



Facts About National Origin Discrimination

Nevada state law and Title VII of the Civil Rights Act of 1964 protect individuals against employment discrimination on the basis of national origin as well as race, color, religion and sex. State law also prohibits discrimination on the basis of sexual orientation and gender identity or expression.

It is unlawful to discriminate against any employee or applicant because of the individual's national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. Equal employment opportunity cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

Persons who file a charge, oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation.

English-Only Rule

A rule requiring employees to speak English-only, at all times on the job, may violate the law, unless an employer shows it is necessary for conducting business. If an employer believes the English-only rule is critical for business purposes, employees have to be told when they must speak English and the consequences for violating the rule. Any negative employment decision based on breaking the English-only rule will be considered evidence of discrimination if the employer did not tell employees of the rule.

Accent

An employer must show a legitimate non-discriminatory reason for the denial of employment opportunity because of an individual's accent or manner of speaking. Investigations will focus on the qualifications of the person and whether his or her accent or manner of speaking had a detrimental effect on job performance. Requiring employees or applicants to be fluent in English may violate the law if the rule is adopted to exclude individuals of a particular national origin, and is not related to job performance.

Harassment

Harassment on the basis of national origin is a violation of the anti-discrimination laws. Ethnic slurs, or other inappropriate verbal or physical conduct because of an

individual's nationality, constitute harassment if they create an intimidating, hostile or offensive working environment, unreasonably interfere with work performance or negatively affect an individual's employment opportunities.

Employers have a responsibility to maintain a workplace free of national origin harassment. Employers may be responsible for any on-the-job harassment by their agents and supervisory employees, regardless of whether the acts were authorized or specifically forbidden by the employer. Under certain circumstances, an employer may be responsible for the acts of non-employees who harass their employees at work.

Immigration-Related Practices Which May Be Discriminatory

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to prove all employees hired after November 6, 1986, are legally authorized to work in the United States. IRCA also prohibits discrimination based on national origin or citizenship. An employer who singles out individuals of a particular national origin or individuals who appear to be foreign to provide employment verification may have violated both IRCA and the anti-discrimination laws. Employers who impose citizenship requirements or give preference to U.S. citizens in hiring or employment opportunities may have violated IRCA, unless these are legal or contractual requirements for particular jobs. Employers also may have violated the law if a requirement or preference has the purpose or effect of discriminating against individuals of a particular national origin.

If You Think You Have Been Discriminated Against Because Of National Origin, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission
1820 East Sahara Avenue, Suite 314
Las Vegas, NV 89104

PH: 702 486-7161
Fax: 702-486-7054

Nevada Equal Rights Commission
1675 E. Prater Way, Suite 103
Sparks, NV 89434

PH: 775-823-6690
Fax: 775-688-1292

Or visit us on the Internet

www.detr.state.nv.us

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)
at 1-800-669-4000 or on the Internet at <http://www.eeoc.gov/>