

SKILL:

Describe provisions of B.C. and Canadian pre-employment and employment Human Rights Legislation.

OBJECTIVE:

The student will describe the pre-employment and employment provisions of the B.C. Human Rights Code and the Canadian Human Rights Act.

POST
TEST: 80%

PURPOSE:

A Human Rights Code affirms that everyone has an equal opportunity for employment and equal access to tenancy and public services. Discrimination is unfair because it means that people are evaluated as members of a group rather than on their individual merits or abilities. By knowing your rights as a job applicant and employee, you are in a better position to ensure that you are being hired and promoted on the basis of your qualifications for the job rather than on the basis of a group characteristic.

10001			

LEARNING TASKS

1. Describe the role of the B.C. and Canadian Human Rights commissions.
2. Describe the pre-employment and employment provisions of the B.C. Human Rights Code.
3. Describe the pre-employment and employment provisions of the Canadian Human Rights Act.

Describe the role of the B.C. and Canadian Human Rights Commissions and the B.C. Human Rights Branch.

STEPS:

1. Read Resource #1.
2. Complete Self Test: #2.

RESOURCES:

1. Information Sheet: IOO01-01-01; "Human Rights-Working for you". in this guide.
2. Self Test: IOO01-01-01 located in your binder.

HUMAN RIGHTS - WORKING FOR YOU

What is the Human Rights Commission?

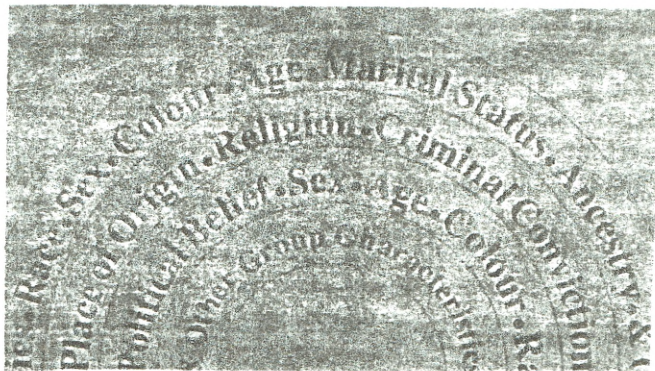
The Human Rights Commission is an independent body primarily responsible for education and attitudinal change. Another key responsibility of the Commission is to recommend changes in the Code based on experience and research. The Commission also grants exemptions from the Code in special cases.

The Human Rights Commission welcomes your support and participation. It periodically holds public meetings to provide citizens with an opportunity to express their views regarding human rights issues. If you would like any further information about the Commission's activities, please write or phone:

HUMAN RIGHTS COMMISSION OF B.C.
6th Floor, 880 Douglas Street
Victoria, B.C. V8W 2B7
387-3015

HUMAN RIGHTS WORKING FOR YOU

What is the Human Rights Code?



In British Columbia we are protected from discrimination by the Human Rights Code. Discrimination is the denial of opportunity to a person or class of persons based on a group characteristic, whether it be race, religion, sex, colour, age, place of origin, ancestry or political belief. Discrimination is unfair because it means that people are evaluated as members of a group rather than on their individual merits or abilities. For example, if an

employer refuses to hire anyone over the age of 45, then that is discrimination on the basis of a group characteristic, age.

The Human Rights Code, among other things, affirms that everyone has an equal opportunity for employment and equal access to tenancy and public services.

What Group Characteristics are Covered by the Code?

Group characteristics covered by the Code vary according to the situation. In the area of employment and public services, for example, the Code is open-ended and this has allowed other group characteristics, such as size, to be included.

Employment

When hiring, promoting and dismissing employees or when determining their salaries, an employer must not take into account the following group characteristics: race, sex, religion, colour, age, marital status, ancestry, place of origin, political belief, criminal conviction unrelated to the job, or other group characteristics. People must be hired and promoted on the basis of their qualifications for the job.

Male and female employees doing similar or substantially similar work must receive equal pay.

TENANCY: When renting property, a landlord must not take into account the following group characteristics: race, religion, colour, sex, ancestry, place of origin, and marital status.

Anyone can buy a house, commercial property or land regardless of race, religion, colour, marital status, ancestry, place of origin or sex.

PUBLIC SERVICES: Business, industry, schools, colleges, universities, government departments and organizations that offer services to the public, such as restaurants, parks and museums must not refuse service nor discriminate on the basis of a person's race, religion, colour, ancestry, sex, place of origin, or other group characteristic.

MEMBERSHIP: Trade unions, employers and occupational associations must not exclude any person from membership for discriminatory reasons, and collective agreements must be written without reference to sex, race, religion, colour, age, marital status, ancestry, place of origin, political belief or criminal convictions unrelated to the job, or other group characteristics.

Who Enforces the Code?

