



Job interviews: What questions can employers ask during the recruitment process?

Employment Update

Job interviews have lately been scrutinized by the Finnish media, prompting enquiries into what kind of questions can an employer ask during a job interview. This article will explain the main principles that employers should bear in mind during the recruitment process.

Firstly, it is vital to understand that despite the General Data Protection Regulation (GDPR), the Act on the Protection of Privacy in Working Life is still fully applicable and *lex specialis* also in relation to processing personal data in recruitment situations.

During a job interview, the employer is permitted to ask questions that are directly related to the job and also to:

1. the rights and obligations of both parties; or
2. benefits provided by the employer; or
3. issues related to the job itself.

This is based on the necessity requirement defined in Section 3 of the Finnish Act on the Protection of Privacy in Working Life. This requirement cannot be changed, not even with an employee's consent.

As a rule of thumb, questions of a sensitive nature, such as family relationships, number of children, trade union membership, disabilities, health, or whether or not the applicant has served his/her military duty, are not permitted.

Another key principle to remember is that the employer should collect information and personal data about the applicant primarily from the individual concerned. To collect information from elsewhere, for example, reference requests, the employer must have the applicant's explicit consent.

Finally, an obligation that is often forgotten: the Act on Co-operation within Undertakings (the "Co-operation Act" in Finnish: Yhteistoimintalaki). This covers general recruitment principles and methods, and principles and practices concerning the information collected from the employee during the recruitment process and during the employment relationship. This means that these issues need to be discussed in a co-operation procedure with the personnel. In case the Co-operation Act is not applied, the personnel must be given an opportunity to be heard thereof.

Services

Employment
