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NATIONAL ORIGIN DISCRIMINATION

by Breanna Leuze

Last week, I discussed with you, some potential illegal interview questions and I broke down the categories as to what an employer may discriminate and the way an interviewer may ask an illegal interview question. To continue this week I will discuss with you National Origin Discrimination as it relates to hiring and illegal interview questions an interviewer and or employer may ask you. It is important to note that this is only applicable to employers with 15+ employees.

National origin discrimination is treating applicant's, potential employees and or employees poorly or unfavorably for the simple fact they are from a particular country or different part of the world because of the way they look or speak (accent). National origin discrimination is not exclusive of where one is from but also can include where a candidate(s) spouse may originate from. National origin discrimination does not limit the person and the victim from discrimination even if they are from the same origin.

How can national origin discrimination and specific employer/work situation(s) impact you directly? Let's start with pay? Is your pay equal to the same as the person doing the same job or is it different because you are from Finland? It also can impact who is hired. Was someone not hired because they are from Canada and the hiring manager doesn't like Maple Syrup and Moose? The discrimination does not stop there. One could be discriminated against by other forms as well including but not limited to: fringe benefits (how much vacation one receives, or bonus etc...), termination decisions, promotions, layoffs, special projects and any condition or term of employment.



Employment policies and practices as it relates to national origin is rather explicit. As an example, an employer can only require an employee(s) to speak fluent English as it may be necessary to perform the job safely and or efficiently of the employer's business and can be implemented for non-discriminatory reasons.

An employer cannot discriminate against someone based on their accent unless it dramatically impacts and or interferes with the employee's job performance.

As an example some illegal interview questions as it relates to national origin may be:

Where are you from?

What accent is that, are you from somewhere else?

Where is your significant other from?

What country are your parents from?

Are your children (specific country)?

Do they consume a lot of (blank) from where you are from?

What type of clothes do they wear in (insert country) here, do you wear those too?

Do you travel often back to where you are from, if so what country is that?

Do you always speak with that accent or do they do that in your country, only?

Is English your first language?

Your potential response to answer all of these questions is very simple. The question you are asking is not necessary nor does it demonstrate my ability to successfully complete and or fulfill the requirements of this position. This question or any question as it relates to my origin is not indicative of my job performance.

A great resource if you have more questions related to national origin discrimination is to visit www.eeoc.gov. The site has more information and other resources for you to review. When it comes to interviewing and job searching, research and understand your rights as a potential candidate and potential employee. If someone is asking you these questions now and treating you differently, how would they treat you if you were to be offered a full-time position?

Let me be clear on one final item, you must not rely on the information on this website as an alternative to legal advice from your attorney or other professional legal services provider. If you have any specific questions about any legal matter you should consult your attorney or other professional legal services, provider. You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information on this website.