

CASE STUDY #6

Settlement Reached in Language Discrimination Case against California Hospital

Filipino nurses at Delano Regional Medical Center, in the San Joaquin Valley of California, filed a discrimination lawsuit in the U.S. District Court, Eastern District of California in August of 2010.¹ The 69 nurses alleged that, in violation of Title VII of the Civil Rights Act of 1964, the medical center had prohibited them from speaking their native language, Tagalog, in the hospital.²

Discrimination based on race, color, religion, sex, or national origin is prohibited in the United States.³ National origin discrimination can take place when an English-only policy is not for a legitimate business reason and is adopted with discriminatory intent.⁴ The Equal Employment Opportunity Commission (EEOC) states that an 'English-only rule' should be adopted for non-discriminatory reasons only and must be applied equally to all employees.⁵ Legitimate business reasons include management needing to understand work related communication between employees, or promoting safety during an emergency. A policy is unlawful if it targets specific languages, or groups of people within a workplace, and allows some languages to be spoken but not others.

The Filipino nurses at Delano Regional Medical Center alleged that they were targeted as a group by the management. They reported that the language discrimination began in 2006, when the CEO and hospital management held a meeting with Filipino workers to explain the English-only policy and outlined the consequences if they were caught speaking Tagalog or another Filipino dialect.⁶ According to the EEOC, Delano Regional Medical Center has a diverse staff and employs workers from many different cultures representing many different languages. Nevertheless, just the Filipino workers were required to attend

¹ U.S. Equal Opportunity Employment Opportunity Commission. (2010, August 19). *Delano Regional Medical Center Sued For National Origin Discrimination* [Press release]. Retrieved from:

<http://www.eeoc.gov/eeoc/newsroom/release/8-19-10.cfm>

² U.S. Equal Employment Opportunity Commission. (2012, September 12). *Delano Regional Medical Center to Pay Nearly \$1 Million in EEOC National Origin Discrimination Suit* [Press release]. Retrieved from:

<http://www.eeoc.gov/eeoc/newsroom/release/9-17-12a.cfm>

³ Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e *et seq* (1964).

⁴ *Prado v. L. Luria & Son, Inc.*, 975 F. Supp. 1349, 1354 (S.D. Fla. 1997)

⁵ Although, the EEOC makes recommendations, they are not legally binding, or enforceable.

U.S. Equal Opportunity Employment Opportunity Commission. (2002, December 2). *EEOC Compliance Manual Section 13: National Origin Discrimination*. Retrieved from: <http://www.eeoc.gov/policy/docs/national-origin.html#VC>

⁶ U.S. Equal Employment Opportunity Commission. (2012, September 17). *Delano Regional Medical Center to Pay Nearly \$1 Million in EEOC National Origin Discrimination Suit* [Press release]. Retrieved from:

<http://www.eeoc.gov/eeoc/newsroom/release/9-17-12a.cfm>

the meeting outlining the English-only policy and consequences, and non-Filipinos were not required to follow the policy.⁷ The nurses reported that former chief executive of the hospital said that he would install surveillance equipment at the nursing stations to monitor the languages being spoken by Filipino workers⁸ and all hospital staff were asked to report any incidents of non-compliance. They reported that the threatened consequences for speaking Tagalog included suspension and termination. Media reports indicated that the policy created a work environment so hostile that a hospital worker sprayed air freshener in one Filipino nurse's lunch to express a dislike of Filipino food.⁹

While Delano Regional Medical Center has not formally acknowledged that discriminatory actions were taken by management, a settlement was announced on September 17, 2012 by the EEOC for \$975,000 and a three year plan to prevent future discrimination. The settlement agreement requires the hospital to develop strong protocols for handling harassment and discrimination, and to adopt a language policy that complies with Title VII by hiring an EEO monitor to assist with the following:

- Revise policies and procedures;
- Conduct anti-harassment and anti-discrimination training for all staff;
- Provide additional training for supervising staff; and
- Submit reports over a 3 year period to the EEOC on implementation of the settlement agreement.¹⁰

⁷ Do, Anh. (2012, September 18). Filipino nurses win language discrimination settlement. *Los Angeles Times*. Retrieved from: <http://articles.latimes.com/2012/sep/18/local/la-me-english-only-20120918>

⁸ U.S. Equal Employment Opportunity Commission. (2012, September 17). *Delano Regional Medical Center to Pay Nearly \$1 Million in EEOC National Origin Discrimination Suit* [Press release]. Retrieved from: <http://www.eeoc.gov/eeoc/newsroom/release/9-17-12a.cfm>

⁹ Do, Anh. (2012, September 18). Filipino nurses win language discrimination settlement. *Los Angeles Times*. Retrieved from: <http://articles.latimes.com/2012/sep/18/local/la-me-english-only-20120918>

¹⁰ U.S. Equal Employment Opportunity Commission. (2012, September 17). *Delano Regional Medical Center to Pay Nearly \$1 Million in EEOC National Origin Discrimination Suit* [Press release]. Retrieved from: <http://www.eeoc.gov/eeoc/newsroom/release/9-17-12a.cfm>