The Human Rights Branch, Ministry of Labour, investigates complaints of discrimination and attempts to negotiate settlements satisfactory to all parties. These investigations are conducted in a confidential manner.

If you believe that some person or organization is discriminating against you, or someone you know, you may lodge a complaint with the nearest Human Rights Branch office by telephone, letter or in person.

Victoria:	5th Floor 880 Douglas Street Victoria B C V8W 2B7	387-6661
Vancouver:	4946 Canada Way Burnaby B C V5G 4J6	291-7236
Kamloops:	Suite 220 548 St. Paul Street Kamloops B C V2C 5T1	374-7165
Prince George:	4th Floor 1011 - 4th Avenue Prince George B C V2L 3H9	562-8131

Human Rights Boards of Inquiry: If the Human Rights Branch is unable to reach a settlement, the Minister of Labour may refer the case to an independent Board of Inquiry. The Board will review the evidence, make a binding decision, and order an award where appropriate.

National Office

Canadian Human Rights
Commission
257 Slater Street
Ottawa, Ontario
K1A 1E1
Telephone: (613)995-1151

Regional Offices

Atlantic Region
Office address:
Lord Nelson Arcade
Room 212
5675 Spring Garden Road
Halifax, Nova Scotia
B3J 1H1
Telephone: (902) 426-8380
Mailing address:
P.O. Box 3545
Halifax South Postal Station
Halifax, Nova Scotia
B3J 3J2

Quebec Region
2021 Union Avenue
Room 1115
Montreal, Quebec
H3A 2S9
Telephone: (514) 283-5218

Ontario Region
Arthur Meighen Building
55 St. Clair Avenue East
Room 623
Toronto, Ontario
M4T 1M2
Telephone: (416) 966-5527

Prairie Region
Dayton Building
323 Portage Avenue
Room 211
Winnipeg, Manitoba
R3B 2C1
Telephone: (204) 949-2189

**Alberta and Northwest Territories
Region**
Liberty Building
10506 Jasper Avenue
Room 416
Edmonton, Alberta
T5J 2W9
Telephone: (403) 420-4040

Western Region
Montreal Trust Building
789 West Pender, Room 1002
Vancouver, British Columbia
V6C 1H2
Telephone: (604) 666-2251

Visual Ear Number
Ottawa: (613) 996-5211
Winnipeg: (204) 949-2882



Recruitment and Interview Guide

Special Programs

Introduction

This guide is intended to assist employers when recruiting and interviewing prospective employees.

Some information traditionally requested in job advertisements, employment application forms and pre-employment interviews is not always relevant to the job's qualifications and performance.

Although the employer may not intend to discriminate, the impact of the questions may be to screen out disproportionate numbers of some groups. For instance:

- height and weight requirements tend to exclude women and some minorities and do not accurately assess a candidate's physical condition
- an applicant's birthplace has little impact on the ability to perform the job

The questions listed in the guide are for illustration only and attempt to answer the questions most frequently asked about human rights legislation.

The Canadian Human Rights Act

The Canadian Human Rights Act requires that equal employment opportunities be provided all individuals without discrimination based on race, national or ethnic origin, colour, religion, age, sex, marital status, conviction of an offense for which a pardon has been granted, or physical handicap.

The Act, administered by the Canadian Human Rights Commission, has jurisdiction over federal government departments, agencies and crown corporations and federally regulated business and industry such as banks, airlines and railways.

The Canadian Human Rights Act states in Section 8:

8. It is a discriminatory practice
 - (a) to use or circulate any form of application for employment, or
 - (b) in connection with employment or prospective employment,
 - (i) to publish any advertisement, or
 - (ii) to make any written or oral inquiry — that expresses or implies any limitation, specification or preference based on a prohibited ground of discrimination.

Exceptions

Limitations, specifications or preferences implied or expressed are not a discriminatory practice if these are established by the employer to be based on a bona fide occupational requirement.

Section 15 of the CHRA allows employers to undertake a special program, plan or arrangement designed to overcome disadvantages which a group has suffered because of discrimination on any of the prohibited grounds.

Employers adopting or carrying out a special program may collect data on candidates' age, race, sex or physical handicaps. However, the burden of proof is on the employer that such data collection will not have discriminatory consequences. The Commission recommends that employers contemplating special programs obtain a copy of the CHRC's *Special Programs: Criteria for Compliance* and contact the CHRC's systemic discrimination consultants for advice and assistance.

LEARNING TASK:

#2

Describe the pre-employment and employment provisions of the B.C. Human Rights Code.

LEARNING STEPS:

1. Read Resource #1.
2. Complete resource #2.

RESOURCES:

1. Information Sheet: IOO01-02-01; "Human Rights Pre-Employment Guide".
2. Self Test: IOO01-02-01; "B.C. Human Rights - Employment and Advertising".

