



CAREER STAFFING SERVICES

HOW TO AVOID DISCRIMINATORY INTERVIEW QUESTIONS

The interview processes is an important part of selecting a winning team to work at your business. Ask the right questions and you can determine if the candidates have the qualifications, skills and behaviors that you are seeking. Interview questions can also shed light on the candidate's strengths and weaknesses. Interview questions must directly relate to the qualifications and skills required to perform the job.

Care should be taken to avoid asking questions that could be construed as discriminatory during the interview. In most cases employers do not intend to discriminate and inadvertently ask inappropriate questions. However, ignorance of the law is not an excuse. Employers should avoid questions from the following categories:

- Age
- Race
- Religion
- Gender
- Country of National Origin
- Disability
- Marital or Family Status + Pregnancy

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ILLEGAL QUESTIONS

The following questions are illegal and set you and your business up for exposure and risk of a lawsuit even if your intentions are innocent. The reason is that these questions have nothing to do with whether the candidate has the qualifications or capabilities needed to perform the job duties required.

- When did you graduate from high school?
- Is the large disparity in your age and that of your co-workers a problem for you?
- How long do you plan to work before you retire?
- Where did you live while growing up?
- Where do you live?
- Will you need personal time off for particular religious holidays?
- Are you comfortable working for a female boss?
- Are you a US Citizen?
- Are you a native speaker?
- Have you experienced any serious illnesses in the last year?
- What arrangements have you made for your children while you work?
- How old are your children?
- What does your wife do for a living?

Should a candidate bring up one of these topics, that doesn't open it up for discussion. Steer clear by moving on to the next question or directing the conversation to what the company offers. For example, "I need flexible hours because of my children." You should discuss whether your company offers flexibility and what the qualifications are. Additionally, avoid getting into personal conversations with job candidates no matter how likable or intriguing they are. You could be opening up your company to a risk of discrimination.

ALTERNATIVE QUESTIONS

- If you want to know if the candidate can physically do the job: Describe the physical demands of the position then ask if they will have any issues performing these tasks.
- If you want to know if they can get to work on time: Tell them what time they are expected to be at work every day and ask if they can meet this requirement.
- If you want to know if the candidate can stay until a certain time every day: Tell them the required work hours and ask if they can work these hours.
- If the job requires overtime, instead of assuming someone with children can't work overtime, avoid questions regarding children. Instead let them know overtime will or maybe be expected and ask if they will be able to do this when asked.
- If you want to uncover the candidate's long term career goals, instead of asking about plans to start a family, their partner's employer, or plans to retire soon, you may ask: How does this job fit into your long term career goals?
- If you want to know if the candidate has engaged in unlawful behavior you may ask about convictions but not arrests. Remember just because someone has been arrested does not mean that they were found guilty of a crime. Additionally, asking about specific convictions as they are relevant to the job is legal under EEOC regulations. For example a conviction of theft might prohibit the hiring of someone to clean houses, work in a warehouse with merchandise or work in a retail establishment.
- If the job requires oral and/or written communication skills then you may ask and base hiring decisions on the candidate's language skills. You may ask what languages that they are fluent in and you may ask them how they would rate their communication skills. You may not ask if he/she is a native speaker.
- You may not ask about any disabilities even if it's obvious. Instead, describe the job duties required and ask the candidate if they can perform all of the functions.
- You may not ask questions about plans to get pregnant or about a pregnancy even if a candidate is obviously pregnant. You may ask how long she plans to stay with the company and/or if she has any leave planned. You may also describe the job duties required and ask the candidate if she can perform all of the functions.

CONCLUSION

Employers can avoid the risk of exposure of a lawsuit by having a standard set of questions that are asked of every candidate that interviews for a particular position. Having a standard set of questions for each position within your company will give you the added benefit of being able to evaluate each candidate fairly and objectively.

Questions should explore the actual job skills and experience that are essential for the position. Keep them centered on the job requirements, qualifications and duties and redirect the interview should the candidate offer up information that could be construed as discriminatory.

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