

# Statute and case law relationship paper



**ASSIGN  
BUSTER**

National Origin Discrimination means treating a person in a prejudicial manner, because of the country of his origin and his ethnic accent with which he speaks English or on the basis of an assumption regarding that person's ethnicity. This further implies belittlement of a person on the basis of his nationality. The objective of The Employment Equal Opportunities Commission is to enforce " federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964"( Part 1606 - Guidelines On Discrimination Because Of National Origin, 1st July 2003).

The Eleventh September outrage generated a lot of ill will in America and a few instances of discrimination did take place. One such incident was the firing of a hotel manager whose father had migrated to the USA from the United Arab Republic, who filed a discriminatory case in which he pleaded that his employment was terminated because of his national origin. The facts of this case are that, Karim El Raheb, of Egyptian origin, was fired by Pesce Ltd Restaurant shortly after the Al Qaeda terrorists committed atrocities in New York and Washington on the 11th of September 2001. The U. S. EEOC sued Pesce, Ltd., under Title VII of the 1964 Civil Rights Act in the U. S. District Court for the Southern District of Texas (Title VII of the Civil Rights Act of 1964, n. d).

The EEOC in its plea argued that soon after these terrorist attacks, Damian C. Mandola the Co-Owner of Pesce's started to make frequent references within the hearing of the restaurant staff and customers that Mr. El-Raheb looked like a person of Spanish Origin and that he should change his name to sound like a Latin name. Mandola blamed El-Raheb for the decline in earnings after the terrorist attacks and fired him in November 2001. The

court awarded suitable compensation for his loss and anguish as provided for in Title VII of the 1964 Civil Rights Act, which states that in the place of employment offensive conduct such as ethnic slurs based on national origins are prohibited (The U. S. Equal Employment Opportunity Commission, 10th July 2003).

Since, there is harassment based on national origin in the workplace, the provisions of Title VII of the 1964 Civil Rights Act, as amended up to date are applicable. Title VII also covers the area of employment decisions, work place harassment and linguistic problems faced in the workplace. The regulation 1606. 1, Title 29 - Labor, of the EEOC defines the discrimination on the basis of national origin in employment and regulation 1606. 2, Title 29 - Labor, of the EEOC states the scope of protection of Title VII of the Civil Rights Act of 1964 (Title 29 - Labor. Chapter XIV - Equal Employment Opportunity Commission, n. d.) .

The Civil Rights Act 1964 under Title VII directs that no employee should be discriminated on the basis of national origin. In our present case the claimant was dismissed from service because he was of Egyptian origin. The employer held that the earnings of the restaurant had diminished because of his vile presence. The employee was not guilty of dereliction of duty or caused monetary loss to the restaurant deliberately. The employer asked the claimant to change his name to a Latin sounding name, but the claimant did not respond to this suggestion and the series of such unpleasant incidents culminated in his being fired from his job. To ensure protection for such employees, the EEOC will take such legal action as necessary under the circumstances, against the employer and a case was filed in the South District Court of Texas under the provisions of the 1964 Civil Rights Act. The <https://assignbuster.com/statute-and-case-law-relationship-paper/>

court decided the case in the employee's favour and ordered suitable compensation to be made by the employer to the employee.

As a result of the decision in this case, the employer will be constrained to desist from passing derogatory remarks about an employee's nationality and appearance, or withhold the benefits of the employee without just cause or dismiss an employee from service on the basis of whimsical reasons. The major impact on the employment environment will be that discrimination of employees on the basis of national origin will reduce drastically.

#### References

The U. S. Equal Employment Opportunity Commission. (2003). Retrieved from <http://www.eeoc.gov/press/7-10-03.html>

Title VII of the Civil Rights Act of 1964. (n. d). Retrieved from <http://www.eeoc.gov/policy/vii.html>

Part 1606 - Guidelines on Discrimination Because Of National Origin. (1st July 2003). Retrieved from [http://a257.g.akamaitech.net/7/257/2422/08aug20031600/edocket.access.gpo.gov/cfr\\_2003/julqtr/29cfr1606.1.htm](http://a257.g.akamaitech.net/7/257/2422/08aug20031600/edocket.access.gpo.gov/cfr_2003/julqtr/29cfr1606.1.htm)

Title 29 - Labor, Chapter XIV - Equal Employment Opportunity Commission, Part 1606 - Guidelines on Discrimination because of National Origin,(n. d). Retrieved from [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/29cfr1606\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/29cfr1606_03.html)