EMPLOYMENT

The Human Rights Code of British Columbia is designed to ensure protection for the individual against discrimination while permitting employers to retain legitimate management rights. Adherence to the Code will help to maintain effective business practices, and provide equal employment opportunities for all persons on the basis of their individual qualifications.

WHAT ARE MY RIGHTS AS AN EMPLOYER?

- to define the specific skills and abilities needed to do the job
- to hire the best qualified applicant from all available labour sources.
- to demand adherence to clearly defined job descriptions
- to set employment conditions, as long as they are within minimum labour standards and are applied equitably
- to establish pay or salary scales, either independently or through negotiation and
- to dismiss incompetent employees.

WHAT ARE MY RIGHTS AS AN APPLICANT OR EMPLOYEE?

- not to be prejudged on the basis of a stereotype, but to be evaluated as an individual, on the basis of job-related factors
- to expect equal pay for similar or substantially similar work regardless of sex
- to work under conditions and standards in line with British Columbia labour law and the Human Rights Code.

JOB ADVERTISEMENTS

It is in an employer's best interest to encourage applications from all qualified persons, so that the most competent applicant available may be selected. It is therefore important, from an employer's point of view, that job advertisements be open, and free of any suggestion of bias.

The test of an effective job advertisement is that it encourages all qualified applicants to apply, regardless of their sex, age, race, etc. For further explanation, see the brochure titled "Job Advertisements".

PRE-AND POST-EMPLOYMENT INQUIRIES

An employer may not request that an applicant provide any information concerning his or her race, religion, colour, ancestry, place of origin, or political belief.

Some questions that may be in violation of the Human Rights Code if asked before hiring - for example, age and marital status - may be asked after hiring. Information such as the age and marital status of an applicant may be acquired for personnel reasons after the individual is hired. Such information may not be used to screen candidates. For further details, see the "Pre-Employment Guide".

THE DECISION TO HIRE

The provisions of the Human Rights Code are intended to promote equal employment opportunities on the basis of qualifications for all members of the work force. No employer may refuse to hire an applicant on the basis of his or her race, religion, colour, age, sex, marital status, place of origin, political belief, or criminal conviction unrelated to the job.

In addition, the Code requires that there be no discrimination against any group of people unless reasonable cause exists for such discrimination. The criterion to be used in employment decisions is job-relatedness. Take, for example, the question of a physical handicap. If the handicap does not affect job performance, then a person may not be denied employment because of it.

An individual's sex may be job-related only if it relates to the maintenance of public decency.

PROMOTIONS AND CONDITIONS OF EMPLOYMENT

The Human Rights Code ensures that promotions and conditions of employment are established solely on the basis of ability, experience and individual qualities. The Code specifically prohibits any consideration of a person's race, religion, colour, age, sex, marital status, ancestry, place of origin, political belief, or criminal conviction unrelated to the job. In addition, other characteristics may be covered under the provision of no discrimination "unless reasonable cause exists".

UNIONS AND ASSOCIATIONS

The Human Rights Code provides that no trade union, employers' association or occupational association can prevent any person from realizing full membership or expel, suspend or otherwise discriminate against any of its members because of race, sex, religion, colour, age, marital status, ancestry, place of origin, political belief, or criminal conviction unrelated to the job. Nor can an agreement be negotiated that would discriminate against any person contrary to the Human Rights Code.

EQUAL PAY

The Code requires that employees of one sex or not to be paid less than employees of another sex for work of a similar or substantially similar nature.

In deciding what is similar work, three factors are taken into account: skill, effort and responsibility. "Skill" involves such factors as experience, education, training, and demonstrated ability. "Effort" includes both physical and mental energy. "Responsibility" includes the importance of the job, supervisory duties, and freedom to make individual decisions. The wages paid to employees of one sex may not be lowered to achieve equal pay.

Pay difference based on valid factors other than sex are acceptable reasons for a difference in wages. Such factors include seniority systems, merit systems, and systems that measure earnings by quantity or quality of production.

Further advice on any of these matters may be obtained by contacting the Human Rights Branch located at one of the following offices:

Victoria:	5th Floor 880 Douglas Street Victoria, B.C. V8W 2B7	387-6861
Vancouver:	4946 Canada Way Burnaby, B.C. V5G 4J6	291-7236
Kamloops:	Suite 220 546 St. Paul Street Kamloops, B.C. V2C 5T1	374-7165
Prince George:	4th Floor 1011 - 4th Avenue Prince George, B.C. V2L 3H9	562-8131

Human Rights & Employment Advertising

For further information about the Human Rights Code, please contact the Human Rights Branch at the following locations:

