

Illegal Interview Questions

What is an Illegal Interview Question?

Title VII of the Civil Rights Act of 1964 makes discrimination on the basis of national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information (such as height and weight) illegal. Any question that asks a candidate to reveal information about his or her national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information is a violation of Title VII of the Civil Rights Act of 1964.

Which Questions ARE Still Legal?

If employers can phrase questions so that they directly relate to specific occupational qualifications, then the questions may be legitimate ones. Employers may also still ask general questions. For example, an interviewer may NOT ask your age in an interview, but the interviewer may ask if you are over the age of 18 (if being over the age of 18 is a requirement of the job).

What Should I do if I am Asked an Illegal Question?

If you are asked an illegal question during an interview, you have three basic alternatives.

1. You can answer the question

By answering the question, you may actually help your chances of getting the job, particularly if you give the “right” answer. Doing so, however, may convey to the interviewer that you are not familiar with legalities.

2. You can refuse to answer the question

You do have the right to not answer the illegal question. However, a flat refusal to answer may harm your chances of being hired for a position if the interviewer sees you as an uncooperative or stubborn person.

3. You can examine the intent behind the question

When an interviewer asks an illegal question, they are often trying to find out information about you that is not directly related to the job. It is often easy to infer what the interviewer is really trying to find out from an illegal question. A simple compromise to the problem is to respond to the question as it may apply to the job. For example, if the interviewer asks “are you a US citizen?” you may respond “that question is in violation of the law, but yes, I am authorized to work in the United States.” This third choice shows the interviewer that you are both knowledgeable of the law and able to quickly compromise and solve problems.

4. Other alternatives

You may feel more comfortable with one of these choices (which are just as valid as the first three) for responding to an illegal interview question:

- Ignore the question and move on
- Ask how the question relates to your qualifications or the requirements of the job
- Walk out