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PUBLICATION

Employment Update: Bill 77 – Proposed OHSA Amendments Would Expand Reprisal Protections and Impose Healthcare Reporting Requirements

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Ontario employers, particularly those in the healthcare sector, should be aware of Bill 77, the *Speaking Out About, and Reporting On*, *Workplace Violence and Harassment Act, 2025*, a private members' bill that was recently reintroduced in the Ontario Legislature and passed first reading in late November 2025. The Bill proposes significant amendments to the *Occupational Health and Safety Act* ("*OHSA*") that would expand protections for workers who report workplace violence and harassment and impose new public reporting obligations on hospitals and long-term care homes.

If enacted, Bill 77 would come into force on the day it receives Royal Assent and would amend the *OHSA* in two notable ways.

Expanded Reprisal Protections

The Bill would repeal and replace subsection 50(1) of the *OHSA*, substantially broadening the scope of protected activities and clarifying what constitutes a prohibited reprisal. Under the proposed amendments, no person, including an employer, may take a reprisal against a worker who, in good faith, engages in any of the following activities:

- Acts in compliance with the *OHSA*, regulations, or orders made under the Act;
- Seeks advice about a possible contravention or enforcement of the *OHSA* or regulations;
- Seeks enforcement of the *OHSA* or regulations;
- Assists with the activities of a joint health and safety committee or health and safety representative;
- Seeks the establishment of a joint health and safety committee or designation of a health and safety representative;

- Performs functions as a joint health and safety committee member or occupational health and safety representative;
- Refuses to perform acts that the worker reasonably believes violate the *OHSA* or regulations;
- Provides information to a joint health and safety committee, health and safety representative, trade union, inspector, or other person responsible for administering the *OHSA*;
- Makes a report of workplace violence, workplace harassment, or any other contravention of the *OHSA* to an employer, supervisor, committee, representative, trade union, or inspector;
- Participates in a workplace violence, workplace harassment, or other health and safety investigation;
- Testifies or gives evidence in a proceeding related to *OHSA* enforcement or in an inquest under the *Coroners Act*; or
- 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 the *OHSA* or regulations.

Notably, Bill 77 would broaden the scope of who is prohibited from taking reprisals by providing that "no person, including an employer" may do so.

Definition of Reprisal

The Bill proposes a new subsection 50(1.1) to define what constitutes "reprisal" under the *OHSA*, significantly expanding on the current definition which prohibits employers or persons acting on their behalf from dismissing, disciplining, suspending, imposing penalties upon, or intimidating workers for engaging in protected activities.

The expanded definition would introduce additional examples of prohibited conduct, including:

- Ending or threatening to end the worker's employment;
- Demoting, disciplining, or suspending, or threatening to demote, discipline, or suspend, a worker;
- Imposing or threatening to impose any penalty related to employment, including layoff, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, or change in hours of work; and
- Intimidating or coercing a worker in relation to the worker's employment.

Public Reporting Requirements for Hospitals and Long-Term Care Homes

Bill 77 also proposes new public reporting obligations on hospitals and long-term care homes. These employers would be required to publicly report on their website, at least once a month, the number of incidents of workplace violence and workplace harassment that occurred at the facility during the immediately preceding month.

Implications for Employers

While private members' bills generally face a more challenging path to enactment than government bills, employers, and particularly hospitals and long-term care homes should monitor the progress of Bill 77 closely, paying specific attention to the public reporting obligations and the expanded definition of "reprisal".

For specifically tailored advice on workplace violence and harassment policies or *OHSA* compliance, please reach out to a member of the Blaney's Labour and Employment Group.

The information contained in this article is intended to provide information and comment, in a general fashion, about recent developments in the law and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.