Permanent Residency Not a Direct Grounds for Employment Discrimination



Although a foreign engineering student had stellar credentials and a 3-year postgraduate work permit, an energy company wouldn't offer him permanent employment without assurance of his eligibility to work in Canada on a "permanent basis." The student claimed he was the victim of discrimination on the basis of "citizenship," and the Human Rights Tribunal agreed. But now the Ontario Court of Appeal has reversed the ruling. The company policy required that holders of "career" positions be permanent residents. But permanent residence and citizenship aren't the same thing; a person can be a permanent resident without being a citizen, the Court reasoned. Denial of employment on the basis of lack of permanent residency or failure to verify citizenship can still be an indirect form of discrimination, the Court cautioned. But that's not what happened in this case [*Imperial Oil Limited v. Haseeb*, 2021 ONSC 3868 (CanLII), June 1, 2021].