

Appendix: Guidance for Interviewing a Candidate

Provided by Diocesan Vice-Chancellor, Dr. Kelly VanBuskirk, K.C., April 2021

In Ontario, their *Human Rights Code* has a "special employment" section which states that the anti-discrimination provision on employment does not apply to organizations which serve a particular protected grouping of peoples. For example, this section of the Ontario Code means that a religious organization can treat individuals who are outside of its religious beliefs differently in the limited circumstances regarding their employment.

In New Brunswick, our Human Rights Act does not contain a special employment provision. There is, therefore, no statutory exception to the rule against discrimination. That being said, the Supreme Court of Canada has provided a common law exception for the hiring practices of a religious organization to be able to ask questions pertaining to one's religious beliefs in employment interviews.

This is a very limited exception to the general rule that all people must be treated equally with respect to employment. It means that the Diocese can ask questions pertaining to religious beliefs for members whose job it would be to conduct religious services or sermons. This exception would not apply to general positions in respect of which religious beliefs are not relevant.

Questions should be focused on an individual's religious beliefs in a positive light and their willingness to follow church practices. Questions should not be worded in a manner which could offend any of the protected grounds under the Human Rights Act.

Questions that can be asked:

- Are you a practicing Anglican?
- Are you prepared to follow the instructions of the Bishop in your daily life?
- What is your belief/practice regarding the Articles of Religion? The Book of Common Prayer? The BAS?
- Do you have a criminal record?
- Do you have a valid driver's license?

Questions that should be avoided:

- Are you heterosexual?
- Are you married?
- What is your position on same-sex marriage?
- Are you divorced?
- Where are you from?
- Where did you grow up?
- Is your family Anglican?
- Is your spouse Anglican?
- How many children do you have?

- How many times have you been married?
- Do you have any disabilities?
- Are you on any medication?

Essentially, the limited religious exception to the general rule only allows for positive questions related specifically to religious beliefs. Other beliefs or lifestyle questions pertaining to age, race, place of origin, sexual orientation, family status, and politics must be avoided.

Sometimes these subjects can meld with religious beliefs; in those cases, we recommend that you focus questions on the religious component (i.e., following instructions from the Bishop) and avoid specifically asking controversial questions.

Whenever the interviews are being conducted, the panel should assign someone to be a scribe for the duration. Notes should be taking, including who was present, questions asked and answered as well as any other relevant information. At the end of the interviews, the notes should be sent to the Synod Office to the attention of the Personnel Officer for filing.