

# Employment law

[Business](#), [Human Resources](#)



Employment Law of English-Only Rules English-only rules refer to rules that employers pass which require employees to speak only English while at the place of work. The rules may apply to workers who converse while working or even to workers while on breaks such as their lunch break. Such rules serve to prohibit the use of other languages while at the workplace. There may be questions as to the legality of such rules as they appear to be discriminative in nature against the non-English speaking immigrants (Rutherglen, 2007). The rules may serve to bar such immigrants from employment opportunities due to the language barrier (Rassas, 2010). There exist instances when such rules may be acceptable without being discriminative.

An English-only rule may only apply under justification of business necessity. That means that the employer may only use such a rule in as far as the employee needs to communicate in English to operate efficiently and to ensure safety. According to the Equal employment opportunities Commission, EEOC, English-only rules are justifiable in limited instances. According to EEOC, some of these circumstances that warrant the application of such rules include; a paid speaking position where one is meant to continuously speak to an English speaking audience, when communicating with customers and fellow employees who only speak English, during emergencies where there is need for a common language to ensure safety, where a supervisor needs to monitor employee's performance, and for cooperative assignments that require workers to speak a common language for efficiency (Rutherglen, 2007).

An employer may be allowed to prohibit employees from using any other language apart from English when speaking to customers who speak only

English. That would be to enhance communication with clients and ensure flawless business transactions. Also, the employer may require employees to speak English when addressing their colleagues who speak only English or who may not understand the language that such employees may be comfortable using (Rutherglen, 2007). During emergencies, there is need for there to be a common language that can be understood by all. That is to ensure safety for everyone. That also includes those working on or operating machinery, chemicals or items that may cause harm if not handled with care. In such circumstances, the employer may apply English-only rules as they would help safeguard everyone's safety. For cooperative duty that requires employees to work in teams, English-only rules may come into application especially if some members of the team can only speak English. That ensures efficiency in operation for such a team. Where a supervisor needs to monitor an employees' performance, English-only rules may apply to enable supervisors that speak only English to monitor the employees. The employee may thus be required to speak English as he performs his or her duties. On the other hand, English-only rules may amount to discrimination under various circumstances. One such circumstance is when such rules apply to casual conversations between employees (Rutherglen, 2007). That may be during lunch breaks or when the employees are not performing job related duties. A rule barring employees from using other languages at such times would be discriminatory and a violation of Title VII (Rutherglen, 2007). It is also discriminatory if an employer applies English-only rules without giving the employees notice to the rule and the consequences of violating such a rule. A dismissal culminating from such an instance would be discriminatory

(Rassas, 2010). That is regardless of whether there is justification of business necessity for the rule. Also, when such a rule targets a particular group of employees, it is discriminatory. For example where those punished for violating the rule come from the same ethnic group such as Hispanics (Bell, 2011).

#### References

Bell, M. P. (2011). *Diversity in Organizations*. Boston: Cengage Learning.

Rassas, L. B. (2010). *Employment Law: A Guide to Hiring, Managing and Firing for Employers and Employees*. New York: Aspen Publishers.

Rutherglen, G. A. (2007). *Employment Discrimination Law (Concepts and Insights)*. Eagan, Minnesota: Foundation Press.