Victoria: 5th Floor 367-6661
880 Douglas Street
Victoria B.C.
V8W 2S7

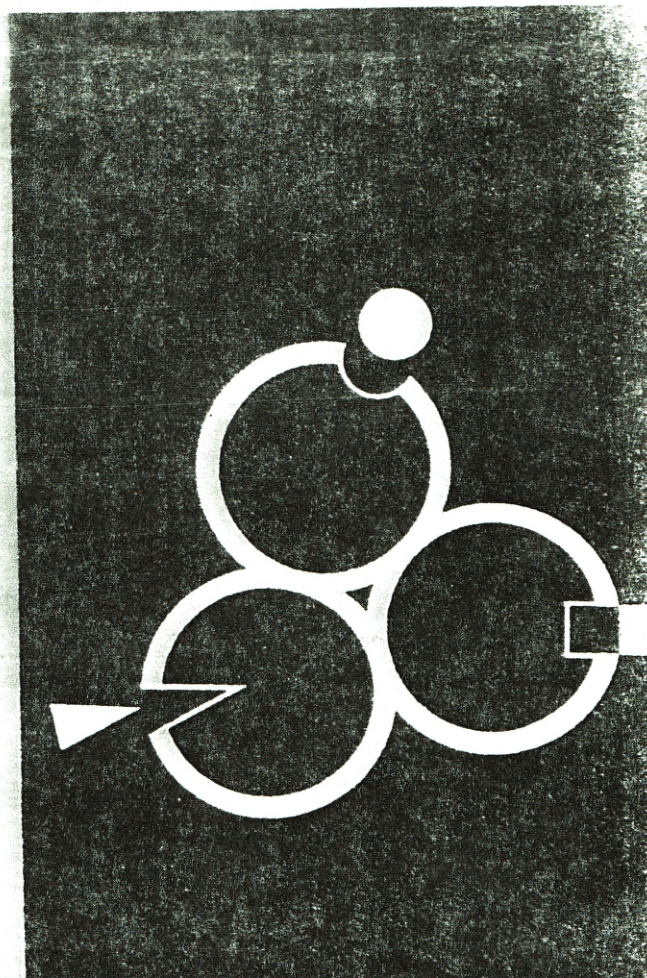
Vancouver: 4946 Canada Way 291-7236
Burnaby B.C.
V5G 4J6

Kamloops: Suite 220 374-7165
546 St. Paul Street
Kamloops B.C.
V2C 5T1

Prince George: 4th Floor 562-8131
1011 - 4th Avenue
Prince George B.C.
V2L 3H9



Province of British Columbia
Ministry of Labour
HUMAN RIGHTS BRANCH



EMPLOYMENT ADVERTISING

It is in the employer's best interest to receive applications from all qualified persons so that the most competent applicant available may be selected. Sometimes, however, qualified applicants are screened out or are discouraged from applying right at the outset, simply because of the wording or message conveyed by an advertisement.

The intent of the Human Rights Code is to ensure that job advertisements reflect equality of opportunity based on bona fide job qualifications. The Code prohibits advertisements from making any reference to race, religion, colour, sex, marital status, age, ancestry or place of origin.

SEX DISCRIMINATION

The Human Rights Code states that job advertisements must not express either directly or indirectly any limitation, specification, or preference on the basis of sex. Job advertisements should be non-discriminatory - that is, they should apply to qualified applicants of either sex.

Job titles should be free of bias. A job title may be made non-discriminatory by one of the following methods:

- a) neutral job titles can be substituted - for example, "Foreman" can be replaced with the title "Supervisor"
- b) the use of "Man" or "Woman" can be replaced with a neutral title - for example, "Draftsperson" can be substituted for "Draftsman"
- c) a double title to include both male and female can be used - for example, "Waiter/Waitress".
- d) when none of the above methods are possible, the words "male or female" can be added to the job title - for example, "Tradesman - male or female".

AGE DISCRIMINATION

Job advertisements that indicate either directly or indirectly any limitation, specification, or preference for a particular age group are also prohibited by the Human Rights Code. Job advertisements should be non-discriminatory and expressions such as the following should not be used:

