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## **Lost in Translation: Be Cautious with English-Only Policies in the Workplace**

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Establishing an English-only workplace is not only difficult, it can be illegal.

With an increasingly multicultural workforce, some employers try to require that employees speak only English on the job.

While English is the prevalent language spoken in our country, there are a number of speakers of other languages. The four main language groups in the United States include English, Spanish, Asian and Pacific Island.

These individuals, and their native languages, contribute to the U.S. workforce at every level. Unlike Canada, our neighbor to the north, the United States does not have an official language. American English is the given language, used in all sectors and taught in school. Most employers expect workers to speak English.

But employers cannot insist that workers communicate exclusively through English while on the job.

It comes as a surprise to some employers we work with to find out that having an English-only policy may not be enforceable depending on the policy language. Several states have their own laws regarding the use of English-only policies in the workplace. When implementing English-only policies, companies must ensure compliance not only with the courts and the EEOC, but also with applicable state law.

U.S. law states, "A rule requiring employees to speak only English at all times in the workplace is a burdensome term and condition of employment."

The critical language here is “at all times.” While employers are barred from requiring employees to speak English at all times—an employer has the right to define times and tasks where workers can be required to speak only English, not their native or other language. Examples where use of the English language could be deemed a “business necessity” include:

- **Emergency situations:** Required use of English as a means of efficient communication can be mandated during an emergency, or high-hazard situation.
- **Customer or client service:** Employers can insist workers speak only English when working with customers, clients, staff, or others who speak only English.
- **Specific settings and circumstances:** When a project or objective arises that is best dealt with cooperatively, an employer may promote English-only to maintain productivity.

Outside of these and other narrowly defined events, employers may not insist on the use of English on the job, or during breaks. Care should be taken by employers and business owners to avoid claims of harassment or workplace discrimination. Tips for creating language policies include:

- Decide when English is truly needed on the job
- Treat and consider all languages, and native speakers, equally
- Define when any language policy is in effect—and when it does not apply
- Define the protocol for dealing with policy violations
- Ensure that staff, managers, workers, and vendors receive the same training to create a common understanding

Creating clear, fair expectations and compliant policies is the best way to communicate, ***in any language!*** When looking for guidance or structure for developing a language policy or employee handbook, McCloskey Partners, LLC can assist. Contact us today.

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