

Is It OK to Ask for Someone's Date of Birth?

Is it illegal to refer to an employee's age?

Q We are planning an offsite meeting. The facilitator for a team-building exercise wants us to distribute a questionnaire in advance. One question references the employee's year of birth. I'm uneasy with the question. Am I overreacting?

A Actually, this is an excellent catch. Asking about year of birth could result in a claim of age discrimination.

A good rule to guide you: If you wouldn't ask a question on a job application or in an interview, then don't ask it during employment unless there is a business need to know. For this particular question, the exception or business need would be for the purpose of benefits, such as life and health insurance, just as you'd ask an employee – not an applicant – about dependents for the specific purpose of benefits coverage.

Have you asked why this information is needed? Perhaps the facilitator wants to break the group into smaller teams with multigenerational representation for a particular exercise. If that's the case, it's something you can help with since you know your employees and should have an idea of the broad generational category each one might fit into.

I'd also ask the facilitator for more information about the types of exercises the employees will be engaging in. Does the

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facilitator want a cross section of other diversity dimensions (gender, race, organizational function, for example) on each of the teams? This would be an excellent idea since all of our dimensions of diversity influence how we look at situations and solve problems.

Consider varying the composition of the teams for different exercises. For example, having the generational mix may be good if the focus of the exercise is mentoring and the exercise is to look at how years of experience or tenure with the organization affect people's approach. Mixing up the teams' composition also gives employees the opportunity to work with and get to know a number of different colleagues.

Work with the facilitator in advance to get the best results. Good luck with your meeting. 

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excerpted from the book *The Decisive Manager with permission from the authors*



Don't Run Afoul of the Law

Make sure you aren't discriminating on the basis of age or any other characteristics. Find help in legal articles such as these (NonprofitWorld.org):

How to Write Effective Anti-Bias Policies (Vol. 30, No. 4)

The Most Likely Lawsuits – and How to Protect Yourself (Vol. 19, No. 1)

Where to Find Free Legal Assistance (Vol. 26, No. 2)

Risks Get Riskier for Nonprofits: ERM Can Help (Vol. 38, No. 1)

How to Avoid Age-Discrimination Lawsuits (Vol. 15, No. 6)

Fourteen Questions to Ask before You Hire an Attorney (Vol. 34, No. 1)

Are You Risking Legal Action because of Discrimination? (Vol. 38, No. 4)

The Need for Anti-Bias Policies (Vol. 22, No. 5)

Don't Be Sued for Negligent Hiring (Vol. 21, No. 3)

Is Your Organization Lawsuit-Proof? (Vol. 20, No. 1)

How to Avoid Retaliation Claims (Vol. 21, No. 6)

Protect Yourself Against Employee Lawsuits (Vol. 15, No. 2)