



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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Good Management Practice Series:

The Sex Discrimination Ordinance

Recruitment Planning

Interviewing procedures

Interviews are commonly used in a selection process. Employers should ensure that the job interviews are conducted in a fair and unbiased manner, and there is no unlawful discrimination in the process or outcome.

Employers are advised to prepare a list of interview questions directly related to the consistent selection criteria, and avoid asking interviewees questions that are irrelevant to the job requirements. They should also ensure that the personnel involved in the interview process are properly trained on non-discriminatory selection methods, and are familiar with the relevant legal provisions. To avoid possible bias, interviews conducted by a panel are preferred to those by single interviewers.



What the law says

The Sex Discrimination Ordinance (SDO) makes it unlawful for an employer to discriminate against a job applicant on grounds of sex, pregnancy, marital status or breastfeeding, in the arrangements made for the purpose of determining who should be offered employment; or by refusing or deliberately omitting to offer employment to the applicant.

Certain interview questions, which are unrelated to the job requirements, such as about the candidates' marital status or childcare arrangements, may be perceived as discriminatory. Even asking all job applicants the same question(s) will not automatically protect employers from unlawful discrimination claims. Whether an interview question is discriminatory depends on the purpose for and the context in which the question is asked.

Questions to avoid:

Marital status –
Any plans of getting married?

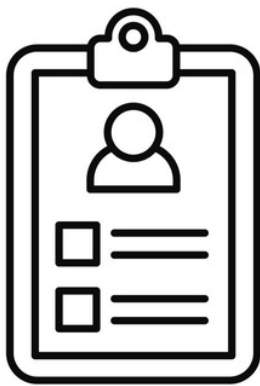
Childcare Arrangements –
Any plans to have children? Who will take care of your children?

Gender Preference – How would you feel if you were the only woman (or man) in an all-male (or all-female) office?

Examples: what do you think?

Are you married?

A female accountant had applied for an accounting manager position in a company. She was shortlisted and invited to attend an interview. During the interview, the HR director of the company asked if she was married and if no, whether she had any marriage plans. The female accountant replied that she intended to start a family soon. She was later informed that her application was unsuccessful. She suspected that the employer might have rejected her application because of her plans to get married.



Good practices

- ✓ Ask questions relevant to the consistent selection criteria.
- ✓ Avoid discriminatory questions and assumptions of a job applicant's ability.
- ✓ Include more than one interviewer in any interview where possible.
- ✓ Ensure interviewers receive appropriate training on the principles of equal opportunities.
- ✓ Document all interview decisions.

Objective selection

Interviewers may draw up a formal marking scheme before conducting an interview. The marking scheme should compose of the consistent selection criteria i.e. the skills, competencies and training required for the job, and the percentage of marks for each criteria.

This will help interviewers objectively assess job applicants against the criteria.

To ensure that the selection decision is based on the objective criteria, references should only be obtained and circulated to the interviewers after a selection decision has been reached.

