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## Question of the Week

JUNE 14, 2023

### Question

We have a hiring manager who doesn't want to hire someone due to their weight. Can we reject their application for this reason?

### ANSWER

While weight in and of itself is not a protected characteristic under *federal* law, making a hiring decision on this basis is inadvisable. **Hiring decisions should be based on how well a candidate meets the qualifications outlined in the job description and applicable job posting.** Disqualifying a candidate based on anything other than the job's necessary qualifications increases the likelihood of a discrimination claim (in the case of weight, a disability discrimination claim is most likely).

We recommend that you ensure job descriptions are updated with the current skills, abilities, and education needed to perform the job, including the mental and physical requirements. You should also carefully go over the job description with candidates—including the day-to-day duties of the position—during the interview process so they fully understand what will be expected from them.

*This Q&A does not constitute legal advice and does not address state or local law.*