

## Interviewing

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**Purpose** *To ensure ASC has a consistent, responsible interviewing process in place that adheres to legislation.*

**Policy Statement** *Using an objective screening process, employees will be selected on the basis of their qualifications, skills, abilities and efficiency to fulfil all of the duties, responsibilities and requirements of the job.*

*The interview process will respect the Human Rights Citizenship and Multiculturalism Act.*

### **Human Rights**

*The Human Rights, Citizenship and Multiculturalism Act (RSA 1980 cH-11.7) formerly known as the Individual's Rights Protection Act, is administered by the Alberta Human Rights and Citizenship Commission (see Advisors, Section 40-25H). The law provides that advertisements, application forms and written and oral inquiries made to an applicant must not express any preference or limitation as to race, religious beliefs (including native spirituality), colour, gender, physical disability, mental disability, marital status, age, ancestry, place or origin family status or source of income of any person and must not require an applicant to furnish any information concerning race, religious beliefs, colour, gender, physical disability, mental disability, marital status, ancestry, place or origin, family status or source of income.*

*Furthermore, it provides that no employer may refuse to employ or to continue to employ any person or discriminate against a person in regard to any term or condition of employment because of race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry, place or origin, family status or source of income. \* It is also a contravention of the Act for any employer to refuse to continue to employ any pregnant female employee or discriminate against her with regard to any term or condition of employment by reason only of her pregnancy.*

*The above provisions apply to domestics employed in a private home and to farm employees who reside in the private home of the farmer who employs them.*

*\* The Supreme Court of Canada has determined that Alberta must read into its Act that sexual orientation is a ground for discrimination.*

Program Area:	All areas					Page:	1 of 2
Section:	Human Resources	A	92-06-26	R	95-01-20	R	97-11-10
Sub-section:	Terms & Conditions	R/R	98-06-23	R/R	01-08-23	R/R	April 28/05

### ***Employment of Foreign Workers***

*It is the policy of the government of Canada that citizens and permanent residents have the first opportunity of filling job vacancies in Canada. If qualified people are not available in Canada, the recruitment of foreign workers will be considered.*

*Foreign workers are either:*

- 1. non-immigrants, coming into Canada for temporary or seasonal jobs on an employment authorization. (The duration of an employment authorization will vary. However, it will only facilitate a temporary stay). Or:*
- 2. immigrants admitted to Canada for permanent residence to fill positions of a permanent nature. Once permanent resident status has been granted, immigrants become permanent residents of Canada with the same access to employment as Canadian citizens.*

*Employers considering the recruitment of foreign workers should not proceed without first consulting a Canada Employment Centre (CEC) in order to determine whether foreign workers are necessary.*

*Employers may enlist the services of an agent to help find suitable foreign workers, but a formal job offer must be made by the employer through the Canada Employment Centre. If the CEC approves the job offer, the decision will be communicated to the immigration office where the worker will be applying. An immigration officer will determine if the prospective foreign worker meets the requirements of Canadian immigration law and the qualifications set out in the job offer.*

*Employers are advised to identify staff requirements well in advance of actual need. Employers should not seek foreign workers before contacting a CEC. Even if an employer thinks a suitable worker has been found, the CEC must still check the job offer to determine if there are Canadian citizens or permanent residents to fill the job. The process of bringing in foreign workers is also time consuming. The laws and policies of the source country, as well as those of Canada, must be taken into account.*

Program Area:	All areas					Page:	2 of 2
Section:	Human Resources	A	92-06-26	R	95-01-20	R	97-11-10
Sub-section:	Terms & Conditions	R/R	98-06-23	R/R	01-08-23	R/R	April 28/05

## **Handling Resumes**

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1. All resumes received will be date stamped and recorded on the master resume list.
2. Resumes received for specific competitions will be placed in the file for the competition.
3. Resumes received non specific to a competition will be placed in the general resume file.
4. After completion of a competition, resumes are returned to the secretary to be filed in the general resume file, unless an individual does not want their resume retained.
5. If an individual is not suitable for any position, their resume is forwarded to the Executive Director/Services Director.
6. Only the resumes are retained. Interview information is transitional and is shredded by the interviewers. Exceptions are the successful applicant will have the requests for references check forms retained.
7. Using a bring forward system the resume box will be updated weekly and any resumes dated back 6 months will be shredded.
8. Resumes are subject to confidentiality and accessible only by Supervisors and Administration.

