

AVOIDING HUMAN RIGHTS COMPLAINTS

By: Lauren M. Bernardi

Here are some tips on how to avoid a human rights complaint.

The Hiring Process

1. Use the phrase “equal opportunity employer” in your job advertisement and mean it. Base your selection decisions on a candidate’s qualifications, not extraneous things like hobbies.
2. Check your job ad to ensure that it is not discriminatory, either directly or indirectly.
3. Check your application forms to ensure that they do not request information you are not entitled to have, such as marital status, citizenship or the name of the schools a candidate has attended.
4. Ensure that everyone involved in the hiring process has been properly trained on what questions they can and cannot ask potential employees.
5. If you are using a selection test with potential candidates, make sure it only tests the duties of the particular position you are filling.
6. Make sure the qualifications you require are directly related to the duties of the position. For example, requiring candidates to be fluent in English may be discriminatory if it is not an essential duty of the position.

During Employment

1. Use employment policies and apply them consistently with all employees. Do not play favourites.
2. Be flexible. Allow employees to meet their personal and family obligations such as by implementing a flextime policy or giving them personal days off.
3. Implement a harassment policy and educate all employees about what is and is not harassment. A training program is an essential part of your duty to provide a harassment-free workplace and will go a long way to preventing problems.
4. Train your managers and supervisors in how to manage effectively and fairly.
5. Review your compensation practices to ensure that they are not discriminatory.
6. Recognize and accommodate disabilities. Work with employees to help them perform the duties of their job. Perform a physical demands analysis so that you know what is required in the position.

AVOIDING HUMAN RIGHTS COMPLAINTS

About Bernardi Human Resource Law

At Bernardi Human Resource Law we know that today's response to your workplace challenges can become tomorrow's precedent. We think ahead and help you make the best decisions to meet your needs both now and in the future.

Balancing your legal obligations and business objectives can be hard. We act as your trusted advisors; not simply as lawyers but as an integral part of your management team. Through our practical advice, workshops and articles, we arm you with the knowledge and tools to address rapidly changing human resource issues.

Above all, we're on your side. We work with you to prevent costly problems and when litigation is necessary, we act as strong advocates to protect your interests.

Bernardi Human Resource Law: forward thinking at work™.

About Lauren Bernardi

Lauren is a lawyer and human resource advisor with the Mississauga firm of Bernardi Human Resource Law. Lauren's advisory, training and educational services help managers direct their human resources in a strategically sound and legally appropriate manner. She is an accomplished and entertaining speaker on management and human resource issues.

For more information, you may reach Ms. Bernardi at 905-486-1991, by e-mail at lbernardi@hrlawyers.ca or on the web at www.hrlawyers.ca.

© Bernardi Human Resource Law. This article is intended as general information only and does not constitute legal advice of any kind. Duplication and distribution of this material is permitted, provided the name of Bernardi Human Resource Law and the authors' names are included.