

# Ontario's Bill 177 Brings Big Changes for Employer's Workplace Safety Obligations

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Close on the heels of [the sweeping changes brought about by Bill 148](#), the Ontario government has enacted another set of changes to Ontario's employment laws. Bill 177, the [Stronger, Fairer Ontario Act \(Budget Measures\), 2017](#), is omnibus legislation that affects a number of Ontario statutes, including the Occupational Health and Safety Act (OHSA), as well as transitional updates to the Workplace Safety and Insurance Act, 1997 (WSIA).

For convictions under the OHSA, Bill 177 increases the maximum fines for corporations, from \$500,000 per offence to \$1,500,000 and, for individuals, from \$25,000 per offence to \$100,000. While fines imposed by the courts for corporate offenders have generally fallen short of the maximum amount, one might speculate that, with these dramatic changes, courts will soon be assessing much higher fines for more serious or repeat violations.

Other changes to the OHSA include the following:

1. The limitations period for bringing a prosecution under OHSA will be increased to one year from the latter of "(a) the occurrence of the last act or default upon which the prosecution is based; or (b) the day upon which an inspector becomes aware of the alleged offence."
2. Employers will now be required to notify the Ministry of Labour if a health and safety representative or committee "has identified potential structural inadequacies of a workplace as a source of danger or hazard to workers."
3. Employers will have expanded accident and incident reporting obligations under section 53 of the Act.

In the previously-enacted Bill 127, the Ontario government amended the WSIA to entitle workers to compensation for chronic stress arising out of the worker's employment. The legislature passed this law following a series of decisions in which the Workplace Safety and Insurance Appeals Tribunal had declared that the mental stress provisions of the WSIA were unconstitutional.

However, Bill 127 amendments provided no transitional period prior to coming into force. Bill 177 now provides that workers who suffered a chronic mental stress injury between April 29, 2014, and

January 2, 2018, will have until July 1, 2018, to file a claim. Other transitional rules will include the application of the new legislative provisions to currently pending claims, as well as the referral of pending appeals back to the Workplace Safety and Insurance Board for a fresh determination.

These amendments will come into force on January 1, 2018.

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