

HUMAN RIGHTS ACT 1993: EMPLOYERS' CHECKLIST

CAN DO	CAN'T DO
<ul style="list-style-type: none"> • Ask an applicant for information on: <ul style="list-style-type: none"> - Name. - Address. - Phone number. - Schools/Technical Institutes/Universities attended. - Qualifications/skills/achievements. - Previous employers. - Interests/hobbies/sports. - Drivers license details. - Criminal record (within last 7 years, or longer if applicant received a custodial sentence). - ACC history. - Transport arrangements. - Availability for overtime, shift work/ weekend work etc. - Goals/aspirations/career plans. • Ask an applicant if they have any known medical condition which could affect their capacity to do the job. • Require an applicant to undergo a pre-employment aptitude test (based on relevant technical competencies). • Decline to employ disabled persons if providing special facilities to accommodate them would be unreasonable. • Decline to employ someone with an infectious disease if there is a risk of harm to other people. • Ask someone if they have permanent residency in New Zealand. • Decline to employ someone because they have a spouse or partner working for a competing firm and this cannot otherwise be reasonably addressed. • Ask an applicant to describe their recent work history. • Require an applicant to undergo 	<ul style="list-style-type: none"> • Ask an applicant for information on: <ul style="list-style-type: none"> - Next of kin. - Marital status. - Family status. - Colour/race/ethnic/national origin. - Age or date of birth. - Place of birth. - Religious or ethical beliefs. - Sexual orientation. - Political opinion. - Involvement in union activities. - Employment status (employed or unemployed). • Ask an applicant to list all their current or previous disabilities (where this is irrelevant to actual job competencies or health/safety considerations). • Ask an applicant if they've been in a mental health institution or hospital. • Ask an applicant to list all their current or former medical ailments. • Require an employee to retire when they reach the qualifying age of NZ Superannuation or some other age specified by the employer. • Ask an applicant what nationality they are. • Ask an applicant if they have any children. • Ask an applicant if they have any dependants. • Ask an applicant if they are unemployed. • Ask an applicant if they are on a benefit. • Ask an applicant how long they've been unemployed or on a benefit. • Ask a female applicant if she is pregnant.

CAN DO	CAN'T DO
<p>a pre-employment medical examination (based on relevant physical competencies).</p> <ul style="list-style-type: none"> • Ask a young applicant if they have reached the school leaving age (16). • Decline to employ someone because they have a spouse/partner or relative to whom they would report if accepted for employment, and the situation cannot otherwise be reasonably addressed. • Ask an applicant to describe any special skills or attributes they have. • Ask an applicant for the names of any relative/spouse/partner working for the Company. 	<ul style="list-style-type: none"> • Ask an applicant if they are planning to have children. • Ask an applicant if they are widowed/ divorced/separated. • Ask an applicant to describe their "living arrangements" or "domestic circumstances". • Ask an applicant to disclose their childcare arrangements.