

Recent Updates to Ontario's Employment Standards Act, 2000

July 10, 2025

The New Long-Term Illness Leave

As of June 19, 2025, the Ontario's *Employment Standards Act, 2000* (ESA) was amended to include a new protected leave: **Long-Term Illness Leave**. This new Long-Term Illness Leave creates essentially an indefinite leave of absence for qualifying employees and will dramatically impact how employers navigate dealing with employees who are out of the workplace due to illness.

In order to qualify for the new Long-Term Illness Leave, the employee must have been employed with the employer for at least 13 consecutive weeks and both of the following conditions must be met:

1. The employee must be unable to perform their job duties due to a "serious medical concern" – a term which is not currently defined in the ESA; and
2. A qualified health practitioner (such as a physician, registered nurse, or psychologist) must issue a Certificate stating that the employee has a serious medical condition.

Initially, the total amount of unpaid leave that the employee will be entitled to take is 27 weeks, provided the Certificate does not extend beyond that period. However, if the qualified health practitioner states that the period the employee is unable to perform their duties for a longer period, then the employee will be entitled to access the Long-Term Illness Leave for the length of time specified in the Certificate, up to a 52-week period.

The ESA then goes one step further, confirming that employees may yet be entitled to further and additional leaves if they have a serious medical condition continues beyond the 52-week period. As such, it would appear that employees will be able to access, in certain circumstances, a near indefinite leave of absence for serious medical conditions.

Given the significance of this new leave, employers will have to review their existing practices and processes with respect to managing medical absences. In particular, employers will have to consider whether – like any other leave under the ESA – the general provisions regarding leaves of absence will apply to the Long-Term Illness Leave. This would include, for example, the general requirement to continue benefit plans during a leave, the obligation to continue accruing service for the employee while off on leave, and the obligation to reinstate the employee at the conclusion of their leave.

New Disclosure Requirements

Beginning July 1, 2026, employers with 25 or more employees must provide the following information to new employees before their first day of work, or, if not practicable, as soon as reasonably possible after that date:

- 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 name;
- A general description of where it is anticipating that the employee will initially work;
- The employee's starting hourly or other wage rate, or commission as applicable;

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- The pay period and pay date;
- A general description of the employee's initial anticipated hours of work

This requirement does not apply if an employer has less than 25 employees on the employee's first day of work. This requirement also does not apply to assignment employees.

The disclosure requirements mandated by this change must be given to the employee in writing and, therefore, employers should consider having their employment agreements reviewed by a legal professional for compliance with these new requirements.

Job Transparency Requirements

As of January 1, 2026, employers who publicly post job opportunities will be required to abide by new rules. Save and except for general recruitment campaigns, general help wanted signs, postings for work to be performed outside of Ontario, or a posting restricted to existing employees of the employer, employers will be required to do the following:

- Employers will be required to **include** the expected compensation or range of expected compensation for the position in their posting. If the employer elects to use a range, the range cannot vary by more than \$50,000.
- Employers will be required to **include** a statement advising applicants that artificial intelligence is being used to screen, assess, or select applicants, if applicable.
- Employers will be required to **include** a statement advising applicants if the posting is for an existing vacancy, or not.
- Employers will be required to **exclude** any requirements related to Canadian experience.
- Employers will be required, within forty-five (45) days after the date of the last interview held, to **inform** the interviewees wither a hiring decision was made in respect of the job posting.
- Employers will be required to **retain** a copy of their job postings and application forms for three (3) years after taking down the posting.

Given the breadth of the changes, employers will need to review their hiring practices in order to ensure that they conduct their recruitment efforts in a consistent and compliant manner. Employers should review their job postings and related templates, as well as any policies they have which govern their job postings, to proactively address these upcoming changes.

Please note that this bulletin is intended for informational purposes only and does not constitute legal advice or an opinion on any issue. Should you have any questions regarding the information shared in this article or the recent and impending changes to the ESA, please contact your Miller Canfield attorney or a member of Miller Canfield's Labour and Employment team in Windsor, Ontario.