

Guidelines on English Only Rules in the Workplace

1. **Even English Only Rules are *presumed to be discriminatory*.** That means the Employer has the burden of **establishing through evidence** that speaking English as a common language is needed for the employer to operate safely and efficiently. If you make an English Only Rule you may be called upon to establish a factual basis that speaks to:
 - evidence of safety justifications
 - evidence of other business necessity such as supervision or effective communication with clients
 - likely effectiveness of the rule in carrying out the objectives
 - English proficiency of workers affected by the rule
2. Note the **difference between “English Only” versus “No Spanish” rule.** A rule that prohibits some but not all foreign languages in a particular workplace setting would be unlawful. If there is a genuine need for speaking English only in the workplace, make sure that it what your rule states and enforces. Don’t single out the prohibition of any particular language but do focus on the requirement to speak only English.
3. A valid English Only Rule should be **narrowly tailored** to address the provable business necessity, *i.e.*, safety requirements, while serving clients, while operating heavy equipment. It should apply to performing duties of a job, not locale or time.
 - **State when it does apply.** Limit its application to performing the job function of concern.
 - **State when it does *not* apply.** It should apply to casual, social, or personal conversations. Not required during breaks, lunch
4. It should fully explain **the consequences if rule is not followed** and ensure that **proper notice** is given to ensure that the employees understand the rule thoroughly, when it takes effect, as well as the consequences of not following the rule.

Summary Points to keep in mind...

If it is determined that an English Only Rule can be justified for safety or business necessity, follow these tips:

1. Use clear, simple language likely to be understood by your employees.
 2. Announce rule in a manner that promotes understanding of the rule like at a staff meeting where employees can raise questions about it.
 3. State when the rule will take effect.
 4. State what will happen if the rule is not followed.
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