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PUBLICATION

Employment Update: Changes to Ontario Job Posting Requirements: What Employers Need to Know for 2026

Date: December 23, 2025

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As previewed in our December 2024 article addressing the then-anticipated job posting measures, beginning January 1, 2026 Ontario employers face significant new obligations affecting how jobs are advertised. These changes arise from the *Working for Workers* legislative package and related regulations under the *Employment Standards Act, 2000* and apply to employers with 25 or more employees. The updates are designed to promote pay transparency, fairness in hiring and clarity for applicants and new employees.

Scope

The new job posting obligations apply to a "publicly advertised job posting", defined as an external job posting that an employer (or a person acting on the employer's behalf) advertises to the general public in any manner. This definition excludes general recruitment campaigns that do not advertise a specific position, generic "help wanted" notices, postings limited to existing employees, and postings where the work is to be performed: (i) outside Ontario, or (ii) outside Ontario and in Ontario where the out-of-province work is not a continuation of work performed in Ontario.

Requirements Effective January 1, 2026: Public Job Postings

Beginning January 1, 2026, employers with 25 or more employees must incorporate several mandatory disclosures into all publicly advertised job postings, while also observing new prohibitions and recordkeeping rules.

First, employers must disclose the expected compensation or a range of expected compensation in the posting. Where a range is provided, the difference between the top and bottom figures may not exceed $50,000 annually. Notably, the pay disclosure requirement does not apply to postings where the expected annual compensation exceeds $200,000 or where the

upper end of a posted pay range is more than $200,000. Employers should carefully consider how they articulate compensation to preserve recruiting flexibility while ensuring compliance with the range-width cap and the high-compensation exemptions.

Second, postings must indicate whether the position relates to an existing vacancy. This disclosure is intended to distinguish genuine openings from speculative or talent-gauging notices.

Third, if artificial intelligence is used to screen, assess or select applicants, the posting must include a statement disclosing that artificial intelligence is used in the hiring process. “Artificial intelligence” is defined broadly as a machine-based system that, for explicit or implicit objectives, infers from inputs to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. The legislation contemplates potential exceptions, but none are currently set out in the regulations.

In the absence of detailed guidance, employers may choose a direct, plain-language statement acknowledging AI use, with some organizations opting to add higher-level descriptions of the tools and functions involved.

In addition to these content requirements, employers are prohibited from including any requirement related to Canadian experience in a publicly advertised job posting or associated application form. No exceptions have been prescribed to date. Employers should review templates and application processes to remove any direct or indirect Canadian experience criteria.

Candidate Notification and Recordkeeping

Employers that interview applicants for a publicly advertised posting must inform interviewed candidates whether a hiring decision has been made within 45 days of the date of their last interview. The notice may be provided in person, in writing or via technology, and copies must be retained for three years. This notification obligation is in addition to the general recordkeeping requirement to retain each publicly advertised posting and any associated application forms for three years after the posting is removed from public access.

Practical Considerations for Compliance

Many employers are developing standardized posting templates that contain fixed placeholders for the mandatory disclosures, including a structured compensation field and checkboxes or text fields addressing vacancy status and AI use. For compensation, organizations should align internal pay bands with the $50,000 range-width limit and the >$200,000 exemptions, ensuring that ranges are realistic, defensible and consistent with internal equity and market data. Employers should also establish a governance process to determine when and how to disclose AI use, and to ensure consistent language across postings.

Given the prohibition on Canadian experience requirements, recruitment teams should audit job templates and application portals for explicit or implicit experience screens and replace them

with role-relevant, jurisdiction-neutral criteria such as defined competencies or licensure where applicable. Finally, HR and talent acquisition systems should be configured to capture and retain required records, including candidate notifications, for the three-year retention period.

Looking Ahead

The effect of the January 1, 2026 posting rules is to increase transparency at both the entry and application stages. Employers should finalize policy updates, refresh templates and test operational workflows in advance of the new year to minimize compliance risk. Where compensation strategy or AI use is evolving, HR, legal and recruiting departments should coordinate to ensure job-posting disclosures remain accurate, current and compliant with statutory requirements.

For specifically tailored advice on Ontario's job posting transparency rules and related hiring and onboarding requirements, please reach out to a member of the Blaney's Labour and Employment Group.

The information contained in this article is intended to provide information and comment, in a general fashion, about recent developments in the law and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.