## **Screening**

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1. Whenever possible, the area team is consulted for input on the qualities, characteristics and special skills desirable for their team.
2. An interview team must have two people. The team consists of a minimum of one manager and may include: other managers, a team member, the person receiving services and/or the family.
3. The team would consider the following when screening for potential interviews:
  - a) education;
  - b) past related experience;
  - c) demonstrated commitment to the job;
  - d) input from service area team re: desirable qualities and special skills required for the team;
  - e) content of covering letter; and
  - f) C.P.R., First Aid and Class 4 license (if applicable)
4. If there is a significant number of potential interviews after the initial screening, each team member should rate the potential interviewees accordingly and choose the top rated individuals (keep remaining screened resumes in reserve until interviews are confirmed).
5. After determination of the applicants to be interviewed is made, the designate will contact the candidates for interview times. The designate may ask the candidates to

## Interviewing Procedure Continued...

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bring proof of qualifications to the interview. A schedule of interview times/names is coordinated with interview team.

### Interview Format

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1. In cases where deemed appropriate, working interviews will be conducted prior to the offer of employment.
2. The interview will be done in a professional manner.
  - a) For Coordinators: Executive Director/Services Director and/or other Management Team members.
  - b) For Team Leaders/LifeSkills Managers: Coordinators, other Team Leaders/LifeSkills Managers and Team Members.
  - c) For direct service delivery employees: Team Leaders/LifeSkills Managers, Coordinators and Team Members.

Note: The Executive Director/Services Director may participate in any interview.

3. Interviewing for individual services in which families are involved, will follow the same procedures, and in addition, once prospective candidates have been selected, families will be given the opportunity to participate in final selection interviews.
4. The interview format consists of a general set of questions pertaining to confidentiality, ethics, etc., and questions specific to the area being interviewed for. Interview team members plan for the sharing of questions. Interview team members refine and categorise the questions to be asked.
5. Interview team members review selected questions to ensure that the questions are in accordance with accepted practises and do not contravene individual rights (see attached for guidelines from the Individual Rights Protection Act).

### Conducting the Interview

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1. Area overviews and applicable position descriptions will be given to the applicant when they come in for their interview. Time will then be allowed for the applicant to read the information prior to the interview.
2. Applicants may be asked for their proof of qualifications.
3. Predetermined questions as well as discretionary questions are asked.
4. Information may be noted throughout the interview. This information is transitional and is not retained.
5. Signatures for a minimum of two requests to obtain reference information are obtained from the applicant.
6. Indication is given to the applicant of when they may expect notification of decision.
7. After applicant leaves the interview, the interview team members individually complete their rating. Ratings are then reviewed and compiled by the team and the successful candidate is determined.

Program Area:	<i>All areas</i>					Page:	2 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		

**Post Interview**

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1. A designate from the interview team will complete at least two reference checks for the candidate and document this on the applicant assessment form.. If the reference checks are acceptable, after consultation with and approval by the Executive Director/Services Director, the designate will make a verbal offer of employment to the candidate.
2. A written offer of employment is completed by the Executive Director/Services Director (see procedure for Offer of Employment/Letter of Agreement, under Contractual Agreements for employees - located in the Financial Section of the ASC Policy binder).
3. If the offer is accepted, a time will be arranged for the successful candidate to meet with the Office Manager to complete the necessary commencement forms.
4. Candidates interviewed, but not selected for the position, will be advised of their status in a letter of regret, wherever possible within two weeks following the position appointment.

Program Area:	<i>All areas</i>					Page:	3 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		

**Interview Guide**

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The following are guidelines from the Individual's Rights Protection Act, which outline the questions that should *not* be asked in an interview:

Request for Photograph: Photographs cannot be requested as they reveal race, color, sex, physical disabilities, ancestry. If a photograph is required for identification purposes, it may be requested after an offer of employment has been made and accepted.