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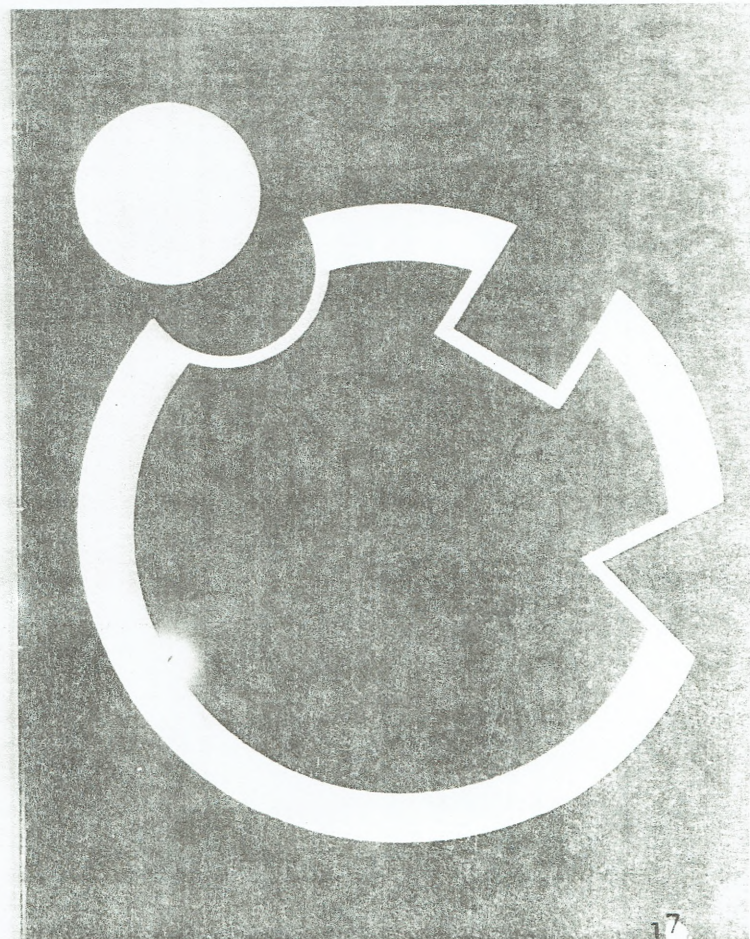
- Management trainees , , , , only applicants between the ages of 25 and 35 need a-ply".
- "Middle-aged person required for executive position in large firm"
- Young, energetic person needed for sales position.
- "Send resume stating age".

MARITAL STATUS DISCRIMINATION

The Human Rights Code states that job advertisements must not express either directly or indirectly any limitation, specification or preference on the basis of marital status. The following expressions, for example, should not be used:

- "Clerk wanted...Married preferred",
- "Salesperson...extensive travelling...preferably single",
- "Send resume stating marital status..."

Pre-Employment Guide



Job Advertisements

It is in the employer's best interest to receive applications from all qualified applicants so that the most competent person available may be selected. If the job advertisement appears to be geared toward candidates of a particular sex or age group, for example, then many other qualified candidates will be discouraged from applying.

The employer would then be drawing on an artificially restricted pool of applicants and may miss the opportunity to find potentially effective employees. It is therefore important from the employer's point of view that job advertisements be open and free of any suggestion of bias. The test of an effective job advertisement is that it encourages all qualified applicants to apply.

The Human Rights Code prohibits advertisements from making any reference to race, religion, colour, sex, marital status, age, ancestry or place of origin.

Application Forms and Interviews

Because an applicant's suitability should be determined on the basis of individual qualifications directly related to the job, application forms must not have any questions related to race, religion, colour, ancestry, place of origin or political belief. In the same way, during a job interview, only questions directly relevant to job ability should be asked. Applicants should not be pre-judged on the basis of real or assumed characteristics about the group they happen to belong to. Each person is an individual and should be judged on the basis of his or her particular abilities. For further guidance, refer to the chart on the back of this poster.

Pre- and Post-Employment Inquiries

A distinction can be drawn between those inquiries that may be made before and after hiring. Some questions, concerning age and marital status for example, that might be construed as a violation of the Human Rights Code if asked *before* an applicant is hired, may be asked *after*, provided that the information is necessary for personnel reasons and is not used as a basis for discrimination.

Handicap, Health and Medical Examination

The employer has the right to find out whether a prospective employee is physically able to perform the job properly and safely. During job interviews, employers may question applicants as to whether they have any particular handicap or health condition that would impede their ability to do the job being applied for. This question should be dealt with at the interview stage, and not on the application form, as this makes for better communication and fairer consideration for all concerned. A handicap or health condition that is not related to the job in question should not enter into consideration.

Refusal to hire a person because of a handicap or health condition that does not affect his or her ability to perform a job would constitute discrimination without reasonable cause, and would be a contravention of the Human Rights Code. A job applicant may be required to take a medical examination. The results of the medical examination, however, may not be used to screen out applicants on account of a handicap or health condition that does not directly affect their ability to do the particular job they have applied for.

Advantages of the Human Rights Code to the Employer

The employer has many reasons for supporting the British Columbia Human Rights Code. Here are three of them:

1. The Human Rights Code reinforces the professional calibre of hiring procedures by stressing objective, job-related qualifications. Hiring on the basis of merit and competence, rather than on the basis of personal bias, means more effective business practices.
2. Even if an employer has no intention of discriminating, a question that appears biased may lead an applicant to believe that the reason he or she did not get the job was because of discrimination. A complaint may then be filed with the Human Rights Branch, and an investigation undertaken to find out whether or not discrimination was involved. By using only job-related recruitment procedures, the employer avoids the possibility of a complaint of discrimination being made.
3. As responsible members of society, employers have an important part to play in supporting the law and equal opportunity in a democratic society.

