



CRA BULLETIN

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PRE-EMPLOYMENT TRIALS

We are often asked whether it is legal to ask job candidates to undergo a pre-employment trial prior to being offered a job in the business. The answer is yes, but it is not without risks.

It is legal and enforceable to have an unpaid pre-employment trial even prior to a 90 Day Trial Period. However, if you do plan to undertake this practice we would strongly recommend the use of a written agreement for this.

When engaging a volunteer for any reason an agreement should be signed by both parties to confirm the understanding.

Whether it is for a project, or just half a day as a pre-employment trial, ensure it is documented. While a document alone will not grant exemption from a claim or personal grievance, it does go a long way in proving the intention by both parties.

In summary our advice for performing pre-employment trials is to use an agreement or at least document the arrangement explicitly stating that there will be no payment, and that there is no offer of employment being made. Keep the work trial short in duration. Keep the tasks requested of the candidate relevant but try to minimise any commercial benefit to the business.