
Fight The Power: Discrimination In Employment Advertisements

For this paper I chose the section 11 of the Human Rights Code, named "Discrimination in employment advertisements". This section talks about the prohibition of advertising a job that expresses a limitation or preference of any kind. This section is directed to any individual in society and aims to "protect" them by being discriminated from any job offer, stating that any work advertisement has to be free of limitations so everyone is "welcome" to apply in a fair way. Unfortunately the section has an unusual impact just in the individuals that are aimed to be "protected" because even though the law prohibits the use of language that refers to a limitation in advertising based on race, colour, ancestry, place of origin, political belief, religion, etc.

Advertisement is not the only stage for the employment, job offers sometimes contain subtle discriminating language that limits the possibilities of minorities with examples as "Must provide Canadian driver's license" in an offer where driving is not part of the essential functions of the job, this creates an exclusionary statement about race, nationality, age and in some cases economic classes. Another example I have seen is "Able to lift 60+ lbs. " in a retail job offer, when lifting is not part of the essential functions of the job offered this creates another exclusionary statement. With these two examples provided I can say that individuals that consider themselves unable to lift more than 60+ lbs or that are unable to provide a Canadian driver's license are just passing up the jobs even without thinking if those specifications are obligatory to fulfill the essential functions of the job. In the case of the license when I have asked that question (Is a driver's license critical to the essential functions of the job?) I have heard it all when it comes to answers like "what if I need ___ (insert object here) to be taken ____ (insert location here)?" . Naturally, if you are advertising for a truck driver, taxi driver, or something that requires the operation of machinery, then a license is an essential aspect of the job), but when you think about requiring a driver's license, you are inadvertently eliminating different groups of people from applying for your job because they cannot obtain that driver's license (usually) through no fault of their own. The author of the job order might say that everyone will know that what they really mean is legal identification, but if they don't say that, then people don't assume. Individuals who are unable to get a Canadian driver's license will skip the offer even though they are perfectly qualified to do the job. In the other example, stating in your offer that the perfect applicant must be able to lift 50+ lbs creates an unconscious limitation in people with any disability or if they are naturally unable to do so when this is not part of the essential function of a retail salesman job offer, so there should be a change in the way the employment industry offers jobs "openly" but narrowing their options to specific groups.

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In the other hand, ironically this law protects the employment industry and its discrimination at its most subtle, stating that they are unable to advertise with limitations but considering just the advertising stage in which they still discriminate subtly, the law doesn't apply in any kind of prejudice or standards of the employer once they receive the applications, as I said advertising is not the only stage to get a job, once the employer gets your application different kinds of discrimination happens, starting from the first and most important for the employers, your name (that can refer to a nationality), age and gender. The law is not concerned with these practices of prejudice to certain minorities without thought.

Response

Discrimination in modern times is not established by a few people who spread hatred. This actually is a minority. Discrimination exists because a majority perpetuates practices that are prejudiced against certain groups without thought, and today I want to address discrimination in the job offer and application process.

I don't personally think that the companies that perpetuate the following practices on their job offers are modern Nazis or purposely trying to invalidate minorities. I think that in modern days there is a lot of unawareness. This especially extends to companies that print their job offers with whatever fields they want, without considering if the applicant actually needs to have certain qualifications. Applicants find that most of the fields on the application are required, in order to proceed and submit it. If they don't supply the employer with information that is usually off limits because it can subject candidates to discrimination, they can't apply for the job. And some of these questions are just terrifying to fill out by some people, and an example is the question "do you have any disability?" Which is the easiest way for employers to justify themselves not contracting people, because at the end of the day if they answer honestly, they face the discriminatory thinking above and reduce their chances of being considered for the job. If they don't answer truthfully, they face elimination for not being honest on their application. My suggestion to this example in job advertising is to eliminate the need to ask, by being concise and descriptive of the tasks involved in doing the job.

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