

# HR Compliance Law Bulletin

Practical and Effective HR Management Advice

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## Spotlight

### How to address concerns over employees' accents

by Nancy Hatch Woodward

It's a cliché by now. You call for technical help, but can't understand the technician on the other end of the line. While it's true the person may reside outside of the United States, today more and more companies in this country are finding their diverse workforces are made up of people whose first language may not be American English. Even employees who grew up in the United States may have a strong regional dialect that makes it hard for others to understand them. Whatever the reason, employers are starting to turn to accent-modification programs to help employees communicate better.

Accent modification is not the same thing as becoming proficient in a language, explains Lynda Katz Wilner, founder and principal of Successfully Speaking in Baltimore. The person may have a firm grasp on the language, but where they have problems is with rhythm and intonation. "When you hear someone with an accent, what you are picking up on is not whether the person is pronouncing vowels or consonants right," says Wilner. "You can understand them when they say 'zis' instead of 'this'; but if they say 'carkeys' instead of 'car keys,' you may not."

Nor is an accent-modification program just for the call center. Wil-

ner, for instance, has worked with a number of executives and even government engineers who have Ph.D.'s and are brilliant. "When they go to present at a conference or give a briefing, people don't understand what they are saying. Their language skills are great," says Wilner; "it's their accent that is holding them back."

### Approaching employees

Employers are often hesitant to approach employees about their accents, because they are worried they might offend the employees. It's important not to look at it as a remedial problem, says Wilner. "If you approach the subject by saying, 'I think you need some speech therapy,' then they may be very defensive, and rightly so. They probably have already mastered two, if not three, languages. Instead approach it as professional development," she suggests. "You can tell them that it's a way of improving their communication skills, which may help them with professional advancement."

On the other hand, some employers jump too hastily on the accent-modification bandwagon, requiring all employees with a foreign accent to take an accent-modification class. They need to be careful, warns Laquita Thompson, a partner in the Houston office of Baker & McKenzie LLP, because accents are so closely tied with someone's national

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origin, it may lead the Equal Employment Opportunity Commission or employees to file Title VII claims for national origin discrimination.

Thompson offers several tips for avoid such claims. Avoid uniform policies that apply to all employees regardless of what their job duties are. If you have a policy that says you won't hire anybody with a foreign accent, it won't fly. In addition, you don't want a uniform policy based on how strong the accent is. Instead, it needs to be decided on a case-by-case basis to determine how the person's accent affects his or her job. Start by asking:

- **How strong is the accent?** Is it merely discernable or is it so strong other people can't understand it?
- **What are the duties of the job?** Do the employees speak with people as part of their job? Are they trying to give instructions? Are the people they communicate with able to understand them? Or are they doing paperwork and interacting little with others? You take how strong the accent is and the duties of the job and put them together to see if the person can do the job appropriately. For instance, you could have someone with a light accent perfectly able to perform a job as a 911 operator. However, take someone with a strong accent in that same position, and you could have a case that the accent materially interferes with the person's ability to do the job.
- **Can coworkers understand the person?** How important is it that they can? For example, if the person works in a chemical plant around chemicals that could endanger the employee and coworkers, it may be very important for everyone to easily understand each other.

## Make sure it's really the accent

Sometimes coworkers, customers, or clients may complain about an employee's accent, when the problem may have nothing to do with the accent itself. They may not like the person or the fact that the employee is from another country. Do a careful evaluation of the situation to be sure what the complaints are really addressing.

Additionally, on account of their accents, employees may also be subjected to harassment by coworkers. Thompson suggests that when employers are training their workforce on discrimination, they should also talk about accents and how they tie into national origin. Not only is it a good reminder to all employees, it lets workers from other countries know they can report it.

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### Points To Remember:

- Accent modification should be viewed as a professional development tool that may be used as a way to enhance workers' communication skills.
- The subject of accent modification should only be brought up after careful consideration since workers could argue that they're being singled out because of their national origin.
- Take into consideration the duties of each position before mandating accent-modification training. For instance, ask whether the position requires the worker to give important instructions to coworkers, clients, or customers. Also, when in doubt, consult with an attorney in your jurisdiction before broaching the subject with workers.

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