

The Ontario Human Rights Commission on Application Forms and Interviews

REFERENCES AND MEMBERSHIPS IN ORGANIZATIONS

QUESTIONS ON APPLICATION FORMS	QUESTIONS AT PERSONAL EMPLOYMENT INTERVIEWS
<p>APPROPRIATE Nil (see footnote 2)</p> <p>INAPPROPRIATE Inquiries should not be made as to memberships in organizations identified by any of the prohibited grounds of discrimination. Applicants should not be required to provide references that would identify his or her religious affiliations.</p>	<p>APPROPRIATE Nil (See footnote 2)</p> <p>INAPPROPRIATE Inquiries should not be made which would elicit information about any of the prohibited grounds. (see also footnotes 1,2 and 3)</p>

FOOTNOTES

1. **Special Interest Organizations** ***A religious, philanthropic, education, fraternal or social institution or organization that is primarily engaged in serving the interest of persons identified by a "prohibited ground of discrimination" is allowed to give preference in employment to persons similarly identified, if the qualifications is a reasonable and genuine one because of the nature of the employment. Inquiries about such affiliation may be made at the employment interview stage. For further information, contact the nearest office of the Human Rights Commission.***

2. **Special Programs** Employers may implement special programs designed to relieve hardship or economic disadvantage or to assist disadvantaged groups to achieve equal opportunity. An employer who wishes to know whether a proposed program meets the requirements of the **Code** may contact the nearest office of the Commission for further information.

3. **Record of Offence** "Record of offence" means a conviction for,
 - (i) an offence under a federal statute (for example, the Criminal Code) for which unrevoked pardon has been granted under the Criminal Records Act; or
 - (ii) an offence under an Ontario statute (for example the Highway Traffic Act)

4. **Special Employment** In Some instances, because of the nature of the employment, age, sex, record of offence or marital status may be a genuine and reasonable qualification for the particular job. In such instances, inquiries with regard to the particular qualification may be made at the employment interview stage. For assistance in determining whether the exception applies, contact the nearest office of the Human Rights Commission.

Note The Ontario Human Rights Commission staff will assist employers in determining their rights and obligations with respect to employment advertisements, applications forms and other aspects of the recruitment process. Employers are invited to contact the nearest office of the Commission for further information.

QUESTIONS ON APPLICATION FORMS	QUESTIONS AT PERSONAL EMPLOYMENT INTERVIEWS
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EDUCATION

<p>APPROPRIATE Job-related inquiries such as: grade/level completed; degrees/diploma/level obtained; course(s) of study.</p> <p>INAPPROPRIATE Inquiries about name and location of school or dates attended.</p>	<p>APPROPRIATE Job-related inquiries designed to determine the merits of an applicant's qualifications, including verification of educational background.</p> <p>INAPPROPRIATE Inquiries designed to elicit information about any prohibited ground of discrimination.</p>
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RECORD OF OFFENCE (see footnote 3)

<p>APPROPRIATE Nil</p> <p>INAPPROPRIATE Inquiries as to whether an applicant has ever been convicted for any offence; has ever been arrested or charged with any offence; has ever spent time in jail.</p>	<p>APPROPRIATE Inquiries to determine whether an applicant is bondable if this is a genuine and reasonable qualification of the job. See comments re "Questions on Applications Forms" (see also footnotes 1,2 and 4)</p> <p>INAPPROPRIATE Inquiries about record of offence which are not job-related.</p>
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HANDICAP

<p>APPROPRIATE Nil (see footnotes 1 and 2)</p>	<p>APPROPRIATE Inquiries which are directly related to an applicant's ability to perform the essential duties of the job, and the type of accommodation which may be required (See also footnotes 1 and 2)</p>
<p>INAPPROPRIATE Inquiries about: health; handicaps; physical defects; illnesses; mental disorder, impairment or retardation; medical history; learning disability; injuries or Workers' Compensation claims; medication; membership in Alcoholics Anonymous.</p> <p>Requirements that applicants undergo pre-employment medical examinations.</p> <p>*If operating a vehicle is the primary job duty, e.g. truck, bus or taxi driver or chauffeur, the requirement for a valid driver's licence may be referred to in the advertisement. A request for a driver's licence number can be made following a conditional offer of employment.</p> <p># Medical examinations may be conducted following a conditional offer of employment, but must be restricted to determining whether the individual is capable of performing the essential duties of the job and, if necessary, what accommodation is appropriate.</p>	<p>INAPPROPRIATE Medical examinations, # or inquiries about health which are not directly related to the applicant's ability to perform the essential duties of the job, may constitute evidence of unlawful discrimination.</p> <p>APPROPRIATE If the job requires the operation of a motor vehicle, proof of a valid driver's licence may be asked for during the interview (See also footnotes 1,2 and 4)</p> <p>NOTE:Genuine and reasonable inquiries about handicap that are pertinent to legitimate personnel purposes, such as relating to superannuation, pension, disability, life insurance or other benefit plans may be made after hiring. However, exclusion from such plans may not be used as a reason for denying employment.</p>

