

SAMPLE LETTER

To Whom It May Concern:

I am writing to you about [job ads OR Job application OR questions during the interview phase] which asks for “years of Canadian Experience.”

In 2013, the Ontario Human Rights Commission (OHRC) released its [Policy on removing the “Canadian experience” barrier](#). This policy states that a strict requirement for “Canadian experience” is *prima facie* discrimination (discrimination on its face) under the Ontario *Human Rights Code* (the *Code*) and can only be used in very limited circumstances.

The *Code* states that every person has a right to equal treatment in employment based on race, ancestry, colour, place of origin and ethnic origin among other grounds. People should not experience barriers to employment based on characteristics that are associated with any of these grounds. A requirement for Canadian experience can be a barrier in recruiting, selecting or hiring and may result in discrimination.

The *Code* also prohibits employers from using an employment agency to hire people based on preferences related to *Code* grounds.

Often there are easy ways to assess a person's skills and abilities without insisting on work experience in Canada. Employers should be clear about the specific qualifications they are looking for, rather than using general terms like “Canadian experience.” Most newcomers to Canada do not have Canadian work experience, but they may have relevant international experience and the right qualifications for the job. Employers should assess all work experience, not just Canadian experience.

Under the *Code*, only in rare cases would a Canadian experience requirement be allowed. The employer would have to show that its requirement for Canadian experience is legitimate or *bona fide*. The employer would also have to show that the requirement is as inclusive as possible and that it has taken steps to accommodate applicants covered by the *Code* to the point of undue hardship.

Applicants should be assessed on an individual basis and their non-Canadian experience and other qualifications should be considered in the recruitment and hiring process. Employment requirements should be clear, reasonable, genuine and directly related to doing the job.

Organizations and institutions operating in Ontario have a legal duty to respect human rights and take steps to prevent breaches of the *Code*. Resources (including policies, guides, webinars and eLearning modules) to help employers create an environment where each employee's rights are respected, are available on the OHRC's website at www.ohrc.on.ca/en/social_areas/employment

Sincerely,