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AUTHOR Groff, Gerald
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ABSTRACT

A study investigated "English-only" policies as they relate to workplace literacy and language use. Literature in four areas is examined and integrated: (1) court cases resulting from English-only policies of several companies; (2) requirements of Title VII of the Civil Rights Act of 1964 and the Equal Employment Opportunity Commission guidelines for its interpretation; (3) workplace English-as-a-Second-Language (ESL) literacy programs; and (4) human resource development literature that reports and interprets development relating to English-only for human resource professionals. It is concluded that a primary justification offered by companies for their English-only policies is the belief that American monolingual speakers of English experience negative feelings when they hear a foreign language, a testable hypothesis worthy of further research. If this claim could be substantiated, it would have important implications for future workplace ESL literacy programs, which could address this issue. Of the sampled workplace ESL literacy programs from the last decade, the great majority have paid little attention to needs assessment in program development. It is recommended that such programs must take a broader view of the workplace as a communication system and address all language-related factors. Contains 110 references. (MSE) (Adjunct ERIC Clearinghouse on Literacy Education)

The Pennsylvania State University

Department of Adult Education, Instructional Systems,
and Workforce Education & Development

ENGLISH-ONLY AND ESL LITERACY IN THE WORKPLACE:

A REVIEW OF THE LITERATURE

A Paper in

Workforce Education & Development

by

Gerald Groff

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Chapter 1

Introduction

The rapid growth of the number of immigrants in the US workforce in recent decades has given rise to a variety of problems related to the use of the English language for communication in the workplace. Many adult immigrants entering the U.S. workforce have little or no proficiency in English, and 37% of immigrants over 20 have less than a high school education and a generally low proficiency in English (Grognet, 1994). This situation is aggravated by the fact that the number of immigrants far exceeds the existing capacity to deliver English instruction (Guth & Wrigley, 1992). In fact, Guth and Wrigley's (1992) list of the eight most pressing needs in adult ESL literacy places "increased access for adult ESL literacy learners facilitated by more classes and skilled teachers" at the top (p. 3). Immigrants with low English language proficiency are likely to use their native language for communication whenever possible. However, the use of languages other than English is perceived by some monolingual English-speaking managers, line supervisors, and workers as disconcerting and a threat to the orderly flow of communication in the workplace (D'O'Brian, 1991).

One response to this workplace predicament is the establishment by management of an "English-only" policy that mandates communication in English by all employees while on the job. Use of any another language is forbidden, except during a meal or other breaks (English-only rules are increasing, 1994, January 17). Some immigrants perceive such a policy to be discriminatory, a violation of their civil rights. According to USA Today

(Strauss, 1997), 32 active cases stemming from English-only rules are currently under consideration by the Equal Employment Opportunity Commission.

This literature review is an attempt to integrate several issues regarding the "English-only" movement. It begins with a description of the workplace environments which produced the legal challenges to the English-only policies. It will continue with a brief overview of the Title VII of the Civil Rights Act of 1964 and the role of the Equal Employment Opportunity Commission. This will be followed by a review of workplace ESL literacy programs. It will conclude with a review of the advice provided in the Human Resources Development trade literature regarding "English-only" rules. A major assumption of this study is that Workplace ESL literacy programs that take into account the complicated circumstances surrounding the target audience will be the most effective service.

Chapter 2

Methodology

This integrative literature review is concerned with the understanding of a social issue, the "English-only" movement, which it will examine in detail. There are several dimensions of the literature of the English-only movement:

- the court cases that have grown out of the English-only policies of several companies
- the requirements of Title VII of the Civil Rights Act of 1964 and the Equal Employment Opportunity Commission guidelines for its interpretation
- the workplace English as a Second Language (ESL) literacy literature
- the Human Resources Development literature which reports and interprets developments relating to English-only for Human Resources professionals.

The goal of this review is to integrate the literature of these dimensions of the "English-only" movement in order to show relationships among them. To the author's knowledge, such an attempt at integration has not been attempted previously.

The model for this integrative research review is described by Harris M. Cooper in Integrating research A guide for literature reviews (Sage, 1989). Cooper writes that the premise underlying integrative research reviewing is that *"locating and integrating separate research projects involves inferences as central to the validity of knowledge as the inferences involved in primary data interpretation"* (p. 12). Cooper further defines the integrative research review, stating that it summarizes "past research by drawing overall conclusions from many separate studies that are believed to address related or identical hypotheses." And further: "The integrative reviewer

hopes to present the state of knowledge concerning the relation(s) of interest and to highlight important issues that research has left unresolved" (p. 13).

The methodology of the integrative research review differs from that of the primary research review. According to Cooper, a description of the methodology of integrative research reviews "will be considerably different from that found in primary research reports, though its purpose is the same: to describe operationally how the inquiry was conducted" (p. 125). Nevertheless, the first requirement of a literature review methodology is to address the specifics of the literature search.

The process of integrative research reviewing that Cooper describes comprises five stages: (1) problem formulation, (2) data collection, (3) evaluation of data points, (4) analysis and interpretation, and (5) presentation of the results. The literature review being presented here was inspired by the author's personal interest in adult second language learning in workplace environments and began with data collection, the second stage, in that field before the formulation of a problem, the first stage. The author purchased a search of the ERIC database from the Center for Applied Linguistics covering the keywords "workplace," "English as a Second Language," and "literacy." It returned 75 abstracts of workplace ESL literacy programs from the past ten years (see Appendix). The author found information in these abstracts describing the ESL literacy programs' target populations, needs assessments, teaching guides and materials, program delivery and programs evaluations. The information was primarily descriptive in nature and in itself did not present interesting research questions to the author.

However, David Kennedy, in a November, 1996, Atlantic Monthly article asked the question, "Can we still afford to be a nation of immigrants?", and opened up a more interesting line of inquiry. Kennedy's article describes, among other things, the English language training programs conducted by Ford Motor Company during the

1920s. This led the author to investigate that earlier period of peak immigration, an era that is documented in detail in the Americanization studies The acculturation of immigrant groups into American society, originally published in 1924. In the introduction to Volume 10 in that series, Adjusting the immigrant and industry, William M. Leiserson describes the many points of view held by American citizens who were concerned about immigrantion during that time. Representing one point of view, according to Leiserson, were those who wanted to treasure the immigrants' cultural gifts so that the native citizens would welcome them and be enriched by them. Another point of view was represented by those who sought to develop among the newcomers a loyalty to their new employers and to the state. Still another point of view was represented by those who sought to protect employers and the state and the nation against the immigrant and his potential radicalism and unionism.

