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EEOC Issues Updated Guidelines on National Origin Discrimination **By Charlotte Hodde**

On Monday, November 21, 2016, the Equal Employment Opportunity Commission (EEOC) released new enforcement guidance on national origin discrimination. The guidelines apply to employers with 15 or more employees, as well as employment agencies, state and local employers, and unions. Updates respond to workplace situations such as language issues, segregation, immigration, and human trafficking.

National origin discrimination is based on the fact that an individual (or his or her ancestors) is from a certain place or shares the physical, cultural, or language characteristics of an ethnic group, such as Hispanics/Latinos or Arabs. 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). This type of discrimination also includes treating someone less favorably at work because he or she is associated with (for example, is married to) someone of a particular national origin.

The guidelines clarify that an employer may not base an employment decision on an accent unless the ability to communicate in English is required to perform the job effectively and the accent materially interferes with performance. Employees of a certain national origin may not be segregated to work in lower-paying jobs away from public contact because of a customer preference for sales representatives of a different national origin. Individuals are protected regardless of their immigration status or authorization to work. Use of fraud, force, or coercion to exploit workers based on their national origin may violate federal discrimination laws in addition to criminal laws prohibiting human trafficking.

Employers should ensure that management stops referring to the outdated 2002 EEOC compliance manual section on the subject. For the quickest way to get up to speed on the new guidelines, visit the "user-friendly" [Q&A publication](#) and [fact sheet](#) on the EEOC website.

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