

8 Interview Questions You Should Never Ask!

By Chas Rampenthal

With success come headaches. More employees, for example. The more employees you have, the more responsibility for you and the more potential legal land mines. In this article, I'll focus on the first of the employee-related mine fields you have to cross—the new-hire interview.

Along with the obvious no-nos, there are a number of seemingly innocuous topics you should avoid in job interviews. Some of them are things you might ask of a casual acquaintance in other circumstances, and no one would mind. But remember: In the eyes of the law, employment isn't a casual relationship, and you as employer have to use some caution. Best to stay away from the following:

“You look too young to have this much experience. How old are you?”

While you might think an applicant would be glad to hear they look young, the fact is, age-related questions are almost never appropriate. Federal law flatly forbids discrimination against people over 40 in hiring. A few age-related questions are okay: Asking if a candidate can show proof of age to work (“Are you over 18?”) is generally OK. Also, in the few industries where there is a minimum or maximum age, questions (framed properly) are generally appropriate. But unless you're starting up a bar, airline, or bus service, stay away from the age question.

“When did you move to the U.S?”

Asking about a citizenship or birth country can imply discrimination on the basis of national origin—and that's illegal. However, Federal law does require you to verify legal status and right to work. You should ask if the applicant has a legal right to work in the U.S, and explain that they will have to provide verification if hired.

“Are you [pick a religious preference]? I don't mind. I just want to make sure I recognize all your holidays.”

You can't ask about a person's religion or what clubs they belong to, but you generally can ask about availability to work. If your business requires weekend workers, then you need to inform the applicant that weekend work or travel could be a regular part of the job. This can be a good time to add that the company does make reasonable exceptions to allow for an individual to exercise their religious beliefs.

If you are running a manufacturing plant and seniority is how people pick shifts, the new guy might not be able to get weekends off. Same goes for 24-7 customer service. Also, with some jobs, you may need your new hire to travel regularly and meet clients. All of these things might make it legitimately tough for you to hire someone that has an inflexible work schedule.

“That’s a beautiful ring. How long have you been married?”

All too often, the hidden purpose of these “family” inquiries is to dig into what some believe is a common source of absenteeism—the need to take care of young or old or sick family members. If you expect that you may need to ask the employee to relocate or travel frequently, or if a set schedule is important (think customer service hours), then you can ask about the applicant's willingness to comply with those duties. But be direct. Don't sidle into it with the marriage question.

“Congratulations on your wedding – are you and your wife planning to start a family?”

This one is a two-fer. Not only do you hit on the family situation above, but what if the male applicant IS married—but not to a woman (or vice versa)? Even though there the federal government doesn't prohibit private employment discrimination based on sexual orientation, many states, like California, do. Regardless of the law, in my opinion, there is really no good reason to ask (even accidentally) about sexual orientation.

“I see that you are very active in the American Cancer Society. Does cancer run in your family?”

Questions about disability, health or worker’s compensation history are unlawful when they imply a disability-based limitation. Any pre-employment inquiry which would cause an applicant to disclose a disability is against the law, so avoid this line of questioning. If there's any doubt that the applicant is healthy enough for the job, you can ask about his or her ability to perform certain functions. In certain cases, you can even test applicants (as long as you test *all* applicants) to ensure they can perform essential job functions.

“I see that you were in the military. Are you still a reservist?”

Be careful here. Losing a valuable employee due to a recall of reservists can be a blow, but you cannot discriminate based on a person’s military service. While we're at it, you can't even ask what type of military discharged the candidate. You *can* ask about potential upcoming plans that might cause them to be away from work.

“Did you play basketball in school? Man, you are TALL! What are you, like 6’9”?”

There are many jobs where a minimum height is essential, or where the employee would have to regularly lift heavy objects. Instead of asking questions about height, weight or other potentially embarrassing topics, just ask if the applicant can perform the job.

These are just a few common issues that might arise in the employment application and interview context. Applications, testing, postings and hiring practices need to become a core competency for any workplace that is looking to hire. Researching best practices now can save you a lot of headache—and maybe even a lawsuit—later.