

Q&A

HR Recruiting & Hiring

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Which questions should be avoided during the interview process?

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There isn't an exhaustive list of questions employers should avoid asking, but employers need to be careful that any questions asked cannot be interpreted as discriminatory. To help avoid discrimination claims, information requested from the applicant should be directly related to the position he or she is interviewing for. Acceptable topics include previous work experience, education and skills that are necessary for the position. The following are some suggested subjects to generally avoid in an interview:

- Asking questions that, if the applicant responded, would reveal whether he or she belongs to a protected group, or how he or she feels about a controversial issue.
- Inquiries about an applicant's marital status, the existence of (or probability of having) children or his or her age. Considering age in hiring decisions may violate the Age Discrimination in Employment Act, unless age is a legitimate qualification for the position.
- Questions about an applicant's criminal history. Basing a hiring decision on criminal history may violate Title VII of the Civil Rights Act. Also, several states limit how and when the employer may use arrest and conviction records to make employment decisions.
- Inquiries concerning child care arrangements, mode of transportation or home ownership. Rather than asking applicants if they have a car, it is generally better to ask if the applicant has reliable transportation to report to work.
- Questions about citizenship or national origin. However, employers can, inquire about an applicant's ability to show authorization to work in the United States, if hired.
- Any questions related to medical conditions or medical history. However, if you know an applicant has a disability (because it is evident or the applicant has volunteered that information) it may be reasonable to question whether the disability might pose difficulties for the individual in performing essential job functions. If so, the employer may begin a dialogue with the applicant to determine whether he or she would need reasonable accommodations in order to perform any tasks and what the accommodation(s) may be.

Some of these questions are permitted after a job offer is made, but should only be asked if there is a business necessity. When in doubt, it's better to err on the side of caution than to ask a problematic question and risk a discrimination claim. Train anyone who will be interviewing candidates, and create standard interview templates to avoid accidentally asking discriminatory questions.