

5.4 Legal Interview Questions



The main objective of an interview is to obtain additional information in order to select the best candidate for the job. The best fit is defined by the smallest gap between candidates' talents, on the one hand, and the job requirements and organizational culture, on the other hand.

An interviewer should ask the same questions to all candidates.

- Employers are allowed to ask questions about an applicant's ability to perform the essential duties related to the job.

For example:

- During an interview for an opening for a receptionist position and after the duties, responsibilities, and job requirements have been thoroughly described, the interviewer may ask: "Do you have the ability to receive, sort, and distribute mail and deliveries?" (See **Tool #4.2 Inclusive Job Description: Receptionist** for other similar questions specifically related to the essential duties of a specific job). Many questions can only be asked after the interviewer has **thoroughly described the job requirements**.

An interviewer should be prepared to respond and accommodate.

- Employers should not ask an applicant any disability-related questions without prompting. However, if an applicant raises such an issue, the employer should be prepared to respond and indicate that it can and will accommodate the employee to the point of undue hardship.

For example:

- An applicant discloses that he is not able to stand or sit for extended periods of time and asks the interviewer what accommodations are available. The interviewer may ask further questions to explore possible accommodations within the workplace and further confirms the employer's responsibility to accommodate up to the point of undue hardship. In doing so, the employer indicates a willingness to identify and implement the needed accommodations as it applies to employees with disabilities.

Bear in mind that additional specific requirements/restrictions to all equity-seeking groups may apply depending on what jurisdiction you reside in; consult a lawyer or the relevant human rights authority if you have any concerns. The law will vary from province to province. The law seeks to accommodate all stakeholders.

The phrase “undue hardship” implies that the employer has an obligation to incur at least some hardship when accommodating employees whether or not they belong to an equity-seeking group.

Sources:

¹ Canadian Council on Rehabilitation and Work (CCRW).

² Birshstein, Gary. (2010). Interview Questions: Legal Vs. Illegal. Retrieved from Canada Human Resource Centre website. [Canada Human Resources Centre | Online Skill Testing and Behavioural Assessments \(canadahrcentre.com\)](http://canadahrcentre.com)

³ Community Foundations of Canada. Retrieved from the HR Council of Canada website.

Disclaimer:

Hire for Talent has made every effort to use the most respectful words possible while writing these materials. We realize, however, that the most appropriate terminology may change over time. We developed these materials with the intent to respect the dignity and inherent rights of all individuals.