



ILLEGAL INTERVIEW QUESTIONS

Federal and state laws prohibit prospective employers from asking certain questions that are not related to the job for which they are hiring. Questions should be job-related and not used to find out personal information. In a nutshell, employers should not be asking about your race, gender, religion, marital status, age, disabilities, ethnic background, country of origin, and sexual preferences.

HOW SHOULD I RESPOND TO ILLEGAL QUESTIONS?

Three options to consider:

1. Just answer the question.

If you don't mind providing the information and you don't want to make waves, you can respond to the question and move on to the next one. Keep in mind, however, that you should only answer the question if you truly are comfortable providing the information—it could come back to haunt you.

2. Refuse to answer the question.

Inform the interviewer that the question does not seem to be relevant to the specific requirements of the job. Be forewarned, though, that such a direct response should really be saved for questions that are offensive or deeply troubling.

3. Don't answer the question, but answer the intent behind the question (recommended.)

This is sometimes the best option, since it allows you to provide a tactful answer without sacrificing your rights. To answer the intent behind the question, try to figure out what the interviewer really wants to know. For example, if the interviewer asks if you are a U.S. citizen (which is an illegal question), a smart answer could be: "If you mean to ask if I am legally authorized to work for you, the answer is yes." In cases like these, it's best to rephrase.

TYPES OF QUESTIONS

Subject: Nationality

Illegal: Are you a U.S. citizen?
Where were you/your parents born?
What is your "native tongue?"

Legal: Are you authorized to work in the United States?
What languages do you read, speak, or write fluently?
(This question is OK as long as this ability is relevant to the performance of the job.)

Subject: Age

Illegal: How old are you?
What is your birthday?

Legal: Are you over the age of 18?

Subject: Marital/Family Status

Illegal: What is your marital status?
Who do you live with?
Do you plan to have a family? When?
How many children do you have?
What are your child care arrangements?

Legal: Would you be willing to relocate if necessary?
Travel is an important part of the job. Would you be willing to travel as needed by the job?
(This question is OK as long as all applicants for the job are asked it.)

Subject: Disabilities

Illegal: Do you have any disabilities?
Please complete the following medical history.
Have you had any recent or past illnesses or operations? If yes, list and give dates.
What was the date of your last physical exam?
How's your family's health?
When did you lose your eyesight?

Legal: Are you able to perform the essential functions of this job with or without reasonable accommodations? (This question is OK if the interview thoroughly described the job.)

NOTE: As part of the hiring process, after a job offer has been made, you may be required to undergo a medical exam. Exam results must be kept strictly confidential, except medical/safety personnel may be informed if emergency medical treatment is required, and supervisors may be informed about necessary job accommodations, based on the exam results.

SAMPLE RESPONSES TO ILLEGAL INTERVIEW QUESTIONS

Q: *Do you plan on having children?*

R: Currently, I am focused on my career and although having a family is always a possibility, it is not a priority at the moment.

Q: *What is your ethnic background?*

R: While I look forward to working in a diverse company, I prefer to keep my personal information separate from work. However I would like to know, how do you view the company's culture?

Q: *Are you a U.S. Citizen?*

R: I am authorized to work in the United States.

Q: *Are you religious? Will your religion prevent you from working extra hours or on weekends when we have a big project?*

R: I suppose everyone is religious in their own way. I do not foresee any circumstances that would interfere with the quality or commitment of my performance.

FOOD FOR THOUGHT

- Relate all of your answers to job performance and your work experience.
- While pointing out the illegality of a question may win you the battle, the bad taste in their mouths may lose you the war. Remember to think about what their question is really asking, and rephrase it, answering it related to your experience, job performance, and position.

Sources: Yahoo HotJobs article How to Handle Illegal Interview Questions; USA Today article Illegal Interview Questions, and About.com article Illegal Interview Questions, LinkedIn Article Legal and Illegal Interview Questions by J. Rabinowitz