

## NEGOTIATING THE REGULATORY MAZE OF JOB INTERVIEWS

Every career portal and every newspaper recruitment supplement offers advice to candidates on what to expect during a job interview. However, little thought is ever given to the person or people on the other side of the table conducting the interview, says PAG.

The people conducting the interview have to negotiate a regulatory maze that determines what questions are appropriate to ask and what questions are not, and its best to know what this maze entails otherwise you could find yourself summoned before the CCMA.

The regulations governing the job interview process are there to protect the candidate against discrimination and that PAG supports this purpose fully. We also understand that employers want to know as much as they can about the candidate before making any long-term decisions.

PAG recommends that interviewers take note of the following questions (and answers) in order to extract the most information out of a candidate without infringing on their rights:

### ***What are the job interview legal boundaries?***

An employer must comply with all regulations prohibiting any discrimination on the basis of race, religion, sex, age, national origin or disability.

### ***What can be discussed at a job interview?***

An interviewer can ask an applicant about anything that is relevant to the position being sought. Any questions which are irrelevant to the position may be barred by law and may be discriminatory if the applicant ends up not being hired.

### ***What cannot be discussed at a job interview?***

If the subject is of a personal nature to the employee and does not really pertain to the duties of the job, then the interviewer should not ask about it. Subjects that are generally inappropriate include personal finances, sexual orientation and activity, political affiliations and medical history (unless relevant to the position).

***What are the restrictions on an interviewer for asking questions dealing with personal subjects that may be work-related?***

Again, the general rule is that any questions asked must deal with the ability of the applicant to perform the tasks of the job. Anything that is considered beyond that could be considered discriminatory. An employer can describe the demands of the position and then ask if the applicant is able to meet those demands, but an employer cannot ask if an applicant is disabled. The interviewer need only know whether or not the applicant can perform the job, not the exact reasons why the applicant cannot perform the job.

PAG adds that it's important to keep notes that provide a summary of the proceedings during an interview and to note why a particular applicant was found to be unsuitable. These notes will be invaluable should a case of unfair discrimination be opened against you at the CCMA. It is therefore advisable to retain them for a reasonable period, say eight to twelve months.