

## Best Practices for Employment Interviews, 2003

### EQUITY BENEFITS ALL

What is the best way to attract and retain lawyers, students, staff and clients?

- Research has shown that prospective employees often choose an employer based on factors such as good work/life balance, respectful workplace policies, an equitable work environment and respectful and non-discriminatory employment interviews.
  - ✓ Lawyers, articling students and support staff who learn that a firm has developed a sound parental leave policy, will likely note that the firm has made family issues a priority and will be encouraged to accept that firm's offer.
  - ✓ Clients may also base their decisions on which firm to retain on the way the firm treats its personnel. Firms may also be better able to attract clients from diverse communities if members of those communities see themselves reflected in the firm's personnel.

### ADOPT BEST PRACTICES

- Make a good first impression on prospective employees and clients by adopting best practices in your recruitment and human resources procedures. Best practices include:
  - ✓ Having respectful workplace policies and initiatives in the firm;
  - ✓ Conducting employment interviews that demonstrate the firm's respect for diversity and equality; and
  - ✓ Anticipating candidates' questions about workplace policies, salary structure and the articling arrangement and having specific answers to those questions at the interview.

### NO DISCRIMINATION

- Both *The Manitoba Human Rights Code* and the Law Society's *Code of Professional Conduct* specifically prohibit discrimination in the hiring process.
  - ✓ Employers should only ask interview questions that are logically related to the essential requirements of the position.

### PAST INTERVIEW MISTAKES

- Unfortunately, lawyers from across Canada continue to ask unlawful questions in the course of employment interviews. Here are some past real-life examples:
  - ✗ Interviewers have implied to aboriginal students that the students could not maintain objectivity or confidentiality when handling aboriginal matters. The students were also asked questions about their positions on aboriginal issues but non-aboriginal students were not asked such questions.

- ✘ Pregnant women have been asked whether they really expect to be able to article and to be a mother at the same time.
- ✘ Female articling students have been asked for sexual favours in exchange for a job.

### **GET THE ESSENTIALS**

- Interviewers should distinguish between those tasks and skills that are essential and solicit information accordingly.
  - ✘ For example, asking a candidate whether he or she is married or intends to have children discriminates on the basis of family status or sex. Asking a candidate whether he or she can “handle” racial harassment discriminates on the basis of race.
- The Law Society’s *Code of Professional Conduct* also specifically prohibits setting unnecessary hiring criteria that have the effect of excluding job applicants on prohibited grounds.
  - ✘ So, while it may be reasonable (depending on the size of the firm and the number of students) to require that all articling students be able to go wherever the job requires, a requirement that the student have a driver’s license or a car effectively excludes persons with disabilities that prevent them from holding a driver’s license.

### **DIVERSITY**

- Cultural traditions can cause prospective employees to have different styles. Some individuals may consider it rude to establish direct or prolonged eye contact with an authority figure, such as a job interviewer. Others may value humility and feel uncomfortable talking about themselves or may pause and think rather than answering questions right away.
  - ✘ These differences in style should not be penalized during the interviewing process.
  - ✓ Candidates’ merit should also be assessed on the basis of non-academic interests, such as volunteer community experience, ability to manage diverse demands, leadership capacities and general life experience.
  - ✘ Such criteria help to reduce reliance on grades alone, which tends to favour students who can spend more time on academic pursuits because of their financial position.
  - ✓ When considering whether a candidate has the right “fit” for the firm, remember that fitting in does not necessarily mean being the same as everyone else.

### **HAVE WRITTEN GUIDELINES**

- Written guidelines for the interviewing team make the employment process more equitable. Written guidelines can help ensure that interviewers will select candidates with appropriate, job-related qualifications rather than exclude candidates because of personal characteristics such as gender or race.

- ✓ Written selection procedures also increase the likelihood of a fair, consistent and effective process.
- ✓ All candidates should be asked the same questions about their ability to perform the articling requirements. Candidate-specific follow-up questions are appropriate.
- ✗ Employers should not ask questions that require applicants to furnish information concerning the prohibited grounds of discrimination in *The Manitoba Human Rights Code* or the Society's Code of Professional Conduct.
- ✓ Questions about candidates' interests and activities are appropriate as long as they do not intrude into the prohibited grounds of discrimination.
- ✓ If possible, a team of two or more people should conduct the interviews.
- ✓ It is also a good idea to make the interview team as diverse and inclusive as possible.
- ✓ After interviews have taken place and a candidate has been selected, all application forms and/or resumes should be kept on file for a reasonable length of time.

#### **MORE INFORMATION**

- For an excellent review of the kinds of questions that can and cannot be asked in employment interviews, please go to [www.gov.mb.ca/hrc/publications/guidelines/preemp.html](http://www.gov.mb.ca/hrc/publications/guidelines/preemp.html)
- Lawyers who would like more information about appropriate interview questions may also contact the Law Society of Manitoba's Equity Ombudsperson:

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