



# County Technical Assistance Service

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## National Origin Discrimination

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Capitol Blvd. Suite 400  
Nashville, TN. 37219  
615-532-3555 phone  
615-532-3699 fax  
[ctas@tennessee.edu](mailto:ctas@tennessee.edu)  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## National Origin Discrimination

**Reference Number:** CTAS-1053

Title VII prohibits employment discrimination on the basis of national origin (as well as race, color, religion and sex). It is unlawful to discriminate against any employee or applicant because of birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic 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.

“English Only” rules violate Title VII unless an employer can show that requiring employees to speak English on the job at all times is critical for conducting business, and the employees must be told when they must speak English and the consequences for violating the rule.

Requiring applicants to be fluent in English may violate Title VII if the rule is adopted to exclude individuals of a particular national origin and it is not related to job performance. 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 focus on whether the accent or manner of speaking have a detrimental effect on job performance.

Harassment on the basis of national origin also is a violation of Title VII. Employers can be liable for harassment by agents and supervisors even if the acts were unauthorized or expressly forbidden; under certain circumstances, the employer may be liable for workplace harassment by non-employees.

Under federal law, employees must provide to their employers the information required on **I-9 forms**, and employers must verify the employee’s eligibility to work in the United States. Employers cannot discriminate by having only certain groups provide this information – *all* employees are required to prove that they are legally authorized to work in the United States.

**EEOC National Origin Discrimination**

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