

Title VII

Employees with accents are protected under Title VII



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Title VII: Language and Accent Issues

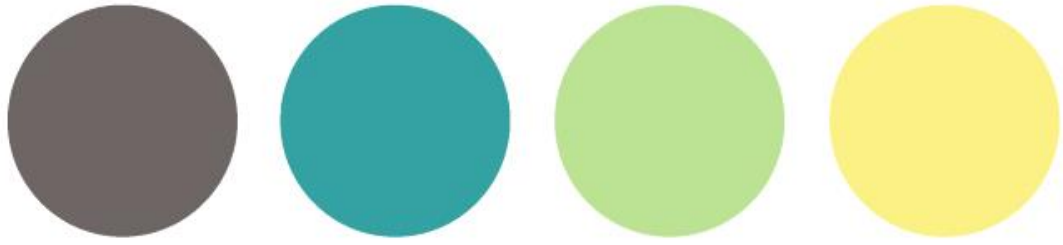
Q. How would you respond?

You interview a candidate for a position who is the most qualified and experienced for the position. You and your team make a recommendation to the CEO, the final decision-maker, to hire the applicant. After her final interview with the CEO, you are told that you need to go back to the applicant pool and “find someone who I can understand clearly” for the position.



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Q. What would you say?

You overhear a coworker repeatedly berating a colleague who speaks with a slight accent. The coworker mockingly imitates the colleague's accent and makes comments about "you people coming here and taking jobs away." The coworker notices you standing in the doorway and tries to laugh it off as if he was "just joking."



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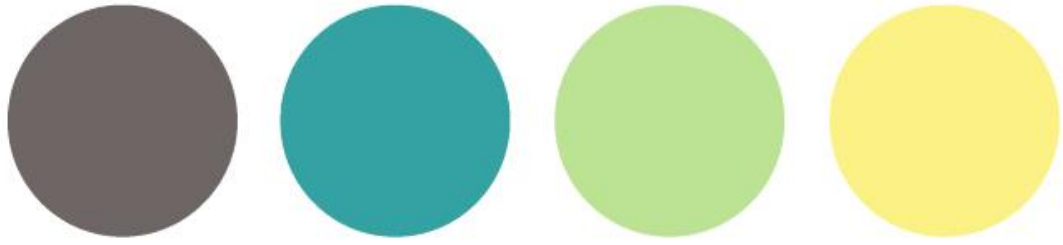
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The Case

In *Jajua v. Diakon Lutheran Soc. Ministries*, the U.S. District Court for the Eastern District of Pennsylvania denied the employer's motion for summary judgment regarding Alice Jajua's claim of national origin harassment and discrimination related to her accent. Jajua was born in Sierra Leone, lived in Liberia and Ghana, and immigrated to the United States in 1993. She worked as a nurse at Diakon's nursing home facility and experienced frequent derogatory comments from her coworkers about the smell of her food in the break room and suggestions that "Africans come to America and take our working hours and money." *Id.* at 649.





The Case

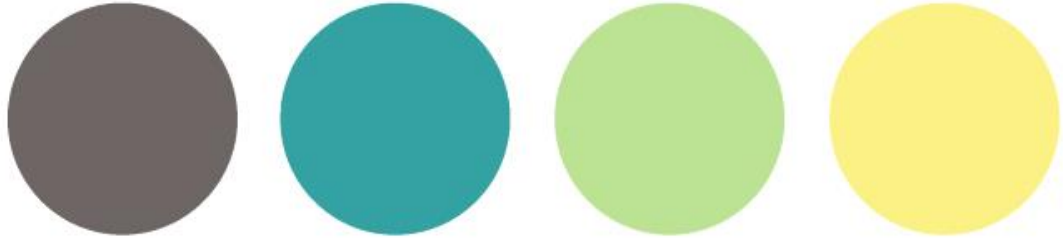
When she interviewed for a shift transfer, the employer rated Jajua highly on all skills evaluated, but inexplicably delayed the transfer for almost three months, even though the employer frequently transferred other employees much more quickly. When she asked about this, Jajua was told “the doctors said because of your accent, they will not understand you.” *Id.* After she inquired about the delay, Diakon immediately processed her transfer, which the court said demonstrated it had no legitimate concerns about her abilities to perform the role after the transfer.

Jajua v. Diakon Lutheran Soc. Ministries, 299 F. Supp. 3d 645 (E.D. Pa. 2018).



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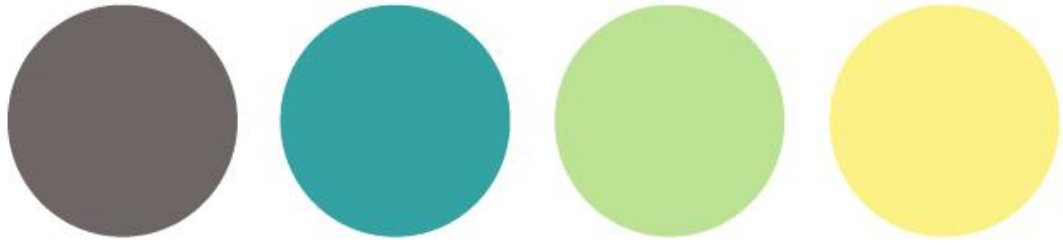
The Bottom Line

If an accent does not “materially interfere” with an employee’s ability to communicate in English, an employer may not base an employment decision on the accent. Discrimination against someone because of accent or language issues is illegal under Title VII of the Civil Rights Act of 1964, as amended. Language, accent, and national origin are all connected, and Title VII expressly prohibits discrimination based on national origin.



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