

Legislative
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Bill 11

**An Act to amend the Occupational Health and Safety Act
to protect workers who speak out about workplace violence and harassment
and to require hospitals and long-term care homes
to publicly report on workplace violence and harassment**

Co-sponsors:

Ms F. Gélinas
Ms J. Andrew
Ms J. Bell
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Private Members' Bill

1st Reading August 23, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Occupational Health and Safety Act*.

The provisions of the Act protecting workers against reprisals are amended to include protections against reprisals against workers who speak out about workplace violence and workplace harassment. The amendments provide that a reprisal is any measure taken against a worker that adversely affects the worker's employment. Examples of reprisals are provided.

The provisions of the Act addressing violence and harassment against workers are amended to provide that an employer that is a hospital and an employer that is a long-term care home shall, at least once a month, publicly report on its website the number of incidents of workplace violence and workplace harassment that took place at the hospital or the long-term care home, as the case may be, during the immediately preceding month.

**An Act to amend the Occupational Health and Safety Act
to protect workers who speak out about workplace violence and harassment
and to require hospitals and long-term care homes
to publicly report on workplace violence and harassment**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 32.0.2 of the *Occupational Health and Safety Act* is amended by adding the following subsection:

Hospitals and long-term care homes, public reporting

(3) An employer that is a hospital and an employer that is a long-term care home shall, at least once a month, publicly report on its website the number of incidents of workplace violence that took place at the hospital or the long-term care home, as the case may be, during the immediately preceding month.

2 Section 32.0.6 of the Act is amended by adding the following subsection:

Hospitals and long-term care homes, public reporting

(3) An employer that is a hospital and an employer that is a long-term care home shall, at least once a month, publicly report on its website the number of incidents of workplace harassment that took place at the hospital or the long-term care home, as the case may be, during the immediately preceding month.

3 Subsection 50 (1) of the Act is repealed and the following substituted:

No discipline, dismissal or other forms of reprisal

- (1) No person, including an employer, shall take a reprisal against a worker because the worker, in good faith,
 - (a) acts or has acted in compliance with this Act or the regulations or an order made under this Act;
 - (b) seeks or has sought advice about a possible contravention of this Act or the regulations or the enforcement of this Act or the regulations;
 - (c) seeks or has sought the enforcement of this Act or the regulations;
 - (d) assists or has assisted with the activities of a joint health and safety committee or health and safety representative;
 - (e) seeks or has sought the establishment of a joint health and safety committee or the designation of a health and safety representative;
 - (f) performs or has performed the function of a joint health and safety committee member or occupational health and safety representative;
 - (g) refuses or has refused to perform an act or series of acts that the worker reasonably believes violate this Act or the regulations;
 - (h) gives or has given information to a joint health and safety committee, a member of the joint health and safety committee, a health and safety representative, a trade union, an inspector or any other person responsible for the administration of this Act or the regulations;
 - (i) makes a report of workplace violence or workplace harassment or a report of any other contravention of this Act or the regulations to an employer, supervisor, joint health and safety committee or member of a joint health and safety committee, health and safety representative, trade union or inspector;
 - (j) participates in a workplace violence or workplace harassment investigation or in any other health and safety investigation;
 - (k) is about to testify or has testified or otherwise given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*; or
 - (l) provides information to the public or makes a disclosure or complaint to the public about workplace violence, workplace harassment or any other possible contravention of this Act or the regulations.

Same

(1.1) For the purposes of subsection (1), a reprisal is any measure taken against a worker that adversely affects the worker's employment, and includes, without limiting the generality of the foregoing,

- (a) ending or threatening to end the worker's employment;
- (b) demoting, disciplining or suspending, or threatening to demote, discipline or suspend, a worker;
- (c) imposing or threatening to impose any penalty related to the worker's employment, including any penalty such as layoff, transfer, discontinuation or elimination of a job, change of a job location, reduction in wages or change in hours of work; or
- (d) intimidating or coercing a worker in relation to the worker's employment.

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Speaking Out About, and Reporting On, Workplace Violence and Harassment Act, 2022*.