

# QUICK REFERENCE GUIDE

Requesting references as  
a potential employer



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You must first obtain the consent of the candidate to be able to communicate with his/her former employers and ask for a reference.

## WHAT YOU MAY ASK

### Information relevant to the employment offered

The information found on the work certificate, namely:

- Nature of the work
- Duration of work
- Dates on which employment began and terminated
- Name and address of the employer

## WHAT YOU MAY NOT ASK

### Personal information that is not related to the employment offered

- Race
- Color
- Sex
- Pregnancy
- Sexual orientation
- Civil status
- Age - **except as provided by law**
- Religion
- Political convictions
- Language
- Ethnic or national origin
- Handicap
- Use of means to palliate a handicap, **unless these questions are justified by the aptitudes or qualities required by the employment offered**

## RECOMMENDATIONS

### Verify the consent form

Have your legal counsel verify the consent form and the question protocol for references.

### Candidate signature

Have the candidate sign a consent form allowing you to communicate with the persons authorized to provide references.

## FOR ALL OTHER QUESTIONS

Consult one of our professionals in privacy and information protection.

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This quick reference guide does not constitute a legal opinion and readers should not act on the basis of these recommendations without first consulting a lawyer who will provide analysis and advice on a specific matter. Fasken Martineau DuMoulin LLP is a limited liability partnership and includes law corporations.

# QUICK REFERENCE GUIDE

Answers to reference requests  
concerning former employees



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You may not refer to the quality of work or the conduct of a former employee unless the reference check has been specifically authorized. You must remain objective and not damage the former employee's reputation. You may be under electronic surveillance. A recording of your comments could be introduced as evidence in a legal proceeding.

## WHAT YOU MAY DISCLOSE

### Information relevant to the employment offered

The information found on the work certificate, namely:

- Nature of the work
- Duration of work
- Dates on which employment began and terminated
- Name and address of the employer

## WHAT YOU MAY NOT DISCLOSE

### Personal information that is not related to the employment offered

- Race
- Color
- Sex
- Pregnancy
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- Civil status
- Age - **except as provided by law**
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- Language
- Ethnic or national origin
- Handicap
- Use of means to palliate a handicap, **unless these questions are justified by the aptitudes or qualities required by the employment offered**
- Hearsay or personal impressions, which are not substantiated by concrete facts
- Negative references in order to punish an employee who has been fired, reprimanded or who has tendered his resignation
- Conclusions of fact about a former employee while an investigation is underway

**YOU MUST ALSO REFRAIN FROM RECOMMENDING WHETHER OR NOT A FORMER EMPLOYEE SHOULD BE HIRED.**

## RECOMMENDATIONS

- Request the former employee's written consent before giving references.
- Ensure that your managers are aware that only the human resources department is authorized to respond to reference requests.
- Ask about the type of employment sought to gauge the relevance of the questions asked.
- Think twice before giving a negative reference.