

## Appropriate and Inappropriate Human Rights-Related Questions

An employment interview is conducted to learn more about the suitability of people under consideration for a particular job, and to provide relevant information about the job and the University's mission, vision, and values, in order to enable individuals to make informed decisions about joining the University. However, sometimes the information gathered during interviews is not relevant to the job being filled and may let discriminatory elements affect the selection process.

For example:

- an applicant's place of birth seldom has anything to do with ability;
- height and weight requirements are not always accurate measures of physical strength and may act to screen out women or some racial or ethnic groups that tend to be smaller in stature.

A skilled interviewer can properly assess a candidate without drawing out a lot of unnecessary information. The following offers some helpful interview guidelines for selecting job candidates.

Subject	Avoid Asking	Preferred	Comments
<b>Name</b>	about name change: whether it was changed by court order, marriage, or other reason  for maiden name		Ask after a conditional offer of employment is extended, if needed to check on previously held jobs or educational credentials
<b>Address</b>	for addresses outside Canada		After a conditional offer of employment is extended, ask place and duration of current address
<b>Age</b>	for birth certificates, baptismal records, driver's licenses, or about age in general	Ask applicants if they are eligible to work under Canadian laws regarding age restrictions	If precise age is required for benefit plans or other legitimate purposes, it can be determined after a conditional offer of employment is extended
<b>Sex</b>	about pregnancy, child bearing plans, or child care arrangements  for preferred salutation (e.g. "Mr., Mrs., Ms")		After a conditional offer of employment is extended, the individual, for purposes of courtesy, may be asked which of Dr., Mr., Mrs., Miss, or Ms. is preferred

Subject	Avoid Asking	Preferred	Comments
<b>Marital Status</b>	<p>whether the applicant is single, married, divorced, engaged, separated, widowed, or living common-law</p> <p>whether the applicant's spouse may be transferred</p> <p>about the spouse's employment</p>		Contacts for emergencies and/or details on dependents can be determined after selection
<b>Family Status</b>	<p>about number of children or dependents</p> <p>about child care arrangements</p>	Ask if the applicant would be able to work the required hours	Contacts for emergencies and/or details on dependents can be determined after selection
<b>National or Ethnic Origin</b>	<p>about birthplace, nationality of ancestors, spouse, or other relatives</p> <p>whether born in Canada</p> <p>for proof of citizenship</p>	Ask if they are legally entitled to work in Canada	Documentation of eligibility to work (papers, visas, etc.) can only be requested after a conditional offer of employment is extended
<b>Language</b>	<p>about mother tongue or accent</p> <p>where language skills were obtained</p>	Ask if applicant understands, reads, writes, or speaks languages required for the job	Testing or scoring applicants for language proficiency is not permitted unless it is determined to be a bona fide occupational requirement
<b>Race or Colour</b>	any question related to race or colour, including colour of eyes, skin or hair		
<b>Photographs</b>	for photo to be attached to applications or sent to interviewer before interview		Photos for security passes or company files can be taken after a conditional offer of employment is extended

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<b>Religion</b>	<p>whether the applicant will work a specific religious holiday</p> <p>about religious affiliation, church membership, frequency of church attendance</p> <p>for references from clergy or religious leader</p>	Explain required work shifts	If the person is otherwise qualified and suitable for the job, and unable to meet the work shift requirements due to religious beliefs, the employer may be expected to offer the person the job and provide accommodation to the point of undue hardship
<b>Height and Weight</b>			No inquiry unless there is evidence they are bona fide occupational requirements
<b>Disability</b>	<p>for information relating to disabilities, limitations or health problems</p> <p>whether the applicant drinks or uses drugs</p> <p>whether the applicant has ever received psychiatric care or been hospitalized for emotional problems</p> <p>whether the applicant has received worker's compensation</p>		<p>The employer should:</p> <ul style="list-style-type: none"> <li>• disclose any information on medically related requirements or standards early in the application process</li> <li>• preferably during a pre-employment medical examination</li> </ul> <p>A disability is only relevant to job ability if it:</p> <ul style="list-style-type: none"> <li>• threatens the safety or property of others</li> <li>• prevents the applicant from safe and adequate job performance even when reasonable efforts are made to accommodate the disability</li> </ul>
<b>Medical Information</b>	whether the applicant is currently under a physician's care		Medical exams should be conducted after selection and only if an employee's condition is related to job duties

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	name of family doctor  whether the applicant is receiving counselling or therapy		Offers of employment can be made conditional on successful completion of a medical exam
<b>Pardoned Conviction</b>	whether the applicant has ever been convicted  whether the applicant has ever been arrested  whether the applicant has a criminal record	If bonding is a job requirement, ask whether the applicant is eligible	Inquiries about criminal record or convictions are discouraged unless related to job duties
<b>Sexual Orientation</b>	about the applicant's sexual orientation		Contacts for emergencies and/or details on dependents can be determined after selection
<b>References</b>			The same restrictions that apply to questions asked of applicants apply when asking for employment references

Source: "A Guide to Screening and Selection in Employment", Canadian Human Rights Commission, [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)