# No-Spanish Rule: Court Finds Discrimination But Sees No Grounds To Award Damages.

The employee in question was not of Hispanic national origin. She grew up speaking English and learned Spanish in high school.

Through a very complicated series of events she got in trouble for speaking Spanish with Spanish-speaking Hispanic co-workers at the hospital, in violation of the hospital's no-Spanish, English-only policy.

The court disallowed her discrimination lawsuit, not being able to find a connection between her speaking Spanish on the job in violation of hospital policy and her supervisors' disciplinary actions over which she sued.

The United States District Court for the District of New Mexico got the opportunity in this case to review the current legal status of on-the-job English-only rules *vis a vis* the US Civil Rights Act.

Simply stated, it is discriminatory and unlawful for employers to prevent minority members from speaking to one another on the job in their native national languages if they so choose. **Barber v. Lovelace Sandia Health Systems, __ F. Supp. 2d __, 2005 WL 3664323 (D.N.M., December 31, 2005).**

***An "English only" rule has to be based on some legitimate business justification or it will be presumed to be national-origin discrimination in violation of the US Civil Rights Act.***

***An employer may have a rule requiring that employees speak only in English at certain times when the employer can show that the rule is justified by business necessity.***

***For example, an employer may have to insist that employees who deal with the public do so only in English or that employees speak only English when dealing with co-workers who do not speak their language.***

***EEOC regulations require employers to notify their employees in advance of their legitimate expectations for use of English on the job.***

UNITED STATES DISTRICT COURT
NEW MEXICO
December 31, 2005