



Policy on removing the “Canadian experience” barrier

Common questions

1. What do you mean by a “Canadian experience” requirement?

When we use the phrase “Canadian experience,” we are talking about a requirement or preference (intentional or not) that people applying for jobs have experience working in Canada. Some employers may say this directly in a job posting or description. But in many cases, requiring Canadian experience is done covertly in the recruitment process. For example, an employer may not state openly that Canadian experience is needed, but could give more value to it than to non-Canadian experience. Employers may also devalue or discount foreign experience, or require knowledge they assume someone can only get in a Canadian workplace (for example, social or other “soft” skills).

The OHRC’s *Policy on removing the “Canadian experience” barrier* stresses an employer’s responsibility under the *Human Rights Code* (the *Code*) to consider all work experience – Canadian *and* foreign – when assessing if someone is suitable for a job.

2. How can I be sure that I am hiring someone who is proficient in the English language if I cannot insist on Canadian experience?

In some cases, being able to speak and write in English may be a “legitimate requirement,” but this will depend on the job. For example, it may be a “legitimate requirement” for a communications officer to have superior written and oral English language skills. It is less likely that superior written and oral language skills will be a “legitimate requirement” for an assembly line worker in a factory.

For more details on “legitimate employment requirements,” see pages 10-14 of the *Policy on removing the “Canadian experience” barrier*.

Employers should separate job requirements that are “legitimate” from those that are simply “nice to have.” The goal is to require only the skill level that is needed to do the job (for example, good, excellent or superior). Do not assume that just because a person has not spent time working in Canada, they don’t have the language skills to succeed in a particular job. After identifying “legitimate requirements,” employers should give the person the chance to show their language proficiency (for example, through written tests, an interview or presentation).



3. Without a requirement for Canadian experience, how can I be sure that the person I hire will know the local industry landscape (for example, professional jargon, processes, key players, laws, industry standards, etc...)?

Do not assume that just because a person has not spent time working in Canada, they don't have the knowledge to succeed in a particular job. Separate job requirements that are "legitimate" from those that are simply "nice to have," and list these competencies in the job description so that candidates can show how their skills match up to the requirements. In addition to considering any "Canadian experience" that a candidate may have, be open to competencies that come from other contexts. Examples are:

- Work experience from outside Canada
- Education (in Canada or outside of Canada)
- Independent study
- On-the-job training
- Volunteering
- Life experience.

Give candidates the opportunity to show their skills through an interview, practical test, or simulated job setting.

4. How do I know that a candidate has the "soft skills" needed to succeed in the job if they haven't worked in Canada before?

Avoid using the term "soft skills" because it is subjective and may be defined in many different ways. If a job applicant does not know what an employer means by "soft skills," then it will be hard to show they have these skills.

Break down the phrase "soft skills" into competencies. Examples might be an ability to work in a team environment, or having communication or interpersonal skills to handle sensitive issues. Decide whether the skills are "legitimate requirements" or just things that would be "nice to have." For example, it may be nice to have a sales person who is comfortable chit-chatting with customers about the weather or the most recent Blue Jays win, but these skills are likely not needed to do the essential job duties. Once you determine which skills are "legitimate requirements" and which are only "nice to have," give candidates the opportunity to show their skills through scenario-based interview questions or in simulated job settings. It's important to note that many job applicants will have skills that are frequently thought of as "soft skills" without having worked in Canada.

5. Does this policy apply to regulated professions or just to employers?

Some regulated professions require foreign-trained people to gain expertise working in Canada before they can be a member of that profession. The OHRC and the Office of the Fairness Commissioner both recognize that the hurdle of getting Canadian experience can be an additional barrier to foreign-trained people seeking to practice

in their profession. Just like employers, regulated professions can only require Canadian experience if they can prove that it is a “legitimate requirement.” The bar is set high for proving this, and many regulated professions have already removed their “Canadian experience” requirements.

6. What about bridging, mentorship and internship programs?

Bridging, mentorship and internship programs, provided they are paid, can be a great way for prospective employees (whether they are new to Canada or not) to close skill gaps or show their skills and abilities in a work setting. However, human rights concerns may arise where newcomers without “Canadian experience” are automatically streamed into bridging, mentorship and internship programs without being seriously considered for jobs within the mainstream workforce.

Employers should not assume that just because an applicant does not have any prior “Canadian experience” they will not succeed in the workforce. Just like Canadian-born applicants, newcomer applicants should have an opportunity to show their competencies assessed on an individual basis, and to show their potential to succeed in a job.

7. Why should my business comply with the *Policy*?

Building a diverse workforce with employees from different backgrounds makes good business sense. Employees with different kinds of experience can enrich a business or organization by providing new perspectives and ideas. As Ontario’s population becomes increasingly diverse, employees from different backgrounds can help businesses anticipate and respond to the needs and interests of different communities. Any employer who does not consider all qualified applicants for a job may miss out on opportunities for innovation and growth. As well, employers that do not comply with the *Policy on removing the “Canadian experience” barrier* may be vulnerable to having costly human rights claims filed against them.

Canadian society suffers untold losses when people cannot work to their full capacity. With an aging population, shrinking birthrate and shortage of skilled labour, Canada relies on the contributions of immigrants for its economic well-being. If Canada is seen as a place where newcomers cannot find work in their fields at a decent wage, it will no longer be a desirable destination for many of the world’s most skilled immigrants. They will simply choose to go elsewhere.

8. I have heard a lot in the news about workers being brought to Canada from abroad to replace Canadian workers in Canadian jobs under the temporary foreign workers program. How does the *Policy* relate to this issue?

The OHRC's *Policy on removing the "Canadian experience" barrier* does not apply to persons who live outside of Canada and are looking for employment in Canada through the temporary worker program. Rather, the policy is intended to protect people who already live in Canada and are legally entitled to work here, but are having trouble finding a job because not enough value is attached to their work experience outside Canada.

The *Policy* is not about giving preferential treatment to people with foreign experience. It is about making sure that everyone who lives in Canada and is legally entitled to work here receives *equal* treatment in the job competition process – regardless of where they got their experience.

9. How does this *Policy* relate to the Canadian Experience Class?

In the *Policy*, the phrase "Canadian experience" refers to work experience obtained in Canada. This is different than the Canadian Experience Class (CEC), an immigration stream for temporary foreign workers or foreign students who graduated in Canada, speak fluent English and/or French, and would like to become permanent residents. The CEC recognizes temporary residents' contributions to Canadian society and the economy and takes these contributions into account to determine whether a temporary resident is eligible for permanent residency. Once a person has entered Canada and is legally entitled to work here (for example, through the CEC or other immigration stream), they have the right to have all of their relevant work experience (Canadian or otherwise) considered in the job competition process.

For more information, see the OHRC's *Policy on removing the "Canadian experience" barrier*, available online at: www.ohrc.on.ca