

Illegal Interview Questions

ILLEGAL QUESTIONS

Under the Ontario Human Rights Code everyone is entitled to freedom from discrimination in employment. The prohibited grounds are: race, ancestry, place of origin, colour, ethnic origin, place of origin, citizenship, creed (religion and beliefs), sex (gender and pregnancy), sexual orientation, age, record of offence, marital status, family status, disability, gender identity and gender expression.

WHAT IS AN ILLEGAL QUESTION?

Illegal job interview questions solicit information from job candidates that could be used to discriminate against them. Asking questions about a candidate's age, race, religion, or gender could open a company up to a discrimination lawsuit. However, an employer may ask an illegal question for the following reasons:

- The employer may not be aware the question is illegal due to inexperience or lack of knowledge
- The employer may be asking the question out of curiosity
- The employer may be indicating the company culture (e.g. expectations of work hours, conduct, etc.)

HOW DO I ANSWER AN ILLEGAL QUESTION?

- Answer question directly (assumptions may be made based on your answer)
- Refuse to answer the question (this makes you appear disagreeable)
- (BEST APPROACH) Address REAL CONCERN or INTENT and not the stated question

EXAMPLE ILLEGAL QUESTIONS AND ANSWERS:

"ARE YOU A CANADIAN CITIZEN?"	"I am authorized to work in Canada."
"WHO IS GOING TO TAKE CARE OF YOUR CHILDREN WHILE YOU WORK?"	"I can meet the travel and work schedule that this job requires. I take pride in my punctuality and am always on time."
"ARE YOU PLANNING ON HAVING CHILDREN OR GETTING MARRIED?"	"I'm dedicated to my job, and commitment isn't an issue." "Regardless of my family situation, I am a dedicated worker. I am flexible to work overtime and travel as required."
"ARE YOU MARRIED" OR "DO YOU HAVE CHILDREN?"	"If you are concerned my home responsibilities might interfere with my being on time or being here regularly. It is important to me that you know how organized I am and that I take pride in my work. I also have my family's full support. I am pleased to say that in any previous work not once was my excellent attendance record affected. I can work overtime and travel as the work requires."
"WHEN WERE YOU BORN?" OR "HOW OLD ARE YOU?"	Young Worker - "I may be young, but this works to your advantage. Having recently finished school means that I am on the cutting edge of new technological innovations in the field. I am also very enthusiastic, eager to learn and willing to work hard."

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EXAMPLE ILLEGAL QUESTIONS AND ANSWERS:

<p>"WHEN WERE YOU BORN?" OR "HOW OLD ARE YOU?" (CONTINUED)</p>	<p>Older Worker - "My age will be an advantage to you because of my maturity, dedication and experience in the field. I can also be a positive mentor to younger members in the department."</p> <p>There may be an objection that you are overqualified or may expect a higher salary. "At this point in my career, job satisfaction is of higher value to me than a high profile or higher paying position and this is the job I want."</p>
<p>"DO YOU HAVE A DISABILITY?"</p>	<p>"If you are concerned about my ability to do this position, I can tell you that I am capable of performing the all the essential functions of this position."</p>
<p>"DO YOU HAVE ANY 'CANADIAN' EXPERIENCE?"</p>	<p>Many new Canadians are not aware of how much 'Canadian' experience they already have. Employers tend to ask for Canadian work experience because they are neither knowledgeable nor comfortable about foreign credentials and experience. It is up to you to enlighten employers as to how your qualifications are very much equivalent to what they are looking for.</p> <ul style="list-style-type: none"> • Highlight any volunteer experience • Market your skills, education and work experience as being transferable, and therefore valuable to employers in Canada; describe how similar your previous international experience is to that in Canada • Do your research on the organization, the job you are applying for and the industry so that you can be prepared to give a suitable answer <p>"I have my MSc. and BSc of Computer Science and I have 8 years teaching experience with 3 years working with international students, respecting their diverse background, experience and individual learning styles. Currently, I am in the Post Graduate College Teacher Training Program at George Brown College where I am building on my current knowledge of instructional strategies and classroom management in the Canadian Classroom. I am also doing an internship teaching at George Brown College. I do understand the Canadian workplace culture and I believe that my education and experience would make me a great fit for this position."</p>

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EXCEPTIONS

There are exceptions to illegal questions when it is a reasonable requirement ex. a female to work in an assaulted women's shelter or an airline may ask about eyesight for a pilot position.

ILLEGAL QUESTIONS AND EXCEPTIONS CHART

AREA	ILLEGAL QUESTIONS	LEGAL QUESTIONS	EXCEPTIONS
CITIZENSHIP	Are you a Canadian citizen? Are you a landed immigrant? Are you Canadian?	Are you legally entitled to work in Canada?	Citizenship questions are okay if: <ul style="list-style-type: none"> • Required by law for position • Where cultural, educational, trade union or athletics can be restricted to Canadian citizens or permanent residents
AGE	How old are you? When were you born?	Are you of the legal age to work in Ontario?	Age questions are okay if: <ul style="list-style-type: none"> • Employer serves particular age group and it is a reasonable requirement *SIO
MARITAL & FAMILY STATUS	Are you married? Do you have a family or do you plan to? How many kids do you have? What are your childcare arrangements?	Would you be willing to relocate if necessary? Would you be able to travel or work overtime?	Marital status questions are okay if: <ul style="list-style-type: none"> • Employer serves particular group (single women) and if marital status is a reasonable requirement • Family status may be asked if there is a nepotism policy in place *SIO

*SIO – Special Interest Organization

Please refer to the **Ontario Human Rights Code** for more exceptions and further information at www.ohrc.on.ca