Leiserson's perspective on that historical period of immigration suggested a question that the author believes is worth asking again. Are the factions that welcome and assist the immigrants, and the factions that warn of the threat to national unity posed by growing language separatism (Ugalde, 1990) and "political upheavals over language that have torn apart Canada, Belgium, Sri Lanka... and other nations" (Halton, 1989, p. 1119) replaying a contest that has been played before? Is it possible to apply Leiserson's perspective to the contemporary situation? The author considers the supporters of Workplace ESL Literacy, and the supporters of "Official English" and the "English-only" movements to be the contemporary representatives of these factions.

The author conducted a search of the Periodical Abstracts, ABInform, Newspaper Abstracts, TOC (Table of Contents for journals), ERIC, and Uncover databases using the search word "English-only." This search returned several dozen articles dealing with one or another aspect of English-only, including articles from law reviews which

were concerned with the legal arguments in the court cases; articles from the HRD popular press, and publications of the EEOC describing their guidelines for Title VII enforcement with regard to English-only policies.

"Official English" or "English-only"

Cooper (1989) states that one of the fundamental questions that must be answered in the problem formulation stage is how "were studies judged to be conceptually relevant in the first place" (p. 25)? Distinguishing between "Official English" and "English-only" raises such a question. "English-only" policies, rather than "Official English" legislation, are the focus of this investigation. The relationship between them is not clear, however. Official English has been made the law in 23 states. They are listed in Table 1. The Official English agenda is promoted by US English, a Washington, DC-based lobbying organization which promotes the idea that the American English is threatened by the existence non-English language communities and, that as a consequence, the basis of American nationhood is also endangered (Crawford, 1992).

Table 1.
23 States with Official English laws.

Alabama Arizona Arkansas California Colorado Florida Georgia
Hawaii Illinois Indiana Kentucky Louisiana Mississippi
Montana Nebraska New Hampshire North Carolina South Carolina
North Dakota South Dakota Tennessee Virginia Wyoming

Source: State Legislatures, July/August, 1996. p. 10

Crawford speculates, "...the difference between Official English and English-Only was essentially cosmetic. Inherent in the idea of legalizing a single language for public use was the restriction, to a greater or lesser extent, of other languages" (Crawford, p. 111). Perea (1990) observes: "The fact that a state constitutional provision or statute makes English the "official" language of the state does not automatically provide a business justification for an employer's English-only rule" (p. 306). Others have seen the English-only movement drawing support from the campaign for Official English. Bill Piatt, professor of law at Texas Technological University, has observed that designating English to be the official language of a state or the country "...doesn't affect the workplace" (D'O'Brian, 1991, p. 44). People believe that because English is the official language of government, English-only rules can be enforced in the workplace. For the purposes of this literature review, however, workplace "English-only" rules will be under review, and considered as being separate from "official English."

Study Limitations

This literature review does not address all English-only policies that have been or are currently in effect. There is an unknown number of such policies, with or without a formal status within companies. The only policies addressed here are those that have been challenged in court. Nor does this literature review delve deeply into the logic and structure of the legal arguments that surround the cases, as they are beyond its scope.

Chapter 3

THE RESULTS

Introduction

The results section is divided into four parts. The first part presents details of the eight workplace environments in which English-only policies were contested. The second part reviews the EEOC guidelines and describes the dilemma resulting from *Garcia v Spun Steak.* The third part surveys the national Workplace ESL Literacy efforts to meet the needs of immigrant workers. The final part reviews the Human Resources Development literature on English-only.

The Court Cases

Saucedo v. Brothers Well Service, Inc.

One of the earliest court cases striking down an English-only, or more accurately, a "no-Spanish" policy occurred in Texas in 1979 (Petersen, 1994; Ugalde, 1990; Wiley, 1995). Brothers Well Service, Inc., operates "workover rigs," by which oil wells that are no longer productive enough to justify regular operation costs can continue to be pumped during their decline from full production. The various phases of this operation involve several work areas, each with its own supervisor. At that time about half of the employees at Brothers Well Service, Inc., were Mexican-Americans, including the plaintiff Saucedo, who worked as a helper to the driller and supervisor. Saucedo was informed by his immediate supervisor that a supervisor in

another work area did not allow any "Mexican talk." Subsequently, Saucedo, while performing his work duties in that other supervisor's presence, used two words of Spanish to ask another Mexican-American for directions, and, being overheard by the supervisor, was immediately fired. Saucedo's coworker verbally abused the supervisor whereupon the supervisor assaulted the coworker. When the incident was over, the company took no action with regard to the fighting between employees, but it upheld Saucedo's dismissal. Saucedo filed suit.

The court decided that Saucedo's dismissal was discriminatory because the company did not discipline the other two workers for fighting, but dismissed Saucedo for violation of a rule that was not written and the consequences of which were not known to him. The court stated: "The question in a case of this nature therefore becomes whether or not the employer can prove by a preponderance of the evidence that his rule requiring only English to be spoken on the job is the result of business necessity" (Petersen, 1994, p. 368).

Garcia v. Gloor

The following year another Texas court heard a case involving an English-only policy (Helper, 1994; Petersen, 1994; Perea, 1990; Ugalde, 1990; Wiley, 1995). The Brownsville, Texas, building supply store owned by Gloor instituted a policy restricting the 39 employees -- 31 of whom were Hispanic -- from speaking Spanish on the job unless in communication with other Spanish-speaking customers. The reasons for the policy were given as follows: customers in the store were thought to object to communication that they could not understand, the pamphlets and trade literature were printed in English, the employees' use of English would improve and the supervisors would be better able to oversee the work of subordinates.

