



**NEW
BOOK IN
SERIES!**

Do English-Only Rules Have a Place in the Workplace?

Legal Research Guides Series Volume 67

by Amy R. Stein

*Professor of Legal Writing, Assistant Dean for Legal Writing and Adjunct Instruction,
Maurice A. Deane School of Law at Hofstra University*

- Quickly locate resources for both employers and employees pertaining to this sensitive and timely issue
- Find expert help in exploring a relatively new idea in discrimination law
- Includes citations to and summaries of leading primary and secondary sources
- Sources include federal and state statutes and regulations, law review articles, legal encyclopedias, and treatises

About This Title

It is an unlawful employment practice under Title VII to discriminate against an employee on the basis of national origin; however, the statute is silent as to whether English-only rules constitute such discrimination. With an ever more diverse work force, it is readily apparent that claims of this type will only increase. It is also clear that there is great uncertainty in this area of the law, and that both employers and employees need guidance.

This research guide provides the user with research strategies and with citations to and summaries of (1) the leading primary sources, including federal and states statutes and regulations and the examination of different and inconsistent judicial approaches, and (2) secondary source materials such as law review articles and legal encyclopedias and treatises.

From the Author

This research guide analyzes whether or not an English-only rule in the workplace constitutes employment discrimination. Title VII does not specifically prohibit discrimination based on an employer's failure to allow an employee to speak their native language. However, the relevant EEOC Guidelines state that a rule which requires employees to speak English at all times presumptively violates Title VII, while rules that apply only at certain times may pass muster if there is a demonstrable business necessity for the rule. These regulations make it much easier for a plaintiff to recover than under a more traditional Title VII analysis.

Thus, a tension has developed in the federal courts as to whether courts should apply the Guidelines or a Title VII framework in cases of this type. This is particularly true since the Supreme Court has yet to address this issue and only two circuit courts have spoken on the topic. What is clear is that these issues will arise more and more frequently due to America's increasingly diverse workforce.

Do English-Only Rules Have a Place in the Workplace?

Table of Contents

- I. INTRODUCTION
 - A. Background
 - B. Overview of Argument
- II. RESEARCH STRATEGY
- III. SECONDARY SOURCES
 - A. Law Reviews
 - B. Legal Encyclopedias and Treatises
- IV. PRIMARY SOURCES
 - A. Federal Statutes
 - B. Federal Regulations and EEOC Manual
 - C. English-Only Rules
 - D. State Statutes
 - E. Cases
- V. CONCLUSION

Other Research Guides by Amy R. Stein

Illegal Sex Discrimination or Permissible Customer Preference? Refusal to Hire and Employ Male Gynecologists: A Legal Research Guide
Legal Research Guides; Volume 50 (2007)

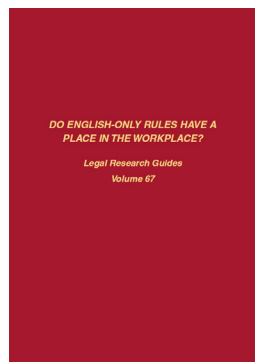
Item #: 61803
ISBN: 978-0-8377-1402-8
1 Volume.....\$48.00

Reassignment Under the ADA: Must an Employer Hire a Minimally Qualified, Disabled Employee Over a More Qualified, Non-Disabled Applicant? A Legal Research Guide
Legal Research Guides; Volume 52 (2009)

Item #: 66682
ISBN: 978-0-8377-1720-3
1 Volume.....\$50.00

About the Author

Amy R. Stein received her Bachelor of Arts in American Studies and English from Tufts University and her J.D. from Fordham University School of Law. After law school, Professor Stein worked as a litigation associate at a 350-lawyer Manhattan law firm. She then became associated with a mid-size Manhattan law firm, where she specialized in the defense of employment and products liability cases. She later served as counsel to a Syosset, New York, law firm. Professor Stein began her academic career at Touro Law Center, where she was the inaugural Director of the Continuing Legal Education program and is now a Professor of Legal Writing and Assistant Dean for Legal Writing and Adjunct Instruction of the Maurice A. Deane School of Law at Hofstra University.



Do English-Only Rules Have a Place in the Workplace? A Legal Research Guide
Legal Research Guides; Volume 67

Item #: 1004938
ISBN: 978-0-8377-4046-1
1 Volume.....\$70.00
Published: Getzville; William S. Hein & Co., Inc.; 2017

order@wshein.com | 800-828-7571



William S. Hein & Co., Inc.
2350 N. Forest Rd. Getzville, NY 14068
Ph: 716-882-2600 • Toll Free: 800-828-7571 • International: +1 716 882 2600 • Fax: 716-883-8100
marketing@wshein.com • www.wshein.com