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Bill 116

An Act to amend the Ministry of Correctional Services Act and the Correctional Services and Reintegration Act, 2018

Co-sponsors:

MPP K. Wong-Tam

Mrs. J. Stevens

Private Members' Bill

1st Reading May 7, 2026

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Ministry of Correctional Services Act* and the *Correctional Services and Reintegration Act, 2018*.

The *Ministry of Correctional Services Act* is amended to require the Minister to develop a plan to bring into force the Schedules to the *Correctional Services Transformation Act, 2018*.

Amendments to the *Correctional Services and Reintegration Act, 2018* include adding rules with respect to whistleblowing and providing the Inspector General with authority to compel managers of correctional services employees to provide certain information. The amendments also permit the Inspector General to make recommendations to the Minister with respect to certain matters and to require the Minister to make available on a website of the Government of Ontario information about persons who reside at residential correctional institutions.

**An Act to amend the Ministry of Correctional Services Act
and the Correctional Services and Reintegration Act, 2018**

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

MINISTRY OF CORRECTIONAL SERVICES ACT

1 The *Ministry of Correctional Services Act* is amended by adding the following section:

Plan re *Correctional Services Transformation Act, 2018*

4.1 (1) Within six months after the day section 1 of the *Safety and Accountability in Ontario Corrections Act, 2026* comes into force, the Minister shall develop a plan, which shall include timelines, to bring into force the Schedules of the *Correctional Services Transformation Act, 2018*.

Tabling

(2) The Minister shall table the plan in the Legislative Assembly within 30 days after it is developed.

CORRECTIONAL SERVICES AND REINTEGRATION ACT, 2018

2 The *Correctional Services and Reintegration Act, 2018* is amended by adding the following sections:

Whistle-blowing protection

Definition

35.1 (1) For the purposes of this section and section 35.2,

“prescribed official” means a person or entity prescribed for the purposes of this section.

Interpretation

(2) For the purposes of sections 35.2 to 35.4, a person or entity is a whistle-blower if,

- (a) the person or entity discloses to the prescribed official, in good faith, an alleged or intended contravention of an Act prescribed for the purposes of this section;
- (b) the person or entity requests that their identity as a whistle-blower be kept confidential; and
- (c) the prescribed official provides the person or entity with an assurance of confidentiality, subject to section 35.4.

No reprisals

35.2 (1) No person or entity shall take a reprisal against a whistle-blower, whether directly or indirectly, for making a disclosure described in clause 35.1 (2) (a), including, without limitation, a reprisal consisting of,

- (a) terminating or threatening to terminate the whistle-blower’s employment, contract, position or office;
- (b) demoting, disciplining or suspending, or threatening to demote, discipline or suspend, a whistle-blower from their employment, position or office;
- (c) imposing or threatening to impose a penalty, or withholding or threatening to withhold a benefit, related to the whistle-blower’s employment, contract, position or office;
- (d) intimidating or coercing a whistle-blower in relation to their employment, contract, position or office; or
- (e) otherwise detrimentally affecting the whistle-blower by any act or failure to act, regardless of whether the act or failure to act is related to the whistle-blower’s employment, contract, position or office, if any.

Prohibitions re agreements

(2) A provision in an agreement, including a confidentiality agreement, is void to the extent that it precludes or purports to preclude a person or entity from,

- (a) making a disclosure described in clause 35.1 (2) (a);

- (b) co-operating with a regulatory, civil or criminal investigation, examination or inspection in respect of a disclosure described in clause 35.1 (2) (a);
- (c) giving evidence in a proceeding in respect of a disclosure described in clause 35.1 (2) (a); or
- (d) providing information, documents or things to the prescribed official in respect of a disclosure described in clause 35.1 (2) (a).

Actions relating to reprisal

- (3) If a person or entity has taken a reprisal or is alleged to have taken a reprisal against a whistle-blower in contravention of subsection (1), without limiting the actions the whistle-blower may otherwise take, the whistle-blower may,
- (a) make a complaint to be dealt with by final and binding settlement by arbitration under a collective agreement or any other agreement which provides for such a resolution; or
 - (b) bring a civil proceeding in the Superior Court of Justice.

Burden of proof

- (4) In an arbitration or civil proceeding under subsection (3), the person or entity that is alleged to have contravened subsection (1) has the burden of proving that they did not take a reprisal against the whistle-blower.

Remedies

- (5) The arbitrator or court may, in addition to any other remedy, order one or more of the following:
1. Reinstatement of the whistle-blower to their employment, contract, position or office, with the same seniority status that the whistle-blower would have had if the reprisal had not been taken.
 2. Payment to the whistle-blower of two times the amount of compensation the whistle-blower would have been paid in connection with their employment, contract, position or office between the date of the reprisal and the date of the order if the reprisal had not taken place, with interest.
 3. Payment to the whistle-blower of compensation, in the amount the arbitrator or court considers just, having regard to the reprisal to which the complaint or proceeding relates and any loss attributable to it.

Same

- (6) For the purpose of paragraph 3 of subsection (5), loss attributable to a reprisal is deemed to include,
- (a) any expenses reasonably incurred by the whistle-blower as a result of the reprisal; and
 - (b) the loss of any benefit the whistle-blower might reasonably have expected to have had if not for the reprisal.

