

Career Services | Illegal Interview Questions

In the United States, it is illegal for an employer to discriminate against a job applicant because of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), age, national origin, or disability. There are federal and state laws in place to prevent discriminatory employment practices. The following are some illegal interview questions along with related questions that are legal.

Topic	Illegal Question	Legal Question
Work / Visa Status and Citizenship	Are you a U.S. citizen? You sound like you have an accent, where are you from? Where were your parents born? What is your native language?	Are you authorized to work in the U.S.? What languages do you speak (if relevant to the position)?
Marital/Family Status	Are you married? Do you have children? If so, what do you do for child care? Are you planning to have children soon? Have you ever been divorced? Where is your spouse employed?	Are you willing and able to put in the amount of overtime and/or travel the position requires? Are you willing to relocate?
Age	How old are you? When were you born? How long have you been working?	Do you have any concerns about handling the long hours and extensive travel that this job entails? Are you at least 18 years of age?
Disability Status	Do you have any disabilities or medical conditions? How is your health? Do you take any prescription drugs? Have you been diagnosed with a mental illness? Have you ever been an alcoholic? Have you ever been in rehab?	Are you able to perform this job with or without reasonable accommodation? Do you have any conditions that would keep you from performing this job?
<i>For certain positions, employers may require that a job candidate pass a medical exam relevant to the responsibilities of the job, and to pass a drug test.</i>		
Religion	What is your religion? Are you practicing?	Can you work on weekends? (should only be asked if the position requires working on weekends)
Arrest Record	Have you ever been arrested?	Have you ever been convicted of any crime other than a traffic violation?
<i>Under the Fair Chance Act, it is illegal for most employers in California (with five or more employees) to ask about an applicant's criminal record before making a job offer. Employers cannot include questions about an applicant's criminal record in their "help wanted" ads, applications, or during a job interview.</i>		

Three Options for Answering Illegal Questions

Answer it. If you think the interviewer was simply trying to get to know you, and naively asked the question, you can choose to answer. Consider the intent of the question. For example, was the interviewer asking about your birthplace because they grew up in the same area and trying to get to know you? If you are comfortable answering, it's fine to do so.

Side-step it. You could discretely refuse to answer the question but address the concerns that they raise. For example, if your interviewer asks you whether or not you have children, they might really be getting at whether your family responsibilities would interfere with the frequent travel that the job requires. You could respond by saying something like "I can assure you that my personal life will not interfere with my professional responsibilities."

Question the relevance. You can ask your interviewer how the question relates to the position you're interviewing for. This may alert them to the inappropriate nature of their question. If you feel that they are asking an inappropriate or discriminatory question, you can refuse to answer their question and either try changing the subject, or you could choose to excuse yourself from the interview.