Hector Garcia, an employee at Gloor Lumber and Supply, was overheard by the owner, Mr. Gloor, using Spanish in conversation with another Hispanic employee and was fired. Garcia filed suit, basing his case on the principles of national origin discrimination and disparate impact according to Title VII of the 1964 Civil Rights Act. The court, while not closing the door on the possibility that an English-only rule might constitute national origin discrimination or have a disparate impact, ruled that when an employee is bilingual, he or she can freely choose between which language to speak, and, being able to choose, cannot claim discrimination. Garcia's claims were rejected and the English-only rule at Gloor Lumber and Supply remained in effect.

Jurado v. Eleven-Fifty Corporation

Another English-only policy was challenged in a 1987 case involving a radio announcer, Valentine Jurado, a Mexican-American of Native American descent and his employer, the Eleven-Fifty Corporation (Helper, 1994; Perea, 1990; Petersen, 1994; Silbergeld& Tuvim, 1994; Wiley, 1995). The policy was allowed to remain in effect, the court relying on *Garcia v. Gloor* to reject the plaintiff's claims of disparate impact. Jurado, fluent in Spanish and English , broadcast for many years in English, until the program director, in an attempt to attract Hispanic listeners, directed him to begin using some "street" Spanish on the air. When the strategy backfired and the station's ratings began to drop, the program director orderedJurado to stop the practice. Jurado refused and was terminated. Jurado appealed his dismissal to federal court using three theories: disparate treatment, retaliatory discharge and disparate impact.

With respect to disparate treatment, the court said that in order to establish even a *prima facie* case, the plaintiff had to present evidence from which unlawful discrimination can be inferred. Juarado had not. The court denied the charge of retaliatory discharge since Jurado had not opposed the programming change as discriminatory before being terminated. Finally, the court viewed the bilingual Jurado's ability to speak either Spanish or English as obviating the need for protection under disparate impact.

Gutierrez v. Municipal Court

The same court in the following year heard the case of an African-American employee of the Los Angeles County Municipal Court (Helper, 1994; Perea, 1990; Petersen, 1994; Ugalde, 1990; Wiley, 1995). The Municipal court found it necessary to employ a staff of bilingual court clerks to serve the predominantly Hispanic population. Then, reacting to the freqency of Spanish heard in court, the court adopted a rule requiring all employees to speak only English at work, including the bilingual clerks whose job was to communicate with clients who speak only Spanish. Alva Gutierrez, one of the clerks, filed suit in federal court, claiming that the rule constituted racial and national origin discrimination in violation of Title VII. On appeal the case was heard by the Ninth Circuit Court. Reversing its stand taken in *Jurado v. Eleven Fifty*, this time the Ninth Circuit concluded:

> We agree that English-only rules generally have an adverse impact on protected groups and that they should be closely scrutinized. We also agree that such rules create an atmosphere of inferiority, isolation and intimidation. Finally, we agree that such rules can readily mask an intent to discriminate on the basis of national origin (Petersen, p. 371).

On appeal to the United States Supreme Court, however, the decision of the Ninth Circuit Court was "vacated as moot" and left without any precedential authority (Petersen, p. 371). "The Supreme Court's vacating of *Gutierrez* was premised solely on the plaintiff's loss of standing by quitting her job" (Wiley, 1995, p. 567).

Garcia v. Spun Steak

In 1990 Priscilla Garcia and Marciela Buitrago were two of the 33 employees at Spun Steak Company, a San Francisco poultry and meat products wholesale distributor (Brady, R. 1996; Helper, 1994; Murphy, Barlow & Hatch, 1993; Petersen, 1994; Silbergeld & Tuvim, 1994; Wiley, 1995). Both bilingual in Spanish and English, they, like the rest of their 24 Spanish-speaking coworkers, spoke Spanish freely during work hours. In addition to the Hispanic majority the workforce at Spun Steak Company included both Chinese-Americans and African-Americans. When management began to receive complaints from these two minority group workers about racist and derogatory comments being made about them in Spanish by Garcia and Buitrago, an English-only policy was instituted at the company. The company president gave the following reasons for the policy: an English-only policy would promote racial harmony in the workplace; it would promote safety, since some of the non-Spanish speaking workers reported being distracted by the sound of Spanish while operating machinery; and the USDA inspector at the plant, who was not able to speak Spanish, could not understand product-related concerns if they were expressed in Spanish.

With the English-only rule in effect, Garcia and Buitrago were heard speaking Spanish on the job. As a result of their violation of the rule, they were assigned to separate works areas for a period of two years. They responded by filing suit against

the company. Garcia claimed, among other things, that the rule had a disparate impact on Hispanics, a claim that the court denied for the same reason it was denied in Gloor and Jurado: bilinguals can choose between use of Spanish and English. Garcia also claimed that the inadvertent use of Spanish words in a conversation between two bilingual Hispanics is a very normal occurrence and that as a result they could be subject to punishment for unintended behavior. The Court, however, was not convinced by this argument, stating: "The fact that an employee may have to catch himself or herself from occasionally slipping into Spanish does not impose a burden significant enough to amount to a denial of equal opportunity" (Petersen, 1994, p. 372).

Garcia also argued that the English-only policy at Spun Steak ran counter to the Equal Employment Opportunity Commission's (EEOC) guidelines, which state that such rules "create an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment" (Petersen, 1994, p. 372). The court was not willing, however, to bow to the EEOC's administrative interpretation of the Civil Rights Act, especially in the face of "compelling indications that the (EEOC) is wrong." The court's decision reads, in part: "We cannot conclude, as a matter of law, that the introduction of an English-only policy -- in every workplace -- will always have the same effect" (Petersen, 1994, p. 372).

Kim v. The Southland Corp.

In a case reminiscent of *Garcia v. Gloor*, an employee of an Arlington County, Virginia, 7-Eleven has filed suit against that chain's parent company, TheSouthland Corporation, contesting its policy that employees speak only English to each other

when customers are in the store ("Commission says English-only," 1995). Southland claims that its customers feel such a high level of discomfort when they hear a foreign language that they are driven to shop elsewhere. The plaintiff, Korean-born Tae Kim, complained to the Arlington County Human Rights Commission. They considered whether the policy was directly discriminatory or bore disparate impact on persons born outside the United States. The Commission's argument builds on the distinction between "fully" and "partially" bilingual individuals. The "partially" bilingual employees at 7-Eleven stores, although able to communicate in English, find they communicate more easily and accurately in their native language. The Commission claims, therefore, that the "partially" bilingual individual who is offered a job in which he or she is forced to speak in a less familiar language while working is actually being offered a less attractive job than the same job would be if offered to an English- speaking job seeker. This is a discriminatory practice according to the Commission. The case is to be transferred to the EEOC for litigation.

