

PAUL BOSHYK WARNS EMPLOYERS ABOUT QUESTIONS POSED TO JOB CANDIDATES

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In an interview with [Catherine Skrzypinski for the Society for Human Resource Management \(SHRM\)](#), McMillan's Paul Boshyk cautions employers and recruiters that certain questions that may seem innocent, could conflict with the provincial human rights laws that govern most employers in Canada. These provincial laws generally include provisions similar to the Canadian Human Rights Act (the Act).

In the article, Paul urged human resources departments to familiarize themselves with the prohibited grounds of discrimination, as well as their province's human rights legislation.

In compliance with the Act, it is illegal for federal-sector employers to pose questions to candidates about a range of issues, including age, sex or gender, sexual orientation, religion or marital status. "Questions about an applicant's availability to work after hours could reveal information about his or her family status or religion," he said.

Other questions often asked at job interviews may be interpreted as discriminatory by the candidate, including those relating to eligibility to work in Canada. According to Paul, "Nonetheless, employers are legally required to obtain proof of eligibility to work in Canada at the outset of the employment relationship."