

*I've been black-listed by my former employer. Can I do anything about that?*

*I can't get a job because my former employer keeps giving me a bad reference.*

- An employer is not obligated to provide any reference to a former employee. Therefore, you cannot force your former employer to give you a reference.
- If you can prove that your former employer gave you an improper reference, and if you can prove that you did not get a job because of it, you may be able to sue your former employer. (The legal terms for this wrong include "defamation," "injurious falsehood," "negligence" or "negligent misstatement.")
- It is very difficult to prove both that the reference was improper, and that you would have got the job if it were not for the bad reference. Even if you can prove that an improper reference was given, you still have to prove that you would have landed the job except for the reference. New employers will seldom, if ever, give you that information.
- The fact that an employer refused to provide a reference, or provided a bad one, may increase your former employer's liability if you are suing your former employer for wrongful dismissal. The form of a reference letter and what will be said when new employer contacts your former employer is often negotiated as part of a wrongful dismissal settlement.
- Technically, the *Consumer Reporting Act* of Ontario prohibits prospective employers from seeking a reference unless you have given permission in writing. Sometimes this permission is included in the application for employment. Generally, employers are unaware of their obligations under this statute.
- If you request it, the *Consumer Reporting Act* also requires an employer who does not hire you as a result of a negative reference to inform you of the negative reference and what was said. However, most employers are unaware of their obligations under the *Consumer Reporting Act*, and it is very difficult to enforce this claim.