

Key “In Force” Dates Under Working For Workers Four Act, 2024 And Working For Workers Five Act, 2024 Now Proclaimed And Regulations Released



Both the [*Working for Workers Four Act, 2024*](#) and [*Working for Workers Five Act, 2024*](#) received Royal Assent earlier this year, with many of the key provisions to be proclaimed in force at a later date. This has now occurred and accompanying regulations have been enacted to provide additional obligations and, in some cases, clarify the application of the new provisions. In this *FTR Now*, we review the key amendments to the *Employment Standards Act, 2000*, *Occupational Health and Safety Act* and *Workplace Safety and Insurance Act, 1997* that are of particular interest to employers.

Employment Standards Act, 2000

Job-Posting Requirements

The amendments to the *Employment Standards Act, 2000* (ESA) that impose new requirements related to job postings will come into force on **January 1, 2026**. Significantly, pursuant to [*regulation*](#), the new job-posting provisions will apply only to an employer that employs **25 or more employees** on the day the publicly advertised job posting is posted.

These are the key provisions related to job postings:

- By regulation, the term “publicly advertised job posting” has been defined to mean “an external job posting that an employer or a person acting on behalf of an employer advertises to the general public in any manner.” However, it does **not** include:
 - a general recruitment campaign or “help wanted” sign that does not advertise a specific position
 - a posting restricted to existing employees of the employer
 - a posting for work that is to be performed outside of Ontario or outside and in Ontario where the work performed outside Ontario is not a continuation of work performed in Ontario (i.e., the work to be performed must fall within the scope of the ESA’s application)
- An employer must include information about the expected compensation (defined in

the regulations as “wages” as defined in the *ESA*) for a position, or range of expected compensation, in any publicly available job posting. Pursuant to regulation, if a range of compensation is posted, the range must not exceed more than \$50,000 annually. Further, the requirement to include compensation information will not apply to positions where the expected compensation, or the upper limit of the expected range of compensation, is more than \$200,000 in wages annually.

- An employer cannot include any requirement related to Canadian experience in a publicly available job posting or associated job application form.
- An employer must disclose in any publicly available job posting if it uses artificial intelligence to screen, assess or select applicants. “Artificial intelligence” is defined by regulation to mean “a machine-based system that, for explicit or implicit objectives, infers from the input it receives in order to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments.”
- Every publicly advertised job posting must include a statement on whether the posting is for an existing vacancy and any other information as may be prescribed. The regulations do not currently prescribe any additional information.
- An employer who interviews an applicant for a publicly advertised job posting must, within 45 days of an applicant’s interview or last interview if there are multiple interviews, advise the applicant of whether a hiring decision has been made in respect of the position. This information may be provided in person, in writing or by using technology. For the purpose of this new obligation, “interview” is defined as “a meeting in person or a meeting using technology, including but not limited to teleconference and videoconference technology, between an applicant who has applied to a publicly advertised job posting and an employer or a person acting on behalf of an employer where questions are asked and answers are given to assess the applicant’s suitability for the position, but does not include preliminary screening before the selection of applicants for such a meeting.”
- An employer must retain copies of every publicly advertised job posting and associated application form for three years after public access to the posting is removed and must retain a record of the information provided to applicants who have been interviewed for three years after it was provided to the applicant.

Employment Information

The initial [Working for Workers Act, 2023](#), granted the government the power to prescribe “information that must be provided to an employee or a prospective employee, in writing, and when the information must be provided.” [Regulations](#) have now been enacted to prescribe this information, and employers will need to carefully consider how to incorporate this information into employment agreements or other offers of employment.

These new provisions apply only to an employer that employs **25 or more employees** on the employee’s first day of work. Further, the provisions do not apply with respect to an assignment employee placed by a temporary help agency.

Effective **July 1, 2025**, an employer must provide an employee with the following information before the first day of work or, where that is not practicable, as soon thereafter as is reasonably possible:

- the legal name of the employer, as well as any operating or business name of the employer, if different
- contact information for the employer, including address, telephone number and

- one or more contact names
- a general description of where it is anticipated the employee will initially perform work
- the employee's starting hourly wage 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

Occupational Health and Safety Act

The following amendments are in force as of **July 1, 2025**:

- A constructor or employer is required to ensure that any washroom facilities provided for worker use are maintained in a clean and sanitary condition.
- The constructor or employer is also required to keep, maintain and make available records of the cleaning of washroom facilities. Pursuant to [regulation](#), effective **January 1, 2026**, cleaning records must be maintained that document the date and time of the two most recent cleanings for each washroom facility. These records may either be (1) physically posted in a conspicuous location near the washroom facilities, or (2) made available electronically, provided workers receive clear instructions on how and where to access this information.
- Under the current regulations, a constructor must maintain a record of the servicing, cleaning and sanitizing services of any toilet, urinal and clean-up facilities. By [regulation](#), effective **January 1, 2026** this record must also include the date of all services for the past six months or the duration of the project, whichever is shorter.

Workplace Safety and Insurance Act, 1997

The following amendment is in force as of **December 2, 2024**:

- Presumptive coverage for primary-site skin cancer is extended to prescribed firefighters and fire investigators, provided the worker had at least 10 years of service before being diagnosed.

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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