

Behavioral Interviewing - Illegal Question Quiz

Test your knowledge

Both federal and state law make it illegal for employers to discriminate in their hiring process on the basis of race, color, national origin, religion, age, sex, sexual orientation, and disability. This process includes employers' advertising, applications, interview questions and skill tests.

The law does allow for discrimination on the basis of these protected classifications in the case of a "**bona fide occupational qualification**" (BFOQ). A BFOQ means that there is some valid job-related reason for including requirements for the position that would tend to eliminate members of protected class. However, there is never a BFOQ for race and the times courts have allowed a BFOQ based upon gender are very rare.

The questions asked of applicants, both on the application and during the interview, can be a source of potential claims of discrimination. A good rule of thumb is to keep the questions objective and focused on the job requirements and the qualifications necessary to do them. Be consistent. Standardize the questions asked during the screening process.

Quiz

Listed below are 11 of the most commonly asked questions by employers in their screening process...some with a twist. Test your knowledge of the law, by marking the appropriate answer as to whether it is permissible to ask the following questions.

1. **Do you have children or do you plan to have children in the future?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate only in certain specific circumstances
2. **How did you learn to speak a foreign language?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate only in certain specific circumstances
3. **Did you ever have any other name that the one you are using now?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate only in certain specific circumstances
4. **What religious holidays do you observe?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances

- 5. What is your date of birth?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 6. Have you ever been arrested?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 7. Are you authorized to work in this country?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 8. What is your maiden name?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 9. Please state your gender/race/national origin?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 10. What arrangements have you made for childcare?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances
- 11. Have you ever filed a claim for workers' compensation?**
 - a) Appropriate
 - b) Never Appropriate
 - c) Appropriate in certain specific circumstances

Question 1: The correct answer was **b**. Asking an applicant, whether male or female, about children is not permitted because historically such questions have been used to discriminate against females during the selection process.

Question 2: The correct answer was **b**. Employers are permitted to ask whether an individual can speak a foreign language (if necessary to perform the job), but asking the applicant how the applicant learned to speak the language may reveal his/her national origin.

Question 3: The correct answer was **b**. This can relate to marital status of national origin. The question may impact women and/or these different national origins.

Questions 4: The correct answer was **b**. Since religion is a protected classification, it is improper to ask this question.

Question 5: The correct answer was **b**. Age is protected classification. Employers require applicants to be a minimum age and ask if the candidate is at least of the working age.

Question 6: The correct answer was **b**. Employers may only ask about convictions and even then, then should be related to the job.

Question 7: The correct answer was **a**. The Immigration Reform and Control Act of 1986 requires employers at the time of hire, to verify an individual's authorization to work in this country. This is done through the completion of the 'I-9 Form' and the verification of documentation authorizing the individual's eligibility to work. Such verification is performed when a candidate is placed on payroll. Documentation cannot be requested prior to completion of the I-9 document.

Question 8: The correct answer was **b**. This question may be used to reveal marital status, and perhaps national origin.

Question 9: The correct answer was **b**. This may potentially impact protected categories of individuals based upon the specifics of the Civil rights Act of 1964.

Question 10: The correct answer was **b**. This question tends to adversely impact women.

Question 11: The correct answer was **b**. This question might require an applicant to disclose a disability.