Tricky or Illegal Questions

Employers can pose illegal questions to a potential candidate. If this occurs, how you handle the question/situation is crucial and key to the interview process.

Please note that employers may not have the intent to discriminate or be familiar with the law.

Examples of Illegal Questions:

**Type 1: Race Discrimination**

1. *What is your heritage?*
2. *We need to ensure that our clients will be able to understand your verbal communication, can you please say the word . . .* (The employer offers a word to be repeated).
3. *Are you ‘fresh off the boat’?* (An employer could not ask derogatory questions such as this to make inquiry into a person’s ethnicity nor to make inquiry into how long the individual has been in Canada).
4. An employer is demonstrating intentional discrimination if they are not willing to hire an individual based on stereotypes.¹ The employer would infer that this particular individual has the same characteristics, abilities, skills, traits and performance that is assumed by all the members of this ethnic group or race. Example: “All Newfoundlanders are fisherman.” The employer asks the potential candidate about his/her resume “Where is your fishing experience listed on your resume?”
5. *What is your ‘native tongue?’*

Consider the following: An interviewer asks: “Are you a Canadian citizen?” Is this permissible? Should the employer be asking in the following manner “Are you legally entitled to work in Canada?”

**Type 2: Gender Discrimination**

(Note: those questions that may seem to be gender-specific are not illegal if they are asked of both males and females.)

1. *I was informed that you just got married, are you planning on having any children in the near future?*
2. *The nature of this position requires composure and unbiased thinking, have you ever experienced mood swings?*
3. Lisa is applying for a company to be a driving instructor and the employer declares the following: “Women are typically not good drivers, how many times did it take you to pass your license?”
4. Dave is applying for a job as a hairdresser and is proposed with the following: “Why are you applying for a woman’s job?”
5. *Do you have regular child care arrangements?*

**Type 3: Age Discrimination**

1. How old are you?
2. *Did you watch the Love Boat (an old television show) when you were a kid?*

¹ A stereotype is “…a fixed, over generalized belief about a particular group or class of people.” (Cardwell, 1996).

3. When did you graduate high school? (The candidate is obviously a mature worker).
4. When will you retire?

**Type 4: Height, weight, or strength discrimination**
1. You have applied for the position of a model and get asked: “would you be willing to be weighed?”
2. What is your height?
3. What is your weight?
4. What can you lift for weights at the gym?
5. Have you ever tired a weight loss program?
6. Do you see your obesity as unflattering?

**Type 5: Asking for medical information**
1. Do you have anorexia?
2. Do you or your family have a history of heart disease?
3. Have you ever not been able to hold down a job due to stress?
4. Have you ever taken a medical leave?
5. Are you in perfect health? (This may be essential for an occupation such as a police officer though it is illegal if this is not essential for the position).
6. How many sick days have your reported at your last job?

**Type 6: Asking for psychological information**
1. Would you be willing to submit to the following personality test? (NOTE: There are circumstances where employers can use professionally developed or standardized testing to make employment decisions).
2. Have you ever undergone a psychological or psychiatric assessment?
3. Do you have a mental illness?
4. Do you have any kind of psychological disorder?
5. Have you ever been in psychological distress?

**Type 7: Asking about lifestyle factors and other habits**
1. Do you smoke?
2. Do you work out on a regular basis?
3. Do you drink alcohol?
4. Do you use drugs on a regular basis?
5. Are you dating anyone right now?

**Type 8: Asking for highly personal information**
1. Does your wife/husband work? If so, what does he/she do?
2. Can you provide a bank reference to show that you have good credit?
3. What is your religious background?
4. Have you ever been arrested?
5. What is your prefix – Miss, Ms., or Mrs.?
6. What are your political views and beliefs on . . .?

For suggestions on appropriate responses to these and other questions, please see our Interview Strategies workshop, the ALIS interview preparation resources page and/or book into see one of our Career Development Specialists in an appointment.