

You can insist on bilingual ability if the job requires it

Many employers have run afoul of federal discrimination law by requiring all employees to speak only English at all times. The EEOC has said employers can only set such “English-only” rules if they can show a clear business need.

But don’t let English-only rules keep you from requiring employees to speak another language if that’s what your customers need and expect. As the following case shows, requiring all employees to be bilingual doesn’t necessarily amount to national origin discrimination. Just be sure to show a legitimate business reason for the requirement.

Recent case: Lee Church, a white male, worked as a sales rep for Kare Distribution. Church was part of a team of 10 sales reps, eight of whom were bilingual because Kare’s customer base consisted largely of Spanish-speaking households.

Then Kare instituted a policy requiring all newly hired sales reps to be bilingual. Current sales reps had to take company-sponsored Spanish lessons. Church lost his job shortly after and sued. He claimed he’d been fired because he wasn’t bilingual and that the bilingual requirement amounted to national origin discrimination.

The court disagreed. It said Kare’s bilingual requirement was a legitimate business decision based on its customer base, and native Spanish speakers also had to learn English. The requirement wasn’t an excuse to discriminate, but an acceptable minimum skill requirement for sales reps. (*Church v. Kare Distribution*, No. 05-21031, 5th Cir., 2006)