

ONTARIO REGULATION 476/24

made under the

EMPLOYMENT STANDARDS ACT, 2000

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RULES AND EXEMPTIONS RE JOB POSTINGS

Exemption

1. Part III.1 of the Act does not apply to an employer that employs fewer than 25 employees on the day the publicly advertised job posting is posted.

Definitions

2. (1) For the purposes of section 8.1 of the Act,

“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; (“intelligence artificielle”)

“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. (“annonce publique de poste”)

(2) For the purposes of Part III.1 of the Act,

“compensation” means wages; (“rémunération”)

“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. (“entrevue”)

Exception, compensation range information

3. For the purposes of subsection 8.2 (2) of the Act, the following criteria are prescribed:

1. The publicly advertised job posting is for a position that has an expected compensation equivalent to more than \$200,000 annually.
2. The publicly advertised job posting is for a position that has a range of expected compensation that ends at an amount equivalent to more than \$200,000 annually.

Limit, range of expected compensation

4. For the purposes of subsection 8.2 (3) of the Act, a range of expected compensation shall not exceed an amount equivalent to \$50,000 annually.

Duty to inform applicants interviewed

5. (1) For the purposes of section 8.6 of the Act, the prescribed time period is within 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.

(2) For the purposes of section 8.6 of the Act, the following information is prescribed:

1. Whether a hiring decision has been made in respect of the publicly advertised job posting.
- (3) Information provided under section 8.6 of the Act shall be provided in person, in writing or using technology.

Commencement

6. (1) Except as otherwise provided in this section, this Regulation comes into force on the day it is filed.

(2) Section 1, subsection 2 (1) and sections 3 and 4 come into force on the later of the day subsection 2 (1) of Schedule 2 to the *Working for Workers Four Act, 2024* comes into force and the day this Regulation is filed.

(3) Subsection 2 (2) and section 5 come into force on the later of the day section 1 of Schedule 2 to the *Working for Workers Five Act, 2024* comes into force and the day this Regulation is filed.