

Attention Ontario Employers: There Is A New Guide To Recent And Upcoming Employment Law Changes



The Province of Ontario recently introduced a [guide](#) ("Guide") to help employers navigate recent and upcoming changes to the *Employment Standards Act, 2000* (the "ESA"). We have highlighted some of the key upcoming changes below along with other employment considerations, including mandatory disclosures to new employees, information in public job postings, and new types of statutory leave.

Information to New Hires

Starting July 1, 2025, employers with 25 or more employees will be required to provide each new employee (except assignment employees supplied by a temporary help agency) the following information:

- the legal name of the employer;
- any operating or business name if different from the employer's legal name;
- contact information for the employer, including address, telephone number, and one or more contact names;
- a general description of where it is anticipated that the employee will initially work;
- the employee's starting hourly or other wage rate, or commission, as applicable;
- the pay period and pay day; and
- a general description of the employee's initial anticipated hours of work.

This information must be provided in writing prior to the employee's first day of work or, if not practicable, then as soon as is reasonably possible after the employee's start date.

Neither the [Guide](#) nor the governing regulations expressly prescribe the form that the content must take. For the time being then, employers should consider providing detailed information directly to employees, which can be set out in the employment contracts presented to successful job candidates. Further, while there is no explicit requirement that employees sign a formal acknowledgement of receipt of this information, employers should consider retaining copies of the information provided to employees during their employment and for three years after employment ends.

Information in Job Postings

Starting January 1, 2026, employers with 25 or more employees must include the following information in publicly advertised job postings for positions in Ontario:

- the expected compensation or range of compensation. Ranges for annual compensation cannot exceed \$50,000. This disclosure requirement, however, does not apply to positions where either the annual compensation or upper end of the compensation range exceeds \$200,000;
- whether artificial intelligence will be used to screen, assess or select applicants for the position; and
- whether the position is for an existing vacancy or not.

In addition, employers will be prohibited from using any requirements related to Canadian experience in job postings or application forms. Employers will remain able to require business-tailored work experience, but such requirements must not be conditioned on the experience having been performed in Canada.

Where an applicant is interviewed (including remotely), they will have to be informed whether a hiring decision has been made or not for that position within 45 days following their last interview. Employers should update their candidate communication protocols accordingly.

Employers are required to retain copies of job postings and associated application forms, as well as communications to candidates on hiring decision status, for three years from the date public access to the posting is removed and three years from the date the hiring decision status update is sent to the applicant.

Employers should be aware of the potential issues arising from this new law, including the increased risk of discrimination claims resulting from biases inherent in the use of artificial intelligence in making hiring decisions. Ensuring a thorough understanding of how an artificial intelligence product handles data, conducting bias audits, maintaining human oversight and intervention, and obtaining candidate consent where required are some steps employers can take to reduce the likelihood that using artificial intelligence in hiring will result in liability.

Further, when advertising positions that are not vacant, this vacancy disclosure requirement may cause incumbent employees to conclude that they are at risk of being replaced. Employers should carefully manage their internal messaging to reduce the likelihood of employees becoming disgruntled as a result. They should likewise consider the messaging necessary to incumbent employees with compensation on the lower end of the posted range.

New Statutory Unpaid Leaves of Absence

A new unpaid statutory leave of absence will be added to the ESA for employees who have a child placed into their custody, care and control for the first time via adoption or surrogacy. The unpaid leave may begin up to six weeks before the expected date of the child's placement, with a total entitlement of 16 weeks per child. This leave will come into effect on a day yet to be proclaimed.

A second new unpaid leave of absence will be added to the ESA on June 19, 2025 for employees who will not be performing the duties of their position because of a serious medical condition and who have a supporting medical certificate from a qualified healthcare practitioner. The maximum entitlement to this long-term unpaid illness leave is 27 weeks in a 52-week period.

Employees must have 13 weeks of service to be eligible for either leave. For both leaves, employers are required to retain, or arrange for some other person to retain,

specified records that relate to an employee taking the leave for three years after the day on which the leave expired.

Employers should update their employee handbook and workplace policies to reflect these new leaves. Employer policies and employee arrangements that could be impacted include leave of absence, paid vacation, bonus, and termination of employment.

The published guide is not intended to be or to replace professional legal advice. Contact Mintz's Canadian Employment Practice if you require assistance complying with employment standards legislation across Canada.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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