

Hiring Without 'Canadian Experience': What HR Leaders Are Getting Wrong Right Now



The Policy Changed but the Practice Did Not

Across Canada, HR leaders have moved quickly to respond to growing scrutiny around the use of “Canadian experience” in hiring. Job postings have been revised, internal guidelines have been updated, and recruiters have been instructed to avoid language that could be interpreted as exclusionary. On the surface, this looks like progress. It signals awareness, responsiveness, and alignment with evolving human rights expectations.

But when you step inside the hiring process itself, a different reality emerges. The language may be gone, but the underlying decision-making patterns often remain intact. Candidates with international experience are still screened out early, hiring managers still express concerns about “local fit,” and interviews still surface the same subjective filters, only framed differently. What has changed is not the behaviour, but how that behaviour is described.

This distinction matters more than most organizations realize. Canadian human rights law does not evaluate intent or wording in isolation. It evaluates outcomes, patterns, and whether decisions can be justified as reasonable and job-related. Removing the phrase “Canadian experience” is not, in itself, compliance. It is only meaningful if the hiring system behind it has also evolved.

That is where many HR teams are currently exposed. They have addressed the visible risk, but not the structural one.

Why Employers Relied on “Canadian Experience” in the First Place

To understand why this issue persists, it is important to move beyond the assumption that employers used “Canadian experience” as a blunt or careless filter. In most cases, it functioned as a proxy for something more practical. Hiring managers were trying to reduce uncertainty in a process where the cost of a bad decision can be significant.

They were asking questions that are still valid today. Will this candidate communicate effectively with clients and colleagues? Do they understand workplace expectations in this environment? Can they navigate industry-specific regulations or norms without extensive ramp-up time? Will they integrate into the team without

friction?

These are not discriminatory questions. They are operational ones. The problem is that instead of defining and assessing those capabilities directly, organizations relied on a shortcut. "Canadian experience" became a bundled assumption, a way to signal familiarity, competence, and reduced onboarding risk without having to articulate what those qualities actually meant.

From a legal and strategic perspective, that shortcut is no longer viable.

The Ontario Human Rights Commission has been clear that requiring Canadian experience may constitute discrimination based on race, place of origin, ethnic origin, or citizenship unless it can be justified as a bona fide occupational requirement. In most roles, it cannot. What this means in practice is that HR leaders must now unpack what "Canadian experience" was implicitly measuring and rebuild those criteria in a way that is precise, defensible, and consistently applied.

Where the Risk Has Moved Inside the Hiring Process

One of the most important shifts HR leaders need to recognize is that risk has not disappeared. It has migrated. It now sits deeper inside the hiring process, where it is less visible but more difficult to defend.

The first place this shows up is in résumé screening. Many organizations continue to discount international experience, not through explicit policy, but through pattern. Candidates with extensive experience outside Canada are often viewed as less certain, less comparable, or more difficult to evaluate. Titles may be unfamiliar, employers may not be recognized, and educational credentials may not map neatly onto Canadian equivalents. Faced with that ambiguity, hiring teams default to what feels safer and more familiar.

The challenge is that this type of decision-making is rarely documented in a structured way. It exists as instinct rather than analysis. If challenged, the organization must then explain why a candidate with objectively relevant experience was not advanced. Without a clear, job-related rationale, that explanation becomes difficult to sustain.

The second area of exposure is the interview process. Even when candidates make it through initial screening, the evaluation often shifts toward subjective assessments that are framed as "fit" or "adaptability." Questions about how a candidate will integrate into the team or navigate Canadian workplace culture can seem reasonable on the surface, but they are inherently difficult to standardize and justify.

What tends to happen is that interviewers rely on familiarity as a proxy for confidence. Candidates who communicate in expected ways, reference known organizations, or share similar professional norms are perceived as lower risk. Others, regardless of capability, may be viewed as uncertain. This introduces inconsistency into the process, and inconsistency is one of the key factors tribunals examine when assessing discrimination claims.

The Legal Threshold HR Must Now Meet

The shift away from "Canadian experience" is not about removing standards. It is about redefining them in a way that meets legal and operational requirements simultaneously. Canadian human rights law allows employers to set expectations, but those expectations must be clearly defined, directly connected to job performance, and applied consistently.

