

Illegal interview questions?

The Alberta Human Rights Act outlines several things that you can and can't ask prospective employees at various points in the interview process. In general, as an employer, you can't ask any questions that could be used to discriminate. To avoid stepping into these minefields of potential legal trouble, here is a handy guide of what you need to watch out for.

Age

While you can find out if someone is legally old enough to work, you can't ask anyone what their specific age is. You also can't ask when they are planning on retiring.

Disability

You can't ask if the person is disabled or has any limitations beyond whether they are capable of doing the job you've outlined. You can't ask if they have any health problems or have had any health problems including absences due to stress or mental health issues. As well, you aren't allowed to ask about any previous Worker's Compensation claims.

Religion or Race

You can't directly or indirectly ask questions that will lead you to reveal a person's religion or race. If it isn't related to the job, you can't make any queries about what clubs or organizations they belong to, educational institutions, or what languages they speak. You're allowed to ask if the person is legally permitted to work in Canada though.

Gender, Marital Status or Plans to have a Family

You can't ask about the gender of the applicant, whether they are married or single or if they have any plans to have a family. What is allowed is if you have questions about their ability to work the schedule the job requires, for example, if they can travel or work different hours.

Height and Weight

You can't ask any questions about height and weight, only about whether someone is capable of doing the job.

Smoking

You can't ask someone if they are a smoker or if they have any respiratory conditions like asthma. You can tell candidates that they are expected to work in a non-smoking environment (if applicable).