Request for Applicant's Sex: Any question that requires disclosure of an applicant's sex, is a direct violation of Section 8(1) (b) and therefore, not permitted. This includes a direct inquiry or requiring the applicant to specify Mr., Mrs., Miss, or Ms.

Marital Status: Inquiries which directly or indirectly make reference to marital status are not prohibited by the Act. However, if this information is made known to the employer, and applicants are screened on the basis of factors such as perceived availability for and ability to travel, relocate or transfer, or to work shifts or irregular hours, a complaint could be alleged under Section 7(1): refusal to employ on the basis of marital status.

The commission therefore recommends that any such questions not be included. This includes request for designation such as "Mr., Mrs., Miss, or Ms.", asking for a previous or maiden name, request for names of relatives, dependents, or child care arrangements.

Previous Name: Requesting an applicant to provide a previous name may indirectly disclose marital status, sex, place of origin or ancestry. A refusal to employ on any of these basis, would be contrary to the Act, and any inquiry which requests an applicant to disclose information about sex, place of origin or ancestry, would be contrary to the Act.

This does not preclude an employer requesting this information for the purpose of employment, education or reference checks. The Commission suggests, however, that a request for any previous name be phrased "name used in previous employment and/or education for the purposes of reference check". Ideally, this information should be requested in the section dealing with past employment or references.

Next of Kin: The names of relatives or next of kin should not be asked in pre-employment inquiries, as these can reveal the sex, marital status, place of origin or ancestry of the applicant. Where a name is needed for purposes of notification in an emergency, the question should be phrased "person to notify in case of an emergency".

Dependents, Child Care: Inquiries about an applicant's spouse, number of children or dependents, child care arrangements, and future family plans should be avoided. These questions are not related to the job in question and tend to indicate sex and marital status. Where applicable, valid inquiries would include: willingness to work the required schedule, to work rotating shifts, or to relocate.

Program Area:	All areas					Page:	4 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		

## Interviewing Procedure Continued...

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Date of Birth and Age: While date of birth and age requests are not contrary to the Act, this information is occasionally used, or may appear to be used, to screen out applicants on the basis of age. The Act defines age as 18 years or age or older. Requiring information about the applicant's age could potentially lead to complaints under the Act. However, in employment positions where there is a legal minimum age requirement, the date of birth may be sought, or alternatively, a birth certificate may be requested. Some employers effectively utilize questions such as "are you legally entitled to work in this province?" or "are you of the age of majority?" as a means of obtaining the desired information about minimum age.

Previous Addresses: Only previous addresses within Canada may be requested, and the question should make this clear (e.g. "previous address, if in Canada"). To require an applicant to disclose a previous non-Canadian residence, would be contrary to the Act, which does not permit an employer to require an applicant to furnish information about place of origin.

Citizenship: Citizenship is not dealt with in the Act. However, a request for citizenship could require a non-Canadian applicant to disclose place of origin, contrary to the Act. Questions should be rephrased to require only information pertinent to employment suitability. Appropriate questions could include "are you a Canadian Citizen or Landed Immigrant?", with no distinction drawn between the two.

Verification of Landed Immigrant Status: A request for provision of a landed immigrant card as, verification of landed immigrant status, could lead to a complaint being laid under the Act. This certificate sets out the individual's sex, birth date, place of origin and marital status. Requiring provision of this information, even in such an indirect manner, is contrary to the Act. As well, it is foreseeable that an applicant might allege that the information contained in the certificate was used in a manner contrary to the Act.

The Commission recommends that this request be deleted. For those positions where this information is necessary, a recommended approach would be to require successful applicants to swear, or to affirm, their landed immigrant status. An alternative suggestion would be to require applicants to provide verification after an offer of employment has been accepted; the offer being contingent upon satisfactory proof of legal right to work in Canada.