Long v. First Union Corp. of Virginia

The English-only policy at a branch of the First Union Bank in Virginia was initiated after an employee who observed Hispanic employees speaking Spanish in the presence of non-Spanish speaking coworkers, complained to the manager that such behavior was rude ("Weakness in evidence dooms," 1995). The policy required that Spanish was to be spoken on the job only when communicating with Spanish-speaking customers. Four Hispanic employees filed bias charges with the Equal Employment Opportunity Commission. Subsequently, a female Hispanic manager was assigned to the bank. She rescinded the English-only policy and circulated a letter of apology.

Hillhaven Corp and Service Employees International Union

Hillhaven Corporation, the nation's second largest nursing home chain, has had an English-only policy in effect at its California facilities since 1993 ("Collective bargaining briefs," 1995). Hillhaven bases its policy on federal regulations intended to guarantee the dignity and respect of nursing home residents. Employees of the nursing homes, many of them members of the Service Employees International Union, believe that the rule violates Department of Health regulations permitting the use of an employee's native language except when directly caring for clients. No legal action has been initiated in this matter. However the union has charged Hillhaven with singling out for discipline those union organizers who violate the English-only rule.

The Equal Employment Opportunity Commission Guidelines

The legal basis of all the appeals in the above cases, except Saucedo, is found in Title VII of the 1964 Civil Rights Act. It states:

> It shall be an unlawful employment practice for an employer
>
> 1) to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> 2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his

status as an employee, because of such individual's race, color, religion, sex or national origin (Helper p. 415).

Likewise, section 706 of Title VII authorizes the Equal Employment Opportunity Commission (EEOC) to administer Title VII, which it does by issuing official, but non binding, guidelines that the courts may use to evaluate employers' compliance with Title VII (Helper, 1994). To this end the EEOC publishes a series of compliance manuals, one of which is National Origin Discrimination, where, in Section 623, are found the EEOC guidelines for Speak-English-only rules and other language policies.

The EEOC's policy with regard to English-only rules states:

> The primary language of an individual is often an essential national origin characteristic. Prohibiting employees, at all times in the workplace, from speaking their primary language, or the language they speak most comfortably, disadvantages an individual's employment opportunities on the basis of national origin. It may also create an atmosphere of inferiority, isolation and intimidation based on national origin, which could result in a discriminatory working environment. Therefore, the commission will presume that such a rule violates Title VII and will closely scrutinize it (D'O'Brian, 1991, p. 42).

Sections 623.2 through 623.10 of the guidelines present the theoretical basis for a suit against a company's English-only policy. They are presented as:

- disparate treatment theory,
- the retaliation theory,
- perpetuation of past discrimination theory
- adverse impact theory.

In addition, in *Griggs v. Duke Power Co.,* (Helper, 1994) the Supreme Court decided that Title VII prohibits two types of discriminatory treatment:

- practices that constitute intentional disparate treatment
- practices that appear facially neutral, but produce discriminatory consequences .

The former, developed as disparate treatment theory, is used to review decisions based on personal judgment or subjective criteria, and the latter, developed as disparate impact theory, is used to review practices that are not motivated by discrimination, but operate as the functional equivalent (Helper, 1994).

The application of Title VII in English-only cases is complicated by the fact that Congress has not clearly defined "national origin discrimination," and particularly whether national origin includes linguistic characteristics (Helper, 1994).

Among the cases described here, *Garcia v. Spun Steak* stands as the only instance in which a federal court has rejected the EEOC guidelines with respect to English-only rules in the workplace. Wiley (1995) states:

> The guidelines presume that English-only work rules have a disparate impact on persons whose primary language is not English and that employers can justify their use of these rules only by showing a business necessity... *Garcia* goes beyond creating a dilemma at the EEOC and frustrating bilingual employees and the groups supporting them. It exemplifies the conflict among the courts regarding the standard of deference they should afford the EEOC guideline. As a result, it is unclear who bears the initial burden of proof when an employee challenges an English-only rule with a claim of national origin discrimination: the employee, to establish a prima facie case of the rule's discriminatory impact; or the employer, to show a business necessity for the rule (p. 542).

The dilemma is this: When an employee believes that the English-only rules where he or she works are unfair, who must present a case first,the company in defense of the policiy, or the plaintiff? In legal terms, who carries the burden of proof? This dilemma has yet to be resolved. An indication of its significance can be seen in the Clinton Administration's 1994 request to the Supreme Court to review the Ninth Circuit Court's decision in *Garca v. Spun Steak* ("Clinton administration urges," 1994). The Court refused, but did agree to review an Arizona law establishing English as the official language of the state government ("Supreme court to review," 1996). However, that hearing faltered on procedural matters and a decision was not reached.

The decision of the 9th Circuit Court applies only to California, Washington, Oregon, Idaho, Nevada and Arizona. Cases brought before federal circuit courts for other states might be judged by either the standard established by the 9th Circuit Court in *Garcia v. Spun Steak* or by the EEOC guidelines (Brady, R., 1996).

Business Necessity

A 1988 Act of Congress narrowed the scope of Title VII:

> An employer may discriminate on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to normal operation of that particular business or enterprise (Helper, 1994, p. 393).

Business necessity can justify the adverse effects of an English-only policy, according to EEOC's guidelines. The relevant issue, in determining business necessity, is "whether allowing employees to speak a language other than English adversely affects employee job performance or the safety or the efficiency of the

overall business operation" (EEOC, 1996, p. 623-9). In the same section, several frequently advanced business necessity arguments are described . First among them is communication among the employees, between supervisors and employees and between employees and customers and clients. It states: "For safety and efficiency reasons communications among coworkers should be conducted in a language understandable to all those persons directly involved in the conversation" (p. 623-12). This is followed by several examples that illustrate appropriate and inappropriate instances of business necessity.

