

# PUBLICATION

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## EEOC Cracks Down on Employer English-Only Rules

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The Equal Employment Opportunity Commission recently filed suit against Wisconsin Plastics Inc., accusing the manufacturer of discriminating against its workers on the basis of national origin. The suit centers on the 2012 termination of 22 workers for lack of English language skills. The workers, 19 of whom are Hmong and 3 Hispanic, allegedly received satisfactory annual evaluations and did not need English language skills to complete their job duties. According to the EEOC, an employer discriminates against its workers when it requires them to be fluent in English unless English fluency is necessary for the safe and effective performance of the job or the successful operation of the business. The Company contends that the former employees were selected for layoff based on their "overall comparative skills, behaviors and job performance over time."

The EEOC brought suit after failing to resolve the matter through conciliation. The federal agency is seeking lost wages, compensatory and punitive damages, and injunctive relief. The case is EEOC v. Wisconsin Plastics Inc., No. 1:14-cv-00663 in the U.S. District for the Eastern District of Wisconsin in Green Bay.