For further information about the Code, contact the Human Rights Branch at the following locations:

Victoria:	5th Floor 880 Douglas Street Victoria, B.C. V8W 2B7	387-6861
Vancouver:	4946 Canada Way Burnaby, B.C. V5G 4J6	291-7230
Kamloops:	Suite 220 546 St. Paul Street Kamloops, B.C. V2C 5T1	374-7165
Prince George:	4th Floor 1011 - 4th Avenue Prince George, B.C. V2L 3H9	562-5151
Cranbrook:	#101 117 South 10th Avenue Cranbrook, B.C. V1C 2N1	489-4761

For Your Convenience

The wall poster on the reverse side will give you quick reference to Relevant and Irrelevant Hiring Inquiries.

Pre-Employment Guide*

The Human Rights Code

The Human Rights Code is based on the principle that each person is an individual and should therefore be considered and judged on the basis of his or her individual merits. In the area of employment, the Code speaks of equality of opportunity based on bona fide qualifications. The Code states specifically that there should be no discrimination on the basis of race, religion, colour, sex, age, marital status, ancestry, place of origin, political belief, or a criminal conviction unrelated to the job. The Code also maintains that there should be no discrimination against any other group of people, unless reasonable cause exists for such discrimination. The criterion to be used is job-relatedness. Take, for example, the question of physical handicap. If the physical handicap does not relate to the job, then the person's physical disability is insufficient cause for denying that person employment.

The Employer

Recruiting and selecting effective employees is of vital importance to the success of any business operation. If the best candidate is to be selected, an applicant's ability, merit, and competence are the factors that should be assessed. The Human Rights Code supports those professional hiring practices that stress job ability, merit, and competence. By eliminating factors such as race, sex, age and marital status, the Code enhances the effectiveness and professional calibre of selection procedures.

The Code does not interfere with the employer's right to hire and fire on the basis of merit or performance. The Code encourages employers to recruit and promote employees according to valid job qualifications. The employer may, for example, check into an applicant's job skills, work history and references. The employer may also check into the applicant's ability and willingness to meet relevant job requirements, such as ability to travel and ability to do strenuous physical work. The employer, however, cannot assume that a person, because of age, sex or marital status, will be unable to fulfill particular job requirements.

* The assistance of the Employers' Council of British Columbia in the development of this guide is gratefully acknowledged.

Pre-Employment Guide:

This guide is designed to assist employers in complying with the provisions and the principles of the British Columbia Human Rights Code. For further clarification of the recommendations contained on this chart, please refer to sections 7 and 8 of the Human Rights Code, or contact the nearest Human Rights Branch Office.

Subject	Relevant Hiring Inquiries	* Irrelevant Hiring Inquiries
Address	Place and duration of current and previous addresses in Canada.	Foreign addresses that would indicate national origin.
Age	If of legal working age	Applicant's age or date of birth, except post-hiring for personnel reasons.
Birthplace, Nationality, and Ethnic Origin	None	Any inquiry into place of birth, or national origin of applicant or applicant's relatives, except post-hiring for personnel reasons.
Bonding	Whether bonding has been refused or cancelled.	
Citizenship	<p>(a) Canadian citizens and landed immigrants must be given equal opportunities in employment. Only if there is a requirement in law for Canadian citizenship should an employer ask if applicant is a Canadian citizen.</p> <p>(b) If there is no requirement in law for Canadian citizenship, questions may be phrased: "Are you a Canadian citizen or landed immigrant?" If the answer is "No" the following question may be asked: "What is your status?"</p> <p>(c) After hiring, an employer may require verification of legal entitlement to work in Canada.</p> <p>Note: Canada Employment & Immigration requires the employer to submit a request to hire a person on a student visa. An employment visa (work permit) specifies the job and the employer for whom the person may work. A person on an employment visa may not work for an employer not specified on the visa. For clarification of these points, contact Canada Employment and Immigration.</p>	Any other inquiry into citizenship.
Clubs and Organizations	Invitation to list memberships with organizations that the applicant considers may be relevant.	Requirement to list all clubs and organizations where membership is held. (Specific inquiries into clubs and organizations that would indicate race, religion, colour, political belief or place of origin.)
Criminal or summary charge or conviction	It is appropriate to inquire about criminal convictions only if care is taken to screen on convictions for offenses clearly related to the job.	A general inquiry into criminal charges and/or convictions may result in screening on criteria not relevant to the job. This is proscribed by the Code.

