

## LEGISLATIVE UPDATE

June 2025

## Backgrounder

### *Working for Workers (Bill 79), Four (Bill 149), Five (Bill 190) and Six (Bill 229) Acts – (WFWAs)*

#### I. Context

Between March 2023 and November 2024, the Provincial Government introduced a series of Bills proposing amendments to several labour-related statutes – collectively referred to as the *Working for Workers Acts* (WFWAs) – including the [Employment Standards Act, 2000](#) (ESA) and [Occupational Health and Safety Act, 1990](#) (OHSA). All four Bills have received Royal Assent, and have been at least partially proclaimed into force. Their provisions have been incorporated into the [OHA's Guide to Hospital Statutory Compliance](#).

This backgrounder draws specific attention to the provisions of the WFWAs coming into force, by upcoming date, on a move forward basis. For greater clarity, it covers only those obligations taking effect after June 2025 and does not cover obligations already in force.

#### II. June 19, 2025

##### Long-Term Illness Leave (ESA s 49.8)

New long-term illness leave provisions will entitle employees to 27 weeks of unpaid leave for serious medical conditions. To qualify for this leave, an employee must have been employed for at least 13 consecutive weeks and provided a certificate from a qualified health practitioner that meets specific criteria confirming their serious medical condition.

A “qualified health practitioner” is defined as either a physician, registered nurse, or psychologist, as recognized under the laws of jurisdiction where care or treatment is provided, or a member of a prescribed class of health practitioners in prescribed circumstances. No such prescription has been made yet.

The leave is limited to a single period up to a maximum of 27 weeks, and as outlined in the certificate. If the certificate specifies a date that is 52 weeks or longer, the leave must conclude within 52 weeks from the earlier of: the week the certificate was issued, or the week the employee stopped working due to illness. Additional and subsequent leaves may be taken in compliance with the relevant provisions.

Employees must provide written notice to the hospital, as their employer, of the intended start and end dates of the leave at least two weeks before the leave begins or ends, subject to additional requirements. Hospitals are entitled to request reasonable evidence of eligibility (copy of certificate).

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To access the OHA's messages on the new long-term illness leave and its impact on collective bargaining, please refer to the [General Communiqué](#).

### **Retaining Documents Respecting Long-Term Illness Leave (ESA, s 15)**

Hospitals will be required to retain all notices, certificates, correspondence, and other documents related to an employee taking long-term illness leave – including those provided to or produced by the hospital – for a period of three years after the leave has ended.

## **II. July 1, 2025**

### **Information to Employees (ESA, O Reg 477/24, s 1.2)**

Hospitals with 25 or more employees must provide new employees with prescribed regulatory information either before their first day of work or, if that is not practicable, “as soon after that day as is reasonably possible.”

Prescribed regulatory information includes:

- The legal name of the employer, as well as any operating or business name 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 that the employee will initially perform work;
- The employee's starting hourly 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.

### **Washroom Facilities (OHSA, ss 1 and 25.3)**

Effective July 1, 2025, the definition of “washroom facility” will include washroom, toilet facility, clean-up facility, urinal, shower or other similar facility, but will exclude an eye wash station or emergency shower.

Hospitals, subject to washroom facilities provided by constructors on a project, will be required to ensure that washroom facilities provided by the employer for use of workers are maintained in a clean and sanitary condition. In addition, employers will be required to keep, maintain and make available records of the cleaning of washroom facilities as prescribed by regulation. These requirements may be modified or supplemented by regulations. Such regulations have been prescribed and come into force and effect on January 1, 2026. See the commentary below for additional detail respecting these requirements.

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The Ministry of Labour, Immigration, Training and Skills Development's [consultation notice](#) included commentary indicating that employers “may need to collaborate with other parties (such as owners, landlords or building management) to ensure that records of washroom cleaning are posted, for example in rented or leased workplaces where the cleaning is organized by an owner, landlord or building management”.<sup>1</sup> Although “cleaning is often handled by third-party cleaning services, which may be contracted directly by the employer or indirectly through the landlord or building management,” obligations remain on employers.<sup>2</sup>

### III. Jan 1, 2026

#### **Job Posting Requirements (ESA, ss 8.1 - 8.6 and O Reg 476/24)**

Hospitals, as employers, will be required to comply with a number of new provisions respecting “publicly advertised job postings.” Under O Reg 476/24: Rules and Exemptions Re Job Postings (regulations), section 2 defines publicly advertised job postings as external job postings shared with the general public in any manner by the employer or their representative.

However, certain exceptions apply. Publicly advertised job postings exclude postings that are part of general recruitment campaigns or generic help wanted signs that do not reference a specific position. They also exclude job postings limited to the current employees of the employer, as well as positions where the work is performed entirely outside Ontario, or both inside and outside Ontario, provided the work outside Ontario is not a continuation of work done within the province.

