

# New Regulations Regarding The Hiring Process: Key Dates And Information For Ontario Employers



Ontario has recently published regulations offering employers further details on the new amendments to the *Employment Standards Act, 2000* (ESA) related to the hiring process.

These changes were initially introduced under the *Working for Workers Four Act, 2024* (Bill 149) and the *Working for Workers Five Act, 2024* (Bill 190) as part of Ontario's "Working for Workers" legislation series, which received Royal Assent earlier this year. We previously discussed these changes in our updates, [More Legislative Changes on the Horizon for Ontario Employers](#) and [More Legislative Changes for Ontario Employers as Ontario's Working for Workers Five Act, 2024 Receives Royal Assent](#). The regulations are accessible [here](#) and [here](#).

In this post, we review the key requirements for provincially regulated Ontario employers related to the hiring process, including job postings and interviews.

## **Changes in Effect July 1, 2025**

### ***Duty to Provide Information to Employees***

Employers with 25 or more employees on the employee's first day of work must provide the following information in writing to employees before their first day of work or as soon after as reasonably possible:

- legal name of employer, plus any other operating or business name of the employer, if different from the legal name;
- contact information for the employer, including address, telephone number and one or more contact names;
- a general description of the employee's anticipated location and hours of work;
- the employee's starting hourly or other wage rate or commission, as applicable; and
- the pay period and pay day established by the employer in accordance with its obligations under the ESA.

## Changes in Effect January 1, 2026

### ***Publicly Advertised Job Posting Requirements***

Headcount Threshold: Employers with 25 or more employees on the day the publicly advertised job posting is posted must include certain information in the job posting, set out below.

“Publicly advertised job postings”: 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; or
- 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 (meaning the work to be performed must fall within the scope of the ESA’s application).

Requirements:

- **Pay Transparency:** Include the expected compensation or range of compensation for the position. For the purposes of job postings, “compensation” means “wages” as defined in the ESA (e.g., includes commissions and non-discretionary bonuses), which refers to any monetary remuneration payable by an employer to an employee under the terms of a written or oral employment contractor (express or implied), any payment required by the ESA to be made to an employee and any allowances for room or board.
  - **Ranges:** Where a range of compensation is posted, the range must not exceed more than \$50,000 annually.
  - **Exemption:** The obligation to post compensation information does not apply to positions that pay \$200,000 or more annually or that have a range of compensation with an expected upper limit equivalent to more than \$200,000 in wages annually.
- **Use of Artificial Intelligence:** Include a statement on whether the employer uses artificial intelligence to screen, assess or select applicants. “Artificial intelligence” means 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.
- **Vacancy:** Include a statement on whether the posting is for an existing vacancy.
- **Canadian Experience:** Omit any requirement related to Canadian experience. This requirement also applies to any associated application forms.

### ***Duty to Inform Candidates***

Where an employer conducts an interview with an applicant for a publicly advertised job posting, the employer 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 his new obligation, “interview” means 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.

### ***Document Retention Requirements***

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.

### **Key Takeaways for Ontario Employers**

While these new requirements do not come into effect for some time, Ontario employers should start to review and update their applicable workplace policies and procedures to ensure compliance with the ESA, including:

1. Review your offer letters and on-boarding documentation to determine if they include the information required to be disclosed to employees on hire, or whether these documents need to be updated prior to July 1, 2025.
2. Review your job posting templates to determine if they include the required information under the new regulations or whether they need to be updated prior to January 1, 2026.
3. Review your candidate feedback process to determine if it already includes a duty to inform unsuccessful candidates or whether the process needs to be updated prior to January 1, 2026.

*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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