

Legal Guidelines for Interviewing

Canada

It is important that interviewers ask only job-related questions and avoid asking questions that are prohibited by law.

The following information is provided as guidance for pre-employment interview questions. This list is for guidance and should not be viewed as an all-inclusive list.

Topic	Okay to ask	Not okay to ask
Name	Inquiry as to full name. Inquiry as to whether references or schools listed in the application know the candidate by a different name.	Inquiry into any name or title which indicated race, colour, religion, sex, national origin, or ancestry. Inquiry into whether the name has been changed by marriage or court order. Inquiry into person(s) with whom the applicant lives
<i>Examples</i>	<ul style="list-style-type: none"> - What is your full legal name? - Do the references you provide know you under any other names? 	<ul style="list-style-type: none"> - Your name is unique; is it from a different culture? - Is your name Italian? - Why did you change your legal name?
Address	Inquiry into whether or not the candidate can be reached at the address/ phone listed and if he or she would like to leave a different one.	Specific inquiry into foreign address that would indicate national origin. Inquiry as to whether applicant rents or owns his or her residence. Inquiry into where the candidate lives.
<i>Examples</i>	<ul style="list-style-type: none"> - What is your preferred mailing address? 	<ul style="list-style-type: none"> - What is the address of the place where you grew up? - Do you have an apartment in this area?
Religion or Creed	None	Any inquiry to indicate or identify denomination or customs. Request for a recommendation or reference from someone in the clergy.
<i>Examples</i>	N/A	<ul style="list-style-type: none"> - Tell me about your head covering/ kippah/ hijab. - Your resume indicates that you attended a Jesuit college; are you Catholic?
Birthplace or National Origin	None	Any inquiry into the place of birth or national origin of the applicant or applicant's parents, grandparents, spouse or any other family member.
<i>Examples</i>	N/A	<ul style="list-style-type: none"> - Where were you born? - Where is your family from?
Race or Colour	None	Any inquiry which would indicate race or colour.

<i>Examples</i>	N/A	
<i>Citizenship</i>	Eligibility to work in Canada.	Asking if applicant is a native born or naturalized citizen. Asking for proof of citizenship before hiring. Asking whether applicant's parents or spouse are native-born or naturalized.
<i>Examples</i>	- Are you eligible to work in Canada?	- Were you or your family born in Canada? - Are you or your family Canadian citizens?
<i>Age</i>	After hire of a minor, request proof of age in the form of a work permit issued by school authorities. After hire, require proof of age by birth certificate.	Require birth certificate or proof of age before hiring.
<i>Examples</i>	- This job has a minimum age requirement of 16; will you be able to meet that requirement?	- How old are you? - How old were you when you [got married, worked a particular job]? - What year did you graduate from high school?
<i>Organization</i>	Inquiry into the organizational memberships listed on resume relevant to the position to which the applicant is applying, excluding any organization in which the name or character indicates the race, colour, religion, sex, national origin or ancestry of its members.	Inquiry into all clubs and organization where membership was held.
<i>Examples</i>	- Tell me about the offices you held at the Muscular Dystrophy Association. - Tell me about a time you had to get input and support from a diverse group of people from different organizations, teams or divisions.	- Your resume includes your volunteer work at the AHA, what made you decide to volunteer for the AHA? - Why are you so active in the Human Rights Campaign?
<i>Work Schedule</i>	Inquiry into willingness to work required schedule.	Any inquiry into willingness to work particular religious holidays.
<i>Examples</i>	- Are you interested and available to work in a role that requires you to consistently show up on time and as scheduled, with or without accommodation?	- Are you able to work on the Sabbath? - Do you take time off for Ramadan/ Christmas/ Passover?

<i>Convictions, Court and/ or Arrest Record</i>	None	Any inquiry related to arrests. Inquiry or checking into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the perspective employment (an arrest is merely apprehending or detaining; it may or may not have resulted in a conviction).
<i>Examples</i>	N/A	<ul style="list-style-type: none"> - Have you ever been arrested? - What are the details of your divorce decree?
<i>References</i>	Professional or work references not relating to race, color, religion, sex, national origin or ancestry.	Request reference specifically from clergy or any other persons who might reflect race, color, religion, sex, national origin, or ancestry of applicant.
<i>Examples</i>	<ul style="list-style-type: none"> - Can you provide three professional and/ or personal references? 	<ul style="list-style-type: none"> - Do you have a priest or rabbi that I can contact for a reference?
<i>Credit Rating</i>	None	Any questions concerning credit rating, charge accounts, past assets or liabilities, or garnishments.
<i>Examples</i>	N/A	<ul style="list-style-type: none"> - Have you ever had your wages garnished and why? - Would you be able to get a bank loan to purchase a new home?
<i>Transportation</i>	Asking if the applicant has reliable transportation to make it to the job site.	Any inquiry into what type of transportation the applicant plans on using (e.g. bus, bicycle, etc.).
<i>Examples</i>	<ul style="list-style-type: none"> - Starbucks stores are generally open from early morning into the evening. Do you have reliable transportation if you were scheduled shifts in these day parts? 	<ul style="list-style-type: none"> - Can you drive yourself to work?
<i>Education</i>	Questions about education that relate to the job.	Any question about education that does not relate to the job.
<i>Examples</i>	<ul style="list-style-type: none"> - Which of your courses or extracurricular activities do you believe have best prepared you for this position and why? 	<ul style="list-style-type: none"> - How many extracurricular had you participated in by the time you graduated?
<i>Physical or Mental Ability</i>	Inquiry into the candidate's ability to perform the essential functions of the job.	Inquiry into medical records or history. Inquiry into family health records or history.
<i>Examples</i>	<ul style="list-style-type: none"> - Are you able to perform the essential functions of the job, with or without reasonable accommodation? 	<ul style="list-style-type: none"> - Do you have a disability? - How much sick leave did you take last year?

<i>Pregnancy</i>	None	Any question about pregnancy, anticipated pregnancy or family planning status.
<i>Examples</i>	N/A	<ul style="list-style-type: none"> - <i>Do you plan to have kids?</i> - <i>Do you need to take maternity leave?</i>
<i>Language</i>	Whether the candidate is proficient in a language that is required for the job.	Any question about language proficiency that is not job related.
<i>Examples</i>	<ul style="list-style-type: none"> - <i>The ability to speak English is required for the job, are you able to speak English?</i> 	<ul style="list-style-type: none"> - <i>What language do you speak at home?</i>