



# Human Rights: A guide to recruitment activities

Subject	Avoid Asking	Preferred
Name	<ul style="list-style-type: none"> <li>• About name change/maiden name;</li> <li>• Whether it was changed by court order, marriage, or other reason</li> </ul>	<ul style="list-style-type: none"> <li>• Use only that provided by the candidate</li> <li>• Ask after selection to check on previously held jobs or educational credentials</li> </ul>
Address	<ul style="list-style-type: none"> <li>• For addresses outside Canada</li> </ul>	<ul style="list-style-type: none"> <li>• Ask place and duration of current or recent address</li> </ul>
Age	<ul style="list-style-type: none"> <li>• For birth certificates, baptismal records, or about age in general</li> </ul>	<ul style="list-style-type: none"> <li>• Ask applicants whether they are eligible to work under Canadian laws regarding age restrictions, e.g., “Are you of legal working age?”</li> <li>• If precise age is required for benefits plans or other legitimate purposes, it can be determined after selection</li> </ul>
Gender	<ul style="list-style-type: none"> <li>• About pregnancy, child-bearing plans, or child-care arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• During the interview or after selection, the applicant, for purposes of courtesy, may be asked which title or pronouns are preferred</li> <li>• Ask applicant if the attendance requirements can be met</li> </ul>
Marital Status	<ul style="list-style-type: none"> <li>• Whether the applicant is single, married, divorced, engaged, separated, widowed, or living common-law</li> <li>• Whether an applicant’s spouse may be transferred</li> <li>• About spouse’s employment</li> </ul>	<ul style="list-style-type: none"> <li>• If transfer or travel is part of the job, the applicant can be asked if they can meet these requirements; or ask whether there are any circumstances that might prevent completion of a minimum service commitment</li> <li>• Information on dependents can be determined after selection if necessary</li> </ul>
Family Status	<ul style="list-style-type: none"> <li>• About number of children or dependents</li> <li>• About childcare arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Ask if the applicant would be able to work the required hours and, where applicable, overtime</li> <li>• Contacts for emergencies and/or details on dependents can be determined after selection</li> </ul>



<b>National or Ethnic Origin</b>	<ul style="list-style-type: none"> <li>• About birthplace</li> <li>• About nationality of ancestors, spouse, or other relatives</li> <li>• Whether born in Canada or for proof of citizenship</li> </ul>	<ul style="list-style-type: none"> <li>• Since those who are entitled to work in Canada must be citizens, permanent residents, or holders of valid work permits, applicants can be asked if they are legally entitled to work in Canada; e.g., “Are you legally able to work in Canada?”</li> <li>• Documentation of eligibility to work (papers, permits, visas, etc.) can be requested after selection</li> </ul>
<b>Military Service</b>	<ul style="list-style-type: none"> <li>• About military service in other countries</li> </ul>	<ul style="list-style-type: none"> <li>• Inquire about Canadian military service where employment preference is given to veterans by law</li> </ul>
<b>Language</b>	<ul style="list-style-type: none"> <li>• About mother tongue or where language skills obtained</li> </ul>	<ul style="list-style-type: none"> <li>• Ask if applicant understands, reads, writes, or speaks languages required for the job</li> <li>• Testing or scoring applicants for language proficiency is not permitted unless job-related</li> </ul>
<b>Race or Colour</b>	<ul style="list-style-type: none"> <li>• Any inquiry into race or colour, including colour of eyes, skin, or hair</li> </ul>	
<b>Photographs</b>	<ul style="list-style-type: none"> <li>• For photo to be attached to applications or sent to interviewer before interview</li> </ul>	<ul style="list-style-type: none"> <li>• Photos for security passes or company files can be taken after selection</li> </ul>
<b>Religion</b>	<ul style="list-style-type: none"> <li>• About religious affiliation, church membership, frequency of church attendance</li> <li>• If applicant will work a specific religious holiday</li> <li>• For references from clergy or religious leader</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the required work shift, asking if such a schedule poses problems for the applicant</li> <li>• Reasonable accommodation of an employee’s religious beliefs is the employer’s duty</li> </ul>
<b>Height and Weight</b>		<ul style="list-style-type: none"> <li>• No inquiry unless there is evidence they are genuine occupational requirements</li> </ul>
<b>Medical Information</b>	<ul style="list-style-type: none"> <li>• If currently under physician’s care</li> <li>• Name of family doctor</li> <li>• If receiving counselling or therapy</li> </ul>	<ul style="list-style-type: none"> <li>• Medical exams should be conducted after selection and only if an employee’s condition is related to job duties In such case, offers of employment can be made conditional on successful completion of a medical exam</li> </ul>
<b>Sexual Orientation</b>	<ul style="list-style-type: none"> <li>• Any inquiry about the applicant’s sexual orientation</li> </ul>	<ul style="list-style-type: none"> <li>• Contacts for emergencies and/or details on dependents can be determined after selection</li> </ul>

<p><b>Disability</b></p>	<ul style="list-style-type: none"> <li>• For list of all disabilities, limitations, or limiting health/medical problems</li> <li>• Whether applicant drinks or uses drugs</li> <li>• Whether applicant has ever received psychiatric care or been hospitalized for emotional problems</li> <li>• Whether applicant has received workers' compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Disclose any information on medically-related requirements or standards early in the application process</li> <li>• Ask if applicant has any condition that could affect ability to do the job; or ask if applicant has a condition that should be considered in selection</li> <li>• A disability is only relevant to job ability if it: <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> </li> </ul>
<p><b>Pardoned Conviction or criminal record</b></p>	<ul style="list-style-type: none"> <li>• Whether an applicant has ever been convicted</li> <li>• If an applicant has ever been arrested</li> <li>• Whether an applicant has a criminal record</li> </ul>	<ul style="list-style-type: none"> <li>• Inquiries about criminal record or convictions are discouraged unless related to job duties</li> <li>• If bonding is a job requirement, ask whether the applicant is eligible</li> </ul>
<p><b>References</b></p>		<ul style="list-style-type: none"> <li>• The same restrictions that apply to questions asked of applicants apply when asking for employment references</li> </ul>

**Main source:** Canadian Human Rights Commission, *A Guide to Screening and Selection in Employment*, (Ottawa: Canadian Human Rights Commission, 2007). Reproduced with permission of the Minister of Public Works and Government Services Canada.