

How to Handle Illegal Interview Questions

Interviews are already stressful enough. Between promoting your skills, showing enthusiasm and laughing at the interviewer's bad jokes, you have plenty to concentrate on. But when you suspect you've been asked an illegal interview question, stress levels can shoot even higher. Fortunately, if you know in advance what kind of illegal questions are most apt to sneak into an interview, you can diffuse the situation immediately and move on to more important tasks -- like landing that job.

Three Ways to Answer Illegal Interview Questions

Most interviewers are not out to discriminate against job applicants. Many of the illegal questions that interviewers ask are unintentional -- in fact, if you tactfully point out the question is illegal, the interviewer will likely realize his or her gaffe and immediately retract the question.

The challenge for you is to figure out what to say while you're sitting in that chair, faced with an illegal question. You have three basic options:

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 doesn't seem to be legal or 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. This is usually 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 would 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 the question into a legal one and then answer it. This displays flexibility and composure -- strong job skills.

An Age-Old Question

Recent reports say that workers are planning to hold jobs well into their senior years. Many even plan to hold off retirement until their 70s or 80s in order to continue bringing in paychecks.

Unfortunately, this has resulted in an increase in complaints from older workers of age discrimination in the workplace, according to the Equal Employment Opportunity Commission (EEOC).

The good news is that interviewers are not allowed to ask you your age during an interview. With some rare exceptions, the only age-related question they can ask is if you're over the age of 18.

One thing to keep in mind: The EEOC's Age Discrimination in Employment Act of 1967 only protects workers who are 40 years old and older from age discrimination and in workplaces with 20 or more employees. However, some local governments have laws that also enforce age discrimination rules for younger applicants and smaller workplaces.

Married With Children?

Women make up nearly half of the U.S. workforce, according to the Department of Labor. And as their numbers grow, so do the potential pitfalls they may face during an interview, especially when asked about marriage, children and pregnancy.

While illegal interview questions surrounding relationships, marriage and children are generally more problematic for female job candidates, protection from discrimination applies equally to male candidates.

Basically, you should be suspicious if you are asked any questions about your marital status, your family status, your future plans for children or your child care accommodations.

So what can employers ask? Questions that deal directly with the job requirements (e.g., “Are you willing to relocate?”).

Yes, many proud parents enjoy telling stories about their children, and there may be a temptation to trade toddler stories with a friendly interviewer who has a family picture on his or her desk. But to avoid potential problems, err on the side of silence.

A Race for a Job

A recruiter friend of mine told me a story of how she accidentally asked someone an illegal interview question.

“Oh, you have such an interesting name! What does it mean?” she asked a candidate with a beautiful name that was obviously of non-English origin.

Fortunately, my colleague caught herself and told the candidate that she didn’t have to answer the question. But it does show how subtly the issues of race, ethnicity and religion might sneak into an interview.

For instance, according to Nolo.com, interviewers are not allowed to ask if you are a U.S. citizen or ask where you were born. However, they can ask if you are legally authorized to work in the United States on a full-time basis. So if you are asked about your race, color, religion or national origin, be aware -- Title VII of the Civil Rights Act of 1964 prohibits employers from making employment decisions based on such factors.

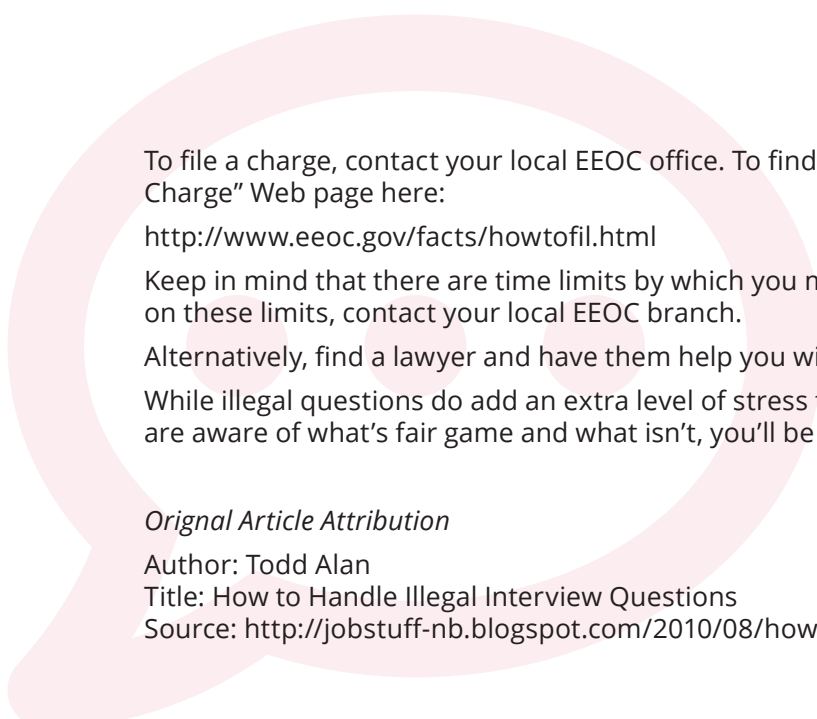
Somebody Call the EEOC!

Discrimination is an ugly word, but you can’t deny that it does occasionally happen. If you are certain that an interviewer asked you an illegal interview question with the intent of using your answer as a basis for a hiring decision, it’s time to talk to the pros.

The EEOC is the government agency in charge of handling complaints of workplace discrimination.

While laws can vary from state to state, the EEOC recommends that you file a charge of discrimination if you feel you have been discriminated against on the basis of any of the categories below:

- Race
- Color
- Sex
- Religion
- National Origin
- Age
- Disability



To file a charge, contact your local EEOC office. To find your local branch, go to the EEOC “Filing a Charge” Web page here:

<http://www.eeoc.gov/facts/howtofil.html>

Keep in mind that there are time limits by which you must file a complaint. For more information on these limits, contact your local EEOC branch.

Alternatively, find a lawyer and have them help you with your complaints.

While illegal questions do add an extra level of stress to an interview, remember that as long as you are aware of what’s fair game and what isn’t, you’ll be one step ahead.

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