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2026 Legal Landscape for Small  
Businesses:  
What Every HR Pro & In-House  
Lawyer Must Know

**EP 66**

Wednesday, January 28th, 2026  
10:30 a.m. E.S.T.



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# Meet Your Presenters

## Shauna Fabrizi

Employment, Labour & Contracts Lawyer

## Jessica Paglia

Employment, Labour & Contracts Lawyer



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We recognize that Indigenous Peoples lived and thrived here long before the arrival of settlers, and we acknowledge the lasting impacts of colonialism. As part of our commitment to truth and reconciliation, we strive to learn, unlearn, and understand the history and effects of these wrongs.

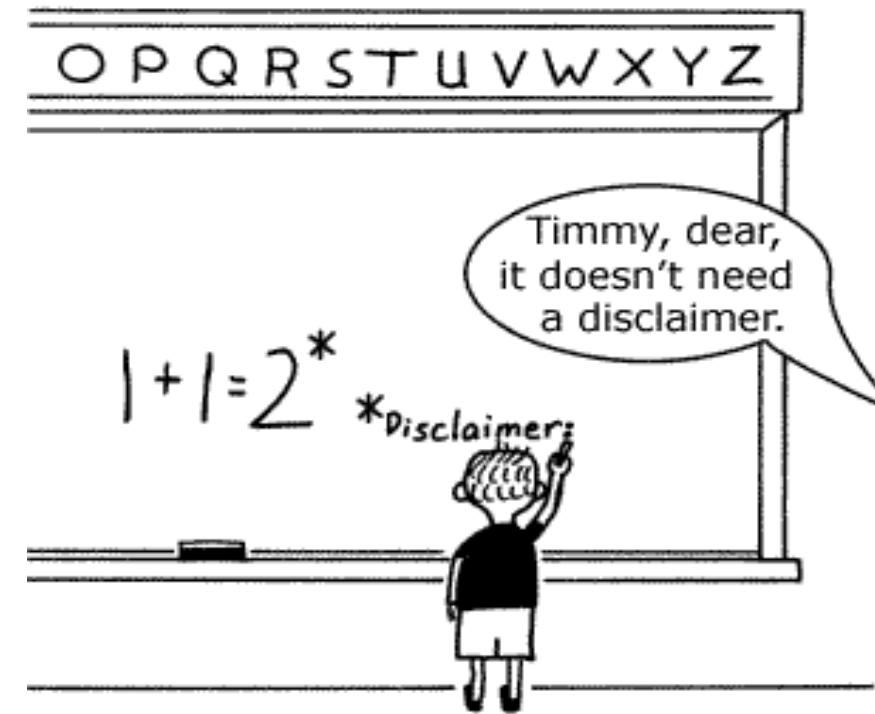
We are grateful to live and work on this land.

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Timmy doesn't  
need a disclaimer  
but we do...

Stu's Views

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# Introduction



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# Overview: What We're Covering Today

## Ontario

- New Job posting requirements
- New leaves and layoff rules
- OHSA and WSIA changes

## Federal

- New Leaves
- New Digital Accessibility Rules

## Looking Ahead – 2026 Predictions

## Final Comments and Questions

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# Ontario



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# Job Posting Platform Requirements (January 1, 2026)

## Only applies to:

- ERs with publicly advertised job postings
- ERs with 25+ employees on the date posting is posted

# Job Posting Platform Requirements (January 1, 2026)

- Employers with 25+ employees must include salary range
  - (max \$50,000 spread)
  - or expected compensation in job postings (unless over \$200,000/year)
- Must disclose if AI is used during hiring
- Prohibited from requiring “Canadian experience”
- Must state if posting is for an existing vacancy
- Interviewed applicants must be informed of hiring decision within 45 days

# Extended temporary layoff (Effective Nov 27, 2025)

- Temporary layoffs may last longer than 35 or more weeks in any period of 52 consecutive weeks, but less than 52 weeks in any 78 consecutive weeks
- EE and ER must agree to extended temporary layoff in writing – not valid unless the following information was provided before signing:
  - Latest date of recall
  - Statement that agreement cannot be withdrawn once entered into
- Applications must be approved by the Director of Employment Standards. ERS must retain agreements for 3 years after expire

# Job Seeking Leave during Mass Terminations (Nov 27, 2025)

- Employees given notice of mass termination
  - (50+ employees) are entitled to 3 unpaid days for job search activities
- **Reminder:** Mass terminations = 50+ EEs within 4 week period
- Employers may require reasonable evidence and must retain related documents for 3 years

## New Hire Information (July 1, 2025)

Employers with 25+ employees must provide written info before first day:

- Legal/operating name, contact info (address, telephone number, contact name), work location
- Starting wage/commission, pay period, pay day
- Initial anticipated hours of work

## Long-Term Illness Leave (June 19, 2025)

- Up to 27 weeks of unpaid leave in a 52-week period for serious medical condition
- Employee must
  - Have 13 weeks' service; and
  - Provide a certificate from a qualified health practitioner

# Occupational Health and Safety Act Updates

- New duties regarding maintenance of washroom facilities (Jan 1, 2026)
- Expand workplace to include virtual settings
- Minimum \$500,000 fine introduced for repeat serious injury or death offences

## **Workplace Safety and Insurance Act updates**

Employers are now prohibited from making false or misleading statements to WSIB in connection with an employee's claim, with severe penalties for contravention



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# Upcoming Ontario Changes



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# Placement of a Child Leave (Adoption/Surrogacy)

- New unpaid leave for employees with at least 13 weeks' service due to adoption or surrogacy placement
- Up to 16 weeks' leave, starting up to 6 weeks before placement
- ***These changes are not yet in effect***

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# Federal Updates



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# New Leaves (December 12, 2025)

- New Pregnancy Loss leave
  - 8 weeks of absence for stillbirth or 3 days of leave for any other pregnancy loss.
  - First 3 days paid for 3+ month employees.
- Bereavement Leave modification – 8 weeks
- Leave for Placement of a Child introduced
  - Allows 16 weeks unpaid absence (Align with EI changes)

# Equal Pay for Equal Work (Fall 2026)

- Rules against paying employees different wages when they perform the same work under the same conditions
  - Think part-time, seasonal, fixed-term or THA employees vs full-time permanent
- Employees have a right to review their wage rates. ERs must respond in writing within 30 days with
  - (a) explanation of difference or
  - (b) a plan for wage increase

# Right to Disconnect (Fall 2026)

- Policy, definitions, general rules on work related communication outside of scheduled hours, exceptions.
- Expected fall 2026 with 1 year for compliance

# Other CLC Changes Coming 2026

- Noise level restrictions
- Updated First Aid Kit requirements
- PPE updates

# New Information & Communication Technologies Requirements (December 2027)

- New ICT changes for federally regulated private sector organizations with 100+ employees, 500+ employees and public sector organizations
- Requirements for web and app accessibility, staff training, and publishing accessibility statements

# Practical Guidance: What Next?



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## Risk Management and Compliance

- Conduct regular policy reviews and training for HR and management
- Maintain clear records to demonstrate compliance with new requirements

# Questions



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## Tax and Employment implications of Mergers and Acquisitions

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# Thank you!

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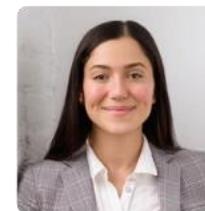
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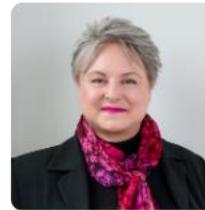
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