**Case study**

 **DAFFY DUCK RESORT WISCONSIN’S SWIMMERS PARADISE TO SPEAK SPANISH OR NOT**

The Daffy Duck Resort offers a central location; convenient facilities and superb accommodations to make everyone’s stay in Swimmers Paradise a pleasant one. Shops, restaurants and entertainment venues surround it; the Daffy Duck Resort is located in the heart of Swimmers Paradise with beachfront access.

 The property boasts 401 comfortable guestrooms that are well maintained and equipped with modern amenities. Guests can savor international cuisine at the onsite restaurant and later unwind with their favorite non-alcoholic drink at the bar.

 The resort offers five meeting rooms for people traveling on business. Furthermore, the recreational facilities include an outdoor swimming pool, spa, tennis court, games room and a gymnasium.

 To manage the comfort of guests, Daffy Duck Resort an equal employment opportunity employer, has a diverse workforce of 125 fulltime, front-line employees. The employees Quack people up with their quickness to please their guests. Of the 125 employees, approximately 29 employees are Hispanic, the only significant national-origin minority group.

However, Daffy Duck Resort received an EEOC complaint.

**Background Information**

 The Daffy Duck Resort promulgated an English-only policy, and several Hispanic employees have complained that the policy discriminates against them. The Resort provided three reasons for adopting the policy: 1. Workers and supervisors could not understand what as being said over the intercom. 2. Non-Spanish-speaking employees informed management that they felt uncomfortable when their co- workers were speaking in front of them in a language they could not understand, because they did not know if their coworkers were speaking about them. 3. There were safety concerns with a non-common language being spoken around the use of cleaning supplies.

There are no written records of any communication, morale or safety problems resulting from the use of languages other than English prior to the policy’s implementation. One employee did complain verbally about the use of Spanish by his co-workers before implementation of the policy, and other non-Spanish-speaking employees subsequently made similar complaints. There have been no incidents of safety problems caused by the use of a language other than English.

 All plaintiffs are Hispanic and bilingual, each speaking fluent English and Spanish. So far, no one has been disciplined for violating the English-only rule. Resort employees Laura Sanchez and Sandra Rodriquez filed a complaint with the Equal Employment Opportunity Commission over this policy. They believe it is a violation of Title VII of the Civil Rights Act of 1964 because it is discriminatory based on their race (Hispanic).

 Laura Sanchez and Sandra Rodriquez are going to meet with Jodi Fleming, Hotel Manager, and Matthew Willis, Executive Housekeeper for the Resort to try and voluntarily resolve the complaint before it goes further in the EEOC process

Jodi and Matthew are in charge of hotel management and housekeeping. They received a complaint that because Resort employees were speaking Spanish, other employees could not understand what was being said on the paging system. They informed the Resort’s Human Resources Director, Laura Buschmann, of the complaint, and she advised them that they could direct employees to speak only English when using the paging system for Resort business.

2 : Other non-Hispanic employees have also complained about the use of Spanish at work by some employees. Although there have been no safety incidents related to the use of Spanish, management does not feel that it is necessary to have an accident before a policy is implemented. Nevertheless, in response to the potential concerns of Hispanic employees, management did ease up on the enforcement of the policy so that workers could speak Spanish during work hours and on Resort property if everyone present understood Spanish. Daffy Duck Resort is willing to make some concessions about the policy, perhaps by reducing the scope or how and when it will be implemented. However, they are not willing to entirely rescind the policy.

Tim Maldanado and Sandra Rodriquez work in the Resort as housekeepers. Laura Dellman, Human Resources Director told them and the other Resort employees that Spanish could not be spoken at work at all and that the Resort would soon implement an official English-only policy. However, the Spanish employees believe that the policy has created a hostile environment, causing them fear and uncertainty in their employment and subjecting them to racial and ethnic slurs like “beaner” and “wetback” and derogatory comments about the odor of Mexican foods. The English-only rule has created a hostile environment because it is pervasive—every hour of every workday— and the Spanish employees feel burdened, threatened and demeaned because of their Hispanic origin. The English-only policy affects their work environment every day. It reminds them constantly that they are second-class and subject to rules that the Anglo employees are not subject to. They feel like this rule is hanging over their head and can be used against them at any point when the Resort wants a reason to write them up.

Spanish employees are both proud of their heritage and do not feel that their ability to communicate in a bilingual manner is a hindrance. There has never been a time that they were unable to perform their job because they spoke Spanish to another Spanish-speaking individual. Moreover, the way that they are implementing this policy is a burden. Employees were told that the restrictions went beyond the written policy and prohibited all use of Spanish if a non-Spanish-speaker was present—even during breaks, lunch hours and private telephone conversations. They were told that the only time they could speak Spanish is when two Spanish-speaking employees are in a break room by themselves, and if anyone who does not speak Spanish walks in, to speak English. Spanish-speaking employees can no longer speak about anything in Spanish around anybody. Even if they were on the phone talking to their wives and having a private conversation with them and somebody happened to walk by, they were to change their language because it would offend whoever was walking by. In fact, they have been teased and made the brunt of jokes because of the English only policy and they are aware that other Hispanic co-workers have been teased and made the subject of jokes as well. Other Resort employees pull up and laugh, say things in Spanish and then say, “They didn’t tell us we couldn’t stop. They just told you.” On one occasion, a guest taunted a Spanish employee, saying, “Don’t let me hear you talk Spanish.” Some of the guys from the Resort poke fun at the policy, and when they go to other departments, they bring it up again and again. In fact, there is evidence that such taunting was not unexpected by management: Matthew Willis told Spanish co-workers about the policy in private because he had concerns about the other people making fun of them.

Finally, it should be noted that Robert Huff, CEO of Daffy Duck Resorts was quoted in a newspaper article as referring to the Spanish language as “garbage,” although he claims that he used the word “garble” and was misquoted. Spanish employees want management to rescind the policy so they can speak Spanish whenever they want to. However, they recognize that there may be circumstances in which a limitation on the use of Spanish would be reasonable. Nevertheless, they would also like management to do something about the harassment by co-workers that has resulted from the promulgation of the policy.

 **The English-only policy states:**

To ensure effective communication among and between employees and various departments of the Resort, to prevent misunderstandings, and to promote and enhance safe work practices, all work-related and business communication during the work day shall be conducted in the English language with the exception of those circumstances where it is necessary or prudent to communicate with a citizen, business owner, organization in his or her native language due to the person’s limited English language skills. The use of the English language during work hours and while engaged in Resort business includes face-to-face communication of work orders and directions as well as communication utilizing telephones, mobile telephones, cellular telephones, radios, computer or e-mail transmissions and all written forms of communications.

If an employee or applicant for employment believes that he or she cannot understand communications due to limited English language skills, the employee is to discuss the situation with the department head and the human resources director to determine what accommodation is required and feasible. This policy does not apply to strictly private communication between co-workers while they are on approved lunch hours or breaks or before or after work hours while employees are still on Resort property if Resort property is not being used for the communication. Further, this policy does not apply to strictly private communication between an employee and a family member so long as the communication is limited in time and is not disruptive to the work environment. Employees are encouraged to be sensitive to the feelings of their fellow employees, including a possible feeling of exclusion if a co-worker cannot understand what is being said in his or her presence when a language other than English is being utilized.