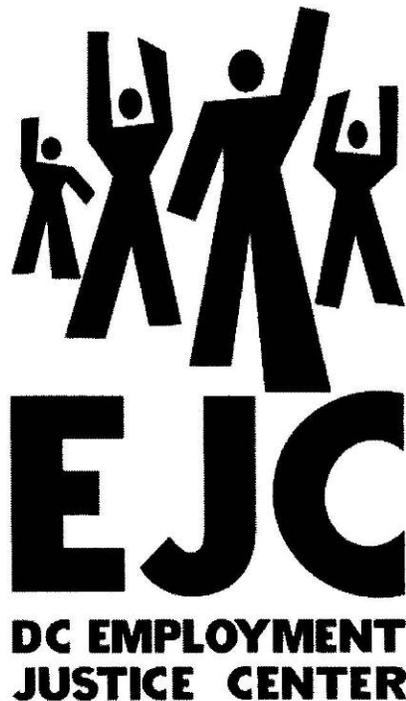


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**Comments on “English-Only”  
Rules in the Workplace**

**Submitted by:  
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**U.S. Commission on Civil Rights  
December 12, 2008**



Good morning. My name is Laura Brown and I am an attorney with the D.C. Employment Justice Center. The mission of the Employment Justice Center is to secure, protect and promote workplace justice in the D.C. metropolitan area, and in striving to achieve its mission, the EJC advises, counsels and/or represents over 900 limited English proficient individuals each year in the full range of employment-related legal disputes.

I appreciate the opportunity to testify here today, and I believe that the EJC brings a unique and compelling perspective to this hearing. While others here today, such as my colleague from the EEOC, will no doubt delve into the legal arguments for rightfully prohibiting an employer from imposing an "English-only" rule in its workplace, I wish to add context to these arguments by speaking from my experience of working with clients in the EJC's workers rights clinics. Simply and practically speaking, "English-only" rules in the workplace are unfair to non-native English speaking workers and, in fact, ultimately undermine the employer's articulated purposes for implementing them in the first place.

At the Employment Justice Center's weekly workers' rights clinics, approximately 40% of the workers we see are limited or non English proficient. The majority of these are native Spanish speakers. A brief examination of the types of work they do and the workplaces in which they labor reveals that an adoption of an "English-only" workplace rule by any of their employers could not be justified by legitimate business necessity and, indeed, would be completely illogical.

The people the EJC sees are construction workers, kitchen employees, maids, janitors, landscapers, nannies, parking attendants, and security guards, among other occupations. Their workplaces are hotels, restaurants, construction sites, office buildings, parking garages, and private homes. These employees are rarely the only employees in their workplaces who speak the same primary language that they do. In fact, the availability of jobs frequently spreads within an ethnic community by word of mouth, resulting in pockets of, for example, Amharic-speaking Ethiopian parking garage attendants, French-speaking Haitian housekeepers, and Spanish-speaking Latino construction workers, landscapers, and banquet servers.

While a customer leaving his or her car at a parking garage in D.C. may be spoken to in English, finding out, for example, when he will return to pick up the car, the most substantive conversation which typically occurs about how and where that car is ultimately parked often takes place in Amharic. Likewise, while an attendee at a banquet in one of Washington's posh hotels will most likely be served in English, the directions given to the team of servers about logistics, and details like a server's instruction to his co-worker about bringing more coffee to the table, will likely be in Spanish.

To implement an "English-only" rule in either of these contexts would not only be unfair; it would be disastrous. The workers in both of these contexts deal with customers to some degree, but the vast substance of their work depends on successful communication with their co-workers; requiring them to speak English amongst

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themselves, even on the job, would lead to confusion and an inability to best serve the customers. While some might opine that this inability to perform work effectively in English should reasonably constitute grounds for dismissal, this is neither reasonable nor realistic in either of these industries, who could not survive without these groups of employees.

The reasons most commonly articulated by employers for implementing “English-only” workplace rules are to improve employees’ English proficiency, promote workplace harmony, enhance the effectiveness of employee supervision, and promote safety and efficiency in the workplace. Implicit in these goals is the assumption that because employees are prohibited from speaking in their own native languages, they will communicate in English. This theory is not born out in the workplace; individuals who are prohibited from speaking their own native languages in the workplace are instead silenced.

This resultant lack of communication exacerbates the problems which “English-only” rules are, according to their proponents, ostensibly being instituted to resolve. When employees don’t talk to each other, non-English speaking minorities are further isolated and marginalized. Certainly, this does nothing to promote workplace harmony. Similarly, isolation and minimal communication does nothing to foster safety or efficiency. A safe and efficient work place is not one in which employees are prohibited from communicating in the language that they speak most clearly and fluently.

Because of the further marginalization which results from their implementation, “English-only” rules do not motivate or provide an incentive for workers to learn English. The importance of learning English is often accompanied by a call to promote the assimilation of ethnic minorities into American society. However, cultural assimilation does not happen by the further marginalization of an ethnic minority; this only serves as a further obstacle to assimilation. Employers who wish to contribute to the assimilation of their ethnically diverse workforces would be more successful if they offered the opportunity for free English classes to their non-English speaking workers, or fostered an atmosphere in which they strived to learn as much Spanish as their employees learned English.

In conclusion, despite the rationalizations for promulgating “English-only” rules, in reality these rules are usually the manifestation of English speaking employers’ discomfort and distrust in managing a workforce that they have come to depend on. We have always prided ourselves as a “nation of immigrants” and as a country with rich cultural traditions which reflect the background of its people. Our society has and continues to evolve and develop through the introduction of new cultures which shape who we are. Rather than implementing “English-only” rules, employers and their workers would be better served if employers could embrace the realities of a multi-cultural workforce and engage in some creative problem-solving with their workforce in order to address some of the communication issues by which they are challenged.

Thank you for your time and attention.