

# Illegal Interview Questions

Federal and states governments have passed laws describing which interview questions are illegal to ask job applicants. Interviewers may not ask questions about the following topics: nationality, marital status, family situation, religion, age, gender, sexual orientation, military service, criminal background, health, and disability.



Some interview questions considered to be illegal may be asked based upon the job opening. For example, job seekers for law enforcement jobs may be asked interview questions about criminal background. Job seekers for truck driver jobs may be asked interview questions about driving record. Job seekers for nurse or teacher jobs may be required to pass a health exam before a job offer can be made. **What can you do when asked an illegal interview questions?**

**Option #1: Answer the Question.** Evaluate the situation. Is the interviewer trying to connect with you and not aware that the question is illegal? Does the question seem harmless? Or, does the interviewer have a goal of discrimination? If question is acceptable to you, answer the question, and quickly move to the next question. If the interviewer asks several illegal interview questions, you may decide to refuse any job offer because the company would not be a good place to work due to employer's attitude towards workers.



**Option #2: Decline to Answer the Question.** You may decline to answer the question by saying, "I do not believe that the question is appropriate for the position," or "I do not feel comfortable answering that question." Or pleasantly say, "I have never been asked that question before. How does that question relate to the job opening?" You should not say: "That is an illegal job interview question, and I will not answer it." Directness will show that you are aware of your rights, but it will not get you the job offer since the interviewer will be embarrassed and end the interview as quickly as possible.



**Option #3: Avoid the Question.** You may say **an answer that gives the interviewer information about the question without answering the illegal part of the question.** To do this: Step A) you will need to think about "why" the interviewer is asking the question; Step B) then answer the "why" with an good statement. Here are some tips on how to avoid, yet answer illegal job interview questions.

- **Interviewer illegally says,** "Good morning, Mr. Sanchez. That's a Spanish name, isn't it? Were you born in Mexico?" Mr. Sanchez may politely say (while looking pleasant), "Is that a requirement for this job? I am authorized to work in the United States."
- **Interviewer illegally says,** "Do you have any children," or "Do you have a picture of your family?" You may answer with, "I prefer to keep my private life and work life separate. I commit to a job and always have been a reliable worker. I can meet the work schedule that this job requires."
- **Interviewer illegally says,** "We observe all Jewish holidays here. Would that be a problem for you?" You may answer with, "I like to keep my religious views separate from work, and I respect that right for others."



- **Interviewer illegally says,** “What clubs do you belong to?” You may answer: “I do not belong to any club related to this industry, but I am happy to join a club related to the job.” (This is attempt to see if you belong to group that interview may view as “radical”)
- **Interviewer illegally says,** “Are you disabled? What is your handicap?” You may answer: “I am able to perform tasks required for this job. I can take pre-employment tests required for the job.”
- **Interviewer illegally says,** “How much do you weigh?” You may answer: “I am in good health and physically able to perform the tasks this job requires.”
- **Interviewer illegally says,** "Do you plan to have children?" You may answer: "I plan to work full time and pursue a career whether or not I decide to raise a family."
- **Interviewer illegally says,** "Have you ever been arrested for other than traffic violation?" You may answer: "I have not done anything that would give your company concern that I would violate any trust that the job requires."
- **Interviewer illegally says,** "Do you own your home, rent, or live with your parents?" You may answer: "I live in an environment that would allow me to meet the demands of the job." (Or "I'm not sure how this question relates to the job. Can you explain?")
- **Interviewer illegally says,** "Tell me your health history." You may answer: "I will be happy to take a pre-employment exam by your company physician to be sure I am able to perform the job."
- **Interviewer illegally says,** "Does your spouse work? What is your spouse's name?" You may answer: "My family supports my seeking employment here."
- **Interviewer illegally says,** "How old are you?" "What is your birth date?" You may answer: "I meet the age qualifications for the job opening."



### QUICK CHECK:

1. List 5 of the 11 topics about which interviews may not ask detailed questions.
2. What interview questions may job seekers for the following job openings be asked? a) law enforcement. b) truck driver. c) nurse.
3. Option #1: a) What may you do if the question is acceptable to you? b) What may you decide if the interviewer asks several illegal interview questions? c) Because why?
4. Option #2: a) Give an example of what you may say to politely decline the question. b) What should you not say? c) Why?
5. a) For Option #3, what may you say? b) Write down the 2 steps to do this.
6. How did Mr. Sanchez answer the illegal interview question?
7. When asked for a picture, what did the job seeker prefer to keep separate?
8. What may the interviewer ask in an attempt to find out if you belong to "radical" groups?
9. What may you say to the question, "How much do you weigh?"
10. Why do you think an interviewer would ask if an applicant plans to have children?
11. What may a job seeker say to the questions: a) "Have you been arrested for other than minor traffic violation?" b) "Do you own your home?" c) "Tell me your health history?" d) "How old are you?"
12. When you become a manager who interviews job seekers, why is it an excellent idea to write down interview questions you will ask **before** the interviews starts?
13. List 5 questions you would ask (as a manager) to interview job seekers for retail sales job.