

MEMORANDUM



To:

From: Jeff Miles

Subject: 10 Questions You Shouldn't Ask a Candidate – and how to ask them!

Date: Saturday, December 30, 2017

Litigation is something we want to avoid in any recruiting exercise, knowing the right questions to ask is almost as important as knowing what NOT to ask so that you as an interviewer can navigate political correctness as well as an ever increasing Government bureaucracy.

Below are 10 Questions **NOT** to ask but phrase them a different way:

1. "What is your Maiden name?" has no relevance to a job interview.
You could ask "Have you used other names in the past" as you will be doing reference checks or need to check on qualifications or certificates
2. "How old are you?" also has no relevance unless required for an Award pay scale.
You could ask "How has your career progressed in your role as a (insert previous job title)"
3. "Where were you born?"
You could ask "Could you, after employment, submit verification of your legal right to work here in Australia"
4. "Are you married or do you intend to have children?"
Any questions around marital or family status is to be avoided at all costs. You can ask "do you have any limitation on working after hours or travelling away at short notice", this is assuming that there is a need for Travel or Overtime in the role
5. "Would your religion prevent you from working weekends?"
You could ask "Weekend work is a requirement of this role – is that acceptable to you as a condition of employment"
6. "Are you disabled or have any previous medical problems or how many sick days did you take last year or what prescription drugs do you take?"
7. "Have you ever been arrested or convicted and jailed?"
You can't ask about an Arrest as everyone is innocent until a court declares guilt. You may need to link employment and gaps in employment shown on their Resume and check dates with previous employers when you Reference check
8. "What does your wife do for a living?"
This has nothing to do with a person's ability to do or not do a job so don't ask. You can ask "who can we contact in case of an emergency"
9. "When do you plan on retiring?"
This could be seen as Age discrimination so avoid questions like this. You could instead ask "What are three criteria for taking your next job move"
10. "Have you ever been declared Bankrupt?"
could be rephrased to "This role requires you to hold a Financial Securities license or a Real Estate license" or some such requirement where conviction would be a disqualification

Always pre plan your interview questions and link them to the job at hand. It is suggested that you run questions past a Lawyer that has experience in Employment or Discrimination law.

Also be mindful when in an interview, should the candidate start steering the conversation into personal areas of what their spouse does and where their children go to school or what church or politics that they support. Bring the conversation back onto a Job related

conversation and at no time write anything down, even on a *Post It* note, which records anything that is non job related.

If you work in a large organization where other people could be asking questions that are possibly Illegal or Inappropriate you would be wise to check their Interviewing records so that litigation or claims of Discrimination can be avoided. If you own the business then you can be held responsible for any breaches that your employees make. Ignorance is NO EXCUSE!

Here at Success Personnel we 'Telephone Screen' candidates before bringing them in for a Face to Face interview and we have developed several scripts that are available for download via our [website](#).

Occasionally some employers outsource the process of recruitment and interviewing and even go so far as to employ the employee via the employment agency so that termination of an unsatisfactory new employee is made easier.

Lastly, build a relationship with a HR professional and an Employment Lawyer (*if you would like an introduction to some that we use simply ask*).

Regards,

Jeff Miles

Please visit www.successpersonnel.com.au for more useful documents and templates, or to speak with us about assisting with your recruitment needs.