Education	(a) Inquiry into academic, professional, vocational school (b) Inquiry into language skills, such as reading and writing languages, if required by the job.	attended. of foreign	(a) Any inquiry into the nationality, racial or religious affiliation of schools. (b) Inquiry as to what is mother tongue or how foreign language ability was acquired.
Handicap or Health Condition	Inquiry as to whether applicant has any handicap or health condition that would affect ability to do the job.	condition that	(a) General inquiry into handicap or health condition. (b) General inquiry as to whether applicant has made a claim under Workers' Compensation Act.
Strength, Height, Weight.	Whether applicant is able to carry out the strenuous physical requirement, specified.	job	Any other inquiry.
Name	(a) Name used in previous employment or education. (b) After hiring, inquiry into previous name, if required for superannuation purposes.		Any other inquiry.
Photograph	After hiring, for identification purposes only.		Request photograph before hiring.
Political Belief	None		Any inquiry.
Race or Colour	None		Any inquiry
Religion or Creed	None		(a) Any inquiry to indicate or identify religious denomination or customs. (b) Request clergyman's recommendation or reference. (c) Reference to "Christian" name; use "given" name instead.
Relatives, Family or Marital Status	If relocation is required, inquiry as to whether the applicant would be willing to relocate.	could be	Inquiries into marital status, dependents, spouse or relatives, except post-hiring for personnel reasons.
Sex	A notice that the job requires applicants to be a specified sex of public decency requirements (applies to personal care and lavatory attendant).	because /, e.g.,	Any other notice or inquiry.



LEARNING TASK # 3

Describe the pre-employment and employment provisions of the Canadian Human Rights Act.

LEARNING STEPS:

1. Read Resource #1.
2. Complete Resource #2.

RESOURCES:

1. Information Sheet: IOO01-03-01; "Canadian Human Rights Commission: Recruitment and Interview Guide".
2. Self Test: IOO01-03-01; "Pre-Employment and Employment Provisions of the Canadian Human Rights Act".

Dept	Prog	Skill	Task	Page



Canadian Human Rights
Commission

Recruitment
and Interview
Guide

Subject

Not Acceptable

Acceptable

Comments

1 Name	<ul style="list-style-type: none"> - maiden name of applicant - inquiry as to previous name, if changed by court order or otherwise 	<ul style="list-style-type: none"> - previous name under which applicant has been educated or employed 	
2 Address	<ul style="list-style-type: none"> - inquiry into foreign addresses which may indicate national origin 	<ul style="list-style-type: none"> - place and duration of current and previous address in Canada 	
3 Age	<ul style="list-style-type: none"> - require birth certificate or baptismal record or any other information regarding age of applicant 	<ul style="list-style-type: none"> - has applicant attained minimum age or exceeded maximum age that applies to employment by law 	<ul style="list-style-type: none"> - verification of age may be obtained after selection decision is made
4 Sex	<ul style="list-style-type: none"> - any inquiry as to sex on the application form - different or coded application forms for males or females 		<ul style="list-style-type: none"> - correspondence to applicants may be addressed to their homes without the prefixes "Mr., Mrs., Miss, Ms.", eg. "Dear Mary Smith" "Dear John Doe"
5 Marital Status	<ul style="list-style-type: none"> - inquiry as to whether applicant is single, married, remarried, engaged, divorced, separated, widowed, living common law - any inquiry as to applicant's spouse, eg. "Is spouse subject to transfer?" - inquiry as to number of children or other dependents - inquiry as to child care arrangements - inquiry as to whether applicant is pregnant, is breast feeding a child, on birth control or has future childbearing plans 	<ul style="list-style-type: none"> - "Are you willing to travel or be transferred to other areas of the province or country?" if job related 	<ul style="list-style-type: none"> - information required for tax or insurance purposes may be obtained after selection decision is made
6 National or Ethnic Origin	<ul style="list-style-type: none"> - any inquiry as to birthplace - inquiry into nationality of parents, grandparents, relatives or spouse - any inquiry as to ethnic or national origin, eg. birth certificate, mother tongue - if native born or naturalized - date citizenship received - proof of citizenship 	<ul style="list-style-type: none"> - "Are you legally entitled to work in Canada?" [If further clarification is requested you may state that those so entitled are Canadian citizens, landed immigrants or holders of a valid work permit.] 	<ul style="list-style-type: none"> - an employer may ask for documentary proof of eligibility to work in Canada after selection decision is made

