



# PREGNANT PAUSE

## WHAT DO JOB INTERVIEWS AND PREGNANCY HAVE IN COMMON?

BY SHARON WALDROP

**J**anet Vasquez, a mother of two who lives in the Bronx, was surprised at a few of the questions she was asked during job interviews after her son was born. “Prospective employers flat-out asked me about my daycare my ability to work overtime and one interviewer asked me whether I was going to have more children,” she says. “I think this type of questioning should not be allowed. My bearing more children has nothing to do with my ability to perform my duties.”

Karis Powers from Redlands, CA applied for a job two days after her boyfriend proposed. During the interview, her shiny new engagement ring was noticed and she was asked when

the wedding would take place - and if plans for having children were in her future. “I couldn’t take my eyes off my engagement ring during the interview, which is what I believe prompted the questions about my upcoming marriage. But that doesn’t mean that the questions about marriage and babies were welcome,” says Karis

Janet and Karis are correct to feel the questions directed at them were inappropriate, and in most states, they are against the law. In Florida, “An applicant cannot be asked about pregnancy, children, childcare arrangements, or plans to have children,” says April Boyer, an employment attorney in the Miami office of Kirkpatrick & Lockhart, LLP.

## Don't ask, don't tell

The purpose of a job interview is for the employer to determine if an applicant meets the minimum requirements of a position. Questions about children and childcare are irrelevant and should not be asked - the answers are protected from discrimination in most states. You are your own best advocate and will benefit from knowing the laws concerning job interviews in your state. Contact your state's labor board, employment development department or similar organization for assistance or a referral to the correct source.

What should you do if you are asked about children and/or childcare issues? An employer may wrongfully ask, and you may find yourself in an awkward position if you really want the job.

"You might want to begin by thinking about why they are asking the question," says Annette Richmond, president of [career-intelligence.com](http://career-intelligence.com), and principal, Richmond Consulting Group.

"For example, an employer who asks how old your children are may be worried about absenteeism. You can answer and move on by saying, 'I'm very focused on my career. Right now, my kids are in grade school. I've also found a wonderful program that covers school holidays.' You may decide to challenge the question by asking how it relates to the job. But, sometimes unanswered questions create more questions." Richmond suggests that job applicants who hear a pattern of unlawful questions consider whether or not they want to work for the employer.

## Can't hide your pregnancy?

Job applicants cannot be asked about plans to have children in most states. But what should you do if you are visibly pregnant? One thing you should not do is let your condition prevent you from looking for a job.

According to the U.S. Equal Employment Opportunity Commission (EEOC), The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964.

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Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

A pregnant woman who is able to perform the essential duties of a job may not be discriminated against during the selection process. If hired, she is eligible for pregnancy related medical benefits, if available, whether or not she is married. However, if the company's health insurance plan excludes coverage for preexisting conditions, medical benefits may be denied for

## You cannot legally be asked:

- Do you have child care arrangements for the times you will be required to travel for work?
- Is your childcare flexible enough to handle you working overtime?
- Are you planning to get pregnant?
- Are you planning to start a family?
- Have you ever taken pregnancy leave at any of your prior jobs?
- Are you married/single/divorced?
- What is your maiden name?
- What does your husband do for a living?

## Questions such as these are fair game:

- This position often requires you to travel at the last minute. I would estimate that you will need to travel overnight at least 4 times a month. Is there any reason you would not be able to travel frequently without extensive prior notice?
- Can you work overtime? How often?
- How much notice do you require to work overtime?

pregnancy and birth expenses. Employees with pregnancy related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, paid leave calculation, pay increases, performance evaluation schedules and temporary disability benefits.

"You should take comfort knowing that the law does not allow employers to ask you questions about your pregnancy or your child care plans," says Boyer. "If someone asks you an inappropriate question, legally you are not required to answer the question. As a

practical matter, however, you may want to discuss issues concerning the corporate culture towards an employee prioritizing family life over work. Remember that the interview is a two-way street. You are interviewing the company as much as it is interviewing you. You are looking for the right fit."

***About the author:** Sharon Anne Waldrop is employed by a university in Southern California as a Human Resources Specialist. When conducting job interviews, she removes the picture of her four children from her desk to deter applicants from volunteering information about their own families*