Physical Disability: Regarding physical disabilities and/or health problems, the Act prohibits requiring an applicant to furnish any information about physical disability. It is not permissible to request an applicant to provide any information about the general state of his/her health, appearance, height, weight, or to request a general medical history, or examination, as part of the pre-employment inquiries. Nor can an applicant be required to disclose information about specific occupation related impediments, defects, or disabilities. It is permissible, though, to require a job-related medical examination after an employment offer, and to make that job offer contingent upon a satisfactory, job-related examination. It is acceptable to include a declaration by the applicant such as "I understand that a job-related medical examination may be required after an offer of employment has been made and further, that the offer of employment may be contingent upon a satisfactory job-related medical examination."

Program Area:	<i>All areas</i>					Page:	5 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		

## Interviewing Procedure Continued...

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Apart from the interview, employers may, through the use of complete job descriptions, ensure that potential applicants are given enough information to assess their own suitability for the job. It is acceptable to set out specific details in any employment advertisement or posting, about the nature and extent of any physical requirements of the position's duties. It should be noted that in the relatively short time during which Canadian jurisdictions have been dealing with "physical disability" in their respective codes, judicial, quasi-judicial and the Commission's own informal positions, have endorsed to varying degrees, the American precedent that there is an onus on employers to accommodate reasonably, either the peripheral aids required, or some limitation or re-arrangement of some of the duties of the position in question, in order to hire an otherwise qualified or qualifiable applicant.

Worker's Compensation Payments: An inquiry into receipt of present or past Worker's Compensation payments, indirectly requires an applicant to furnish information about a physical injury or disability. This can be contrary to the Act which protects applicants from having to furnish information about physical disabilities and should be deleted from the interview. Further basing, or being seen as basing, hiring decisions on the presence or absence of a Worker's Compensation history, could lead to a complaint under the Act as well.

Language Fluency: To require an applicant to state those languages in which he/she is fluent, could be seen as requiring disclosure information pertaining to place of origin or ancestry, contrary to the Act. Only fluency in languages specifically required in the job should be requested, and these should be clearly stated in the question.

Military Service: The heading "Military Service" should be qualified by the addition of the word "Canadian". Otherwise, individuals could disclose information about compulsory military service in another country, which in turn could reveal place of origin, contrary to the Act.

Educational Institutions Amended: While the names of academic, vocational, technical and professional institutions attended and the nature and level of education received may, of course, be requested, requiring information which reflects either the religious or racial affiliations of schools or other institutions attended, or the location of schools outside Canada, is not advisable.

Membership in Clubs, Organizations and Professional Associations: Requesting applicants to list those organizations and associations of which they are a member is permissible. However, a statement should be included, advising that the list may exclude reference to any organization which could indicate race, religion, colour, sex, ancestry, place of origin, or physical disabilities of the applicant or of his/her associates.

Program Area:	<i>All areas</i>					Page:	6 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		

## Interviewing Procedure Continued...

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Religious Beliefs: Applicants cannot be required to furnish any information concerning their religious beliefs. Therefore, any data which reveals religious holidays, church attended, customs observed and religious dress, must be omitted. Employment postings may set out relevant factors about hours of work. That is, it is permissible for employers to state in job advertisements that the position will require shift, evening or weekend work, or that it is functional 365 days per year. The Commission further takes the position that both employers and employees should make reasonable efforts to accommodate the needs of each other, with respect to hours of work and time off.

Pre & Post Employment Inquiries: A distinction is drawn between pre and post-employment inquiries in the Individual's Rights Protection Act; Section 8 is concerned with the nature of pre-employment inquiries. Thus, an employer may make any post-employment inquiries that are necessary, as long as these are not used in contravention of Section 7. It is best to phrase these inquiries in a manner which eliminates much of the possibility of being viewed as using the information to the new employee's disadvantage.

Program Area:	<i>All areas</i>					Page:	7 of 7
Standard Covered:	2.1.3 & 2.1.2 & 2.1.1	A	92-06-26	R/R	95-01-20	R	97-11-10
ASC Accreditation		R/R	98-06-23	R	03-08-31		