

# The 14 Questions Not to Ask Job Applicants: The Glenn Commandments



It's illegal to ask questions that require applicants to reveal or provide information enabling you to determine their race, religion, national origin, sex, age, disability or other personal characteristics protected from discrimination by human rights laws and that have no legitimate bearing on the applicants' ability to perform the job. However, those questions may be justified when the information relates to a bona fide requirement of the job. For example, asking applicants if they have any visual impairments would be okay for a taxi driving position. Employers may also be able to rephrase problematic questions to elicit the desired information in a non-discriminatory way. Consider these 14 examples of radioactive questions not to ask in interviews or list in job applications and how you can reframe them so they don't discriminate.

## 1. "Are You Pregnant?"

**Pitfall:** Direct questions about current or planned [pregnancy](#) are problematic because: i. you only pose them to women; and ii. they elicit information suggesting that you factor sex, pregnancy and/or family status into hiring decisions. But there may also be legitimate reasons to ask about pregnancy, such as determining if an applicant is physically capable of safely performing a job that involves exposure to chemicals that may induce miscarriages.

**Solution:** Describe the physical requirements of the job and ask applicants if there's any reason they can't perform them. It's also okay to ask about pregnancy after offering applicants the job to determine if they need any reasonable accommodations.

## 2. Listing "Mr./Mrs./Ms. \_\_\_\_\_" on Job Applications

**Pitfall:** While it may seem harmless, asking for gender-based marital titles requires applicants to disclose their marital/[familial status](#) and [gender identity and gender expression](#).

**Solution:** Ask applicants just for their first and last names. If there's a bona fide reason you need to know whether applicants go by Mr./Mrs./Ms., add Mx. (pronounced "mix") to the list of options to include transgender and non-binary applicants.

### 3. “What’s Your Former or Maiden Name?”

**Pitfall:** Previous/maiden names may indicate not only marital status but also national origin or ancestry. However, asking about previous and maiden names may be okay for reference checks or to confirm previous employment or attendance at educational institutions, provided that the question is properly phrased.

**Solution:** The Alberta Human Rights Commission suggests: “Please indicate any previous names that differ from your current name, to be used only to verify past employment or education or references.” If you need to know about an applicant’s marital status, spouses and dependents for payroll and other legitimate HR administrative purposes related to actual employment, seek that information only **after** you offer and the person accepts the job.

### 4. “Do You Have or Plan to Have Young Children?/Do You Have Any Other Dependents?”

**Pitfall:** While there are legitimate reasons why an employer might want to know whether applicants have young children, older parents, or other dependents, direct questions about dependents and care arrangements are rarely relevant to the job and elicit information that may reveal gender, marital, or family status.

**Solution:** Describe the schedule, overtime and relocation or transfer requirements of the job and ask applicants if there’s any reason that they can’t adhere to them.

### 5. “How Old Are You?”

**Pitfall:** Asking about age or date of birth raises a bright red flag of [age discrimination](#), as does requesting applicants to furnish birth certificates or other documents listing their birth date.

**Solution:** You’re allowed to ask about age to verify that a person meets the [legal age requirements](#) for the job. For example, you can ask applicants if they’re 18 or older if 18 is the minimum age to perform that job in your province.

### 6. “Are You a Canadian Citizen?”

**Pitfall:** Although human rights laws don’t list [citizenship](#) as a protected class, asking about citizenship may require non-Canadian applicants to disclose their place of origin, which is protected. For that same reason, you shouldn’t ask applicants what country they’re from or where they were born.

**Solution:** The question you are allowed to ask is: “Are you legally entitled to work in Canada?”

### 7. “What’s Your Native Language?”

**Pitfall:** This question could be interpreted as requiring information about ancestry or place of origin and indicating a preference against applicants who aren’t from Canada.

**Solution:** List the languages and level of ability required in the job description and employment ad. Then ask applicants if they can read, speak and, if necessary, write in those languages. Make sure the skill level indicated in the question matches the skill level indicated in the job description. Thus, for example, don’t ask applicants

if they speak “fluent” French if the job description says they must be “proficient.”

