

Here are some examples of other kinds of discrimination that often affect immigrant workers:

•When Mei Li applied for a job as a presser in a garment shop she was told that only men are hired as pressers. She is a qualified presser. When Wah applied as a sewing machine operator he saw that only women were operating the sewing machines. He was told that he would not be hired as an operator but was offered work as a presser. He is a qualified sewing machine operator. Only allowing men to be pressers and women to be sewing machine operators is unlawful sex discrimination.

•Khanh Nguyen was one of five applicants selected on the spot for a marketing position. Khanh stated she was happy to return to work because she is the primary caregiver for her mother, who has breast cancer. After Khanh left, the office secretary told the hiring official what she overheard Khanh say about her mother's cancer. The official later called Khanh and withdrew the job offer. If the official withdrew the offer because Khanh's mother has breast cancer, this may be genetic discrimination.

•Clara was pregnant and requested a three month leave of absence. Her company will give sick employees up to a three month leave of absence but denied her request for leave. This may be pregnancy discrimination, which is a type of unlawful sex discrimination.

•Maria was told by her boss that if she wants to keep her job she should date him. This is sexual harassment and is a type of unlawful sex discrimination.

•Jasha notices that Sarah was not being paid as much as he was although they are both doing the same job under similar working conditions. When he reported his concerns to his employer, he was fired. If Jasha was fired because he complained about possible discrimination against Sarah, Jasha was subjected to unlawful retaliation. If Sarah is being paid less than Jasha because she is a woman, she is being subjected to unlawful sex and pay discrimination.

•When Mae celebrated her 65th birthday the shop owner told her she was too old to be a sewing machine operator, and offered her work as a thread trimmer. This is unlawful age discrimination.



**If you have questions, contact
the EEOC**

**1-800-669-4000
1-800-669-6820 TTY
info@eoc.gov**

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www.eoc.gov**

**It is Every Person's Right to Work without
Being Subject to Employment Discrimination**

Employment Rights of Immigrants Under Federal Anti-Discrimination Laws



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Job Discrimination and Immigrant's Rights

WHAT THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DOES

The EEOC is the federal agency responsible for enforcing laws prohibiting employment discrimination based on race, color, sex (including pregnancy), religion, national origin, age (40 and over), disability, or genetic information (which includes family medical history). Employers with 15 or more employees (20 or more for age discrimination), employment agencies, unions, employer-union apprentice programs, and local, state, and federal agencies must obey these laws. The law has strict time limits for filing a charge of discrimination. You may contact the EEOC at 1-800-669-4000 or visit our website at www.eeoc.gov to learn more about the time restrictions.

WHAT YOU SHOULD KNOW ABOUT NATIONAL ORIGIN DISCRIMINATION UNDER TITLE VII

The law protects people against employment discrimination on the basis of their national origin. The following are some examples of employment discrimination based on national origin.

Discrimination Because of a Person's or His or Her Ancestor's Place of Birth

National origin discrimination because of a person's looks, customs, or language is against the law. A claim may be proven if a person is discriminated against for having the characteristics of a different group. For example, a person might mistakenly be thought to be Haitian, and may be discriminated against because of that mistaken belief, even though he is not actually Haitian. Similarly, a person may be perceived as foreign born or of foreign ancestry and may be discriminated against in violation of the law.

Discrimination Based on Association with Persons of a Different National Origin Group

The law prohibits discrimination because a person associates with people of a certain national origin group, e.g., discrimination because of attendance at schools or places of worship used by persons of a particular national origin or discrimination because a person's or a spouse's name is associated with a particular national origin group. For example, if someone is denied a promotion because she is married to a Hispanic man, that violates the law.

Certain Practices May Have an Adverse Effect on Particular National Origin Groups

Minimum height requirements, educational requirements, citizenship requirements, or policies against hiring people with arrest or conviction records, may screen out people of a particular national origin. For example, a minimum height requirement for certain jobs, such as police officers or fire fighters, may disproportionately screen out Hispanics or Asians, and unless the employer can prove that this requirement is necessary and related to the job, it may be unlawful.

Harassment Based on National Origin

Ethnic slurs or other verbal or physical conduct because of national origin are illegal if they are severe or pervasive and create an intimidating, hostile, or offensive working environment, interfere with work performance, or negatively affect job opportunities. Examples of potentially unlawful conduct include insults, taunting, or ethnic epithets, such as making fun of a person's accent or comments like, "Go back to where you came from," whether made by supervisors or by co-workers.

Discrimination Based on Accent

Generally, an employer may only base an employment decision on a person's foreign accent if effective oral communication in English is required to perform job duties and the individual's accent materially interferes with his ability to communicate orally in English.

Jobs that may require effective oral communication in English include teaching, customer service, and telemarketing to English-speaking clients.

Speak-English-Only Rules

Some employers have policies restricting communication in languages other than English, often called "English-only rules." The EEOC has concluded that these rules are lawful only in limited circumstances. A rule requiring employees to speak only English in the workplace at all times, including breaks and lunch time, rarely will be justified. Even if an English-only rule is imposed for lawful reasons, an employer may not take disciplinary action against employees for violating the rule unless it has notified employees about the rule and the consequences for violating it.

Discrimination Based on a Person's Ethnic Appearance

For example, suppose that Radika, a native of India, applies for a job as a receptionist. During her interview, the selecting official says that Radika would not be right for the job because the company is looking for someone with "an all-American front office appearance." Radika is dressed appropriately, and is certain that the only thing about her appearance that does not fit the "all-American front office" type is that she is of Indian ancestry. If Radika can show that the selecting official viewed her appearance as inappropriate because she is Indian or has "Indian features," she can establish a violation of the law. Similarly, if this employer refuses to allow an Indian employee to wear a sari, for example, but does not impose dress code restrictions on any other employees, this may also violate the law.

WHAT YOU NEED TO KNOW ABOUT OTHER KINDS OF EMPLOYMENT DISCRIMINATION THAT MAY AFFECT YOU

The laws enforced by the EEOC also prohibit retaliation against applicants or employees for filing a charge, protesting or opposing discrimination, or participating or serving as a witness in an investigation or lawsuit. The laws enforced by the EEOC cover all aspects of employment including recruitment, hiring, promotion, demotion, termination, layoff, compensation, employee benefits, work assignment, and all other terms, conditions, or privileges of employment.

Discrimination Based on Citizenship

Discrimination based on citizenship is expressly prohibited by the Immigration Reform and Control Act of 1986, commonly referred to as "IRCA." IRCA also prohibits discrimination on the basis of national origin by employers with between 4-14 employees. IRCA is enforced by the United States Department of Justice, Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC). You may contact OSC at 1-800-255-7688 or 1-800-237-2515 (TTY) or visit <http://www.justice.gov/crt/about/osc>.