Equity & Human Rights Services

Employment Interviews: A Human Rights Guide

The following list of permissible and prohibited questions is from the Ontario Human Rights Commission’s publication, *Hiring? A Human Rights Guide.*

**Race/colour/ancestry/place of origin/ethnic origin**

**Permissible Questions**
- Questions about or relating to a service organization working with a particular community as to membership in the group served, if such membership can be justified as required to do the particular job.

**Prohibited Questions**
- Questions about or relating to physical characteristics such as colour of eyes, hair, skin, height, weight.
- Questions about mother tongue, where language skills were obtained and whether one speaks English or French fluently, unless fluency in English or French is a reasonable and genuine requirement for the position.
- Questions about or relating to birth-place, nationality of ancestors, spouse and other relatives, Canadian citizenship, landed immigrant status, permanent residency, naturalization, requests for proof of Canadian citizenship or Social Insurance Number (A 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 about or relating to "Canadian" experience for a particular job.
- Questions about or relating to membership in organizations which are identified by a prohibited ground of discrimination, such as an Anglo-Canadian organization.
- Questions which do not fall into the “Special Interest Organizations” exemption set out below.

**Creed**

**Permissible Questions**
- Questions by a denominational school as to religious membership, if the job involves communicating religious values to students.

**Prohibited Questions**
- All questions which do not fall into the “Special Interest Organizations” exception set out below.

**Citizenship**

**Permissible Questions**
- Questions about or relating to citizenship, if required by law for a particular job.
- Questions about or relating to citizenship or permanent resident status, where cultural, educational, trade union or athletic activities can be restricted to Canadian citizens and permanent residents.
- Questions about or relating to citizenship or place of residence with intention to obtain citizenship, when an organization requires that a senior executive position be held by a Canadian citizen or a person living in Canada with the intention to obtain citizenship.

**Prohibited Questions**
- Questions about or relating to the applicant’s citizenship that do not fall within the exceptions outlined in the Code.

**Sex**

**Permissible Questions**
- Questions about or relating to gender, if it is a reasonable and genuine requirement for a particular job, such as employment in a shelter for battered women.

**Prohibited Questions**
- All other questions concerning the applicant’s sex, including questions regarding pregnancy or child-bearing plans.

**Gender Identity/Gender Expression**

**Permissible Questions**
- None.

**Prohibited Questions**
- All questions about or relating to gender identity or gender expression.
**Sexual Orientation**

**Permissible Questions**
- None.

**Prohibited Questions**
- All questions about or relating to sexual orientation.

**Record of Offences**

**Permissible Questions**
- Questions to determine whether the applicant has been convicted of a criminal offence for which a pardon has not been granted.
- Questions to determine if an applicant is bondable, if being bondable is a reasonable and genuine qualification of the job.
- Questions to determine if an applicant has a record of convictions under the Highway Traffic Act, if driving is an essential job duty (e.g. bus driver).

**Prohibited Questions**
- All other questions about or relating to criminal record.

**Disability**

Employers are obligated to offer candidates with disabilities an accommodation of their needs if required for any part of the interview or test screening process.

If the applicant’s disability becomes an issue at the interview, e.g. where the applicant chooses to talk about his/her disability, an employer may make inquiries about the applicant’s accommodation needs. Inquiries should be limited to the applicant’s ability to perform the essential duties of the job. Questions should not be unnecessary, such as "How did you end up in a wheelchair?" or "Have you been blind all your life". They should be asked with the aim of ascertaining the applicant’s ability to perform essential duties.

Any questions beyond this scope should be made with great caution and care as it may lead to a complaint on the ground of disability should the applicant not be successful. Additionally, if an employer fails to consider possible accommodation measures where disability has become an issue at an interview, this also could potentially lead to a complaint on the ground of disability should the applicant not be successful.

Any other disability issues should not be raised until a conditional offer of employment is made. These protections also apply to other accommodation needs covered by the Code, such as pregnancy and religious needs, although the requirement to accommodate a disability is based on the needs of the individual, whereas other grounds are protected on the basis of needs of the group.

**Permissible Questions**
- Questions directly related to the applicant’s ability to perform the essential duties of the job.

**Prohibited Questions**
- All other questions concerning the applicant’s disability.

**Age**

**Permissible Questions**
- Questions about or relating to age if the employer serves a particular age group and/or if age requirements are reasonable and genuine to qualify for employment.

**Prohibited Questions**
- All other questions about age.

**Marital Status**

**Permissible Questions**
- Questions about or relating to marital status if the employer serves a particular group identified by marital status (e.g. single woman) and/or if marital status is a reasonable and genuine requirement for employment.

**Prohibited Questions**
- All other questions as to marital status.

**Family Status**

**Permissible Questions**
- Questions about or relating to family status if family status is a reasonable and genuine requirement for employment (see Nepotism or Anti-Nepotism Policies in exceptions below).

**Prohibited Questions**
- All other questions as to family status.

**Exceptions under the Code**

The Code sets out a number of special exceptions to the rule prohibiting discrimination in employment. The exceptions are made primarily on the basis of equity considerations, such as the need to allow programs to serve the needs of particular communities, or on the basis of other special circumstances. These exceptions include Special Programs, Canadian Citizenship, Special Interest Organizations, Special Employment, Private Medical/Personal Attendants, and Nepotism or Anti-Nepotism Policies. For more information, please refer to the Ontario Human Rights Commission’s Human Rights at Work, which can be accessed here: [http://www.ohrc.on.ca/en/social_areas/employment](http://www.ohrc.on.ca/en/social_areas/employment).

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*Western University is a community that respects, accepts, nurtures and celebrates the diversity of its members. For further information about diversity and inclusion programs at Western, please contact Equity & Human Rights Services: [www.uwo.ca/equity](http://www.uwo.ca/equity)*