**Fair Practices Self-Test**

Listed below are a number of questions that are sometimes asked in employment interviews. Check whether you believe each question is legal or illegal in light of state and federal laws.

***Legal (L) or Illegal (I) Please Note: The 16 Question Below are Illegal***

***You Cannot Ask ANY Applicant These Questions***

1. How many children do you have living at home? What arrangements will be made for them?

2. Do you have a college degree?

3. Do you own a car?

4. Are you or have you ever been married?

5. Have your wages ever been garnished?

6. Have you ever been arrested?

7. Do you plan to have children?

8. Are you pregnant?

9. How old are you?

10. Was a fidelity bond ever been refused to you?

11. What kind of work does your spouse do?

12. What was your maiden or prior married name?

13. What credit cards do you have?

14. Do you attend church regularly?

15. Have you ever received welfare payments or government subsidies?

16. Where were you born?

**Fair Practices Self-Test & Answers**

*1.* ***Illegal*** How many children do you have living at home? What arrangements will you make for them?

**Why is this question illegal?**  Because it is mainly asked to women which results in discrimination.

**What information is the question designed to elicit?**  Information about potential causes of absenteeism and tardiness.

**Legal question:** Are there any factors that would prevent you from meeting your work commitments or getting to work on time?

*2.* ***Illegal*** Do you have a college degree?

**Why is this question illegal?** Unless having a college degree has been proven to be relevant to successful performance on the job, it cannot be used as a selection criteria.

**What information is the question designed to elicit?** Whether the person has credentials assumed to suggest better performance on the job than persons lacking the credentials.

**Legal question:** Unless the credentials can be proven to be job relevant (e.g., need for an engineering degree to be an engineer), this type of question is illegal to ask.

*3.* ***Illegal*** Do you own a car?

**Why is this question illegal?** People who do not own a car are typically those in lower income brackets. There is a potential then, for adverse impact. In addition, not having a car does not necessarily suggest that someone cannot make it to work.

**What information is the question designed to elicit?** Whether the person has means of getting to work or not.

**Legal question:** Will you have any difficulty getting to work on time?

*4.* ***Illega*l** Are you or have you ever been married?

**Why is this question illegal?** Marital status is not related to whether or not the person can perform the job?

**What information is the question designed to elicit?** Whether the person has, or lacks, qualities assumed to suggest better job performance (e.g., marriage suggesting stability for men).

**Legal question:** None

*5.* ***Illegal*** Have your wages ever been garnished?

**Why is this question illegal?** Wage garnishments do not affect the worker’s ability to perform the job.

**What information is the question designed to elicit?** Information on factors in the person’s life that may impact his/her ability to get to work on time and/or not be absent.

**Legal question:** Is there anything that will keep you from getting to work on time or being at work on required days?

*6.* ***Illegal*** Have you ever been arrested?

**Why is this question illegal?** An arrest is no indication whatsoever of guilt.

**What information is the question designed to elicit?** Information on whether the person has been guilty of performing illegal activities that could adversely affect job performance or the organization.

**Legal question:** In this domain, the only legal question is the question about felony convictions relevant to the job.

*7.* ***Illegal*** Do you plan to have children?

**Why is this question illegal?** Same as question #1

**What information is the question designed to elicit?** Information on factors in the person’s life that may impact his/her ability to get to work on time and/or not be absent.

**Legal question:** Is there anything that will keep you from getting to work on time or being at work on the required days

*8.* ***Illegal*** Are you pregnant?

**Why is this question illegal?** It is only asked of women, and therefore is discriminatory.

**What information is this question designed to elicit?** Information about factors in the woman’s life that may eventually lead her to leave the job prematurely or that could impact her ability to perform effectively later on (e.g., in a job involving heavy lifting).

**Legal question:** Any questions of this nature must be prefaced with a statement of job requirements. After stating these, a legal question would be, *“These are the job requirements. Is there anything that will prevent you from meeting them?”*

*9.* ***Illegal*** How old are you?

**Why is this question illegal?** The Age Discrimination in Employment Act prohibits discrimination based on age against individuals who are 40 and over.

**What information is the question designed to elicit?** Employers often assume, unlawfully, and incorrectly, that older persons are less apt to perform effectively on the job than younger persons.

**Legal question:** None (NOTE: with respect to selling alcohol or tobacco products, an acceptable question may be, *“Are you over 18?”*)

*10.* ***Illegal***Was a fidelity bond ever refused to you?

**Why is this question illegal?** Fidelity may be denied for totally arbitrary and discriminatory reasons to which the individual does not have an adequate knowledge.

**What information is the question designed to elicit?** It is an indirect effort to find flaws which may exist in the individual’s past.

**Legal question:** A question like this is only appropriate if bonding is required for the position. If so, a legal question would be, *“Are you eligible for a fidelity bond?”*

*11.* ***Illegal*** What work does your husband (or wife) do?

**Why is this question illegal?** The profession of one’s spouse is in no way related to performance on the job.

**What information is the question designed to elicit?** It could be an indirect way to see whether or not the candidate is married, in which case the comments on marital status apply.

**Legal question:** None

*12.* ***Illegal*** What was your maiden or prior married name?

**Why is this question illegal?** Because it is only asked to women.

**What information is the question designed to elicit?** The need for previous names for pre-placement investigation may be valid. The question may also be illegally used to find out if the woman is married or has been married in the past. It might also be used as an indication of her religious or national origin.

**Legal question:** the only case in which this question is legal is if the information is needed for some kind of employment investigation. If this is the case, a legal question would be, *“Have you ever gone by any other name that that which you are using now?”*

*13.* ***Illegal*** What credit cards do you own?

**Why is this question illegal?** Because some persons are far poorer than others, and consideration of these factors has an adverse effect on a person’s ability to obtain credit cards.

**What information is this question designed to elicit?** Information about the person’s income status and, incorrectly, a person’s “good standing.”

**Legal question:** None, unless required by consideration of business necessity.

*14.* ***Illegal*** Do you attend church regularly?

**Why is this question illegal?** Whether or not a person attends church is unrelated to performance on the job.

**What information is the question designed to elicit?** In general, information about the person’s ability to meet job schedules based on the schedule with which they practice their religion or to find out what religion the person follows.

**Legal question:** A more direct question is lawful, such as, *“Is there anything that will keep you from meeting the work schedule of the job?”*

*15.* ***Illegal*** Have you ever received welfare payments or government subsidies?

**Why is this question illegal?** Based on the stereotype that minorities and woman are on welfare more often than others.

**What information is the question designed to elicit?** Biased information about the person’s financial status that can only be used inappropriately for selection decisions.

**Legal question:** None

*16.* ***Illegal*** Where were you born?

**Why is this question illegal?** Because it could result in a national origin discussion.

**What information is this question designed to elicit?** Information about the person’s work status (i.e., whether or not the person has a work permit) or national origin.

**Legal question:** Are you legally able to work in this country?