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## Handling Illegal Interview Questions

By Terra Dourlain, Managing Director, MyReferences.com

*Jim, 48, is sitting in an interview, which has been going well. He's confident that his qualifications match those of the position, and he believes he'll fit into the corporate culture. As the interview is winding down, the interviewer casually asks: "Will your family mind the relocation from New York to Texas?" How should Jim answer this question?*

There are several questions that employers may not legally ask applicants. Federal law attempts to ensure that candidates are hired on job qualifications and not by prejudicial criteria. Questions structured to obtain information on race, gender, religion, marital status, age, physical and/or mental status, ethnic background, country of origin, sexual preference, or any other discriminatory factor are generally illegal as grounds for making employment decisions. With few exceptions, these factors contribute nothing to your ability to perform a job, and an employer must substantiate those cases where a direct relationship is thought to exist. Anything that is not a bona fide occupational qualification may not be covered directly, although the interviewer may seek the information indirectly.

So, how do you handle an illegal interview question? First it is important to assess the intentions of the interviewer. Most illegal interview questions are asked in true innocence -- or, better stated, in true ignorance: ignorance of the law, ignorance of what questions are proper, and ignorance of how the information could be used by others in a discriminatory way.

Ironically, most illegal questions are asked when the untrained interviewer is trying to be friendly and asks a seemingly innocent question about your personal life or family background. Therefore, any attempt by the candidate to assert his or her constitutional rights will merely throw up the defense shields and put an end to any future consideration for employment. Warning lights go on, sirens sound, and the interviewer begins backing down from what otherwise may have been a very encouraging position.

So what is the proper response? Any response depends on the particular situation and the personalities and motives of those involved, but overall you have three basic options: (1) answer truthfully if you feel your response will not hurt you, (2) inform the interviewer that the question is illegal and risk offending them and ending your chances for the position, or (3) base your answer on the requirements of the job and your ability to perform it. Here are a few examples of casually asked illegal questions and suggested responses:

**Q:** Does your family mind the travel required for this position?

**A:** I am accustomed to significant business travel. In fact, I find being on the road invigorating, and my track record has been very consistent under these conditions.

**Q:** Are you religious? Will your religion prevent you from working extra hours or on weekends when we have a big project?

**A:** I suppose everyone is religious in their own way. I do not foresee any circumstances that would interfere with the quality or commitment of my performance.

**Q:** You have a very unusual last name. What is its origin?

**A:** It really is a mouthful, isn't it? I've always used my first name and last initial in my business e-mail address, as it is easier.

**Q:** Are you planning a family in the near future?

**A:** Currently, I am focused on my career and although having a family is always a possibility, it is not a priority at the moment.

**Q:** How many more years do you see yourself in the work force (before retiring)?

**A:** In today's world people don't retire like they used to; some can't. My career and my need to earn an income are priorities that I do not foresee changing in the near future.

How you choose to handle these types of questions depends on the perceived motivation of the interviewer as well as your desire to have the position. However, no matter how badly you want or need a position, always keep in mind that if a company is capable of asking illegal questions before you are an employee, there is a greater potential for mistreatment after you are hired.

Your best bet is to try and keep the interview focused on the qualifications of the position and your qualifications as a candidate. Blatant discrimination does take place. If it does and you are offended, you have the right to end the interview immediately ("I don't think we're a good match. Thank you for your time.") -- you never wanted to work there in the first place!

So, how did Jim in our example above answer the question? He could have said, "It's none of your concern," which likely would have quickly ended a promising interview. But Jim thought about the underlying intent of the company in asking the question, which was "Will relocating an employee who likely has a family be so troublesome that he/she will be unproductive for months?" Considering that, he might have responded, "My family and I are committed to my career, so relocation is absolutely not a problem." But Jim's family of five was used to moving every several years because of his ascending career, so Jim responded: "I've moved my family every three years, and they always consider it a great adventure. I've talked to them about the possibility of this move, and they're very excited."

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