No civil liability

35.3 A whistle-blower is not liable in any civil proceeding for making a disclosure described in clause 35.1 (2) (a) or making a complaint or bringing a civil proceeding under subsection 35.2 (3).

Confidentiality re whistle-blowers

35.4 (1) The prescribed official shall keep confidential and shall not disclose the identity of a whistle-blower or any information or record that may reasonably be expected to reveal the identity of a whistle-blower.

Exception

- (2) Despite subsection (1), the prescribed official may disclose a whistle-blower's identity if,
- (a) the whistle-blower consents to the disclosure; or
 - (b) the disclosure is made to a law enforcement agency because the prescribed official has reasonable grounds to believe that the whistle-blower has committed an offence under the *Criminal Code* (Canada) or under a prescribed Act that is related to the whistle-blower's disclosure under clause 35.1 (2) (a).

Confidentiality in proceedings

(3) A court presiding over a proceeding in respect of an offence under section 35.6 shall keep confidential and shall not disclose the identity of a whistle-blower or any information that may reasonably be expected to reveal the identity of a whistle-blower unless the court determines that the disclosure is necessary to show that a person did not commit the offence with which they are charged.

Protection against further disclosure

(4) A person or entity to whom the identity of a whistle-blower, or any information that may reasonably be expected to reveal the identity of a whistle-blower, has been disclosed shall not disclose the identity or the information to any other person or entity.

Compellable witness

(5) Despite anything else in this section and subject to written approval by the prescribed official, a whistle-blower is a compellable witness.

Protection against examination re identity, etc.

(6) No witness in a proceeding under a prescribed Act may be examined respecting the witness's knowledge or belief about the existence or identity of a whistle-blower.

Examinations, investigations and inquiries

35.5 The prescribed official or a person designated by the prescribed official may conduct examinations or investigations and make inquiries for the purpose of enforcing subsection 35.2 (1) and any such examinations or investigations shall be done in accordance with the regulations.

Offence — reprisal

35.6 (1) A person who contravenes subsection 35.2 (1) is guilty of an offence.

Penalty

(2) Every individual convicted of an offence under subsection (1) is liable to a fine of the prescribed amount.

Limitation

(3) No proceeding under this section shall be commenced more than two years after the day the prescribed official became aware of the facts upon which the proceeding is based.

3 Section 124 of the Act is amended by adding the following subsections:**Inspector General's power to compel information from managers**

(4) The Inspector General may request or compel managers of correctional services employees to provide information with respect to,

- (a) how correctional institution management responds to requests made by correctional services employees for,
 - (i) funding for correctional services employees to access the services of mental health and medical professionals,
 - (ii) measures to improve correctional services employee recruitment, retention and compensation, and
 - (iii) funding for supplies, equipment, medical supplies, training and food which correctional services employees believe are necessary for improving safety at correctional institutions; and
- (b) work culture at the correctional institution, including information with respect to,
 - (i) how correctional institution management manages safety, threats and de-escalation,
 - (ii) procedures for reporting, documenting and addressing safety incidents and issues at the institution,
 - (iii) discipline of correctional services employees by correctional institution management,
 - (iv) staffing levels and workload levels for correctional services employees,
 - (v) supports available to correctional services employees for health, wellness and injury issues,
 - (vi) training and professional standards for correctional services employees,
 - (vii) procedures for reporting, documenting and addressing harassment, racism and discriminatory treatment of correctional services employees by correctional institution management, and
 - (viii) how correctional institution management responds when correctional services employees report issues to them.

Inspector General's power to compel information from members of the Executive Council

(5) The Inspector General may request or compel the Minister, the President of the Treasury Board, the Minister of Finance and such other members of the Executive Council as may be prescribed to provide information about how they and their staff respond to communications with respect to improving safety at correctional institutions from persons employed in the administration of this Act.

4 The Act is amended by adding the following sections:**Inspector General recommendations**

127.1 (1) The Inspector General may make recommendations to the Minister with respect to,

- (a) funding for supplies, equipment, medical supplies, training and food which the Inspector General believes are necessary for improving safety at correctional institutions;
- (b) staff resourcing at correctional institutions;

- (c) mental health and well-being of correctional services employees;
- (d) improving communications between ministries with respect to services and conditions at correctional institutions;
- (e) standards of care and rules of procedures to be implemented at correctional institutions; and
- (f) such other matters as the Inspector General considers relevant with respect to correctional institutions.

Tabling

(2) Within three months of receiving recommendations under subsection (1), the Minister shall table a summary of such recommendations in the Legislative Assembly.

Information re numbers at residential correctional institutions

127.2 The Inspector General may require the Ministry to make available, on a website of the Government of Ontario that is available to the public, information about the numbers of persons who reside at a residential correctional institution and may require that the information be updated at least every two months.

5 Subsection 156 (1) of the Act is amended by adding the following paragraph:

- 12.1 establishing and governing the rules and procedures, including rules and procedures with respect to witnesses, that govern examinations and investigations for the purposes of section 35.5;

COMMENCEMENT AND SHORT TITLE

Commencement

6 (1) Except as otherwise provided in this section, this Act comes into force on a day to be named by order of the Lieutenant Governor in Council.

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

7 The short title of this Act is the *Safety and Accountability in Ontario Corrections Act, 2026*.