

National Origin Discrimination

The U.S. Department of Labor (DOL), Civil Rights Center (CRC), is charged with enforcing Title VII of the Civil Rights Act of 1964, 42 U.S.C § 2000e-16, which prohibits employment discrimination based on race, color, religion, sex, and national origin, as it applies to employees and applicants for employment at DOL. National origin discrimination can involve treating applicants for employment or employees of DOL unfavorably because of their actual or perceived place of birth, country of origin, ancestry, native language, accent, or because they are perceived as looking or sounding "foreign."

This means someone cannot be denied equal employment opportunity because they or their family are from another country, because they have a name or accent associated with a national origin group (unless the accent materially interferes with job performance), because they participate in certain customs associated with a national origin group, or because they are married to or associated with people of a certain national origin.

It is important to note that national origin discrimination is not just prohibited when making hiring decisions, but also when making decisions on promotions, discharges, pay, fringe benefits, job training, assignments, classifications, referrals, and other terms and conditions of employment.

National origin discrimination can also include disparate treatment because of a person's accent; offensive or derogatory remarks about a person's actual or perceived national origin, ethnicity, and/or accent; or excluding someone from a position because of a customer's discriminatory preference. If frequent or severe teasing and comments or repeated incidents create a hostile or offensive work environment or result in adverse personnel actions, these actions would constitute prohibited discrimination. National origin discrimination is not limited to supervisors; non-supervisory employees and clients or customers may also commit unlawful harassment. In the latter case, the employer is liable if they knew or should have known about the harassment and failed to take immediate and appropriate corrective action.

Examples of National Origin Discrimination

Example 1: Raj, who is Arab American, is regularly teased by a coworker, Mike. Mike engages Raj in long conversations about ISIS, calls him a terrorist, and constantly jokes about getting him deported. Raj has become increasingly uncomfortable with these actions and has repeatedly told his coworker he finds this behavior objectionable. Raj informed his supervisor that this repeated behavior was not acceptable and asked the supervisor to help him stop the harassment. The supervisor did not speak with the coworker, but instead told Raj to try to ignore the frequent interruptions to his work and explained, "You know how they are, just try to ignore them and don't let them get under your skin."

Example 2: Maria routinely speaks Spanish during the course of her work and sometimes during her lunch break with coworkers. Maria's supervisor tells her that their office is an "English only" workplace and that she should refrain from speaking in Spanish during work hours. Maria does not see any notice of an "English only" rule, so she brings it up with her second-line supervisor. Even after Maria shares her concerns, they continue to insist on her not speaking Spanish in the workplace, even though Maria does not need to speak English in order to perform her job safely and efficiently and such a rule is not necessary to promote safe and efficient business operations in the Division. Her supervisors even yell, "We are in America, speak English!" whenever they hear Maria speaking Spanish. Maria decides to speak with an Equal Employment Opportunity (EEO) counselor. After this conversation, the Agency decides to reassign Maria to a new office with a much longer commute and far greater workload. No other employees were reassigned, except Maria.

Example 3: John works in a large office and routinely has lunch with a group of South Asian colleagues who share food and talk about their families. John applies to a new position and is not selected. When John asks Paula, who was the hiring official, what he could do to improve his chances of being selected in the future, Paula tells John that she was not comfortable selecting John because she had seen him often having lunch with the "foreign" employees and that made Paula wonder if John would "fit in" with her team.

For more information about national origin discrimination, please visit the Equal Employment Opportunity Commission (EEOC) resources at the following links:

<https://www.eeoc.gov/laws/types/nationalorigin.cfm>

<https://www.eeoc.gov/laws/guidance/national-origin-qa.cfm>

<https://www.eeoc.gov/laws/guidance/national-origin-guidance.cfm>

For more information on additional Hot Topics, including English-only rules in the workplace and religious discrimination and accommodation, please visit CRC's website:

<https://www.dol.gov/oasam/programs/crc/internal-hot-topics.htm>

Reporting Discrimination & Resources

To learn more about your Equal Employment Opportunity (EEO) rights, please contact an EEO Counselor or visit <http://www.dol.gov/oasam/programs/crc/index.htm>. Contact CRC at 202-693-6500, Federal Relay Service TTY/TDD: (800) 877-8339, or Video Relay (877) 708-5797, within 45 calendar days of the alleged discriminatory act in order to preserve your right to file an EEO complaint. Any questions on this guidance should also be addressed to CRC.

To File a Complaint With CRC

Pre-complaint: A complainant (a DOL employee or applicant for employment with DOL) must contact the Civil Rights Center (CRC) or an EEO counselor within 45 calendar days of the date of the action alleged to be discriminatory, or in the case of a personnel action, within 45 calendar days of the effective date of the personnel action. Names of EEO counselors appear on posters in DOL buildings, on DOL's LaborNet website, and on the DOL public website: <https://www.dol.gov/oasam/programs/crc/counseling-mediation-staff.htm>. An EEO Counselor will explain the complaint process and inform the complainant of their rights and responsibilities. More information about the pre-complaint process can be found on the CRC website:

<https://www.dol.gov/oasam/programs/crc/internal-enforc-complaints.htm>.

Formal complaint process: If counseling and/or mediation does not resolve the informal complaint, the complainant may file a written formal complaint with the CRC Director, or with the Secretary of Labor, within 15 calendar days of receiving the "Notice of the Right to file a Discrimination Complaint" from the EEO Counselor. If the complaint is accepted by the CRC, an investigator will be assigned to develop an impartial and appropriate investigation. More information on the complaint process can be found on the CRC website:

<https://www.dol.gov/oasam/programs/crc/internal-enforc-complaints.htm>.

You may contact the Civil Rights Center (CRC) at:

Phone: (202) 693-6500

Federal Relay Service TTY/TDD: (800) 877-8339

Video Relay (877) 708-5797

Email: CivilRightsCenter@dol.gov

For additional information on the federal sector EEO process in general:

CRC website: <https://www.dol.gov/oasam/programs/crc/internal-enforcement.htm>

EEOC website: http://www.eeoc.gov/federal/fed_employees/complaint_overview.cfm