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NINE TO FIVE

As a white male, I did not get a job due to my race and gender. What are my options?

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SPECIAL TO THE GLOBE AND MAIL

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THE QUESTION

After interviewing for a senior role in a large, well-known Canadian organization, I was told by the recruiter that, despite “hitting all the high notes from a capabilities and experience” perspective, their client “couldn’t do it. White males just won’t cut it. I am so sorry as I wouldn’t have gone this far with you if I had known this beforehand.”

What, if anything, should I do about this? In the push for greater diversity, how should organizations protect themselves to ensure that their actions are not, in fact or in appearance, discriminating against one pool of candidates in favour of another?


THE FIRST ANSWER

George Cottrelle

STORY CONTINUES BELOW ADVERTISEMENT

Partner, Keel Cottrelle LLP

Everyone in Canada, including job applicants, is protected from discrimination in employment, including discrimination based on sex or race. Employers in many

prov  e expressly prohibited from advertising jobs using discriminatory
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However, employers are permitted to implement employment equity programs, which will not constitute discrimination if the programs meet applicable statutory requirements, such as helping disadvantaged groups achieve equal opportunities.

Ontario's Human Rights Commission has published guidelines for these special programs, including that employers communicate the existence of the program and any restrictions on eligible applicants. Most provinces allow, and a few require, special programs to be preapproved by the Human Rights Commission. Larger employers under federal jurisdiction are statutorily required to develop employment-equity plans to achieve employment equity.

The job applicant was told he had the required capabilities and experience, but was disqualified because he was a white male. This was prohibited discrimination, entitling the individual to file a complaint with the applicable human-rights commission or tribunal. The employer could defend itself with evidence of an appropriate program. But the existence of such a program should have been disclosed to the recruiter and applicants at the beginning of the selection process and, regardless, the employer's response to the applicant was inappropriate.

Organizations implementing employment-equity programs should follow the requirements guidelines established by their Human Rights Commission.