

Illegal Interview Questions

Although most employers know it is inappropriate to ask certain interview questions, it still occurs at times. If you are asked an illegal question during an interview, you have three options for responding. These include:

1. Answer the question directly, if you feel it will not harm your chance of being hired.
2. Refuse to answer the question outright or direct the conversation in a different direction.
3. Examine the intent of the question, and base your response on the requirements of the position.

The table below gives examples of illegal questions according to category and alternative ways in which an employer can ask those questions. It is to your benefit to recognize illegal questions, so you may respond accordingly.

Question Category	Inappropriate (Illegal) Questions	Appropriate (Legal) Questions
Age	<ul style="list-style-type: none"> How old are you? What year were you born? When did you graduate from high school? 	<ul style="list-style-type: none"> Are you over the minimum age for the hours or working conditions? (Before hiring) After hiring, they may verify your name with a birth certificate or other ID, and ask age on insurance forms.
Citizenship	<ul style="list-style-type: none"> Are you a citizen of the U.S.? Are your parents or spouse citizens of the U.S.? On what dates did you, your parents or your spouse acquire U.S. Citizenship? Are you, your parents or your spouse naturalized or native-born U.S. citizens? 	<ul style="list-style-type: none"> If you are not a U.S. citizen, do you have the legal right to remain permanently in the U.S.? What is your visa status (if no to the previous question)? Are you able to provide proof of employment eligibility upon hire?
Criminal Record	<ul style="list-style-type: none"> Have you ever been arrested? Have you ever spent a night in jail? 	<ul style="list-style-type: none"> Have you ever been convicted of a crime?
Disability	<ul style="list-style-type: none"> Do you have any disabilities? What's your medical history? How does your condition affect your abilities? 	<ul style="list-style-type: none"> Can you perform the specific duties of the job? After hiring, they may ask about medical history on insurance forms.
Family	<ul style="list-style-type: none"> Any questions concerning spouse, or spouse's employment, salary, arrangements or dependents. What kind of child care arrangements have you made? How will your spouse feel about the amount of time you will be traveling if you get this job? 	<ul style="list-style-type: none"> Can you work overtime? Is there any reason you can't start at 7:30 a.m.? Can you meet the specified work schedule? Do you have activities or commitments that may prevent you from meeting attendance requirements?
Gender	<ul style="list-style-type: none"> Do you wish to be addressed as Mr., Mrs., Miss or Ms.? What are your plans to have children in the future? 	None
Marital Status	<ul style="list-style-type: none"> Are you married, divorced, separated, engaged, widowed, etc? Is this your maiden or married name? What is the name of your relative/spouse/children? Do you live with your parents? 	<ul style="list-style-type: none"> After hiring, they may ask you about your marital status on tax and insurance forms.

Question Category	Inappropriate (Illegal) Questions	Appropriate (Legal) Questions
Military	<ul style="list-style-type: none"> What type or condition is your military discharge? Can you supply your discharge papers? 	<ul style="list-style-type: none"> Describe the relevant work experience as it relates to this position that you acquired in the US armed forces.
National Origin	<ul style="list-style-type: none"> What is your nationality? Where were you born? Where are your parents from? What's your heritage? What is your mother tongue? How did you acquire the ability to speak, read or write a foreign language? How did you acquire familiarity with a foreign country? What language is spoken in your home? 	<ul style="list-style-type: none"> They may verify legal U.S. residence or work visa status. What languages do you speak, read or write fluently?
Parental Status	<ul style="list-style-type: none"> How many kids do you have? Do you plan to have children? How old are your children? Are you pregnant? 	<ul style="list-style-type: none"> After hiring, they may ask you for dependent information on tax and insurance forms.
Race or Skin Color	<ul style="list-style-type: none"> What race are you? Are you a member of a minority group? 	None
Religion or Creed	<ul style="list-style-type: none"> What is your religious affiliation? Which religious holidays will you be taking off from work? Do you attend church regularly? 	<ul style="list-style-type: none"> Can you work on Saturdays or Sundays?
Residence	<ul style="list-style-type: none"> Do you own or rent your home? Do you live in town? With whom do you live? 	<ul style="list-style-type: none"> They may inquire about the address to facilitate contact with the applicant. Will you be able to start work at 8:00 a.m.?

Examples for Responding to Illegal Interview Questions

Q. What do your parents do for a living?

A. My parents are strong people and have instilled in me a positive work ethic. I admire this company's work ethic and believe that the dedication I learned from my parents will help me flourish in this environment.

Q. What is your ethnic background?

A. 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 you view the company's diversity initiatives.

Q. Do you plan on having children?

A. My current focus is to build a successful career. However, I feel that this question speaks to the importance of having a solid work and life balance. Do you feel like you get to spend enough time with family and friends?

Q. Do you have a boyfriend/girlfriend?

A. Why do you ask? If you are concerned about my ability to work long hours, you should know I am deeply committed to my work and I have long been able to balance my work life with my personal commitments.

Q. Do you have a disability? How many days were you sick last year?

A. I am able to perform the essential functions of this role above and beyond the call of duty.*

**The Americans with Disabilities Act of 1992 protects interviewees and employees from discrimination based on physical or mental disabilities. If you are asked an illegal interview question, you may discuss your experience with a career development specialist in The Career Center.*

For more career resources visit our website:
www.wmich.edu/business/career

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