Employers In Ontario: Be Aware Of Upcoming New Employer Requirements



Since March 2024, Ontario has passed three "Working for Workers" bills that introduce new requirements for employers. We previously provided an overview of changes in *the Working for Workers Four Act, 2024 Act* (the "*WFW4 Act*") (read the article here) and the *Working for Workers Five Act, 2024* (read that article here). Since then, Ontario has made further amendments through the *Working for Workers Six Act, 2024* ("*WFW6 Act*") that received royal assent on December 19, 2024, which introduced new regulations with additional employer requirements.

Many of these requirements and regulations will be in force in the next few months and therefore employers should be aware of and compliant with these new obligations by the effective dates.

EFFECTIVE JUNE 19, 2025

Long-Term Illness Leave

Effective June 19, 2025, the *WFW6 Act* introduces a new unpaid Long-Term Illness Leave to the *Employment Standards Act, 2000* ("ESA") that provides up to 27 weeks of unpaid leave in a 52-week period. Employees must have at least 13 consecutive weeks of service to be eligible for the leave.

An employee is entitled to Long-Term Illness Leave where:

- The employee will not be working because of a serious medical condition; and
- A qualified health practitioner issues a certificate that states that the employee:
  1. has a serious medical condition, and
  2. sets out the length of time the employee will not be performing the duties of their position because of the serious medical condition.

A "qualified health practitioner" means a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the employee, or otherwise prescribed by regulation.

A "serious health condition" is a concept that already exists under other leave entitlements in the ESA. According to the Ministry of Labour, Immigration, Training

and Skills Development ("MOL")Policy and Interpretation Manual, the MOL takes the position that it is the qualified health practitioner that determines whether an employee's medical condition is a "serious health condition". The requirement will be fulfilled where the qualified health practitioner issues a certificate stating that the employee's medical condition is a "serious health condition". A serious health condition will include a condition that is chronic and episodic.

Given Long-Term Illness Leave will be a statutory leave of absence under the ESA effective June 19, 2025, employees who qualify will thereafter be entitled to leave-related rights and protections under the ESA. Employers must therefore adjust their practices accordingly.

EFFECTIVE JULY 1, 2025

Employment Information

Pursuant to a new regulation, O. Reg. 477/24, made under the ESA, as of July 1, 2025, employers with 25 or more employees must provide employees with the following information prior to their first day of work or as soon thereafter as is reasonably possible:

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

EFFECTIVE JANUARY 1, 2026

Job Posting Information

Pursuant to the *WFW4 Act* and a new corresponding regulation, O. Reg. 476/24, made under the ESA, as of January 1, 2026, publicly advertised job postings by employers with 25 or more employees must include the following:

- Information about the expected compensation for the position or a range of expected compensation. Any range posted must not exceed $50,000. Compensation information is only required for positions where the expected compensation, or the top end of the range of compensation, is $200,000 annually or less.
- Whether artificial intelligence ("AI") is being used to screen, assess or select applicants for a position.
- Whether the posting is for an existing vacancy.

Additionally, an employer cannot include any requirement related to Canadian experience in a publicly available job posting or associated job application form.

The regulation defines "publicly advertised job posting as an "external job posting that an employer or person acting on behalf of an employer advertises to the general public in any manner". This does not include,

- A general recruitment campaign or help wanted sign that does not advertise a specific position.
- A posting for a position that is restricted to existing employees of the

employer.
- A posting for a position for which work is to be,
  - performed outside Ontario, or
  - performed outside Ontario and in Ontario and the work performed outside Ontario is not a continuation of work performed in Ontario.

Duty to Inform Interviewed Applicants

Additionally, employers who interview an applicant for a publicly advertised job posting must inform interviewees whether a hiring a decision has been made within 45 days after the date of the interview, or if the employer interviews the applicant more than once, within 45 days after the date of the last interview. The information may be provided in-person, in writing, or using technology.

Copies of job postings and applications as well as the post-interview information provided to applicants must be retained by the employer for three years.

Key Takeaways

Employers should make themselves aware of these new obligations and take the necessary steps, including consulting with their employment counsel, to ensure they are compliant with the requirements on or before the applicable effective dates.

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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