

## Illegal Interview Questions

Subject	Permitted	No permitted	Notes
<b>Age</b>	For some roles age is a legal requirement (working in a bar) so it is acceptable to ask a candidate their age directly and ask for proof.	What year were you born? When did you graduate high school?	Any question about age may be considered age discrimination.
<b>Arrest Record</b>	Depending on the nature of the position, it may be permissible to ask if the candidate has been convicted of a crime.	Have you even been arrested?	It is illegal to ask about a candidate's arrest record. You may in certain circumstances ask if they have been convicted of any crime. The key is differentiating between being arrested and being convicted.
<b>Availability</b>	What days and shifts can you work? Are there shifts you cannot work? Are there any responsibilities you have that could make it difficult for you to travel for work? Do you have a reliable way of getting to work?	Directly asking about weekend work could be seen as a proxy question for religious observance. Also, questions about evening work or childcare arrangements can impact females who have childcare responsibilities.	Ask all candidates the same questions on this subject. Asking only women about evening work can be discriminatory as it ties into questions about family status.



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<b>Citizenship or National Origin</b>	<p>Are you legally eligible to work in the Australia? Can you show proof of citizenship/visa/alien registration if we decide to hire you? Are you known by any other names? Can you speak, read, and write English?</p>	<p>Are you an Australian citizen? Can you provide a birth certificate? What country are your parents from? What is your background? Where were you born? How did you learn Chinese?</p>	<p>Asking about other languages is fine if it is a job requirement such as a translator or Spanish speaking phone operator.</p>
<b>Disabilities</b>	<p>Accurately describe the job then ask the candidate if they can perform all of the functions.</p>	<p>Do you have a disability? Have you ever filed a worker's compensation claim? Have you ever suffered a workplace injury?</p>	<p>If a candidate has an obvious disability, employers may ask if their disability will affect their ability to perform the job.</p>
<b>Family Plans</b>	<p>Do you have any commitments that might prevent you from working the assigned shifts?</p>	<p>Are you planning on having children soon?</p>	<p>Ask all candidates about outside commitments, not just relationships or family plans, or it will be seen as discriminatory.</p>



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<b>Financial Status</b>	Do you own a car? (only if a requirement of the job)	Do you own your own home? Do you own a car?	Due to the relationship between poverty and some minorities, questions on this subject can be very sensitive.
<b>Marital Status</b>	None	Are you married? Are you single?	It is best to avoid all questions about marital status.
<b>Pregnancy</b>	How long do you plan on staying with us? Do you have any leave planned?	Are you pregnant? Are you trying to have a family?	Even if a candidate is obviously pregnant, it is not acceptable to ask any questions about this subject. You can still describe the job and then ask if they can perform all functions.
<b>Race or ethnic background</b>	None	All questions about color, ethnicity, or race.	This is a hot topic question and best to get legal advice on if you are unsure.
<b>Religion or Creed</b>	None	What religion are you? Do you go to church? What is your cultural heritage?	Employers are not permitted to ask questions about religion or cultural heritage.
<b>Sex, Orientation, or Gender Identity</b>	None	What gender do you identify as?	Avoid all questions relating to gender and sexual orientation.
<b>Substance Abuse</b>	Are you able to perform all the duties set out in the job description?	Do you drink socially? Have you used drugs in the past?	It is best to ask the candidate if they are able to perform the duties without impediment.
<b>Union Membership</b>	None	Are you a member of a union? Do you plan on joining a union?	Employers are not allowed to ask candidates about past or present union membership
<b>Voting Habits</b>	None	Who did you vote for in the last election?	Employers may not ask a candidate about their voting habits.

