

Interviews: keeping within the law

Interviewing isn't what it used to be; you can no longer have a cosy conversation with the candidate about who they are, what they do in their spare time, what they get up to with their family if they have one, when they left school, why they want to join your company at their age (whether young or old) – essentially having a chat to get to know them. Why? Because most of these questions are now unlawful since they could be construed as discriminatory.

Imagine the scenario: you ask a female candidate how old her children are and whether the job location is commutable. Simple questions you might ask someone you meet socially. However, if you don't offer the candidate the job can she claim discrimination (on the grounds of being a female with a young family) since you implied that commuting might be a problem with a young family, which obviously it wouldn't be to a man?

See how easy it is to fall foul of the law? It is unlawful to discriminate against candidates on the grounds of age, disability, gender (including gender reassignment), religion/faith, race, pregnancy or marital/relationship status. This means that you can't ask any questions related to any of these, nor can you use terms such as salesman or waitress – anything gender specific in fact – in an advert or application form. Nor can you use any terms that are age related such as 'mature', 'young' or 'school leaver'. You can't even ask for 'twenty years' experience as it precludes someone who is too young to have got that many years' experience.

Obviously, there are a few exceptions, such as jobs that are physically demanding and require you to be fit and able-bodied. If a candidate is disabled then you shouldn't assume they cannot do the job – look at the skills and competencies required for the role and find out if they have these, before discounting them.

To protect yourself check thoroughly your adverts, application forms and job descriptions to ensure compliance and also take time to write down the questions you will ask in an interview. This will make sure that you ask all the questions you should do and help prevent you asking those that you should not.

For more information go to:

<https://www.gov.uk/employer-preventing-discrimination/recruitment>

<https://www.gov.uk/guidance/equality-act-2010-guidance>

