

ONTARIO EMPLOYERS: NEW JOB POSTING REQUIREMENTS COME INTO FORCE JANUARY 1, 2026

Posted on December 11, 2024

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In our [previous bulletin](#), we discussed the provisions of the *Working for Workers Five Act, 2024* that are now in force, amending the *Employment Standards Act, 2000* (“**ESA**”) and *Occupational Health & Safety Act* (“**OHSA**”). Employers should take note of the changes related to doctor’s notes, the expanded definition of workplace harassment, and health and safety obligations related to remote workers.

In this bulletin, we take a closer look at the new requirements for employers related to publicly advertised job postings, effective **January 1, 2026**, as well as the requirement to provide newly hired employees with specific employment information, effective **July 1, 2025**. Once in force, these requirements will apply to employers with 25 or more employees.

Job Posting Requirements – In force January 1, 2026

New ESA requirements for publicly advertised job postings were introduced through the *Working for Workers Four Act, 2024* and *Working for Workers Five Act, 2024*, and a recently published [regulation](#) provides important details regarding the scope of the new obligations.

A publicly advertised job posting is defined as an external job posting that an employer or a person acting on behalf of an employer advertises to the general public in any manner, but does not include:

- A general recruitment campaign that does not advertise a specific position;
- A general help wanted sign that does not advertise a specific position;
- A posting for a position that is restricted to existing employees of the employer; or
- A posting for which work is to be (i) performed outside Ontario or (ii) performed outside Ontario and in Ontario and the work performed outside Ontario is not a continuation of work performed in Ontario.

The following requirements apply to publicly advertised job postings:

- **Compensation range:** An employer must include information about the expected compensation or the range of expected compensation for the position in the job posting. If a range is provided, the difference between the top and bottom compensation rates must not exceed \$50,000 (e.g. \$70,000 to \$120,000).

Compensation for the purposes of the job posting includes what would be considered “wages” as defined in section 1 of the ESA.^[1] Employers will have to carefully consider what compensation could be excluded from the range (if they so desire).

This requirement does not apply where the job posting is for a position that has an expected annual compensation of more than \$200,000 or where the position has a range of compensation that ends at an amount of more than \$200,000.

- **Canadian experience:** An employer must not include any requirements related to Canadian experience in the posting or application form.
- **Artificial intelligence:** An employer who uses artificial intelligence to screen, assess or select applicants for the position must include a statement in the job posting disclosing the use of artificial intelligence.

Artificial intelligence is defined as 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.

- **Existing vacancy:** The job posting must include a statement disclosing whether the posting is for an existing vacancy or not.
- **Information after interview:** If an employer interviews an applicant for a position in a job posting, the employer must, within 45 days after the date of the last interview, inform the employee of whether a hiring decision has been made in respect of the job posting.
- **Record retention:** An employer must retain job postings and any associated application forms, as well as the information provided to applicants after an interview, for a period of three years.

Employment Information on Hiring – In force July 1, 2025

Pursuant to section 141(1) of the ESA (which was amended by the original *Workers for Workers Act, 2023*), a new [regulation](#) has been filed prescribing information that an employer must provide to newly hired employees, in writing. The information must be provided before an employee’s first day of work or as soon thereafter as reasonably possible.

The following information must be provided:

- The legal name of the employer, as well as any 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 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 pay period and pay day established by the employer; and
- A general description of the employee's initial anticipated hours of work.

The requirement to provide the above noted employment information does not apply to assignment employees. Most of the above should be covered off in a standard form offer letter.

Takeaways for Employers

Throughout 2025, employers should prepare for the new publicly advertised job posting requirements, including by evaluating whether artificial intelligence is used by the employer during the hiring process and by developing clear compensation ranges for common positions. Employers should consider developing a template publicly advertised job posting that includes placeholders for the required information.

Employers should also consider whether they currently provide newly hired employees with the prescribed employment information and, if not, how they will provide such information to new employees. Employers may consider including this information in an employee's employment agreement and should review their agreements at least annually to ensure that the agreements capture recent legal developments.

If you have questions about your obligations described in this bulletin, our [Employment & Labour Relations Group](#) would be pleased to discuss.

[1] *Employment Standards Act, 2000*, S.O. 2000, c. 41, s. 1(1) – “wages” means, (a) monetary remuneration payable by an employer to an employee under the terms of an employment contract, oral or written, express or implied, (b) any payment required to be made by an employer to an employee under this Act, and (c) any allowances for room or board under an employment contract or prescribed allowances, but does not include, (d) tips or other gratuities, (e) any sums paid as gifts or bonuses that are dependent on the discretion of the employer and that are not related to hours, production or efficiency, (f) expenses and travelling allowances, or (g) subject to subsections 60(3) or 62(2), employer contributions to a benefit plan and payments to which an employee is entitled from a benefits plan.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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