## 8. “List All Previous Military Service”

**Pitfall:** Questions about military service may indirectly require applicants to provide information about their place of origin.

**Solution:** Avoid questions about military service unless they’re directly related to the applicant’s ability to do the job. Asking about previous Canadian military service may also be okay for positions for which the law provides preference to veterans.

## 9. “List Names, Dates, and Locations of All Schools Attended”

**Pitfall:** While employers have a legitimate interest in asking about educational history and degrees, asking for the names of technical, vocational and post-secondary schools may reveal an applicant’s religious affiliation or race. Similarly, asking for dates of attendance or graduation may elicit information indicating an applicant’s age.

**Solution:** Don’t ask questions about educational background unless the information is directly related and the query is limited to the education level required for the job. So, for example, don’t ask applicants about post-graduate or vocational degrees if the job requires only a college degree. Where educational background questions are necessary, ask about grade levels completed, degrees obtained, courses taken, etc. rather than the names of institutions and dates of attendance.

## 10. “What Is Your Religion?”

**Pitfall:** Direct questions about religion are problematic as are those that require applicants to provide information that may indirectly disclose their religious beliefs, such as which church they attend, religious holidays they observe, customs they observe, [clothing they wear](#), and even the schools they attended.

**Solution:** Describe the work schedule, including any religious holidays that must be worked and ask applicants if there’s any reason why they can’t meet this schedule. Do the same for other company policies that may interfere with a person’s religious practices or customs, such as requiring employees who use face seal respirators to be clean shaven. Ask about degrees, courses completed, and other academic or vocational achievements rather than the name of the institutions where they happened. Also keep in mind your [duty to make reasonable accommodations for religious beliefs](#).

## 11. “Do You Have Any Physical or Mental Disabilities?”

**Pitfall:** It’s illegal to ask applicants about their physical and mental disabilities. That includes not only direct questions but general health-related queries for information that may reveal disabilities, such as:

- Do you have any health problems?
- Have you ever been treated for emotional problems?
- Are you under a doctor’s care?
- Are you receiving counseling or therapy?
- Do you have any allergies?
- What prescription medicines do you use?

- Do you drink or use illegal drugs?
- Have you ever been dependent on alcohol or drugs?
- Have you ever received workers' comp benefits?
- What kinds of accommodations would you need to do this job?

**Solution:** Describe the physical requirements of the job, as specified in the job description and employment ad, and ask applicants if there's any reason why they can't perform those duties. Pre-employment physical and psychological tests and examinations may be appropriate to determine the need for reasonable accommodations after you offer and applicants accept the job. **Best Practice:** Ask the applicant to sign a declaration stating something to the following effect: "I understand that a job-related medical examination is required and that the offer of employment is contingent upon a satisfactory job-related medical examination."

## 12. "Do You Have a Criminal Record?"

**Pitfall:** You're not allowed to deny employment to a person based on a previous conviction for an offence that's unrelated to the job. In some provinces, protection applies only if the person has received a pardon for the crime. Problematic questions to avoid include:

- Have you ever been arrested?
- Have you ever been convicted of a crime?
- Do you have a criminal record?

**Solution:** You can [perform criminal checks](#) on applicants after they accept a job offer, provided that the inquiry is limited to convictions—and not simply arrests—for offences related to the job and, in some provinces, that haven't been pardoned. For example, excluding applicants convicted of reckless driving would likely be okay for a school bus driver position. You may also ask applicants if they're bondable where bondability is a bona fide requirement for the job.

## 13. "Please Submit a Photograph"

**Pitfall:** Photographs may reveal an applicant's race, reveal race, colour, age, ancestry, physical disabilities, gender identity, or other physical characteristics protected by human rights laws.

**Solution:** You can ask for photographs for business-related purposes after the applicant accepts your offer of employment.

## 14. "Please List Your Wage and Salary History"

While not addressed by human rights laws, asking applicants about wage and salary history is illegal in the 5 provinces that have adopted so-called [pay transparency laws](#): BC, Newfoundland, Nova Scotia, Ontario (effective, January 1, 2026), and Prince Edward Island.