

USE OF LANGUAGE IN THE WORKPLACE – A GUIDE



WHY IS THIS AN IMPORTANT ISSUE?

The workplace we use has become more and more diverse with immigration into the UK, bringing a richness of different cultures. Historically, some members have complained that some workers are not always using English in the workplace and similarly, some migrant workers complain that they have been prevented from speaking in their mother tongue to their compatriots anywhere in the workplace. This can become a problem if representatives are unsure of how to advise members; can lead to resentment in the workplace and can fuel racism and racial harassment.

The following gives guidance and advice for those who have issues regarding the use of Language in the Workplace.

THE LAW

The law does not address the issue specifically. However, in theory it could constitute unlawful discrimination on racial grounds in two ways:

- Either a group of workers with a common non-English language who deliberately exclude an English speaking colleague;
- Or a group of workers with a common non-English language are prevented from speaking their language at any time in the workplace

For most workers “working as directed” is part of their legal contract. Like it or not, you can, therefore, be legally disciplined or sacked for not “working as directed”.

Ultimately, it’s up to the courts to judge whether your employer was acting reasonably or not.

WELSH

The situation is different in Wales, where Welsh, as an indigenous language, is protected by the Welsh Language Act 1993, and promoted by Iaith Pawb (Everyone’s Language), the Welsh Assembly Government’s Action Plan for a Bilingual Wales. Many organisations in the public, private and voluntary sectors in Wales operate through the medium of Welsh, or bilingually in Welsh and English. It is therefore recommended that advice is sought from the Welsh Language Board in relation to the use of Welsh in the workplace.

THE POSITION OF THE EHRC (EQUALITY & HUMAN RIGHTS COMMISSION)

In the UK, the common language of business should be English (English or Welsh in Wales). However, as long as all the requirements of the job are being met, workers should be able to speak their own language within reason.

WHAT DOES THAT MEAN IN PRACTICE?

If a worker has to speak to another in the course of carrying out their job, it should be in English, the language of business in the UK. If a worker is meeting all their job and H&S requirements and speaks casually to another in non-English, it is reasonable to allow this.

People who object to other workers speaking a language other than English in the workplace should consider how they would feel if they were working in another country with other English speakers and were forbidden to speak English to them in the workplace.

THE CWU'S VIEW

The CWU's position is that members should be able to converse in their own language as long as it doesn't jeopardise the job or H&S and it doesn't deliberately exclude people.

For any queries on this factsheet, please contact the Equality, Education & Development Department.