



**HAWAI'I CIVIL RIGHTS COMMISSION  
KOMIKINA PONO KĪWILA O HAWAI'I**

**MARCUS L. KAWATACHI**  
EXECUTIVE DIRECTOR

**FOR IMMEDIATE RELEASE**

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**STATE CIVIL RIGHTS COMMISSION SETTLES LANGUAGE DISCRIMINATION  
CASE WITH HOTEL**

HONOLULU – The Hawai'i Civil Rights Commission (HCRC) today announced the settlement of a complaint alleging employment discrimination on the basis of ancestry and sex by a hotel located in Hawaii. The no-fault settlement provides \$85,000 in monetary relief for the complainant in this case, elimination of the hotel's policy requiring that only English be spoken by employees during certain times while at work, and training requirements for supervisors, managers, and employees.

State law prohibits an employer from implementing a policy requiring that employees speak only English (or another specific language) at all times in the workplace, including work breaks. While an employer may implement a rule requiring employees to speak English at certain times during work, state law mandates that the employer demonstrate that the language policy is **justified by business necessity**. The Commission has found the business necessity defense is a heavy burden and is only met when the business purpose is sufficiently compelling to override any discriminatory impact, the discriminatory policy effectively carries out the business purpose, and there are no other available alternative policies that are less discriminatory or accomplish the business purpose equally well with less discriminatory impact.

The settled case involved the hotel's policy requiring employees to speak English while working and in front of guests unless on breaks, during non-working hours, in non-guest service areas, at the discretion of management for instructional or training purposes, or if a hotel guest initiated a conversation in a language other than English in which the employee also speaks. The hotel's business purpose for the language policy was to avoid misunderstandings, confusion among team members, and to foster a "friendly, guest-oriented" atmosphere.

The complainant in this case was a long-time worker in the housekeeping department. During a housekeeping team briefing, the complainant who was of Filipino ancestry, spoke in Ilocano to confirm that his coworkers understood the shift lead's instructions. The shift lead stopped the briefing to tell the complainant to speak only English while at work and allegedly slapped complainant's face with a piece of paper to get him to stop talking. The complainant immediately apologized for violating respondent's language policy but was shocked and humiliated by the shift lead's actions that occurred in front of his coworkers. The complainant reported the lead's actions to management, who took statements from witnesses and suspended the lead for a day and assigned her to a different shift from the complainant. The hotel did not make any adjustments to its restrictive language policy or its implementation.

The case was settled during conciliation after a HCRC finding of reasonable cause to believe a discriminatory practice occurred on the basis of the complainant's ancestry and sex (male), but before a final decision was issued by the Commission and with no admission by hotel of any wrongdoing.

HCRC Executive Director Marcus L. Kawatachi stated, "the nondiscrimination laws in our diverse state recognize that a wealth of languages is spoken. Language cannot easily be separated from an individual's ancestry, and it has been shown that restrictive language policies in the workplace can be exploited to justify discrimination and undue scrutiny of employees who may speak primary languages other than English. Discrimination on the basis of language, including discrimination based on accents, speech, vernacular, or dialects, is a violation of state law."

Mr. Kawatachi continued, "We are encouraged that the hotel agreed to eliminate its language policy requiring English at certain times during work, and instead focus its policies on correcting problematic behavior such as harassing, exclusion, and bullying that can occur in any language, including English."

The Hawai'i Civil Rights Commission is responsible for enforcing state civil rights laws that prohibit discrimination in employment, housing, public accommodations, and state-funded services. If you feel you have been subjected to discrimination on any basis protected under state law, contact the HCRC at: telephone (808) 586-8636, or email [DLIR.HCRC.INFOR@hawaii.gov](mailto:DLIR.HCRC.INFOR@hawaii.gov).

For more information on discrimination on the basis of ancestry and language in employment, go to the HCRC webpage at: [labor.hawaii.gov/hcrc](http://labor.hawaii.gov/hcrc).

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