QUESTIONS ON APPLICATION FORMS	QUESTIONS AT PERSONAL EMPLOYMENT INTERVIEWS
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RACE, COLOUR

<p>APPROPRIATE Nil (see footnotes 1 and 2)</p>	<p>APPROPRIATE Nil (see also footnotes 1 and 2)</p>
<p>INAPPROPRIATE Inquiries which would elicit information about race or colour, such as physical characteristics - colour of eyes, hair, height and weight or photographs.</p>	<p>INAPPROPRIATE See under applications forms.</p>

RELIGION, CREED

<p>APPROPRIATE Nil (see footnotes 1 and 2)</p>	<p>APPROPRIATE (see footnotes 1 and 2)</p>
<p>INAPPROPRIATE Inquiries about religious affiliation, churches attended, religious holidays, customs observed, willingness to work on a specific religious holiday.</p>	<p>INAPPROPRIATE See under application forms.</p>

CITIZENSHIP

<p>APPROPRIATE "Are you legally entitled to work in Canada?" (see footnotes 1 and 2)</p>	<p>APPROPRIATE See under application forms, except that inquiries may be made about Canadian Citizenship if: .Canadian citizenship is required by law for the particular job; .Canadian citizenship or permanent resident status is required to foster participation in cultural, educational, trade union or athletic activities by Canadians or landed immigrants; or .the position is a chief or senior executive position and the organization requires the holder to be a Canadian citizen or to be domiciled in Canada with the intention to become a Canadian citizen. (see also footnotes 1 and 2) An applicant may be asked to provide proof of eligibility to work in Canada.</p>
<p>INAPPROPRIATE Inquiries about and categories such as Canadian citizen/landed immigrant; permanent resident; native born/naturalized; date citizenship was received; citizenship of parent/spouse; or Social Insurance Number.*</p>	<p>INAPPROPRIATE See under application forms, except as noted above.</p>

*S.I.N. may contain information about an applicant's place of origin or citizenship status. A S.I.N. may be requested following a conditional offer of employment.

QUESTIONS ON APPLICATION FORMS

QUESTIONS AT PERSONAL EMPLOYMENT INTERVIEWS

BIRTHPLACE, ANCESTRY, ETHNIC ORIGIN, PLACE OR ORIGIN

<p>APPROPRIATE Nil (see footnotes 1 and 2)</p>	<p>APPROPRIATE A special interest organization serving people identified by a "prohibited ground of discrimination" may inquire about such status if having that status is a genuine and reasonable requirement for the job in question. (see also footnotes 1 and 2)</p>
<p>INAPPROPRIATE Inquiries which would elicit information about these or related subjects.</p>	<p>INAPPROPRIATE All other inquiries.</p>

SEX, SEXUAL ORIENTATION, MARITAL STATUS, FAMILY STATUS

<p>APPROPRIATE Nil (see footnotes 1 and 2)</p>	<p>APPROPRIATE An applicant may be asked his or her relationship to other employees if the employer has a nepotism or anti-nepotism policy regarding spouses, children or parents of the employer or an employee. (see footnotes 1,2 and 4)</p>
<p>INAPPROPRIATE Categories and inquiries as to: height and weight; married; divorced; common-law; single; separated; maiden or birth name; asking applicant to select on or Mr., Mrs., or Ms.; children or dependents; child care arrangements; child-bearing plans; pregnancy; birth control; information about spouse (e.g. is spouse subject/willing to transfer); second income; insurance beneficiaries; relationship of person to be notified in case of emergency. An applicant should not be asked to produce a valid driver's licence or to provide a driver's licence number.</p>	<p>INAPPROPRIATE All other inquiries including those prohibited on application forms. NOTE Inquiries about sex, marital status or dependents which are pertinent to an employee superannuation, pension or insurance plan may be made after hiring.</p>

AGE (18-65)

<p>APPROPRIATE "Are you legally entitled to work?"</p>	<p>APPROPRIATE An applicant may be asked his or her age if it is a genuine and reasonable requirement for the job in question. (see also footnotes 1,2 and 4)</p>
<p>INAPPROPRIATE Inquiries about age, date of birth, or requests for birth or baptismal records, or other documents that indicate age.</p>	<p>INAPPROPRIATE All other inquiries. NOTE After hiring, the employee may be asked for proof of age, and inquiries may be made about age which are relevant to an employee superannuation, pension or insurance plan.</p>