

Remarks: Kerry O'Brien, Legal Program Sr. Manager, CASA de Maryland

The issue of English-only workplace policies is of great concern to the community we serve. As our country becomes increasingly multi-lingual, so do the individuals that make up its workforce. The problems that arise out of these often faulty, over-generalized and misplaced policies jeopardize the safety of many employees who are non-native speakers and raise questions about the true reasons for their implementation.

According to the U.S. Census Bureau roughly 55 million residents age 5 and older speak a language other than English at home. That number eclipses the entire population of countries like Colombia and Argentina. Still, we are seeing more and more employers insisting that their employees speak only English at work. Although the EEOC guidelines allow for the implementation of these policies when they can be shown to be a business necessity, they also make clear the potential harms that must be weighed when making these decisions. English-only rules are viewed by the EEOC as a “burdensome term and condition of employment” with the potential to “create an atmosphere of inferiority, isolation and intimidation based on an individuals’ national origin.” With this perspective in mind, the number of jobs that could qualify under the business necessity provision are limited.



With immigration issues at the forefront of social and political discourse, English-only policies walk a very fine line between justified workplace requirements and unlawful discrimination. At times, the justifications given by employers for these language restrictions are so contradictory that they result in significant employee confusion and frustration. For example, one group of women employed by a retail chain in Maryland expressed their fear that if they were to answer questions from their largely Spanish speaking clientele in anything but English they would be subject to termination. At the same time, they were concerned that clients would complain about the quality of their customer service if they refused to answer their questions in a manner they could understand. In a situation like this it hardly seems necessary for a business to forbid its employees from communicating effectively with its clients. There is no doubt that employers are using these policies to enforce an anti-immigrant point of view, and therefore systematically violating the federal laws of the United States.

A second and perhaps more important issue is that of ensuring that companies are taking adequate measures to protect the health and safety of their employees. English-only policies restrict communication between employees, supervisors and clients. This limitation could severely inhibit the ability of these individuals to protect themselves and each other in emergency situations.



Enforcement of English-only rules could result in an employee's inability to gauge the severity or existence of a health or safety risk until it is too late. The relatively sudden outbreak of English-only workplace policies over the last several years highlights an even bigger issue, which is the implementation of English-only ordinances in cities, counties and towns across the country. In Maryland alone there have been English-only regulations passed or proposed in Frederick County, the town of Thurmont, Walkersville, College Park, and Taneytown, to name a few. These policies serve only to deepen the hostility between immigrant and non-immigrant communities in these towns and increase the divide that makes integration all but impossible.

