

To: Employment Interviews

From: Patrick Green, Human Resource Manager

Date: January 3, 2003

Subject: Job Interviews

The following information has been provided to serve as a reminder of the type of questions that are restricted from being asked in an interview situation. All members of an interview panel should be aware of the following information.

Even the most innocent interview questions can result in a discrimination lawsuit. Title VII and other anti-discrimination legislation restrict the type and scope of pre-employment questions you can ask. Prior to conducting an interview please review all questions to ensure they are accurate and acceptable.

Here are areas that cause the most problems:

*Age discrimination.* Questions that may give an indication of how old the applicant is. *Example:* What year did you graduate from high school?

*National Origin.* Questions related to the applicant's ancestry or native language. *Example:* What kind of accent is that?

*Citizenship.* Questions that force an applicant to reveal his/her national origin. *Example:* Are you a citizen of another country?

*Family Status.* Questions that relate to marital or family status. *Example:* Are you planning on starting a family any time soon? Or, is your spouse in the military?

*Religion.* Questions that require an applicant to reveal religious beliefs or affiliation. *Example:* What religious holidays do you observe?

*Name.* Questions to determine whether the applicant has ever changed his/her name, or attempts to determine nationality. *Example:* What are the origins of your name?

*Language.* Questions that may reveal an applicants national origin or ancestry. *Example:* Is English your primary language?

*Organizations.* Questions that reveal clubs, social fraternities, lodges, or similar organizations to which the applicant belongs. *Example:* To which organizations outside of work do you belong?

*Health and physical condition.* Questions not directly related to the ability to perform the essential functions of the job and that are not asked of all applicants. *Example:* Do you have vision impairment?

During the job interview, the applicant may volunteer information that would be considered discriminatory if it were in response to one of your questions. In this situation I would advise you indicate that you don't want any additional information on the subject and let the applicant know that it will not affect your hiring decision. Never record any "illegal subject" statements, whether they were made voluntarily or not. Notes taken during a job interview may be used as evidence in a discrimination lawsuit.