

Can an employer turn me down for a job because I have a criminal record?

There are laws that protect people from being treated unfairly because of things like having a criminal record. This means that:

- You won't be automatically refused a job if you have a criminal record;
- Employers can ask you for a criminal record check, but only if it directly relates to the important duties of the job.

In Manitoba, the **Manitoba Human Rights Commission (MHRC)** can help if an employer treats you unfairly because of things that you can't change about yourself, like race, sexual orientation, disability, or having a criminal record.

The **Manitoba Human Rights Code** (also called "**The Code**") is a set of rules that protect workers' rights in Manitoba. It applies to most jobs in the province.

The Code doesn't say exactly that it can protect against discrimination if you have a criminal record, but it does let you make a human rights complaint if you think you've been discriminated against or treated unfairly.

What does “being discriminated against” mean?

According to the Code, discrimination means treating someone differently based on being part of a certain group instead of judging them on their abilities. The Code also says employers should not discriminate in any part of a job unless there is a good reason.

Employers should not use application forms or ask questions about certain characteristics unless they are necessary and reasonable for the job. For example, it is reasonable that if a job requires a valid driver's license, you will not be hired if you don't have a license.

When looking at job postings, it's important to check the requirements of the job. The Code recognizes that having a criminal record cannot be used by an employer to discriminate against you.

Remember:

Employers can ask you reasonable questions and expect reasonable things of you when they hire you. But if you think an employer is treating you unfairly because of your criminal record, you can make a complaint with the MHRC by calling (204) 945-3007 or emailing hrc@gov.mb.ca and speaking to a human rights officer.

For more information:

1. Manitoba Human Rights Code

(https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=h175)

Important Sections are 9.1(a), 14.1 and 14.4.

2. Manitoba Human Rights Commission Hiring Guidelines

(https://www.manitobahumanrights.ca/education/pdf/guidelines/guideline_hiringconsiderations.pdf)

Important pages are 5 and 7.

3. Community Legal Education Association –

Basic Legal Information for Manitoba Employees

(<https://www.communitylegal.mb.ca/wp-content/uploads/2022/10/2022-EMPLOYMENT-LAW-Brochure-edited.pdf>)