

How to Answer Questionable Questions in a Job Interview

By Emily Sanderson

“Whether the question is legal or not, you still might have an incentive to answer it,” says Bill Coleman, senior vice president and chief compensation officer at Salary.com, regarding how to respond to questions in a job interview that may be too personal.

Attorney and legal analyst Jeff Isaac says, “Follow one of two courses of action: ignore the question and deflect conversation to another topic area, or answer as succinctly as possible and then introduce a new, more appropriate point for discussion. The interviewer may even recognize the professional misstep and appreciate how well you were able to manage the situation.”

“You have to consider the implications of calling the employer’s attention to the fact that the question is illegal,” Coleman agrees.

“With escalating divorce rates and single parent households, employers understandably want to ensure new hires have the professional and personal capacity to get the job done. But in an employer’s quest to weed out those who don’t fit the bill, women are often subjected to interview questions that are beyond inappropriate — they’re downright illegal,” says Media News.

“The reason some questions are illegal is to prevent potential employers from discriminating against candidates,” says Coleman, adding that not all inappropriate questions are asked with discriminatory intent. In fact, it could be the opposite. A hiring manager who is inexperienced at interviewing, for example, might have very constructive intentions for asking inappropriate questions — such as trying to diversify a team. “A constructive intention doesn’t change the legality of the question,” says Coleman, “but it could affect your decision whether to answer it.”

An interviewer may ask questions pertinent to your ability to perform the work that would be required of you, but federal and state laws like the Americans with Disabilities Act, the Pregnancy Discrimination Act, the Civil Rights Act of 1964, and others legally bar interviewers from asking questions about the following:

- Race
- Color
- Sex
- Religion
- National origin
- Birthplace
- Age
- Disability
- Marital/family status

However, some personal questions are legal because they relate to your ability to properly carry out job responsibilities or to the security of the company. Those questions include:

- Have you ever been convicted of a crime?
- Can you show proof of your eligibility to work in the U.S.?
- Can you perform the job's essential functions with or without reasonable accommodation?

The latter question must be accompanied by a job description covering the essential functions.

Women are faced with discriminatory questions more often than men just because of their roles in families as mothers or potential mothers.

"It's not uncommon for women to be asked about their familial status," notes Isaac. "In some outrageous instances, women are asked when they plan to start a family even before they're asked to present their resume. Women need to be prepared to deal with such a situation when it arises and should also know what legal recourse they have if the offense is particularly egregious."

"If you believe it is in your best interest to defer answering an interview question, use tact and grace to explain that the question does not relate to your abilities or qualifications for the position," says Salary.com. "If an interviewer's questions make you very uncomfortable, think twice about whether this is a company you want to work for."