

New Job Posting Requirements Coming For Employers In Ontario



The Government of Ontario recently passed the Working for Workers Four Act, 2024, which will amend the *Ontario Employment Standards Act, 2000* to place new and significant responsibilities on employers.

Job postings and recruitment

The most impactful amendment pertains to obligations regarding recruitment and job postings. Publicly advertised job postings will now be required to include:

- the expected compensation for the position or the range of expected compensation for the position; and
- disclosure of the use of artificial intelligence to screen, assess or select applicants.

Additionally, employers will be prohibited from including any requirements related to Canadian work experience on publicly advertised job postings or any associated application form.

The dates these amendments will come into effect has not yet been set by the Government of Ontario.

Other amendments to the ESA

In addition, effective March 21, 2024, the following amendments to the ESA went into effect:

- The definition of “employee” has been amended to include work performed during a trial period. Employees during a trial period will now be entitled to the minimum standards under the ESA such as minimum wages, hours of work, and vacation.
- Rules pertaining to deductions from wages have been clarified to expressly prohibit an employer making deductions from an employee’s wages in circumstances where a customer leaves without paying for goods or services consumed or received.

Effective June 21, 2024, the following amendments to the ESA will go into effect:

- The ESA will require tips and other gratuities must be paid by employers only by

cash, cheque payable only to the employee, or by direct deposit.

- Employers who use the practice of pooling or sharing employee tips where the employer or director or shareholder of the employer participates in the pooling/sharing will be required to have a written policy and post their tip policies regarding this practice in the workplace. A copy of the policy on tip sharing or pooling must be retained by the employer for three years after the policy ceases to be in effect.
- The vacation pay provision will be amended to clarify that a written agreement between an employee and employer is required to permit an employer to pay the employee's vacation pay on regular pay period, or at another time other than at the time of the employee's vacation.

Minimum wage

The Government of Ontario also recently announced separately that the province's minimum wage will be increased to \$17.20 per hour as of October 1, 2024. The minimum wage in Ontario is currently \$16.55 per hour.■

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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