



IFW NEWSLETTER

January 2026

New Compliance Requirements for Employers Effective January 1, 2026

From January 1, 2026, employers have new mandatory requirements with respect to job postings and the provision of information about the cleaning of on-site washrooms.

Pursuant to the *Employment Standards Act, 2000*, as amended, from January 1, 2026 onward **employers with more than 25 employees** must adhere to the following requirements for any “publicly advertised job posting” (i.e. any external job posting for work in Ontario that is advertised to the public):

1. The posting **must include the expected compensation**, or compensation range. The range cannot exceed a \$50,000 difference (e.g. \$60,000 - \$110,000). Providing a range of expected compensation is not required if compensation is greater than \$200,000 per year (including the top end of a \$50,000 annual range).
2. The job posting **must disclose if: (i) artificial intelligence (“AI”) is being used to screen, assess or select applicants; and (ii) if the posting is for an existing vacancy, or whether the employer is collecting applicants for a potential future vacancy.**
3. Employers **must inform a candidate within 45 days of their last interview if a hiring decision has been made.** An “interview” means a meeting after an application to a public job posting where questions are asked and answers are given to assess the applicant’s suitability for the position.
4. Although an employer is permitted to ask if the applicant can legally work in Ontario, **no job posting can require or request “Canadian experience.”**
5. Employers **must retain copies of every publicly advertised job posting, and associated application(s), for three years after public access to the posting is removed.**

The new requirements for job postings are intended to promote transparency and responsiveness for job applicants. Employers will need to amend and update job postings to ensure compliance, but full compliance may also require an internal review regarding compensation structures and the use of AI as part of application vetting. There may be a need to implement processes for notifying job applicants of interview outcomes and to store job postings and applicants safely and confidentially. Our team would be happy to assist with any of these assessments.

Pursuant to new rules under the *Occupational Health and Safety Act*, as amended, from January 1, 2026 onward, both employers and constructors must make records about the cleaning of washrooms accessible to workers. Specifically, employers and constructors must maintain records of the time and date of the two most recent washroom cleanings and make these records available to employees/workers.

LET'S TALK

Israel Foulon Wong LLP is one of Canada's leading employment and labour law firms. We have been helping employers, from startups to national and multinational brands, navigate these drafting and implementation challenges in real time. Our partners, Peter Israel, Chris Foulon, Carita Wong, Alex Van Kralingen, Krista Kais-Prial, Behzad Hassibi, Katherine Chau, Mark Repath and associates, Vibhu Gairola, Domenica Moran, and Amirali Golpira have over 125 years of collective experience in assisting clients with employment and labour law issues.

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