

# Going Global: Addressing Discrimination Worldwide

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As our world becomes increasingly connected, more and more employers have international operations, resulting in U.S. citizens working abroad and non-U.S. citizens working here.

To help employers navigate their obligations under equal employment opportunity laws (U.S. EEO laws) when “going global,” this post addresses a few primary concerns.

### *Employees Working in the United States*

All employees who work in the U.S. or its territories for covered employers are protected by EEO laws (Title VII, the ADEA, or the ADA), regardless of their citizenship or work authorization status. Employees who work in the U.S. or its territories are protected whether they work for a U.S. or foreign employer.

### *Employees Working for Non-U.S. Employers in the United States*

The only exception to the rule that employees working in the U.S. are covered by federal EEO laws occurs when the employer is not a U.S. employer and is subject to a [treaty or other binding international agreement](#) that permits the company to prefer its own nationals for certain positions.

### *Employees Working Outside the United States*

Individuals who are not U.S. citizens are not protected by U.S. EEO laws when employed outside the U.S. or its territories.

To the contrary, U.S. citizens who are employed outside the U.S. by a U.S. employer – or a foreign company controlled by an U.S. employer – are protected by U.S. EEO laws.

An employer will be considered a U.S. employer if it is incorporated or based in the United States or if it has sufficient connections with the United States. Several factors help determine whether a company has sufficient connections with the U.S., including the company’s principal place of business and the nationality of its dominant shareholders and management.

Whether a foreign company is controlled by a U.S. employer will depend on the interrelation of operations, common management, centralized control of labor relations, and common ownership or financial control of the two entities. For more information, see

<http://www.eeoc.gov/docs/threshold.html#2-III-B-3-c>.

U.S. employers are not required to comply with the requirements of Title VII, the ADEA, or the ADA if adherence to that requirement would violate a law of the country where the workplace is located.

The EEOC provides the example of a female U.S. citizen who works for a U.S. employer located in a Middle Eastern Country. Although Sarah is the most qualified person for a management position, the employer informs her that it cannot promote her because that country's laws forbid women from supervising men. Sarah files a charge alleging sex discrimination. The employer would have a "Foreign Laws" defense for its actions if the law does contain that prohibition.

## About Beth Lincow Cole

*The [Law Office of Beth Lincow Cole](#) is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits.*

*If your company needs employee or management training or assistance in drafting, reviewing, or revising its EEOC/discrimination policies, [contact](#) employment law attorney [Beth Lincow Cole](#).*