

# Make Recruitment and Hiring Your Organization's Strength

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The recruitment and hiring process presents opportunities and challenges for every organization. Great employees can make a great workplace, while hiring the wrong people can be a costly mistake. Follow these **five tips** to develop a recruitment and hiring strategy.

## 1 Recruitment

Canada has a diverse population, and a workforce that reflects that diversity can be a significant economic advantage. How and where your organization posts job openings will influence the type of candidates who apply.

For example, an organization that relies heavily on word-of-mouth referrals may inadvertently attract only candidates who share the same demographic characteristics of the organization's existing employee population.

## 2 The advertisement

Watch your language! Ensure that the description of the job doesn't directly or indirectly discriminate on the basis of a characteristic protected under human rights legislation. For example, an advertisement that seeks "young energetic customer service representatives" may be found to discriminate against older candidates on the basis of age.

## 3 Interview in person

Always meet candidates in person to explore a range of topics, including related job experience and ability to perform the duties of the position.

However, avoid asking questions that would solicit information about race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, gender identity or disability. Human rights Codes prohibit employers from making hiring decisions on the basis of any of these characteristics.

Even if a decision not to hire a candidate is entirely unrelated to one of these protected characteristics, the fact the employer gathered such information may expose it to a claim the decision was made illegally.

The most effective way to avoid a claim of discrimination is to implement an interview questionnaire with standardized criteria against which all candidates are evaluated and to retain interview records for all candidates.



## 4 Check References

Surprisingly, many employers don't check references. Even if a candidate has provided an impressive job application and given a great interview, references should be checked to explore areas such as: What do former employers think of this candidate?; Was she technically sound, professional, dedicated and receptive to constructive feedback?; Was she a role model for other employees?; What are her strengths and weaknesses?; Why did she leave?; Would you rehire this candidate if given the opportunity?

And remember, contrary to popular belief, a prospective employer is not restricted to checking only the references identified by the candidate. An employer may check references from any appropriate source.

**5 The Decision to Hire**  
Once the desired candidate is found, can a job offer be contingent on the results of pre-employment drug or alcohol testing and/or a background check?

#### **Drug or Alcohol Testing**

In most workplaces, pre-employment drug and alcohol testing is not permissible, even when the position could involve health and safety risks. This is because refusing to hire a candidate on the basis of a positive test result potentially discriminates against the candidate on the basis of a disability (addiction) or perceived disability (assumed addiction).

A positive drug test also does not necessarily indicate the candidate is unable to perform the essential duties of the position, nor does it predict whether the candidate will be impaired while performing work in the future.

#### **Criminal Background Check**

A criminal record background check is traditionally sought where the position of employment is also a position of trust involving money, children, personal safety, etc.

Human rights legislation in British Columbia, Ontario, Quebec, Newfoundland, Prince Edward Island and potentially Manitoba (not yet determined) prohibit discrimination in employment on the basis of a criminal record. However, the scope of the prohibition varies.

In British Columbia, it is generally discriminatory to refuse to hire a candidate because the candidate has been charged or convicted of a criminal or summary conviction offence unrelated to the employment.

In Ontario, it is not discriminatory to refuse to hire a candidate on the basis that the candidate has been charged with a criminal offence regardless whether the charge is related to the employment. It is also not discriminatory to refuse to hire a candidate on the basis of a criminal record, unless the candidate has been granted a pardon or the offence is in respect of a provincial offence (e.g., Highway Traffic Act).

However, information disclosed through a criminal check can expose an employer to a claim of discriminatory hiring. For example, a report

revealing several convictions for drug-related offences may result in an allegation that the employer did not hire the candidate due to an actual or perceived drug addiction or mental disability (both are protected disabilities under human rights legislation).

Best advice? Seek out and review only information that is “necessary” to have rather than information that is “nice” to have. FBC

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