



Employment Law Q&A: How do I ensure my job posting is not discriminatory?

RYAN NEUMEYER | EMPLOYER ADVOCATE | SEP 26, 2019

Q. HOW DO I ENSURE THAT A JOB POSTING IS NOT DISCRIMINATORY AND DEMONSTRATES MY COMPANY'S COMMITMENT AS A WELCOMING ORGANIZATION TO A DIVERSE POOL OF CANDIDATES?

A. Use objective language that does not demonstrate preference or bias towards certain types of candidates. For example, a help wanted sign that seeks "males" or "recent college graduates," may discourage women or people over 40 from applying.

To encourage diverse candidates to apply, carefully consider the words used in your job postings. A recent study by networking site LinkedIn found that qualified women tend to avoid applying for positions where the posting includes words viewed as traditionally "masculine." For example, the word "aggressive" discouraged female applicants, while the word "confident" appealed to both female and male applicants.

Explicitly state that you are an equal opportunity employer. Include an inclusivity/diversity statement that helps applicants understand your workplace culture and the diverse team that you are striving to create. Examples of strong inclusion and diversity statements can be found on the websites of Cleveland Clinic and Sherwin-Williams:

"Diversity plays a key role at Cleveland Clinic as well as all healthcare organizations because it affects interactions between employees and the patients and families served.

As a global healthcare provider and the largest employer in Northeast Ohio, diversity is an inherent aspect of interaction with patients, employees and the community." ¹

As Sherwin-Williams continues as a world leader, it is critical that we always welcome and respect the diversity of thoughts, cultures, and experiences. Our commitment to diversity and inclusion fosters a culture of openness and respect that provides the Company with a competitive advantage. This commitment is shared by our entire leadership team and is an integral part of our strategy for success.

A culture of diversity and inclusion focuses on retaining and attracting top talent from a variety of backgrounds who can use their unique perspectives and experiences to improve business results. It is about valuing, encouraging, and supporting those whose backgrounds and experiences may be different than our own. Most importantly, it is about our mutual success—as individuals and together as a global organization—and our ability to face the challenges of the future.²

If you have an online application make sure it is accessible to those with disabilities. The Americans with Disabilities Act prohibits discrimination in hiring on the basis of disabilities and requires reasonable accommodation which may extend to the hiring process. In addition, various courts across the country have ruled that commercial websites are places of public accommodation and thus subject to ADA rules. Other cases have concluded that websites are bound by ADA regulations if there is a close "nexus" between the site and a physical location. Thus, a company should take steps to ensure that its online application as well as its website is accessible to disabled applicants.

Ensuring that your job postings are drawing a broad base of diverse applicants is an important aspect in fostering a diverse and inclusive workplace. The steps discussed can help in that process and your McDonald Hopkins employment lawyer is available to discuss other ideas as well.

1. <https://my.clevelandclinic.org/about/community/diversity/about>

2. <https://sustainability.sherwin-williams.com/careers/culture/diversity>



RYAN NEUMEYER

[Read More](#)