

Illegal Interview Topics and Questions

by **Andy Deyo**

When hiring employees, it is important to remember that there are specific government guidelines management must follow. This includes avoiding illegal interview questions, discrimination practices, sexual harassment and/or imposition. The Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, color, sex, religion or national origin.

When conducting an employment interview, the following are examples of questions and topics to avoid:

Regarding Race:

- Have you ever been arrested?
- Do you rent or own your home?
- What color is your hair, or what color are your eyes?
- What clubs or organizations do you belong to?

Regarding Sex:

- Do you have children?
- What was your maiden name?
- Are you responsible for paying any child support payments?
- What does your spouse do for a living?

Regarding Religion:

- What is your religion?
- What church do you attend?
- Do you believe in prayer in school?
- What religious holidays do you observe?

Regarding Age:

- What is your date of birth?
- When did you graduate from high school?
- How old are you?

Regarding National Origin:

- Are you a citizen of the United States?
- What country are you a citizen of?
- What is your native language?
- Where were you born?

Regarding Disabilities:

- Do not ask any questions about physical, mental or emotional disabilities.
- Have you ever filed for or collected workers' compensation?
- Do you have any physical or mental disabilities that would prevent you from performing the job for which you are applying?

Sexual Harassment:

To avoid any implications of sexual harassment, it is wise for managers to train employees to clearly understand the behaviors that constitute harassment in any of the following categories.

Physical Harassment:

- Touching, stroking, cornering, mauling, patting, grabbing, hugging, or gesturing at another individual
- Leaning too close to someone
- Giving neck (or other type) massages
- Touching another person's hair, body or clothing

Verbal Harassment:

- Rude, crude, lewd, profane, obscene or suggestive remarks
- Sexually oriented jokes or comments
- Soliciting or propositioning individuals
- Commenting on an individual's physical attributes or appearance

Visual Harassment:

- Unwelcome displays of sexually explicit materials
- Posters or calendars with suggestive pictures of males, females or both
- Staring at any individual's body parts
- Writing or sending sexually suggestive notes or letters