The second argument given concerns productivity, and here the guidelines require evidence that conversation in a language other than English affects productivity (p. 623-14). The guidelines suggest that a conversation in the worker's native (non-English) language, if related to work, could promote productivity as well as diminish it. The third argument addresses customer and coworker preference and it also includes a number of examples and counter examples.

The fourth argument concerns English-only rules as a means of improving employees' English language skills. The guidelines are unequivocal in this matter. "It is unlikely that the respondent will be able to meet this burden where employees have previously been considered to be performing their job satisfactorily.... Moreover, even if the respondent has shown that improving employee language skills in English is a legitimate business purpose, in most cases, other alternatives will be available to accomplish that purpose. Such an alternative might be requiring employees to obtain instruction in English" (p. 623-14).

The National Workplace English-as-a-Second-Language Literacy Programs

What opportunities are available for the immigrant to receive English language instruction? A projected 1.4 million foreign born adults will receive English language training in the U.S. during 1997 at cost of $900 million (Strauss, 1997). Despite such efforts the waiting list for English language training in New York City alone is almost 50,000 (Strauss, 1997). One estimate suggests that only 10% of demand is being met ("English-only rules are increasing," 1994).

Grognet, (1994) discusses five challenges facing immigrant workplace education. She lists seven states -- California, New York, Texas, Florida, Illinois, Massachusetts and New Jersey -- in which a half-a-million foreign born residents live, per state, and reports a prediction that California will soon become the first state with over half of the residents reporting a Third World ethnic heritage. Against these numbers, the greatest challenge she reports is the sheer volume of services needed, services which, when they are available, tend to be severely fragmented. The second greatest challenge in Grognet's view, consists of the components -- trained teachers, a curriculum, assessment procedures and instructional materials -- that must be assembled in order to offer English language instruction. Currently, these differ widely from program to program.

Grognet also reports an attitude of reluctance by employers to offer ESL training in the workplace if it is available elsewhere. She offers three arguments for linking ESL to the workplace. The first is that language is a tool with which to do something else, and the "something else" should be "work" (Grognet, 1994). Secondly, good service, reduced waste of time and materials, and concern for health and safety all benefit from improved workplace communication. Consequently, "[i]ts good business for workplaces to offer ESL training" (Grognet, 1994, p. 5). Finally, she

stresses that "language learning is most effective when its learned in meaningful situations and authentic contexts" (Grognet, 1994, p. 5). The fourth challenge concerns the identity of ESL instruction as an educational or as a training activity. The distinction between the two is summarized in Table 2. Grognet states: "Workplaces are involved in training.... Educators come with different mindsets and different expectations than do trainers, and there is often a conflict (if not overtly, then covertly) between workplace personnel and ESL personnel" (p. 6).

Table 2.
Workplace ESL: Education or Training?

Education	Training
Long term/sequential	Short term/non-sequential
Abstract/decontextualized	Concrete/contextualized
Knowledge oriented	Goal oriented
Connected	Disconnected

Source: Grognet, 1994, p. 5.

To distinguish between "education" and "training" in this simplified manner glosses over a number of important issues, but highlights some major distinctions. Characterizing "education" as long-term and sequential, abstract decontextualized, knowledge oriented, and connected is an attempt at specifying key assumptions about the the purpose and objectives of education from a global perspective. Characterizing "training" as short term and non-sequential, concrete, goal oriented and disconnected, shifts the perspective on those key assumptions from the global to the local view.

Rothwell and Sredl (1992) characterize training by stating that it "focuses on identifying, assuring and helping develop, through planned learning, the key competencies that enable individuals to perform their current jobs" (vol 1, p.4). Education, on the other hand, "focuses on identifying, assuring, and helping develop, through planned learning, the key competencies that enable individuals to prepare for career advancement. Education's primary emphasis is individual career preparation" (vol 1, p. 5).

Finally, Grognet (1994) recognizes the tension that exists between advocates of workplace education and workforce education:

> The former sees the needs and tasks of the workplace as central, while the latter sees the needs and desires of the worker as central. The question has been posed: "Are workplace language programs intended to empower workers, or make them more efficient on the job?" (p. 6).

Such a polarization of perspective on the processes of workplace performance improvement echoes the above distinction between education and training. If the purpose is to improve performance, shall it begin with a global view of the individual workers since it is through them that work is accomplished. Or shall it begin with the global view of the workplace and consider how individuals need to function to meet its requirements? This resembles a "chicken or egg" question in the author's opinion. The following review of ESL literacy programs is organized around Grognet's list of "challenges."

National Institute for ESL Literacy Programs

With this background to some of the challenges facing workplace ESL programs, the author turns next to the reports of actual programs conducted over the past 10

years. An ERIC database search on workplace ESL literacy programs, performed by the Center for Applied Linguistics at the author's request, returned 75 abstracts. The following is a summary of those ERIC abstracts, as well as related ERIC and PAIE (Project in Adult Immigrant Education) Digests published by the Center for Applied Linguistics in cooperation with the National Clearinghouse for ESL Literacy Education.

The ERIC Abstracts

The 75 abstracts fall into three broad categories: 22 project descriptions, 15 project evaluations, and 30 teaching guides/instructional materials, and eight miscellaneous which are not reviewed here. The 22 project descriptions originate in 13 states, including the seven states with the highest immigrant populations mentioned above. Virginia and California each report four projects, Arizona and Massachusetts each two, and Colorado, Texas, Hawaii, Maine, Illinois, New Jersey, Florida, New York and Minnesota one each.

The variations in method of evaluation described in the 15 abstracts reporting program evaluations illustrate the "fragmentation" of ESL instruction cited above by Grognet as a characteristic of the first of six challenges facing ESL training. The most frequently occurring common element running through seven of the 15 project evaluations is the use of an external evaluator. Four of the 15 evaluations mention management or supervisory input to the evaluation process; one mentions "pressure from supervisors" as a negative factor in performance outcomes. One abstract reports evaluations performed by comparison of the program accomplishments with the eight stated objectives of the program. One of the abstracts describes a handbook of ideas for program evaluation proposing the following evaluation instruments: employee

interview and questionnaire, as well as employee performance and productivity ratings, cloze exercise, family literacy focus group interview, and ESL checklist, classroom observation (Mikulecky and Lloyd, 1994).

