



June 7, 2018

**Habla Ingles?**

**说英语**

**Sprich Englisch?**

**Speak English?**

**Parle Anglais?**

Our multi-cultural diverse society is reflected throughout our workplaces. ***(If it's not throughout yours, that's a whole other topic that we need to address!!!)***

We work with a wide variety of non-English speaking employees or employees whose first language is not English. It's not just relegated to the stereotypical "nail salon" but how do you ensure our customer facing organization doesn't gain that type of reputation? What about positions who are required to interact with customers/clients or positions where safety or procedures are critical? Good talent might *SOUND* different, but still be great talent!

Our workplaces can be loud, require clear direction, employee or customer interaction and simultaneously, at times, be highly dangerous. There are procedures and rules that need to be conveyed and understood so that employees are kept safe. If the employee doesn't speak English or at the very least, understand it, companies open themselves up to the liability of a hazardous workplace.

When it comes to this situation, there are questions as to whether an English only policy could be considered a type of discrimination. The answer is, it depends on how the policy is **crafted and implemented**.

## Implementing an English Only Policy

What is the purpose or need for English only to be spoken?

- Most employers would say that they have instructions and training that need to be communicated and English is the main language that these are written in. That's simply just not a strong defense across the board! Employers may translate policies, procedures and training or offer English as a Second Language (ESL) training for employees.

When it comes to the main area of the workplace, how should business be conducted there?

- Again, you don't want to be misconstrued as discriminatory, so you should tread lightly. As long as you can prove that it a **business need** that the employee speaks English only, then you should be covered. Remember, an unconscious or discriminatory bias doesn't establish a business need.

Can you have an English only policy during rest and meal breaks?

- This is a situation that where an English only policy can rarely be defensible. There is no reason that employees should be prohibited from speaking their native tongue when they are not actively engaged in work. Employers often state that other employees who do not speak that language feel uncomfortable around employees who don't speak the same language or if they don't understand the other language feel as if they are being talked about. Again, this is not a sufficient reason to require English Only, but IS A GREAT reason to provide **Sensitivity Awareness Training** to your entire organization!

Overall, you should state in your policy the reasons that you are requiring English to be spoken and make it abundantly clear that this is a consistent practice, that applies to **all** employees, and it no way an act of discrimination. When you communicate this policy to your employees, make sure that your leadership team is on board with you, and that they will abide by the policy and not engage in discrimination.

When you have Human Resource questions, want assistance with Sensitivity Awareness Training or policy updates, contact McCloskey Partners and we will assist you or direct you to our industry expert.

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