

# Red Flag Interview Questions

The Equal Employment Opportunity (EEO) laws protect employees from job discrimination. During the hiring process, interviewers may ask a wide variety of questions, but there are certain questions that they are not allowed to ask. Some questions are illegal to ask at all (this varies by state or country). Namely, it is illegal for employers to ask about age, genetics, birthplace, country of origin or citizenship, disability, marital status, family, pregnancy, race, color, ethnicity, religion, gender, sex, or sexual orientation. Sometimes, employers must ask about identity for affirmative action programs. Other times, identity-based questions are legal if they are directly tied to the job description or legal requirements. For example, *Are you at least 18 years old?* are legal if the job has a legal age minimum. Other questions may only be illegal if there is a specific problematic intention behind the question.

It's not always easy to know for sure that you are being asked an illegal question, but the list below captures many of the questions that are either strictly illegal or fall into a gray area. Be cognizant of the questions you are asked, and if you are asked a question that you feel might be illegal or otherwise problematic, contact [careercenter@brown.edu](mailto:careercenter@brown.edu). For more information about your legal rights and protections, visit the website of the [Equal Employment Opportunity Commission](#).

## *Citizenship / National Origin*

- Are you a US citizen?
- Can you provide a birth certificate?
- Where are your parents (and other family members) from?
- Where were you born? / What country are you from?
- What is your background? / What nationality are you? / What is your national origin?
- What type of accent is that?
- Are you a native English speaker? / Is English your first language? / How did you learn Portuguese? / What is your native language?
- Where did you live while you were growing up?
- What kind of visa do you have?

## *Gender Identity & Sexuality*

- What's your gender?
- What's your sex?
- What's your sexual orientation?
- How do you identify?
- Have you had transition surgery or treatments?
- Do you wish to be addressed as Mr., Mrs., Miss, or Ms.?
- Are you male or female?
- Have you ever changed your name?
- What is your position/views on LGBTQ rights?

## *Marital & Family Status*

- Are you married?
- Are you single?
- Do you have any children? / How many children do you have?
- Are you pregnant?
- What arrangements can you make for child care while you work? / Who will baby-sit?
- How old are your children? / Do you have pre-school age children at home?

- Do you plan to have children? / Are you planning to start a family soon? / When are you planning to have children?
- What are your plans if you get pregnant?
- What does your wife do for a living? / Does your spouse have a job?
- Who do you live with? What's the relationship between you and the people you live with?
- Do you have kids learning remotely? / Who is supervising the kids' online schooling?
- Are you financially responsible for any dependents?
- What's your maiden name?
- Do you have a partner to help with caregiving?
- Are you in a long-term relationship?
- Are you engaged?

#### *Racial, Religious, Cultural, & Ethnic Identities*

- What's your race?
- What's your color?
- What is your religion?
- Are you religious?
- What's your ethnic background?
- What nationality are you?
- What is your cultural background?
- Do you go to church? / What denomination are you? / Who is your pastor?
- What religious holidays do you practice? / Will you need personal time off for religious holidays? / What days do you worship or not work due to your religious affiliation?
- What color are your eyes / hair?
- What is your weight? Height?

#### *Health*

- Do you have a disability? / Are you disabled? / Do you have any handicaps?
- Have you ever filed a worker's compensation claim?
- Have you ever suffered a workplace injury?
- Do you or your family members have a history of disorders or disease? / Has anyone in your family been diagnosed with cancer/heart disease, etc.? / What is the health status of your relatives? / Do you have a history of genetically transmitted diseases?
- What is your height?
- How much do you weigh?
- Have you had recent health issues? / Have you experienced any serious illnesses in the past year? / Did you take any sick days or extended medical leave in the recent past?
- Do you have a medical condition that would prevent you from doing this job?
- Do you have a chronic medical condition we should know about? / Do you have any health conditions?
- Do you have any handicaps?
- What is your HIV status?
- What prescriptions do you take?
- Have you ever been treated for mental health problems?
- Are you healthy?
- Do you consume alcoholic beverages? / Are you an alcoholic?
- How did you lose your leg/arm?
- How often do you typically take sick days?
- Do you have a partner to help with caregiving?
- I noticed you limping a bit when you came in. Is everything okay?

- This job requires a lot of travel and comes with a great deal of pressure and physical demands; do you think you're up to it?

### *Financial Status*

- Do you own your own home, or do you rent?
- Do you have a bank account?
- Have your wages ever been garnished?
- Have you ever declared bankruptcy?
- Do you own a car?
- Do you have any outstanding debt?
- How much did you earn in your previous job?

### *Age*

- What year were you born?
- What year did you graduate high school?
- When did you first start working?
- How old are you?
- When do you plan to retire? / How long do you plan to work until you retire?
- There is a large disparity between your age and that of the position's coworkers. Is this a problem for you? / Are you comfortable working on a team with significantly younger/older colleagues?