This is where the concept of a bona fide occupational requirement becomes central. The Supreme Court of Canada, in the Meiorin decision, established that for a standard to be defensible, it must be rationally connected to the job, adopted in good faith, and reasonably necessary such that accommodation is not possible without undue hardship.

When viewed through that lens, “Canadian experience” fails because it is too vague to meet any of those criteria. It is not a defined skill, a measurable competency, or a demonstrable requirement. However, the underlying capabilities it was meant to capture can often be reframed in ways that are defensible.

For example, instead of requiring Canadian experience, an employer might require demonstrated ability to communicate complex information clearly in a client-facing context, or knowledge of specific Canadian regulatory frameworks relevant to the role. These are concrete, assessable, and directly tied to performance.

The legal expectation is not that employers lower their standards. It is that they make those standards explicit and justifiable.

What Strong Hiring Systems Are Doing Differently

Organizations that are successfully navigating this shift are not simply adjusting language. They are redesigning how hiring decisions are made.

The starting point is clarity. Instead of relying on broad or implied expectations, they define what success in the role actually looks like. This includes identifying the specific competencies, behaviours, and knowledge areas required to perform effectively. Communication, problem-solving, regulatory awareness, and collaboration are all broken down into observable elements.

From there, the focus shifts to consistency. Every candidate is assessed against the same criteria, using structured interview questions and standardized evaluation frameworks. This reduces the influence of individual bias and ensures that decisions can be compared and justified.

Documentation becomes a critical component of this process. Rather than relying on general impressions, hiring teams record how candidates performed against defined criteria and why decisions were made. This creates a clear decision trail, which is essential if the process is ever reviewed or challenged.

What emerges is a system that is not only more defensible from a legal standpoint, but also more effective operationally. Decisions are based on evidence rather than assumption, and the organization develops a clearer understanding of what drives performance.

The Operational Tension HR Must Manage

For many HR leaders, the challenge is not understanding what needs to change. It is implementing those changes in an environment where hiring managers are under pressure to move quickly and reduce risk.

Hiring managers often default to familiarity because it feels efficient. They want candidates who can step in quickly, require minimal adjustment, and align with existing team dynamics. From their perspective, these are practical considerations.

HR’s role is to translate those concerns into structured, defensible criteria without allowing them to become vague or exclusionary. This requires both influence and discipline. It means asking more precise questions, challenging assumptions, and

sometimes slowing down decisions to ensure they are sound.

It also requires a shift in mindset. Instead of viewing compliance as a constraint, leading organizations are treating it as a driver of better decision-making. By forcing clarity and consistency, the process becomes stronger, not weaker.

The Broader Impact on Talent and Performance

There is also a strategic dimension to this shift that is often overlooked. Canada continues to face talent shortages across multiple sectors, while at the same time, many skilled newcomers remain underemployed. The disconnect is not always about capability. It is often about how that capability is assessed.

Organizations that continue to rely on informal or familiarity-based hiring processes are limiting their access to talent. They are narrowing their pool without necessarily improving quality.

By contrast, organizations that adopt structured, competency-based hiring are better positioned to evaluate candidates from diverse backgrounds accurately. They are able to identify transferable skills, assess potential more effectively, and make decisions based on performance indicators rather than assumptions.

Over time, this leads to stronger hiring outcomes. Teams become more diverse in experience and perspective, which can improve problem-solving and adaptability. At the same time, the organization reduces its legal exposure because its decisions are grounded in clear, defensible criteria.

This Is Not a Language Fix. It Is a System Redesign

The removal of “Canadian experience” from job postings was an important first step, but it was only that. The real work lies in redesigning the hiring system so that it no longer depends on vague proxies or informal judgment.

For HR leaders, this is both a compliance requirement and an opportunity. It is a chance to move away from instinct-driven hiring toward a more structured, evidence-based approach that improves both fairness and performance.

Organizations that take this seriously will do more than avoid risk. They will build hiring processes that are consistent, transparent, and aligned with how work actually gets done. They will be able to explain their decisions clearly, defend them if necessary, and trust that they are selecting candidates based on what truly matters.

In a labour market that is becoming more complex and more competitive, that level of clarity is not just a safeguard. It is an advantage.