

EEOC Plows Ahead On Obama's Initiatives. Next Up: National Origin Discrimination

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As President Obama's second term heads toward the finish line, the Equal Employment Opportunity Commission (EEOC) unveiled its latest initiative on June 2 - this time focusing on employment protections for victims of national origin discrimination. According to the EEOC, national origin discrimination, more than any other protected class, overlaps with other forms of discrimination, particularly race, color and religion. These intertwined factors create sticky legal issues for employers where, for example, Title VII requires employers to accommodate certain religious practices but there is no accommodation required in connection with national origin. The proposed Enforcement Guidance on National Origin Discrimination, which hasn't been updated since not long after the 9/11 attacks, includes examples of multiple-factor decisions and also provides guidance related to matters involving English fluency and English-only requirements, accent discrimination, human trafficking and harassment. The EEOC is inviting public comment until July 1. You can access the draft guidance through the [EEOC's website](#). The new draft guidance marks another notch in the EEOC's Strategic Enforcement Plan, rolled out at the beginning of Obama's second term. Since then, with greater visibility, the EEOC has been active in filing lawsuits and issuing guidance and regulations on a series of high priorities, including LGBT and transgender protections, criminal background checks, equal pay, leave as a form of reasonable accommodation under the ADA, wellness programs and accommodations for religion and pregnancy.

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