

Tip Sheet

Guidelines for Interviewing

What You Can & Can't Ask

Employment discrimination can happen in subtle ways. To prevent employment discrimination, the Equal Employment Opportunity Commission recommends that all interview questions and human resource policies are job-related and consistent with business necessity. The EEOC strongly discourages questions related to age, race, color, sex, disability, religion, national origin, pregnancy, and other protected classifications. While there is no exhaustive list, the guidelines below may help.

1. All interview questions should be directly related to the job in question and the required duties.
2. Ask all candidates the same questions (for example, asking only women about work-family balance may constitute discriminatory practice).
3. If a topic such as disability or religion is brought up by the candidate, interviewers may discuss it, but information given may not be used as a reason for non-hire.
4. Take time to examine your assumptions, especially ideas about who will fit in, whom clients will want to deal with, and credibility or work ethic of candidates.

	What to Ask	What NOT to Ask
Age	<ul style="list-style-type: none"> • Whether the applicant is below the company's regular retirement age. • If age is a legal requirement, ask, "If hired, can you provide proof of age?" 	<ul style="list-style-type: none"> • Age, age group, or date of birth • Do not request a birth certificate
National Origin	<ul style="list-style-type: none"> • Ask about foreign language skills, if required for the position. • Whether the applicant can provide employment documentation if hired 	<ul style="list-style-type: none"> • If an applicant is native-born or naturalized • The birthplace of an applicant or relatives
Citizenship	<ul style="list-style-type: none"> • Whether the applicant is a U.S. citizen • Whether the applicant is legally prevented from employment because of visa or immigration status 	<ul style="list-style-type: none"> • What citizenship the applicant has • If the applicant is native-born or naturalized • Date of citizenship

	What to Ask	What NOT to Ask
Criminal Record	<ul style="list-style-type: none"> • Convictions, other than misdemeanors, that relate to fitness to perform job duties. 	<ul style="list-style-type: none"> • Arrests without convictions • May not check into a person's court records if not convicted
Health	<ul style="list-style-type: none"> • Whether the applicant is able to perform required job assignments 	<ul style="list-style-type: none"> • Do not ask about the applicant's state of health
Family	<ul style="list-style-type: none"> • Names and addresses of parents or guardians of minor applicants • Whether an applicant can meet specified work schedules or whether other commitments may prevent meeting attendance requirements • Anticipated duration of stay on job or anticipated absences 	<ul style="list-style-type: none"> • Marital status • Name of spouse/partner • Whether or not a spouse/partner is employed or subject to a transfer • Number and age of children • Childcare arrangements • Whether the applicant plans to have children
Gender/Sex	<ul style="list-style-type: none"> • Inform the applicant that the organization is an equal opportunity employer 	<ul style="list-style-type: none"> • Sex of applicant • Anything that would indicate gender, unless job-related • Gender may not be a job requirement for physical labor; specify number of pounds the job requires the candidate to be able to lift
Disability	<ul style="list-style-type: none"> • Whether an applicant is able to carry out all necessary job assignments • How would you perform this task? • May invite a candidate to share information, but must clearly state that it is voluntary and confidential 	<ul style="list-style-type: none"> • Whether an applicant is disabled, the nature and severity of their disabilities • What type of accommodations a candidate might need.
Race/Color	<ul style="list-style-type: none"> • Inform the applicant that the organization is an equal opportunity employer. 	<ul style="list-style-type: none"> • Color of applicant's skin, eyes, hair • Any question directly or indirectly related to race or color

	What to Ask	What NOT to Ask
Religion/Creed	<ul style="list-style-type: none">• Advise applicants about normal hours and days of work required by the job to avoid possible conflict with religious observances or personal convictions.	<ul style="list-style-type: none">• Applicants' religious affiliation, denomination, parish, pastor, or religious holidays observed.• Applicants may not be told that any particular religious group is required to work on their religious holidays.
Work Schedule	<ul style="list-style-type: none">• Willingness to work required schedule• Whether the applicant has military reservist obligations• Whether the applicant has commitments or responsibilities that hinder the meeting of attendance requirements	<ul style="list-style-type: none">• Willingness to work any particular religious holiday