full details of your complaint and any subsequent material that was collected.

Both you and your employer are free to resolve a complaint at any time on your own. In some cases, our involvement can help you and your employer to resolve the issues. You are free to withdraw your complaint at any time. See worksafebc.com/prohibitedaction for information on how to withdraw a complaint.

4. We decide if prohibited action took place

If a mediated settlement can't be reached or if you or your employer decide not to mediate, one of our lawyers will, after weighing all of the submissions (arguments) and evidence provided by both parties, prepare a written decision as to whether a prohibited action occurred.

If we decide that prohibited action didn't take place, we will dismiss the complaint, in writing.

If we find that prohibited action took place, based on a full review of all the relevant information, we will typically require further submissions from you and your employer on what remedy to award you. The lawyer will make a decision on the remedy award, in writing, and issue your employer one or more formal orders to remedy the situation.

If your complaint involves a union, the same process applies.

Need advice?

Contact the **Workers' Advisers Office**, which provides advice on prohibited action complaints free of charge. A lawyer may also be able to assist.

Contact us

If you have any questions, please contact us:

- **Email**
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- **Mail**
Prohibited Action Complaints
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- **Phone**
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