

# SAIGE PARTNERS

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## RELIGIOUS DISCRIMINATION AND INTERVIEWING

by Breanna Leuze

Two weeks ago, I discussed with you, some potential illegal interview questions and I broke down the categories as to how an employer may discriminate and the way an interviewer may ask an illegal interview question. To continue this week I will discuss with you religious discrimination as it relates to hiring and illegal interview questions an interviewer and or employer may ask you. It is important to note that this is only applicable to employers with 15+ employees.

According to the EEOC, in 2016, there were over 3,825 claims from employees and or people interviewing against an employer for religious discrimination. Did you know that it is illegal for an employer/person interviewing you to ask you what your religious affiliation is and or if you observe any religious holidays, amongst others? As it relates to Title VII, an employer cannot discriminate against you based on your religious beliefs inclusive of, or lack thereof as it relates to employment including offers of employment, employment assignment, recruitment, any disciplinary action, promotion either lateral or vertical, and benefits from comp time, health insurance to vacation and anything in between.

There are a variety of questions an interviewer may ask an applicant during the interviewing process that are illegal and inappropriate. The questions below are just an example of some illegal questions.

Will you shave your face or cut your hair for this job, regardless of your religious preference?

Do you need time off for a Pow Wow in the summer?

Will you remove that thing from the middle of your forehead?

Have you ever been on a pilgrimage to Mecca, Vatican or Wailing Wall in Jerusalem?

Do you always wear that thing on your head, is that for church or synagogue or something?

We do not allow hats, and what you are wearing may be considered a hat, is that for religious reasons?

Will you need off for Good Friday, or are you not of that religion?

Do you need a prayer mat?

Do you need to leave earlier any days in September for religious purposes?

Do you need to leave by sundown any day of the week for religious reasons?

We do potlucks here quite often, do you eat pork? Or is that against your religion?

Do you always wear a turban?

We require our employee's to be in business casual, your outfit does not fit with our culture as I can only see your eyes, would you be willing to put on a button-down shirt and pants?

We decorate for Christmas, is that ok, or do you participate in Hanukkah?

Do you need a room to pray during work?

We do not allow much on our employee's desk, would you be putting a Koran or Bible on it?

Your potential response to answer all of these questions is very simple. "The question you are asking is not necessary nor does it demonstrate my ability to successfully complete and or fulfill the requirements of this position. This question or any question as it relates to my religious preference or lack thereof, is not indicative of my job performance."

A great resource if you have more questions related to religious discrimination is to visit [www.eeoc.gov](http://www.eeoc.gov). The site has more information and other resources for you to review. When it comes to interviewing and job searching, research and understand your rights as a potential candidate and potential employee. If someone is asking you these questions now and treating you differently, how would they treat you if you were to be offered a full-time position?

One final item, you must not rely on the information on this website as an alternative to legal advice from your attorney or other professional legal services provider. If you have any specific questions about any legal matter you should consult your attorney or other professional legal services, provider. You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information on this website.