1. Overview of Title VII.

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination based on national origin. Title VII also prohibits employers from retaliating against people who oppose workplace discrimination or who participate in an Equal Employment Opportunity (EEO) complaint process.

- Title VII applies to employers with 15 or more full or part time employees. It also covers employment agencies, the federal government, state and local government employers, and unions. The word employer is used in this document to refer to all of these covered entities.
- Title VII protects all applicants and employees in the United States from discrimination based on their national origin, regardless of their place of birth, authorization to work, citizenship, or immigration status.

2. What is national origin discrimination under Title VII?

National origin discrimination means discrimination because an individual (or his or her ancestors) is from a certain place or shares the physical, cultural, or language characteristics of a national origin (ethnic) group.

- An individual's place of origin may be a country (such as Mexico), a former country (such as Yugoslavia), or a place that is closely associated with an ethnic group but is not a country (such as Kurdistan).
- A national origin group is a group of people who share a common language, culture, ancestry, and/or other social characteristics (such as Hispanics/Latinos or Arabs).
- National origin does not refer to citizenship or immigration status.

3. Who Does Title VII protect from national origin discrimination?

Title VII protects every employee or applicant against discrimination based on his or her national origin, including Americans. Title VII also prohibits employment discrimination because an individual is not American.

4. Does Title VII prohibit discrimination because an applicant or employee associates (or is believed to associate) with people of a particular national origin?

Yes. National origin discrimination includes treating someone less favorably at work because he or she associates with (for example, marries) someone of a particular national origin.

It also includes discrimination based on incorrect information or conclusions about an individual's (or her ancestors') ethnicity or nationality. For example, treating an employee less favorably because you think he is Hispanic/Latino would be national origin discrimination, even if he is not in fact Hispanic/Latino.

5. May an employer discriminate in order to satisfy the preferences of clients, customers, or employees?

No. Discrimination based on national origin is prohibited even if employment decisions are made due to the discriminatory preferences of clients, customers, or employees. Employers covered under Title VII cannot justify employment discrimination based on the preferences of others.

6. May employers make job assignments based on national origin?

No. An employer may not assign or refuse to assign employees to certain jobs, facilities, locations, tasks, or geographic areas; deny promotions; physically isolate employees; or otherwise segregate workers into jobs based on their national origin. For example, Title VII prohibits assigning individuals to non-customer contact jobs or to back room jobs based on their national origin.

7. What is national origin harassment?

Unlawful harassment is conduct that is severe or pervasive enough to create a work environment that an individual perceives as hostile, and a reasonable person would find intimidating, hostile, or abusive. Title VII
prohibits such harassment on the basis of national origin.

Harassment based on national origin can take different forms, including ethnic slurs, ridicule, intimidation, workplace graffiti, physical violence, or other offensive conduct directed toward an individual because of his birthplace, ethnicity, culture, language, dress, or accent. Employer liability can result from the actions of supervisors, employees, or non-employees, such as clients, customers, or commercial contacts.

8. Why is it important to take steps to prevent national origin harassment?

Preventive efforts can help eliminate national origin harassment and limit the employers liability if there is a Title VII charge or lawsuit. The Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace outlines measures employers can take to prevent and remedy workplace harassment, including clearly communicating that harassment based on national origin will not be tolerated; adopting fair and impartial anti-harassment policies and procedures; and ensuring that employees who violate the prohibition on harassment are appropriately disciplined. Anti-harassment procedures will not be effective if managers and employees are unable to understand them due to language barriers or because they are unable to use the complaint process.

9. Is it lawful to consider language issues in the workplace?

Employers may have legitimate business reasons for making language-based employment decisions. It is important, however, to ensure that these decisions do not violate Title VII.

An employer may not base an employment decision on an accent unless the ability to communicate in spoken English is required to perform job duties effectively and the individuals accent materially interferes with that job performance.

A language fluency requirement is lawful if fluency is required for the effective performance of the position for which it is imposed.

A language-restrictive policy may violate Title VII if it is applied at all times in the workplace, but such a policy may be lawful in limited circumstances when needed to promote safe and efficient job performance or safe and efficient business operations. Of course, it should not be adopted for discriminatory reasons or applied in a discriminatory way.

10. Are employers required to accommodate national origin traditions or practices at work?

No. Title VII does not require accommodation of national origin traditions or practices. An employer would, however, need to grant a request for religious accommodation if doing so would not impose an undue hardship on the employer. For more information about religious accommodations, refer to EEOC Compliance Manual Section 12: Religious Discrimination and Religious Garb and Grooming in the Workplace: Rights and Responsibilities.

11. Are foreign nationals in the United States protected by Title VII?

Yes. Foreign nationals employed in the United States are protected by Title VII.

12. Does immigration status affect whether an applicant or employee is protected by Title VII?

No. Title VII protects job applicants and employees without regard to their immigration status.

13. Does Title VII prevent an employer from verifying a noncitizens work authorization?

No. Through the Form I-9 process, employers must verify the identity and work authorization of newly hired employees. Employers, however, are not allowed to treat people differently during the authorization process based on their national origin. Nor can an employer retaliate by using the work authorization process to punish a person who opposes a discriminatory practice or participates in a Title VII proceeding. Finally, the Immigration and Nationality Act (INA) prohibits unfair documentary practices, such as requesting more documents than are necessary to verify employment eligibility.

14. How can a job applicant or employee report national origin discrimination?

An applicant or employee who believes his rights under federal EEO laws have been violated may file a complaint:

- Private sector and state/local government employees may file a charge of discrimination by contacting the EEOC at 1-800-669-4000 or go to https://www.eeoc.gov/employees/howtofile.cfm.
Federal government employees may initiate the complaint process by contacting an EEO counselor at your agency; more information is available at https://www.eeoc.gov/federal/fed_employees/complaint_overview.cfm.

More information:

For more information on national origin discrimination, see the EEOC publication Questions and Answers: Enforcement Guidance on National Origin Discrimination.

The Equal Employment Opportunity Commission is the federal agency that enforces laws against employment discrimination, harassment, and retaliation. For more information, visit https://www.eeoc.gov/, call the EEOC at 800-669-4000 (voice) or 800-669-6820 (TTY), or visit your local EEOC office (https://www.eeoc.gov/field/index.cfm). Ask for translation assistance if needed.