

Bill 177: Stronger, Fairer Ontario Act (Budget Measures), 2017

On November 14th, 2017, the Ontario government introduced Bill 177, the Stronger, Fairer Ontario Act. This omnibus bill proposes to amend 45 separate statutes, including the *Occupational Health and Safety Act* (OHSA) and the *Workplace Safety and Insurance Act, 1997* (WSIA). The Ministry of Finance released a statement on **December 14th, 2017** announcing the bill has received **Royal Assent**.

What is Bill 177?

Included in Bill 177 (schedule 30) are a number of changes directed at the enforcement of the OHSA which come into effect on December 14th, 2017. A significant amendment is increases to the current maximum fines for convictions under OHSA from \$25,000 to \$100,000 for individuals, and from \$500,000 to \$1,500,000 for corporations. A surcharge of 25% is required under the Provincial Offences Act in addition to those fines.

Additionally, the Bill increases the limitation period for bringing a prosecution under the Act or the regulations. This would extend the limitation period to one year from the date the Ministry of Labour Inspector becomes aware of the alleged offence. Therefore, a charge can be issued even in a circumstance where if an inspector becomes aware of circumstances providing a foundation for an alleged OHS contravention even if it occurred more than one year ago, and even if it is before this historic legislative change was implemented.

Bill 177 provides authority for the Deputy Minister of the MOL to establish written directives for use by inspectors respecting the interpretation, administration and enforcement of the OHSA. Other amendments include a new specific duty for employers to notify the Ministry if the workplace JHSC has identified potential structural inadequacies of a workplace as a source of danger or hazard to workers. Section 51, 52, 53 of the OHSA have been amended to expand the circumstances in which a persons are required to report an incident or accident.

Bill 177 (schedule 45) includes further amendments to WSIA that will provide transitional rules for determining entitlement to benefits for mental stress claims that arose prior to January 1st, 2018. Workers or their survivor(s) who have not yet filed a claim in respect of a mental stress injury that took place between April 29th, 2014 and January 1st, 2018 will have until July 1st, 2018 to file a claim, which will be adjudicated under the provisions of the [Chronic Mental Stress Policy](#) outlined by WSIB. For mental stress claims that were already filed and are still pending, the WSIB will adjudicate the claim pursuant to the new provisions, regardless of the date on which the worker's mental stress occurred. Outside these transitional rules, workers cannot re-file mental stress claims that were already denied by the WSIB.

What could this mean for you?

Bill 177 presents legislative changes that will bare an immediate impact on all employers across Ontario. Bill 177 incorporates amendments that may require organizations to revise their policies and procedures to ensure compliance with the changes and new transitional rules made to the OHSA and WSIA. Those seeking to obtain more information or would like to increase their awareness about the various sections of the bill are encouraged to visit the Government of Ontario website (www.ontario.ca) or contact WSPS Customer care. We have a number of experts that can offer guidance on the various components of Bill 177.