

Are we allowed to refuse to hire employees with very thick foreign accents?

Q. We are a large telemarketing company. We often receive customer complaints about employees who speak in thick accents. Can we refuse to hire individuals with accents for this reason?

A. According to the 9th Circuit, an individual's accent can be a characteristic of his or her national origin or ancestry. Thus, in many circumstances, taking adverse employment action on the basis of an individual's accent will be considered unlawful national origin or ancestry discrimination under California law.

However, when an accent leads to an inability to satisfy legitimate communication requirements of a job, an employer may be justified in refusing to hire or taking adverse action against someone based on his or her accent.

The EEOC approaches the issue similarly. Under Title VII, employers may be able to make employment decisions based on accent only if the accent materially interferes with the individual's job performance. The employer must show that clear English is required to perform the job duties and that the individual's accent "materially interferes" with the individual's ability to communicate well in English.