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JUSTICE NEWS

Department of Justice

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Department of Justice Files Lawsuit Alleging Employment Discrimination by Florida Home Health Care Company

WASHINGTON – The Justice Department filed a motion to intervene in a lawsuit yesterday against Home Care Giver Services Inc., a Florida corporation that provides home health aides, certified nursing assistants, licensed practical nurses and registered nurses to customers who seek home-based care givers. The Justice Department's complaint alleges that the company discriminated against a U.S. citizen when it terminated her based on her national origin. The Immigration and Nationality Act's (INA) anti-discrimination provision prohibits employers from discriminating against workers based on national origin or citizenship status in the hiring or firing process.

The charging party — a Colombian native — has been a U.S. citizen since she moved to Florida in 1978. Fluent in English, she began working for Home Care Giver Services Inc. in November 2010. According to the department's findings, the company subjected her to insults and derogatory statements about her accent and Hispanic heritage and eventually terminated her in January 2011 because of her national origin.

"Discriminating against an employee based on his or her ancestry is completely contrary to the values and laws of our nation," said Thomas E. Perez, Assistant Attorney General in charge of the Civil Rights Division. "The Justice Department is committed to vigorously enforcing the anti-discrimination provisions of the INA, including those protecting employees from discrimination based on their national origin."

The charging party filed a lawsuit with the Office of the Chief Administrative Hearing Officer (OCAHO) within the Executive Office for Immigration Review on Sept. 14, 2011. Because the charging party has already filed a complaint, the Justice Department seeks to intervene in the existing lawsuit. The Justice Department's lawsuit is being prosecuted by Phil Telfeyan and Byron Wong, trial attorneys.

The Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices is responsible for enforcing the anti-discrimination provision of the INA, which protects work authorized individuals from employment discrimination on the basis of citizenship status or national origin discrimination, including discrimination in hiring and the employment eligibility verification (Form I-9) process. OSC has jurisdiction over national origin discrimination cases involving employers employing four to 14 employees. The Equal Employment Opportunity Commission has jurisdiction over national origin discrimination cases involving larger employers. For more information about protections against employment discrimination under the immigration law, call 1-800-255-7688 (OSC's worker hotline) (1-800-237-2525, TDD for hearing impaired), 1-800-255-8255 (OSC's employer hotline) (1-800-362-2735, TDD for hearing impaired), or 202-616-5594; email osccrt@usdoj.gov; or visit OSC's website at www.justice.gov/crt/osc.

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Civil Rights Division