### *Military*

- Did you serve in the military?
- Do you have any military records?
- What type of discharge did you receive in the military? / Why were you discharged from the military?
- Why did you leave the military?
- How often are you deployed for Army Reserve training? / Will you be deployed any time soon? / When do you expect a future deployment?
- Were you in a foreign military service?

### *Illegal Activity*

- Some states forbid questions about arrests that didn't lead to convictions, while others permit questions about arrest records if they relate to the position, and a select few bar employers from inquiring about criminal records until the applicant receives an offer of employment or interview. Read each [state's laws](#) on this.
- Have you ever been arrested?
- When was the last time you used illegal drugs?
- Are you/have you been a drug user?
- If you committed a crime, what was it?

### *Other Personal Information*

- Who is your emergency contact?
- Are you a member of the local country club?
- What sorority / fraternity were you in?
- What is the name of your relatives who work for our competitors?
- Are you comfortable working for a male/female boss?
- As a woman, can you manage a team of all men?
- What political party do you support?
- Where do you live?

- What was your previous address?
- How long have you lived at your current address?
- Who do you live with?
- What relation to you are the people you live with?
- Are you a union member?
- What is your maiden name?
- What is your father's surname?
- What are the names of your relatives?
- Do you have any (immovable) commitments after work?

### *Remote Setting*

- Are you sheltering-in-place with others? Are you in an apartment or a house? Do you have a yard? Who do you live with? Do you have relatives with you? Does your home have a separate office area?
- How early does your stay-at-home happy hour start? Are you at least well-stocked with beer and wine? Oh boy - sheltering in place with three roommates - you need a drink!
- Are you losing your mind, being locked inside? You don't have asthma or any of the high-risk underlying conditions, right? Are you taking safety precautions if you leave your home? This makes me so depressed - what about you?

### *Responding to red flag interview questions*

There are several ways to respond to questions that are illegal or occupy a gray area, depending on your comfort level in the interview, without jeopardizing the interview.

- 1) Respond to the Question: If you believe there is no malicious intent behind the question, you can choose to answer it. It's best to keep it short and general; provide as little detail as you want, setting boundaries that are appropriate for you and the interview.
- 2) Redirect the Question: Try to respond to the question without mentioning the identity in question or confidential information. Instead, refer to your work experiences, skills, and capabilities and express your confidence in your ability to perform the job.
  - a) As Zety notes, if an employer asks, "Would you, as a woman, be comfortable leading a team of men?," you can respond with, "I have extensive experience leading all sorts of team. For example, in my last role, I expanded the reach of our marketing campaign by X amount, and I would be able to translate that to success in this role" Respond in a way that highlights your accomplishments and skills that are related to the job.
  - b) For example, if you are asked, "How old are you? Will you be able to lead a team of senior employees?"
- 3) Return the Question: Inquire how the question they asked relates to the job description or responsibilities, or ask for clarity on the question This will help you understand the intention behind the question so you can determine next steps.
- 4) Decline to Answer: You always have the option to not respond: "This question does not pertain to or affect my ability to do this job" or "I would prefer not to answer this question." You can also change the topic or segue into another question or topic that is relevant to your experience and the job description.
  - a) This might also be a good time to reflect on whether or not this company's values align with yours and consider if the company would provide an inclusive environment.

**For more information, browse through the sources we consulted:**

<https://www.preemploymentassessments.com/illegal-interview-questions/>

<https://www.forbes.com/sites/robinryan/2020/08/18/covid-has-employers-asking-illegal-interview-questions-her-e-is-what-to-say/?sh=4f0d72a93c99>

<https://www.thebalancecareers.com/how-to-answer-inappropriate-interview-questions-2061334>

<https://www.thejobnetwork.com/beware-of-these-8-red-flag-illegal-interview-questions/>

<https://www.businessinsider.com/11-illegal-interview-questions-2013-7>

<https://www.theladders.com/career-advice/10-interview-questions-that-are-illegal-even-during-a-pandemic>

<https://www.virtualvocations.com/blog/telecommuting-job-search-help/telecommuting-job-interviews/how-to-handle-illegal-interview-questions/>

<https://www.flexjobs.com/blog/post/illegal-interview-questions-answer-v2/>

<https://www.betterteam.com/illegal-interview-questions>

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<https://resources.workable.com/stories-and-insights/illegal-interview-questions>

<https://www.businessnewsdaily.com/4037-illegal-interview-questions.html>

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<https://fairygodboss.com/articles/its-illegal-to-ask-these-14-questions-in-an-interview-even-during-a-pandemic>

<https://www.ivyexec.com/career-advice/2020/illegal-interview-questions-pandemic/>

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<https://www.uth.edu/dotAsset/321e3e72-ae1b-4fc4-bfd8-1092e87c64b1.pdf>

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<https://www.restivoconsulting.com/resources/covid-interviewq>

<https://www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/posters/pdf/eeopost.pdf>