Indications of the "conflict" between education and training, suggested by Grognet (1994), are not immediately recognizable in the reports, but certain expressions used to describe the programs suggest an orientation toward one more than the other. For example, a Denver, CO, partnership between the Emily Griffith Opportunity School and five businesses consisted of workshops lasting four to eight hours and dealing with "learning to learn" (Denver Public Schools, 1994). This contrasts sharply with the report of the Cutting Edge, a workplace literacy program of the El Paso (TX) Community College and the Levi Strauss clothing manufacturer. The goals of this program included offering three levels of instruction for limited-English-proficient employees, for increased productivity, job retention, retrainability, and career advancement potential (Clymer-Spradling, 1993).

Vast differences in pedagogical orientation are also visible in the abstracts. There is one report of a program using a highly structured grammatical syllabus including 16 sections of materials on topics such as verb tenses, expression of agreement and disagreement, comparatives and superlatives, count and noncount nouns, phrasal verbs and object pronouns, work vocabulary, and comprehension of literature encountered in the workplace (Lewandowski, 1994). This approach stands in sharp contrast to another program whose focus is on the student's exploration of work and other lifestyles issues. According to the abstract, the teacher functions as the facilitator or guide, while the student uses self-knowledge and outside resources to make adjustments to the realities of the American workplace (Benice, 1993).

Needs Assessment

In conspicuous short supply among the program abstracts are needs assessment techniques. Among the descriptors used for the 75 abstracts returned from the ERIC search of workplace ESL literacy programs, "needs assessment" appeared in only three program reports. Needs assessment is used synonymously with task analysis in all three.

Criticism of this narrowly-focused, job-skills based concept of needs analysis, and recommendations for alternatives are presented in a variety of ERIC "occasional" publications, known as ERIC "Q&A" and ERIC "Digest" and published by the Center for Applied Linguistics. Grognet (1996) answers her own question, "How should a needs analysis be conducted?", with an review of recent literature on the subject. She describes needs assessment techniques in which the workers themselves identify the needs, techniques that address the concerns of the unionized workplace, as well as more traditional needs assessment techniques. Paralleling the preference for broader-scoped needs assessments one finds a preference for "learner-centered" instruction Grognet (1996). She describes needs analysis as "the most crucial of steps, because the remaining steps are based on it" (p. 1). She surveys a range of needs assessment techniques that include traditional task analysis-based approaches, participatory approaches, and an emergent curriculum development process. She attempts to bridge the gap between traditional approaches and the contemporary participatory learner-generated needs assessment.

McGroarty and Scott (1993), noting that the depth and scope of needs assessments vary greatly, are also critical of the task analysis or job audit approach to needs analysis. They discuss a 1992 U.S. Department of Education report proposing that "needs assessment should incorporate a broader range of knowledge" (p. 3). Isserlis

(1991) recommends an ethnographic approach to needs assessment because "the needs assessment involves learning about the total ecology of the work site from multiple perspectives." Castaldi (1991) in "Ethnography and Adult Workplace Literacy Design" describes ethnographic research as it is used in anthropology, but claims that the design of workplace literacy programs responsive to workers' needs does not require years of data collection or full-blown ethnographic studies. Her advice to the novice ethnographer is "to hold individual interviews with learners at the beginning of the course to elicit information about their educational and employment backgrounds and current demands of their jobs" if the class is small (p. 2).

One instance of the use of the DACUM (Developing a Curriculum) technique in development of instructional materials was returned by the ERIC database search. It was employed by the Mercer County Community College in Trenton, NJ, in partnership with the Trane Corporation and the Hibbert Group. This project integrated job specific training for production assembly workers that included reading, writing, oral communication, interpersonal skills, mathematics, and ESL (Mercer County Community College, Trenton, NJ. 1994).

Beside this lone instance of the DACUM, one other familiar name from HRD, the Mager and Pipe (1984) model for assessing the nature and importance of worker performance problems, appears in the ERIC literature. Westerfield (1996) states:

> The Mager and Pipe framework can be a useful tool for workplace ESL educators. Its broad perspective can assist in initial analysis of learner and company or union needs and in the on-going and follow-up assessment of training program effectiveness, allowing educators to plan, implement, and evaluate programs. Best of all, it may help workplace ESL educators to make promises that they can keep (p. 2).

One ERIC abstract among the 75 stands out from all others. It is from Australia, sponsored by the Australian Department of Immigration and Ethnic Affairs, and its title is "Training the Multicultural Workforce." The ERIC abstract states:

> "The materials comprise a 30-hour training package designed to assist workplace supervisors in Australia in understanding the issues and strategies for managing and training in a multicultural workforce, particularly when it includes refugees and immigrants of non-English speaking backgrounds. The course is to be taught by, and these materials are intended for teachers of English as a Second Language (Dyer, 1992, p.1).

The Human Resources Development Literature

Coincidentally, one of the earliest articles on English-only to appear in the Human Resource Development trade press presented an outline of a cultural sensitivity training session aimed at reducing "conflicts between employees who speak only English and those who converse in other languages" (D'O'Brian, 1991 p. 44). It was patterned on a program developed in the hospital of the University of California at San Francisco. The training was delivered during day long sessions, mostly to supervisors and managers. Particular emphasis was given to the reality that new ethnic groups were arriving in the city and would continue to arrive in the future, and that everybody brings his or her own ethnic baggage to the workplace. The importance of delivering high-quality service was stressed throughout and lecturing was kept to a minimum, substituting group discussion of cultural stereotyping and workplace issues.

Michael Adams, then Chancellor at the University of California, pointed out that many of the problems arise from the perception by native English speakers that the immigrants "just don't want to be bothered with learning English" (D'O'Brian,1991, p. 45). In fact, however, he added, "We find that most non-native speakers have a high motivation to learn English because they've come to believe that it improves their chance in business and socio-economically."

The report on the University hospital case was followed the next year by an article in Across the Board, (Sklarewitz, 1992) concerning a dispute in the Executive Life Insurance Company's policy service department in Los Angeles. The Filipino women, whose job is to field telephone calls from customers, began to converse in their native Tagalog when not taking calls. "As happens at every workplace, the banter was at times lighthearted; the women would laugh and giggle at stories told by friends... As a result, several supervisors took strong exception to the practice" (p. 20). The women were told to speak only English on the job.