#### **1. Compensation Pay Range (ESA, s 8.2; O Reg 476/24, s 4)**

For publicly advertised job postings, hospitals must include either the expected compensation or a range of expected compensation (e.g., a salary range of \$75,000 to \$85,000) for the position. O Reg 476/24 stipulates that the range cannot exceed \$50,000 annually. Additionally, if the expected compensation (or the top end of the expected compensation range) exceeds \$200,000, it is exempt from disclosure requirements.

Examples:

- \$85,000 → This would be allowed as a specific salary
- \$75,000 - \$85,000 → This would be allowed as a specific expected salary range
- \$85,000 - \$150,000 → This would not be allowed as a specific expected salary range, as it exceeds the range of \$50,000.
- \$210,000 → This would be exempt from the disclosure requirement as it exceeds \$200,000
- \$185,000 - \$205,000 → This would be exempt from the disclosure requirement as the top end of the range exceeds \$200,000

<sup>1</sup> Ontario, Ministry of Labour, Immigration, Training and Skills Development, *Consultation Notice – Proposal for a New Regulation for Posting Records of Washroom Cleaning*, online: <https://www.regulatoryregistry.gov.on.ca/proposal/48693>. [Consultation Notice].

<sup>2</sup> Consultation Notice.

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Hospitals should be aware that a provision was included in the *Working for Workers Four Act* that, once proclaimed into force, will repeal the incoming January 1, 2026 requirement to include expected compensation, or compensation range, for publicly advertised job postings. The OHA will continue to monitor for this proclamation, including whether it occurs before January 1, 2026.

### 2. Prohibition on Canadian Experience (ESA, s 8.3)

Hospitals may not include “Canadian experience” as a job requirement in a publicly advertised job posting, subject to any prescribed exceptions. No such prescription has been made yet.

### 3. AI Use in Applicant Screening (ESA, 8.4; O Reg 476/24, s 2)

If a hospital uses artificial intelligence (AI) to screen, assess, or select applicants for publicly advertised job postings, the hospital must include a statement disclosing the use of AI in the job posting. This requirement is subject to any prescribed exceptions. No such prescription has been made yet.

The regulations define artificial intelligence (AI) 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.”

### 4. Job Posting Information (ESA 8.5)

Hospitals must indicate in all publicly advertised job postings whether the position is for an existing vacancy. This requirement is subject to any prescribed exceptions. No such prescription has been made yet.

### 5. Information to Interviewees (ESA, 8.6)

If a hospital interviews an applicant for a publicly advertised job posting, it must inform the applicant whether a hiring decision has been made regarding the publicly advertised job posting. Hospitals must provide this information to the interviewed applicant within 45 days of the interview or, in the case of multiple interviews, within 45 days of the final interview.

Additionally, the information must be communicated to the interviewed applicant either in person, in writing, or through electronic means.

### **Job Posting Retention (ESA, s 15(7.1))**

Hospitals must retain copies of publicly advertised job postings and associated application forms for three years from the date the publicly advertised job posting was removed from public view.

### **Interview Information Retention Period (ESA, s 15(7.1.1))**

Hospitals must retain copies of information related to the duty to inform interviewed applicants for three years from the date it was provided.

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### **Washroom Facilities Cleaning Records (OHSA, O Reg 480/24, s.1)**

Hospitals, subject to washroom facilities provided by a constructor on a project, will be required to maintain and make available records of washroom facility cleaning. The record must include the date and time of the two most recent cleanings of the washroom facility. The record can be posted in a visible place in, or near the washroom facility where workers could easily find it or posted electronically with clear instructions on how and where to access the records.

## **IV. To Be Proclaimed (Future, Currently Unspecified Date)**

### **Placement of a Child Leave (ESA, s 47.1)**

A new unpaid leave of absence, referred to as “placement of child leave,” will entitle employees who have been with the employer for 13 weeks to up to 16 weeks of unpaid leave in cases where a child is placed in their custody, care, and control through adoption or surrogacy.

Placement of child leave will allow an employee to take a single, continuous period of unpaid leave beginning no earlier than six weeks before the expected date of placement and ending no later than 17 weeks after the placement occurs. The employee must provide at least two weeks’ notice to the hospital before starting or ending the leave, subject to additional requirements. Hospitals can request reasonable evidence of eligibility.

### **End of Parental Leave (ESA, s 49)**

Related to placement of child leave, the section related to the end of parental leave will be amended to include that an employee’s parental leave ends 62 weeks after it began if the employee also took placement of a child leave.

### **Retaining Documents Respecting Placement of Child Leave (ESA, s 15)**

Hospitals will be required to retain all notices, certificates, correspondence, and other documents provided to or produced by the hospital related to an employee taking placement of child leave, as with different leaves, for three years after the leave has ended.

## **V. Next Steps**

As outlined, new requirements will come into force on varying dates. The OHA will continue to monitor developments and keep members apprised of the dates yet to be proclaimed. For more information, please contact *Meghana Kuriya*, Legal Advisor at [mkuriya@oha.com](mailto:mkuriya@oha.com) or *Ryan Matson*, Governance and Legal Advisor at [rmatson@oha.com](mailto:rmatson@oha.com).