

# Advice on Answering Illegal Interview Questions

## Reply Candidly or Tactfully Decline and You Still Can Win a Job Offer

By Tom Washington

If you're ever asked an improper question in a job interview, you face a real dilemma. If you object to the query, you may offend the interviewer. Yet, if you answer the question, the hiring manager may be encouraged to continue on a discriminatory path.

It helps to know that you don't have to answer certain questions. By knowing what types of inquiries are legal and illegal, and learning potent techniques for combating improper questions, you'll be able to respond effectively when faced with this difficult situation.

### Out of Bounds

Interviewers sometimes ask personal questions which, while not technically illegal, are certainly inappropriate. For example, they may ask, "Do you have a boyfriend?" "Are you planning to get married?" or "Are you and your girlfriend living together?" If asked such a question, you must quickly decide whether to answer it or tactfully decline.

Typically, interviewers in such cases will realize they're touching a sensitive area, and a gentle rebuff will lead them to back off. For instance, you might reply, "Mr. Hanson, I try not to get into personal issues during interviews."

Being tactful -- even when the interviewer seems intrusive -- is key. Making the hiring manager feel ashamed won't help you. Neither will assuming that because you were asked such questions, the employer must be terrible.

Often, candidates are asked improper questions because the interviewer is poorly trained and curious, not discriminatory. Of course, curiosity doesn't excuse an employer's improper behavior. But you can give the company the benefit of the doubt for the duration of the interview then decide later whether it's a place where you'd want to work.

### Illegal Questions

Unfortunately, most hiring managers are untrained in the legalities of interviewing, so it's fairly common for candidates to be asked illegal questions. Know your rights and determine in advance how you plan to handle inappropriate queries.

Virtually all states have laws or regulations prohibiting discrimination on the basis of race, color, religion, national origin, ancestry, medical condition, physical handicap, marital status and age (40+).

Generally, questions on employment applications or in interviews about national origin (including questions about your native language) are illegal. Employers also can't ask your marital status or the number and ages of your children and dependents. Nor can they ask questions about pregnancy, birth-control use or your plans for having children.

Employers can ask about disabilities in the following form: "Do you have any physical condition or handicap that may limit your ability to perform the job for which you're applying? If yes, what can be done to accommodate your limitations?"

They can't, however, ask about your general medical condition or illnesses, or whether you've received worker's compensation. Nor can they ask, "Do you have any physical disabilities or handicaps?"

Employers aren't allowed to inquire about religion. A question such as, "Are there any holidays or days of the week you can't work?" would probably be held illegal, even if religion wasn't mentioned.

However, it would probably be acceptable to ask, "We often work holidays and weekends. Is there anything that would prevent you from doing so?"

Employers can ask if you've ever been convicted of a felony, but not if you've ever been arrested. In some states, even questions about a felony conviction would have to be worded carefully to make sure they're clearly job-related.

For example, a candidate for controller might be asked, "Have you ever been convicted of embezzlement?" but not, "Have you ever been convicted of a felony?"

## How to Respond

There are several effective ways to deal with illegal or prying questions. Decide in advance which strategy you want to use then practice it. Options include:

- 1. Answer the question** without revealing that you're offended. This is the best approach for most situations. To respond this way, assume that the interviewer is simply curious, means no harm and is unaware that people might be put off by such queries.
- 2. Address the apparent** underlying concern of the interviewer rather than his or her specific question. For example, employers who ask, "Do you have any children?" may not be concerned about kids, per se, but whether you're likely to miss work to care for a sick child. Your response could be, "I have three children in school and they have excellent full-time child care" or, "If you mean, 'Can I meet the demands of the job,' yes, I can."
- 3. Tactfully remind** the interviewer that the question is illegal. You might say: "That's not a legal question. I'd rather cover other points." Or, "I'd prefer to only be asked legal and germane questions." Or, "I'd prefer to discuss my qualifications for this job, which are ..." If you respond in this way, continue the interview showing the same professional manner you displayed prior to the question.

The interviewer may feel somewhat foolish for having asked such a question, or perturbed at you for being so "sensitive." Either way, because you've demonstrated both your assertiveness and knowledge of the law, it's unlikely you'll be asked another improper question.

Typically, you're better off answering touchy questions without confronting the interviewer about their legality. At the same time, be on the lookout for a pattern of discrimination. One illegal question can be written off as a simple mistake, but several such questions could indicate a problem.

If you want the position, continue answering the questions or tactfully decline, but make a mental note of each illegal query. Write them down immediately following the interview. If you don't get the job and feel you were discriminated against, your notes will be important to any action you take.

For example, you could speak to the company's HR director and describe what happened. If you don't receive satisfaction there, you may wish to contact the appropriate government agency or hire an attorney.

## Suggested Answers

Before interviews, think about which illegal questions you're likely to face and prepare responses to them. Remember that your goal is to get a job offer. After you receive an offer, you can decide whether you really want to work for the manager or organization.

Following are some common illegal questions and suggested ways to respond.

### Are you married?

This question is usually addressed to women to assess their availability for overtime and other issues.

**Tactful deflection:** "I'd prefer to stay on track with job-related issues rather than personal ones."

**Non-confrontational:** "Yes I am. My work is very important to me, though, so I make sure nothing interferes with my giving 100% to my job. I can travel and work weekends when necessary."

Of course, if you're not inclined to work 50 or more hours per week, go to the office on weekends and travel occasionally, you'll need to phrase your response as positively as possible while still being true to yourself. For example, you might say: "Yes I am. My work is very important to me so I make sure nothing interferes with my giving 100%. I do whatever's necessary to complete my work on schedule."

### When do you plan to start a family?

Such a question is designed to uncover your marital and family status. Small employers may ask this because they'd have trouble covering for someone who takes a lengthy maternity leave, but that still doesn't excuse the question.

**Tactful deflection:** "Family issues are pretty personal for me. I can tell you that every employer I've worked for was glad to have me."

**Non-confrontational:** You can put the interviewer at ease by responding: "No, we're not going to have children. We're both very career-oriented" or "I do intend to have children, but not for several years, and when I do, my leave would be very short."

## What religion are you?

**Tactful deflection:** This question is so blatant that it's easy just to say, "I really don't care to discuss religion. I'd love to tell you about some of my work successes, however."

**Non-confrontational:** If you practice a religion you might say, "I attend church (or synagogue or mosque), but I don't mix religion with work. I get along with everyone regardless of their religion." If you don't want to reveal your religion, you can simply substitute, "I attend services," in the previous reply. If an interviewer presses you to be more specific and name the denomination or religion you belong to, decide in advance how you'll handle it. If you feel comfortable stating "I'm Baptist" or "I'm Jewish," then say so.

If you don't practice a religion, you might say, "I have my own beliefs that are very important to me, but I'm not involved with any organized religion."

## How old are you?

**Tactful deflection:** "I don't really think you want to touch on age issues, do you?"

**Non-confrontational:** Show that you're comfortable with your age, proud of what you've accomplished and full of energy. Your answer could be a simple, "I'm 54" or "I'm 54. I've been in this field 28 years and I've never stopped learning."

In developing answers to inappropriate questions, use the examples provided here as guides, but create responses that fit you and your personality. Then, you can enter interviews confident that you can sell yourself no matter what interviewers ask you.

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