

# Key Legislative Changes For Ontario Employers To Know In 2025



In 2024, the Ontario legislature passed the *Working for Workers Five Act* and the *Working for Workers Six Act* that introduced amendments to the *Employment Standards Act, 2000* ("ESA") and the *Occupational Health and Safety Act* ("OHSA"), among other pieces of legislation. At the time of passage, the implementation dates for many of these amendments had yet to be announced. Now, several key changes are set to take effect in 2025, with additional measures scheduled for 2026.

Ontario Employers should be aware of these legislative updates, as they will impact virtually every workplace in the province. Compliance with the *ESA* will be more critical than ever, as fines for violations have doubled from \$50,000 to \$100,000.

## **Key Changes Enacted in 2024**

Several important amendments took effect in 2024:

- **Medical Notes for *ESA* employees:** a new prohibition on employers requiring employees to provide a certificate or medical note from a qualified health practitioner in support of that employee's *ESA* sick leave request.
- **Expanded Definition of Workplace Harassment:** the definition of workplace harassment and workplace sexual harassment in the *OHSA* were expanded to capture harassment that occurs "virtually through the use of information and communications technology".

## **Upcoming Changes in 2025**

- **Changes to the *OHSA*:** As of **July 1, 2025**, amendments to the *OHSA* will require employers to ensure that any washroom facility provided for use by workers are maintained in a clean and sanitary condition. The employer will be required to maintain cleaning records as prescribed by the *OHSA*.
- **New Job Protected Leaves:** The *ESA* currently contains several protected leaves that provide job protection to employees who take various leaves of absence from work. As of **June 19, 2025** employees in Ontario will be entitled to a new leave called Long-Term Illness Leave. Long-Term Illness Leave will allow an employee who is suffering a serious medical condition, and who has been continuously employed for at least 13 weeks, to have up to 27 weeks of unpaid leave. Specific requirements must be met to request this leave, and under certain conditions, it may be extended.

- **Information for New Hires:** Amendments to the *ESA* will require employers with 25 or more employees to provide certain information to new employees who commence their employment after **July 1, 2025**. This information includes complete contact information for the employer, expected work location and hours, compensation details, the pay period and pay day, and the legal name and operating/business name of the employer.

## **Changes In Effect in 2026**

There are several new rules surrounding the hiring process that will take effect on **January 1, 2026** that will impact job postings, job requirements, and job interviews.

- **Job Posting and Application Forms:** if an employer has 25 or more employees, they will have to follow new regulations with respect to their job postings and employment application forms. These new rules will require salary transparency, meaning the employer must disclose the expected salary of a position if the compensation is below \$200,000 a year. The salary can be expressed as a range, provided it does not exceed a \$50,000 spread.
- **Use of Artificial Intelligence:** As part of the new rules, under certain conditions, an employer will be required to disclose if they are using Artificial Intelligence to screen or assess job applicants. The employer will also be required to disclose if they are posting for a position that has an existing vacancy.
- **Prohibition on Requirements for Canadian Experience:** Job postings and related applications will be prohibited from requiring Canadian job experience.
- **Record Retention for Job Postings and Applications:** Where an employer has posted a publicly available job posting, they will be required to retain a copy of the job posting and related application form, as well as any information they provided to candidates. These records must be preserved for a period of three years.
- **Informing Interviewees of a Hiring Decision:** Employers who are interviewing candidates for a publicly available job position will now be required under the *ESA*, within 45 days of the last interview, to inform candidates on whether they made a hiring decision.

## **Take Aways for Employers**

Employers should be mindful of these legislative changes to ensure that they are acting in compliance with those changes, so as to not be subject to any increased fines from the Ministry of Labour.

As with any legislative changes, important details, exceptions and nuances will apply. As such, it is best to consult an employment lawyer to determine how these legislative changes may impact you.

*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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