

Leave 'overqualified' out of hiring lexicon



While supervisors may use the term “overqualified” when discussing potential job candidates, be aware that it’s a legally explosive term.

At the very least, you should avoid using it in front of applicants or in any written description of them.

Why? Rejected applicants could view “overqualified” as an age-related code word, thus sparking an age discrimination lawsuit.

This has been a hot topic on job-related chat rooms. As one frustrated job-seeker put it, “‘You’re overqualified’ is the excuse of the year ... I’m starting to think that it’s just another way of saying, ‘You’re too old.’”

The federal Age Discrimination in Employment Act (ADEA) makes it illegal to discriminate against applicants or employees age 40 or older in hiring, firing, promotions or pay. That could include making assumptions that an experienced older applicant wouldn’t have any interest in a lower-level job.

Don’t throw away your best defense

Organizations often defend hiring-bias lawsuits by arguing that they based the hiring decision on the “most qualified” candidate, and not on a protected characteristic (age, sex, race, etc.). But telling an applicant that he or she is “overqualified” takes away your ability to make the “most qualified” argument if you actually end up hiring someone with less skill or experience.

Courts ask: Could it be code?

Example: A few years ago, a 49-year-old accountant sought an entry-level auditor’s job. A manager refused to hire him, saying he was overqualified.

The accountant sued for age discrimination. The court sent the case to trial, saying that “overqualified” could be considered “a code word for too old.”

Bottom line: Using the “o” word won’t automatically trigger an age bias lawsuit and it won’t mean you’ll lose one in court. But it could flip the “Hey, that’s unfair” switch in the applicant’s brain—which often leads to messy, expensive litigation.