Subject

Not Acceptable

Acceptable

Comments

7 Military	<ul style="list-style-type: none"> - inquiry into all military service 	<ul style="list-style-type: none"> - inquiry into Canadian military service 	<ul style="list-style-type: none"> - inquiry into all military service permissible if military experience directly related to job applied for
8 Languages	<ul style="list-style-type: none"> - mother tongue - where language skills were obtained 	<ul style="list-style-type: none"> - inquiry into which languages applicant speaks, reads or writes, only if job related 	<ul style="list-style-type: none"> - testing or scoring an applicant in English or French language proficiency is not approved unless English or French language skill is a requirement of the work to be performed
9 Race or Colour	<ul style="list-style-type: none"> - any inquiry which would indicate race, colour, complexion including colour of eyes, hair or skin 		
10 Photographs	<ul style="list-style-type: none"> - request for photograph or taking of photograph 		<ul style="list-style-type: none"> - may be required for identification purposes after selection decision is made
11 Religion	<ul style="list-style-type: none"> - any inquiry as to religious affiliation - any inquiry as to willingness or availability to work on a specific religious holiday - church attended, religious holidays, customs observed or religious dress - request reference or recommendations from pastor, priest, minister, rabbi or other religious leader 	<ul style="list-style-type: none"> - inquiry as to willingness to work a specified work schedule 	<ul style="list-style-type: none"> - it is the duty of the employer to accommodate the religious observances of the applicant, if it is reasonably possible to do so - inquiry after hiring about religion to determine when leave of absence might be required for religious observances
12 Physical Handicap	<ul style="list-style-type: none"> - inquiry into all physical handicaps, limitations or health problems (this would tend to elicit handicaps or conditions which are not necessarily related to job performance) 	<ul style="list-style-type: none"> - inquiry as to whether applicant has any physical handicaps or health problems affecting the job applied for - inquiry as to any physical handicaps or limitations that the applicant wishes to be taken into consideration during the selection and interview process, or in determining job placement. 	<ul style="list-style-type: none"> - a physical handicap is only relevant to the job if: (a) the handicap would threaten the safety of co-workers, clients or the public; (b) the handicap would prevent the applicant from performing essential job duties satisfactorily even if a reasonable effort were made to accommodate the handicap
13 Medical Information			<ul style="list-style-type: none"> - a medical examination will necessarily reveal prohibited information about an applicant such as his or her age, race, or sex. Employers should conduct medical examinations only when an employee's physical condition is relevant to the job's duties and then only after the selection decision is made. Employers may indicate on application forms that job offer is conditional on applicant passing a medical examination

Subject

Not Acceptable

Acceptable

Comments

14 Organizations

- request that applicant list all clubs or organizations he or she belongs to

- proviso that applicant may decline to list clubs or organizations which may indicate a prohibited ground of discrimination

- request should only be made if membership in organizations is necessary to determine job qualifications

15 Height & Weight

- height and weight requirements may be discriminatory if they screen out disproportionate numbers of minority group individuals or women and cannot be shown to be related to job performance

16 Relatives

- name and address of next of kin and his or her relationship, to be notified in case of emergency

- name and address of person to be notified in case of emergency

- this information should be obtained when the new employee is being documented

17 References

- any inquiry made to a person who is a reference that would not be allowable if made directly to the applicant

18 Criminal Conviction

- inquiry into whether applicant has ever been convicted of a crime

- inquiry into whether applicant has been convicted of an offence for which no pardon has been granted

- the Canadian Human Rights Act prohibits discrimination based on a criminal conviction for which a pardon has been granted. The Commission discourages inquiries into unpardoned criminal convictions unless the particular conviction is relevant to job qualification

19 Optional Inquiries

- prohibited inquiries marked "optional" will be considered contrary to the Act

MASTER ANSWER SHEET: IO001

Answer sheet to questions for Self Test: IO001-01-01

1. race, national or ethnic origin, colour, religion, age, sex, marital status, physical handicap, ancestry, political belief, or conviction of an offence for which a pardon has been granted.
2. hiring, promoting, dismissing of employees and determination of a person's salary.
3. The Human Rights Branch of the Ministry of Labour- investigates complaints of discrimination and attempts to negotiate settlements satisfactory to all parties.
4. The Canadian Human Rights Commission has jurisdiction over federal government departments, agencies and crown corporations, and federally-regulated business and industry such as banks, airlines and railways.
- 5.1. Employment application forms.
 2. job advertisements
 3. written or oral enquiries by the employer.

MASTER ANSWER SHEET: IOO01

Answer sheet for IOO01-02-01 "B.C. Human Rights
Employment and Advertising"

1. skill, effort and responsibility
2. seniority systems, merit systems and systems that measure earnings by quantity or quality of production.
3. a) neutral titles e.g. "supervisor replaces foreman" or "draftsperson" replaces "draftsman"

b) a double title to include both male and female eg. waiter/waitress

c) the words "male or female" can be added to the job title e.g. "Tradesman male or female".
4.
 1. true
 2. true
 3. true
 4. false

Answers for Self Test: IOO01-03-01: Pre-Employment and
Employment Provisions of the Canadian Human Rights Act.

1. not acceptable
2. not acceptable
3. acceptable
4. not acceptable
5. Not acceptable
6. acceptable
7. acceptable
8. not acceptable
9. not acceptable
10. acceptable