The women expressed their displeasure with the rule to the Asian Pacific American Legal Center, which in turn contacted Executive Life, the women's employer. Shortly thereafter, the company began sensitivity training for its supervisors and managers, during which "it was pointed out that the women were more comfortable conversing in their own language, and that for morale and efficiency purposes, they would be permitted to speak Tagalog on the job" (Sklarewitz, p. 20).

Sklarewitz (1992) acknowledges that English-only policies have long been in effect and unchallenged in several high-skill work environments, such as international aviation communications, and "safety sensitive" workplaces such as oil refineries, where the need for them is obvious and worker compliance is less problematic. One obvious difference between the high-skill and low-skill workplace is the education

level of the workers. Another important difference might be the attitudes of the supervisory staff and management. Immigrants working in low-skill workplaces frequently come with little formal education and are vulnerable to many forms of intimidation.

Cautionary Tones

What these two early articles on English-only rules have in common is their cautionary tone on the matter. The Sklarewitz article concludes with this quote from an American Civil Liberties lawyer: "English-only laws threaten the civil rights and liberties of individuals who are not proficient in English. The intolerance and bigotry they canonize are contrary to the spirit of tolerance and diversity embodied in the United States Constitution" (p. 22). D'O'Brian (1991) presents the question: "There are two answers to the question, 'How far can I go with an English-only rule?' They are, 'Not very far' and 'Very carefully'" (p. 42).

This tone of caution continues in the Human Resources Development trade press, even after the Ninth Circuit decision, rejecting the EEOC guidelines in *Garcia v. Spun Steak.* The "Manager'sNewsfront" column in Personnel Journal, (Murphy, Barlow and Hatch, 1993, p. 24) after reporting why the English-only rules were permitted at Spun Steak Company closes in this way: "The increasingly changing work-force population increases the need for sensitivity, caution and care in this area."

The "Key Court Cases" feature in Employment Relations Today (Autumn 1994) goes beyond any other article in the HRD trade press to present the complete story of the development of English-only case law. The authors, both specialists in employment law, neither caution nor discourage the reader from acting on such a

policy, while explaining in non-technical language the many aspects of "business necessity" and the EEOC guidelines.

In the "Legal Insight" feature in Personnel Journal a year later (Flynn, p.87) sounds an alarm with its title, "English-only Rules Can Cause Legal Tongue Ties." A sub-head follows: "If your company has an English-only policy, or is planning to implement one, review your reasons immediately -- because they can make or break a discrimination lawsuit." English-only workplaces are labeled as "tricky propositions." Much of the article concerns the EEOC and its activities: "You always have to be concerned about the EEOC. It can start an investigation on its own, file charges and fine the plaintiff -- and they determine and assess the claims [not on a case-by-case basis] but by looking strictly at their guidelines (p. 90).

Similarly, the "Legal Insights" feature of HRFOCUS (Brady, 1996), carries the headline "English-only rules draw controversy," and offers these suggestions:

> Rules or not, the mix of languages in American workplaces is a fact of life. As a practical matter, many employers hire supervisors and job instructors who can give directions... in the language(s)...of the majority of the employees... . One longer-term solution is to offer classes in English as a Second Language.... Finally, try asking employees how your company can overcome the problem.... Allow the groups to pick the tongue that works best for them... (p. 20).

It is somewhat surprising to see the same publication, HRFOCUS, only two months later (Brady, T., 1996) reverse its tone in the feature "Today's Workplace" with the headline, "The Downside of Diversity." In a survey of five aspects of "national origin" a discussion of English-only rules concludes, "If an employer has a rule that English must be spoken at certain times (excluding breaks or lunch periods), and if that rule is justified by a compelling business necessity, then it will most likely

withstand scrutiny by the EEOC and courts" (p. 23). This prediction of judicial and EEOC acquiescence in workplace English-only rules can not be found anywhere else in the HRD literature, not even in Silbergeld and Tuvim (1994) evenhanded treatment. They conclude:

> Any English-only rule should be written to apply only where necessary and only to those employees able to comply with its terms. The rule should affect only speech that takes place on the job; it should not apply to employees unable to speak English, or to conversations that take place at lunch or on breaks. An employer should be prepared to justify its English-only rule by reasons of business necessity... . Although these precautions may not completely shield an employer from potential liability for alleged illegal discrimination arising from application of an English-only rule, they may minimize it (p. 363).

Chapter 4

DISCUSSION

Introduction

This investigation was inspired in part by the similarities between the Great Immigration of the early 20th Century and the immigration of its final decades. The author's question, made on the basis of William Leiserson's earlier observation about public response to immigrants, asked if the present public response can be informed by the previous one. Indeed, the range of themes running through the immigration debate today can be identified in the former from the need to protect American society and institutions from devaluation and corruption resulting from immigration, the need to integrate and to assimilate the immigrant as quickly as possible into mainstream ways, or simply to draw on the cultural gifts that immigrants bring along in order to enrich the dominant culture.

The use, or non-use, of English by immigrants was not so volatile an issue during the Great Immigration as it is today. This might be attributable to the differences in the nature of the work performed by the two groups. Jobs in manufacturing were the norm for the early twentieth century immigrants. Today's jobs are in the service industry, and that assumes the ability to communicate (Strauss, 1996). As the literature of "English-only" has shown, however, each of the themes mentioned above can be clearly identified in the current public response to immigrants. The following discussion of the findings will consider the court cases first, followed by the EEOC guidelines, the Workplace ESL Literacy Programs, and finally, the HRD literature on English-only.

The Court Cases

The companies whose English-only policies were challenged in court justified their policies based on, among other factors:

- customers' objection to hearing store clerks talking together in a language the customers could not understand in *Garcia v. Gloor*,
- a decrease in listener ratings for a radio station when an announcer used Spanish slang in *Jurado v. Eleven-Fifty*
- the distraction non-Spanish speaking co-workers felt at the sound of Spanish in *Garcia v. Spun Steak*
- the perception that the use of Spanish in the presence of non-Spanish speakers is rude in *Long v. First Union*
- the loss of dignity and respect conveyed to nursing home residents by the sound of Spanish

The courts have recognized these claims and given them legitimacy in their rulings.

