

Ontario Government Launches Consultation On New Job Posting Rules Under The ESA



On August 21, 2024, the Ontario government [launched consultations](#) on the new Part III.1 (Job Postings) of the *Employment Standards Act, 2000 (ESA)*. This section was passed under Bill 149, *Working for Workers Four Act, 2024*, with further proposed amendments introduced in Bill 190, *Working for Workers Five Act, 2024*.

While not yet in force, Part III.1 of the *ESA* will establish rules to regulate “publicly advertised job postings” in several ways, including:

- disclosure of expected compensation or range of compensation
- prohibition on including Canadian experience requirements
- disclosure of the use of artificial intelligence (AI) in the application process
- disclosure of whether the posting is for an existing vacancy
- obligation to provide follow-up information to applicants who have been interviewed (content and timelines to be prescribed)

The first three rules were passed as part of Bill 149 but have yet to be proclaimed into force. For more information on the key amendments introduced by Bill 149, see our [FTR Now](#) of March 21, 2024.

The final two items were introduced in Bill 190, which is expected to be passed by the Legislature this fall. We discussed the proposed amendments introduced by Bill 190 in our [FTR Now](#) of May 7, 2024.

In its [Consultation Paper on Job Postings Rules in the *Employment Standards Act, 2000*](#), the government is seeking input from employers, employees and other stakeholders on the new rules prior to their implementation. Among the questions posed in the consultation paper are requests for input on:

- definitions of terms including “publicly advertised job posting” and “artificial intelligence”
- whether there should be an exemption from the rule mandating disclosure of compensation for higher-paid positions
- whether there should be an exemption for the pending vacancy rules for smaller employers
- what information should be provided following job interviews and the appropriate timelines

These new *ESA* provisions will have an impact on hiring practices in Ontario. Employers are encouraged to review the consultation paper to learn more about the government's proposed rules. **Responses to the consultation paper are due by Friday, September 20, 2024.**

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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