

# It's none of their business

Anti-discrimination laws don't stop potential employers from prying, writes **Kim Kind**.

**D**id you wet the bed as a child? What are your relationships with men like? Did you plan to have so many children? You might expect to answer these questions on a psychiatrist's couch, but in a job interview?

The fact is, these and other shockers, including "how big is your mortgage?", "are you planning to have children?" and "do you have any tattoos?" have all been asked of candidates in job interviews.

Questions that pry into private lives are a common part of the recruitment process but they shouldn't be, according to Nick Stevens, principal of Stevens and Associates Lawyers, specialists in employment and industrial relations law. Stevens says that personal questions are not only inappropriate and unethical, most of the time they are discriminatory.

Both state and federal laws make it illegal to discriminate against a candidate on the basis of, among other things, age, sex, disability, religion, marital status, pregnancy, race and carer's responsibilities. So while quizzing candidates about their personal circumstance is not discriminatory in itself, "if [the answer] forms the basis of whether that person is employed or not employed, or whether they are treated unfairly or feel harassed, then it's discriminatory and illegal", Stevens says.

Jillian Wolfe, 40, experienced this type of invasive questioning

when she applied for a role as an events manager with a charity earlier this year. Having been shortlisted by a headhunter, Wolfe went to her interview with the chief executive prepared to discuss her experience, strengths and weaknesses. "We sat down, she opened her folder and the very first question that came out was: 'So how many children do you have?'" says Wolfe, who had disclosed her parenthood on her CV.

Wolfe was aghast but replied that she had four children.

"Four! Oh my god! I knew you had kids, I didn't realise you had four! How old are they?" the CEO said. Wolfe said that her children were aged between five and nine.

"Oh my god, how often are you planning on working?" was then followed by: "Did you plan to have four children?"

"Needless to say, I didn't get the job," Wolfe says.

Wolfe was in a common yet tricky situation. If you reply to an intrusive question by suggesting it's discriminatory or unethical, you're not going to get the job. The head of consulting at recruitment specialists Futurestep, Matt Dale, says candidates facing this dilemma should reinterpret the question to get the interview back on track. When Wolfe was asked how many children she had she could have said: "I assume you are wondering if there are any aspects of my life that would stop me from



Intrusive ... interviews are stressful enough without inappropriate questions. Photo: iStock

being able to work as hard as you want me to and the answer is no."

"Hopefully [the recruiter's] antenna will be up and they will realise that they've overstepped a boundary," Dale says.

Personal questions, particularly about family, can be an attempt at building rapport and should be seen as such but if an interviewer continues to pry, consider what this says about their management style and the organisation's culture.

"I don't want to work at [that organisation] if that's their attitude," Wolfe says. "I'm glad I found out now and not three weeks into the job when suddenly it was an issue that I had four kids."

Feeling unfairly treated, Wolfe would have been within her rights to lodge a complaint with the Anti-Discrimination Board or the Human Rights Commission for discrimination on the basis of her marital status, sex and carer's

responsibilities but opted not to, as the organisation is a charity.

She was reassured by her recent discovery that the vice-president of General Electric International, Clara Gaymard, has nine children. "Next time, if anyone asks me how many kids I have, I'm going to say that I have seven!" she says, adding she'll bring Gaymard to the attention of anyone who asks.

Dale says that biased hirers can overlook talented people.

"There is a risk that you'll end up not wanting to hire a really, really good candidate, just because you've asked inappropriate questions," he says.

Further information: [antidiscrimination.gov.au](http://antidiscrimination.gov.au), [hreoc.gov.au](http://hreoc.gov.au).

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