

Hello
Ciao
Bonjour
Guten Tag
Aloha
Shalom
Hola
Hej
Kon-nichiwa
Olá

What do I need to know about...

English-Only Rules

The Federal government benefits from the substantial contributions of employees who are fluent in languages other than English.

In most circumstances, employees have the right to communicate in languages other than English.

This right should only be curtailed in certain narrowly-defined situations.

EEOC Regulation 29 C.F.R. § 1606.7(a) provides that a rule requiring employees to speak only English *at all times* in the workplace is a burdensome term and condition of employment. Such a rule is presumed to violate Title VII of the Civil Rights Act of 1964, as amended. **Therefore, a speak-English-only rule that applies to casual conversations between employees on break or not performing a job duty would be unlawful.**

A workplace English-only rule that is *applied only at certain times* may be adopted only under very limited circumstances that are justified by business necessity. 29 C.F.R. § 1606.7(b) If an employer needs an English-only rule to ensure safe and efficient business operations, such a rule may be justified. Situations in which business necessity would justify an English-only rule include:

- For communications with customers, coworkers, or supervisors who only speak English
- In emergencies or other situations in which workers must speak a common language to promote safety
- For cooperative work assignments in which the English-only rule is needed to promote efficiency
- To enable a supervisor who only speaks English to monitor the performance of an employee whose job duties require communication with coworkers or customers

If an employer with a business necessity adopts an English-only rule to be applied at certain times, the employer must inform its affected employees of the general circumstances when speaking only in English is required and of the consequences of violating the rule. 29 C.F.R. § 1606.7(c)

As with all workplace policies, an English-only rule must be adopted for nondiscriminatory reasons only.

- For example, an English-only rule would be unlawful if it were adopted with the intent to discriminate on the basis of national origin. Likewise, a policy prohibiting some, but not all, of the foreign languages spoken in a workplace, such as a no-Spanish rule, would be unlawful.

BEST PRACTICES

- **Evaluate:** In evaluating whether to adopt an English-only rule, an employer should weigh the business justifications for the rule against any possible discriminatory effects.
- **Consider Alternatives:** Before adopting an English-only rule, the employer should consider whether there are any alternatives that would be equally effective in promoting safety or efficiency.
- **Consult with EEO Manager:** To ensure that the employer is proceeding properly, it is best to consult with the EEO Manager or the Civil Rights Center before implementing an English-only rule.