

Central City Casino to pay \$1.5 million to employees for unlawful English-only policy

In a victory last summer for the U.S. Equal Employment Opportunity Commission (EEOC), Colorado Central Station Casino agreed to pay \$1.5 million to a group of Hispanic housekeeping employees to settle a national origin discrimination lawsuit under Title VII of the 1964 Civil Rights Act.

The Lawsuit

The lawsuit claimed that the casino unfairly singled out its predominantly Hispanic housekeeping department with its English-only rules. Most of the housekeepers in the lawsuit are either Mexican citizens or naturalized U.S. citizens originally from Mexico.

The lawsuit alleged that the human resources director for Colorado Central Station Casino located in Blackhawk, Colorado directed the chief of engineering, the housekeeping manager, and other housekeeping supervisors to implement a blanket English-only language policy in the housekeeping department, in spite of their objections. Workers were allegedly barred from speaking Spanish at any time, including on their work breaks. The HR director instructed the managers and supervisors to discipline any housekeeping employee who violated the policy.

One housekeeping supervisor complained that the rule was unfair because the company had hired many of the workers knowing that they did not speak English. She testified that she was terminated a short time later.

The complaint alleged that after the policy was implemented, casino managers verbally harassed employees for speaking Spanish, shouting "English-English" or "English only." The casino claimed that the

policy was necessary because it had received complaints from non-Spanish speaking housekeeping employees who thought that other workers were gossiping about them in Spanish. The casino stated that the policy was also for unspecified safety reasons.

The Settlement

In addition to agreeing to pay \$1.5 million to the affected employees, the casino agreed to notify all of its employees that it has no blanket English-only policy and will provide training to ensure that discrimination does not occur in the future.

National Origin Discrimination

National origin discrimination is one of the fastest growing types of complaints filed with the EEOC nationwide. Filings have increased 28% since the mid-1990s from 7,035 in Fiscal Year 1995 to 9,046 in FY 2002. National origin filings based on English-only rules have increased more than 600% from 32 in FY 1996 (the year that EEOC began to track them separately) to 228 filings in FY 2002.

The EEOC's position is that those rules which require employees to speak only English in the workplace at all times may have an adverse impact on individuals whose primary language is not English or who are limited in English proficiency. Such English-only rules may violate Title VII on the basis of national origin.

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