



INTERVIEW GUIDE: EEOC COMPLIANCE

Here's your guide for avoiding inadvertent discrimination against individuals in protected classes during the interview process.

PROTECTED CHARACTERISTICS:



» race, color, national origin

» sex

» employees over 40

» religion

» pregnancy

» qualified persons with disabilities

REWORKING TRICKY QUESTIONS:

Some questions — whether used to build rapport or vet a candidate's ability to meet job requirements — unintentionally can draw attention to an individual's protected characteristic. This potentially can put your company at risk of a charge of discrimination.

To avoid that risk, try reworking questions. For example:

"Are you hoping to start a family soon?"

To build rapport, ask this instead: "What hobbies do you like to pursue outside of work?"

To assess the candidate's ability to meet job requirements, ask this instead: "Do you anticipate anything that would affect your ability to carry out the responsibilities of this job in the future?"

"What language do you speak at home? What's your nationality?"

To build rapport, ask this instead: "I see you currently live in [city/state]. What's your favorite thing about living there?"

To assess the candidate's ability to meet job requirements, ask this instead: "Are you legally authorized to work in the U.S.?"

"Do you have any disabilities we'll need to accommodate?"

To assess the candidate's ability to meet job requirements, ask this instead: "Can you perform all of aspects of this job safely and satisfactorily?"

Note: While the other questions above are merely ill-advised, questions about a person's visible or invisible disability could be illegal, according to the Americans With Disabilities Act of 1990.



A good rule of thumb is to choose *performance*-based questions over ones that subjectively evaluate the *person* being interviewed.