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# e2r Alert!

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## *Clarity on Upcoming Legislative Changes in Ontario*

### **ONTARIO ONLY:**

In our previous e2r Alerts, we communicated upcoming changes to the Ontario *Employment Standards Act, 2000* ("ESA") and the Ontario *Occupational Health and Safety Act* ("OHSA"). At that time, however, the Ministry of Labour had not provided a date for the changes to come into force nor had they provided answers to our many questions.

Until now...

### **New Hire Information Effective July 1, 2025**

*Bill 79 - Working for Workers Act, 2023* set out that employers were required to provide employees with information about their job. *Ontario Regulation 285/01* now includes the section *Rules re Employment Information* to provide employers with clarity on what information needs to be provided to new employees and when. Note this does not apply to an employee who is an assignment employee or to an employer that employs fewer than 25 employees on the employee's first day of work.

The required information includes:

1. The legal name of the employer, as well as any operating or business name of the employer if different from the legal name.
2. Contact information for the employer, including address, telephone number and one or more contact names.
3. A general description of where it is anticipated that the employee will initially perform work.
4. The employee's starting hourly or other wage rate or commission, as applicable.
5. The pay period and pay day established by the employer in accordance with subsection 11 (1) of the ESA.
6. A general description of the employee's initial anticipated hours of work.

This information must be provided to the employee in writing, before the employee's first day of work or, if it is not practicable for the employer to provide the information before that day, the employer must provide it as soon after that day as is reasonably possible.

## Recruitment

### Effective January 1, 2026

Ontario Regulation 476/24: RULES AND EXEMPTIONS RE JOB POSTINGS clarifies that PART III.1 JOB POSTINGS of the ESA does not apply to an employer that employs fewer than 25 employees on the day the publicly advertised job posting is posted.

Ontario employers are required to include the expected compensation or the range of expected compensation for the position in **publicly advertised job postings**. The Regulation clarifies this requirement does not apply if a publicly advertised job posting is for a position that has an expected compensation equivalent to more than \$200,000 annually or for a position that has a range of expected compensation that ends at an amount equivalent to more than \$200,000 annually. The Regulation also clarifies that the range of expected compensation cannot be greater than \$50,000.

**“Publicly advertised job posting”** means 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) a general recruitment campaign that does not advertise a specific position,
- (b) a general help wanted sign that does not advertise a specific position,
- (c) a posting for a position that is restricted to existing employees of the employer, or
- (d) a posting for a position 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.

Ontario employers are also required to disclose if **artificial intelligence** is used during their hiring process in the job posting.

**“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.

In addition, every employer who advertises a publicly advertised job posting shall include in the posting a statement disclosing whether the posting is for an existing vacancy or not and when an employer **interviews** an applicant for a publicly advertised position, the employer is required to provide certain prescribed information to the applicant in respect of the interview within a defined period of time. The Regulation clarifies that the employer has 45 days after the date of the interview or, if the employer interviews the applicant more than once for the publicly advertised job posting, within 45 days after the date of the last interview to advise the applicant whether a hiring decision has been made in respect of the publicly advertised job posting. The information can be provided in person, in writing or using technology.

**“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.

### **Washroom Facilities**

#### **Effective January 1, 2026**

The *Working For Workers Five Act, 2024* set out that employers/constructors will be required to ensure that washroom facilities provided for worker use are maintained in a clean and sanitary state and they will be required to keep a cleaning log/record in this regard.

Regulations have been published that set out the following details:

#### **Records**

An employer or constructor may satisfy the requirement to keep, maintain and make available records of the cleaning of washroom facilities by ensuring that:

- (a) the record is posted in a conspicuous place in or near the washroom facility to which the record pertains where it is likely to come to the attention of workers; or
- (b) the record is posted electronically where it can be accessed by workers, and workers are provided with direction on where and how to access the record.

A record of the cleaning of washroom facilities must include the date and time of the two most recent cleanings of the washroom facility.

In addition, constructors must keep at the project a record of the servicing of the facilities, including any associated cleaning and sanitizing, which must include the date of all services for the past six months or the duration of the project, whichever is shorter. Constructors must also keep a copy of the record for the duration of the project.

If you would like to discuss any of the above with regard to your business in greater detail, we recommend reaching out to speak to an e2r™ Advisor.