



Written by [Jack Kenny](#) on July 7, 2014

## Feds Sue Wisconsin Firm Over English-language Requirement

A Wisconsin company is being sued by the federal Equal Employment Opportunity Commission over the company's requirement that its employees speak English on the job. The EEOC claims that Wisconsin Plastics, Inc. of Green Bay violated anti-discrimination provisions of Title VII of the 1964 Civil Rights Act when it fired Hmong and Hispanic workers over the employees' inability to speak English, according to the blog Judicial Watch. The Hmong are an Asian ethnic group from the mountainous regions of China, Vietnam, Laos, and Thailand.



"That's ludicrous and an overreaching of government," Irene Garcia, blog editor and Spanish media liaison for Judicial Watch told CNSNews.com. "If you are a private company in the United States, you should be able to require your employees to speak English." According to the EEOC, the provision of the Civil Rights Act that bans discrimination in employment based on national origin includes the linguistic characteristics of a national origin group. In a news release from the federal agency, Chicago Regional Attorney John Hendrickson said the company's English requirement is based on "superficial" reasoning.

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"Our experience at the EEOC has been that so-called 'English only' rules and requirements of English fluency are often employed to make what is really discrimination appear acceptable. But superficial appearances are not fooling anyone," Hendrickson said. "When speaking English fluently is not, in fact, required for the safe and effective performance of a job, nor for the successful operation of the employer's business, requiring employees to be fluent in English usually constitutes employment discrimination on the basis of national origin — and thus violates federal law."

But fluency was not the issue, according to Garcia of Judicial Watch, who said the employees in question "were not able to speak English at any kind of level that would be considered proficient."

"In this case some English is necessary to communicate with supervisors and stuff like that, and the EEOC just went after this private company because some employees were being marked down for not having English skills," she told CNS News. "So that doesn't really make sense."

Neither Judicial Watch nor CNS News said how many employees were fired or why they were hired in the first place if they were not able to speak English at a level required for proficiency in the workplace.

Judicial Watch cites what it calls a number of "unprecedented actions" taken by the EEOC under the Obama administration to protect foreign-born workers, "including illegal immigrants." In 2009, the agency filed a discrimination suit accused Skilled Healthcare Group for allegedly enforcing an English-only requirement against Hispanic employees. The firm, which runs nursing homes and assisted living



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facilities in the South and West, punished 53 employees for speaking in Spanish, the suit alleged. Judicial Watch reported that in order to avoid litigation that would have been even more costly, Skilled Healthcare agreed to a consent decree settlement that required the company to pay the employees a total of \$450,000 and to initiate an internal training program regarding national origin discrimination.

The EEOC also sued the Salvation Army for requiring two Hispanic employees at one of its Massachusetts thrift stores to speak English on the job. The Christian non-profit group agreed to a settlement that required employees to use English "to the best of their abilities."

An employee's inability to clearly speak and understand the language of the workplace could not only hinder production, but could in many instances create health and safety problems. To conflate an English-language requirement with racial or ethnic discrimination appears to be an unreasonable application of the Civil Rights law. By concerning itself with a reasonable internal requirement of a workplace, the EEOC is also on shaky constitutional grounds, since such action is far removed from the regulation of interstate commerce authorized under Article I, Section 8 of the U.S. Constitution. A language requirement within the workplace is not an exchange of goods or services across state or international lines. Nor is it a violation of any federally enforceable rights under the Constitution.

As our country has just celebrated another Fourth of July, these actions by the EEOC bring to mind one of the more memorable charges against King George set forth in the Declaration of Independence: "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance." Subsequent history on this continent has shown that an American bureaucracy can in some ways be as oppressive as a British monarch.



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