



focus: national origin bias

What the law says

Not only does Title VII of the Civil Rights Act of 1964 protect workers from discrimination based on national origin, the Immigration Reform and Control Act of 1986 also prohibits bias based on national origin.

Under the law, behavior is illegal if it leads to unfavorable treatment caused by any of the following:

- The employee's place of origin or his or her ancestors' place of origin.
- The perception that someone is a member of a particular national origin group.
- Marriage or association with people who have different national origins.
- An accent or manner of speaking that doesn't conform to pre-conceived ideas of how U.S. workers

should talk.

Harassment based on national origin is illegal if it creates, or is intended to create, a hostile work environment, if it unreasonably interferes with work performance, or if it otherwise affects employment opportunities.

How to spot it

In many cases, national origin bias is alleged when someone is forced to speak a language other than his or her native tongue for no apparent business reason.

In addition, claims of national origin bias are frequently the result of crude ethnic jokes or offensive comments.

What to do about it

Of course you want to maintain your zero-tolerance attitude toward

ethnic jokes.

But you also have to make sure workers are disciplined evenly and consistently. Any variations in discipline for similar infractions could quickly lead to a claim of national origin discrimination.

Also, let workers speak their native languages when they're on breaks or at lunch. Unless there's a justifiable safety or business reason for doing so, insisting the staffers speak English can result in a national origin lawsuit.

In addition, try to expand your hiring practices beyond just word of mouth. If existing employees are the primary sources of new staffers, you're unlikely to find many folks with different ethnicities and nationalities to fill your open positions.