

# Know Your Rights (At The Interview)

By Eileen Nester

**Y**ou've targeted prospective employers, impressed company officials with your résumé, and bought a suit that exudes power and confidence. You're finally ready for the actual interview. But, wait, are you prepared to handle potentially illegal interview questions?

Before the passage of Title VII of the Civil Rights Act of 1964, employers could ask almost any question they wanted of an applicant, but many of these questions are now considered illegal. Since it's important to understand which questions cannot be asked, highlighted here are several categories particularly relevant to women job candidates.

•**Name** — "What is your full name?" is a legal question. "Have you ever worked under a different name?" and "What is your maiden name?" are legal if they are used to check prior employment or education. "Have you ever changed your name by court order or other means?" is illegal, as is "What are the names of friends and relatives working for this company?"

•**Residence** — Interviewers can ask you what your address is, how long you've been a resident of a particular city or state, and your telephone number, but they cannot ask you if you own or rent a home, how long you have lived in the U.S., or if you live with someone and what that relationship is.

•**Citizenship** — Often, a fine line separates a legal question from an illegal one. For example, "Are you a citizen of the U.S.?" is legal, while "Of what country are you a citizen?" is illegal.

•**Marital Status** — The only legal question you can be asked is "What is your marital status?" Questions about your spouse, plans to marry, plans to

have children, and political viewpoints that might affect your views on family issues are illegal.

•**Child-Care Responsibilities** — You can be asked "Is there any reason that you will not be able to come to work every day on time?" only if it is asked of all applicants. You cannot be asked if you have young children at home, how old your children are, and if you have a babysitter.

•**Organizations** — "List all organizations in which your membership is relevant to this job" is legal, but "List all clubs, societies, and lodges to which you belong" is not.

Do interviewers know that they are asking illegal questions? Not necessarily, according to Steven Mitchell Sack, a New York City practicing labor lawyer and author of *The Employee Rights Handbook*. "The majority of employers are not familiar with the law," he says. "Most companies don't have organized personnel policies, don't send their employees to training seminars, don't buy publications on the topic, and don't consult regularly with labor organizations."

Does this mean you don't stand a chance in the interview process if faced with illegal questions? Again, not necessarily. In order to avoid being exploited, however, you must know what questions are illegal. Once you have identified how illegally worded questions sound, the next step is to learn how to respond to them, without seriously jeopardizing your chances of landing the position—assuming, that is, that you are still interested in it.

Decide how much you need the job. If you really want it, find a way to slant your answers in a non-offensive manner. For example, if you're asked, "Do you plan to have children?" you can respond, "At this stage, the only

thing I am interested in is establishing and furthering my career."

Be tactful. Don't point out that a question is discriminatory. Instead, avoid the question or find a way to change the subject. When asked about the citizenship of your parents or spouse, for example, Sack recommends that you respond, "Gee. I don't even remember." Deliver this statement with a smile, and then get the interviewer off the track.

Finally, even though a company representative asks illegal questions, you cannot run to the Equal Employment Opportunity Commission (EEOC) with claims unless you have documented proof of discrimination—a requested job application, for example. It's hard to prove discrimination from an interview alone—unless witnesses were present.

If you feel strongly that you have been discriminated against because of your refusal to answer certain questions, Sack advises you to jot down the questions you refused to answer immediately following the interview. Compose a letter outlining your complaint and send it to the EEOC.

When a company asks illegal questions, whether intentional or not, it could be a strong indication to you that the company doesn't respect its employees' rights. "If a company is lax in its initial interview techniques, and in its knowledge of the law, the chances are greater that it will not follow the law throughout the tenure of a person's job," states Sack.

If you are interested in learning more about your rights, consult *The Employee Rights Handbook*. Send \$29.98 (includes first-class postage) to the Employee Rights Center, 96-09 67th Avenue, Suite 1-F, Forest Hills, NY 11374; 718/544-9112 or 800/255-2665. ♦