

Three No-No Questions on Job Applications in California

California labor laws continue to evolve and the rules about acceptable questions on employment applications are a perfect example. Consider the regulations on asking about gender, pay history and criminal background.



Gender Question

Employers are not allowed to ask directly or indirectly about a person's sex or gender. So these questions are not permissible on an employment application. If an employer must ask this information for legally required government reporting (such as EEO-1 Reports) it can only be done on a voluntary basis. An employer cannot discriminate against anyone who refuses to share this information.

Pay History Question

It is no longer permissible to ask applicants what they have been paid at previous jobs. Applicants may offer the information voluntarily, but employers cannot request or pressure applicants to share it. This law has been in effect since 2018.

Criminal Background Question: Ban-the-Box Law

Another law that went into effect in 2018 is the ban-the-box law which states that employers cannot ask a job applicant about their criminal history until after a conditional employment offer has been made.

Employers should also check local regulations that may impact an employer's being able to inquire about an individual's criminal background during the application process.

Best Practice – Update Job Applications Annually

It is a good idea to check your job applications now to be sure that they are in compliance on the issues of gender, pay history and criminal background questions. A best practice is to update your job applications at the first of every year so they incorporate any new regulation.