

Discrimination in the workplace has been greatly reduced, not only because of protective legislation, but also, because of changing attitudes in society. Most illegal questions posed in interviews today are innocently asked in an effort to get better acquainted with the candidate. They may even be asked to determine a candidate's suitability for a position. Regardless of the motive, the use of illegal questions is still an unprofessional and unethical practice, even if an employer does not intend for the questions to be used in a discriminatory manner. Protect yourself and become aware of the nature of illegal questions.

Definition of an Illegal Question:

Title VII, The Americans with Disabilities Act, and other federal and state legislative acts forbid employers from discriminating against any person on the basis of sex, age, race, national origin, religion, or disability. Therefore, an illegal interview question is any question pertaining to any of these areas that could be considered discriminatory and is completely unrelated to any requirement of the position. Providing information requested by an employer through an illegal question is not unlawful, but you are under no obligation to answer. In addition, the information you volunteer might be used against you.

Responding to Illegal Questions:

When responding to any interview question, whether legal or illegal, you should always project a positive response. You don't want to risk ruining an interview by over-reacting because a well-intentioned interviewer erred by asking a question that should not have been asked. Remember, your objective is to secure the job offer. Later, you can decide if you want to accept the position.

How do you formulate a positive response? The technique often depends on your interpretation of the question's intention. You may simply choose to answer the question if you do not believe the interviewer has a discriminatory purpose in mind. If you are unsure of the interviewer's intention, you may want to politely ask how the information is relevant to the position. Often times, it is best to give the interviewer the benefit of the doubt until his or her motives are clear. If you do detect discriminatory intentions, respectfully inform the interviewer that you believe the question may be discriminatory and that you would prefer not to answer it. Whatever your decision, you should avoid being confrontational and should attempt to transition the conversation toward your skills and qualifications.

Taking Action Against Illegal Practices:

No one should be treated unethically or in an illegal manner. If you become a victim of a discriminatory situation, create documentation by discreetly making detailed notes of the specific questions asked during the interview or by making notes of the exact questions immediately after the interview. Upon conclusion of the interview, you may want to express your concerns to a company administrator, such as the director of human resources. If the information obtained from the documented, illegal questions results in a possible discriminatory practice you may file a federal complaint with the Equal Employment Opportunity Commission and a state complaint with the State Attorney General's office.