"TEST" to Determine Whether Limitations Occasioned by Societal Limitations* In a Host Country Constitute a Bona Fide Occupational Requirement in the Assignment of Personnel

1. What are the relevant societal limitations and how would they affect the assignment under consideration? What is the source of information about such limitations? Is it a known and established fact, or a subjective view?

2. What are the detailed duties of the employee, and services offered?

3. a. What would the employee's sources of information be?

   b. Would the societal limitations affect the employee's ability to obtain information?

4. a. Whom would the employee try to influence (e.g. government, business, press)?

   b. Would the societal limitations limit the effectiveness of the employee to influence such people?

5. Who is(are) the recipient(s) of the services offered by the employee, or who makes up the constituency or clientele of the employee? Would the recipients of the employee's services or the employee's constituency place less credibility in the services of the employee because of the societal limitations?

6. Are there any laws or practices in the host country which could place the employee's safety and well-being in jeopardy or which could detrimentally affect the performance of his/her duties?

7. What possibilities exist for the realignment of responsibilities that would remove the employee from the effect of the societal limitations without impairing the Department's mandate?

8. What is the practice of other countries with regard to the assignment of personnel in circumstances of the societal limitations?

9. To ensure the efficient performance of the job, is it necessary and reasonable to treat the employee differently from other employees?

*Societal limitations include, but are not limited to, mores, customs and traditions.