

 CAREERS

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

PETER CAVEN  
GEORGE COTTRELLE

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

#### 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.