



A company dangled a job possibility, and then went silent. What are my options?

PETER CAVEN  
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NINE TO FIVE

#### The question

I was contacted by a human-resources employee of a company to see whether I was interested in a marketing position there. I paid a preparation firm to help with my résumé and cover letter, took vacation days to attend two interviews, and was told I'd be notified within a week. Two weeks later, I've heard nothing. What should I do?

#### The first answer

**Peter Caven**  
*Founder, Launched Careers advisory service, Toronto*

Unfortunately, your experience is all too common – I refer to it as “candidate abuse.” I do not understand why organizations behave this way. They invest thousands of dollars building their brand and then do things like this. If the recruitment is still active, however, and you are still interested, try again with HR. Send another e-mail with a subject line of “Following up on our meeting on ...” and insert the date. In the body of the e-mail, remind the reader of the commitment to get back to you in a week. If you are still interested in the opportunity, indicate that in the e-mail. Ask about next steps and timing.

The CEO may be completely unaware that this sort of thing is happening. This is not sour grapes, you are instead helping to fix something that is broken in the organization.

If you do not get a response within five business days or are advised that the opportunity is closed, you have a decision to make. You can forget about the entire episode or you can send an e-mail to the chief executive summarizing your experience, disappointment and frustration in the way you were treated.

The CEO may be completely unaware that this sort of thing is happening. This is not sour grapes, you are instead helping to fix something that is broken in the organization and saving other candidates from being treated in the same manner.

#### The second answer

**George Cottrelle**  
*Partner, Keel Cottrelle LLP, Toronto*

You have good reason to be frustrated, as this company sought you out to apply for the position, and you expended considerable time and personal funds to prepare for, and to attend, interviews. The lack of response from HR demonstrates a lack of professionalism. However, I do not see a basis for a legal claim by you in this case. Job applicants are not employees, with all the traditional employment-law rights.

Canadian law does provide certain fundamental legal protections to job applicants, such as the right to equal treatment in the employment application process, without discrimination; the right to damages for reliance on negligent misrepresentations, such as in the case of a revoked employment offer; and material job misdescription.

The facts in this matter do not indicate that the company breached any of its legal duties to you, however. The employer engaged in poor business practices in its failure to communicate with you, but there is no legal duty for the company to advise you of its evaluation of your application after your interviews, or the results of, or the reasons for, its hiring decision. You could consider a follow-up with the person you met on your second interview, or you may decide not to pursue employment with this company.