Are Americans generally averse to the sound of other languages? Extra and Verhoeven (1993) have noted that "having to cope with more than one language is a common experience for immigrant groups in the USA, whereas it is a rare experience for Anglo-Americans" (p. 3). They also suggest that Americans seem to be more concerned about the negative effects of bilingual culture than they are about the negative effects of monolingual culture. American monolingual English culture is seen as having a great advantage over the complexity of multilingual culture, and the growth and prosperity of non-English speaking communities is easily perceived as a foreign threat to the familiar English language. Furthermore, multilingual culture is strongly associated with situations of inter-group hostility.

This distaste for languages other than English has a corollary in many Americans' general lack of familiarity with multilingual cultures and the process of learning a second language. This can account for a second issue raised in the literature. How can the popular perception that immigrants are not interested in learning English be squared with the waiting lists for ESL classes and the reports of high motivation to learn English? One factor that likely contributes to the perception of not only a lack of interest in learning English, but to the spread of immigrant languages is electronic media, especially radio and cable television. Non- English language stations have increased along with the general increase in total number of stations. These are everyday signs of immigrant language persistence. There is abundant research, such as Hakuta, (1986) on the other hand, that shows the shift from immigrant language to English occurring over *generations*, a rate which probably escapes the awareness of casual observers. It is possible to say that, despite appearances to the contrary, today's immigrants *are* learning English, although it may take a decade or two to tell.

A third issue in the literature concerning bilingualism can be identified. In *Garcia v. Gloor, Jurado v. Eleven Fifty and Garcia v. Spun Steak,* the courts have viewed being bilingual as an "all or nothing" consideration. Being bilingual in these decisions has meant that a person has equal ability in either language and that, as a result, the use of English or the other language is a *choice* that a person makes freely. Hakuta (1986) has demonstrated the complexity of the relationship between the languages in the bilingual individual. Rather than having equal access to either language, most bilingual individuals have a "dominance" in one language making it far easier for them to use that language. This will be an important consideration in the argument of the plaintiff in *Kim v. Southland Corp.* Kim, who can speak both Korean and English, has Korean language dominance. His argument will probably be that the Southland Corporation, by offering him a job in which he must speak the less

familiar language, English, is offering him a less attractive job than the same job offered to an English speaking job seeker. This constitutes a discriminatory hiring practice according to the EEOC.

The EEOC Guidelines

Whether Americans value bilingual culture or not, however, does not resolve the disruptions, real and imagined, in customer, co-worker, and supervisory relations resulting from the use of languages other than English in the workplace. What tools are available for management to relax the tensions between workers with different language and cultural backgrounds without trampling over the rights of minorities? The EEOC guidelines state: "Commonly, coworkers or customers express fears that employees speaking in a language other than English are talking about them or making fun of them. Many times these beliefs are unfounded and the product of individual insecurities" (EEOC, 1996, p. 623-15). The guidelines also suggest that performance problems associated with multilingual workplaces can be too easily attributed to use of languages other than English (EEOC, 1996) and stress that an employer should attempt to resolve problems in other ways before resorting to an English-only rule. The guidelines also suggest that companies should offer or arrange for English language training for their employees who have limited skills in that area.

Companies see their English-only policies as legitimate responses to very real problems, and perceive the EEOC guidelines as outside interference in internal matters. The tension between public policy represented by the EEOC and the individual policies of private companies is manifest in the current legal struggles for validation. Perea (1990) identified three issues -- still unresolved today -- that must be decided before there can be consensus on the matter. The first is whether speaking

one's native language should be considered to be part of one's national origin and thereby protected under Title VII. The second is whether English-only rules have a disparate impact on protected language minority groups, and third, what kind of justification is necessary for English-only rules to qualify as business necessity. Wiley (1995) frames the question as a matter of balancing the employee protection from unlawful discrimination against employer autonomy. He recognizes the need to limit employees power to claim discrimination, a need that is met by requiring employees to carry the burden of proof, i.e., to prove the disparate impact of an employer's rule.

The author believes that an English-only rule, applied to retail and production workplaces of the kind represented by the court cases in this review, is a kind of "blunt force" instrument. It's a rule that deprives an individual of a right so basic, that it can be easily overlooked in our English language dominated culture: the right to speak in one's primary language. It is difficult for a person who has not struggled through learning another language to appreciate the importance of maintaining one's first language and to understand how one's attitudes toward another language are shaped by the conditions under which it is used. Forbidding immigrants to speak their native language while insisting that they use English in the workplace causes more problems than it solves.

Workplace ESL Literacy Programs

Workplace ESL literacy programs, when judged by their description in the ERIC abstracts of programs over the past ten years, are indeed fragmented. This might reflect a necessary and valuable flexibility in the system of awarding program grants, ensuring that the wide range of needs and circumstances encountered nationwide can

be met through one agency. A tightly structured, top down system of program requirements might yield more consistent program results. However, the ability to adapt to local needs and exploit local resources is best tapped through a flexible program administrative structure.

Grognet (1994) noted this "fragmented" character of workplace ESL literacy programs. One of the greatest drawbacks of such fragmentation must be in the area of needs assessment, which appears to be nearly ignored or forgotten. With a mere three instances of needs assessment appearing in the literature, one wonders what drives the decision making process for the selection of workplace ESL program content. Perhaps this is the arena in which the covert, and sometimes overt, conflict between education and training occurs (Grognet, 1994). The language teacher recognizes and responds to the linguistic needs of the immigrant group, but fails to recognize the "system-wide" needs. The needs assessment techniques have failed to recognize the needs of the English speaking coworkers for an insight into how to interact with them. An ethnographic model of needs assessment would be well suited for this situation. The wide view of an ethnography would more likely detect the needs of both groups.

Considering the information available in the reports of the court decisions on English-only policies, the most consistent complaint that surfaced in the workplaces resulting from the use of multiple languages was the discomfort felt by speakers of English when exposed to the sound of another language. While workplace ESL literacy programs have sought to get immigrants started toward achievement of English literacy, what might be done to address the needs of Americans who struggle to become -- and frequently resist becoming -- comfortable with the unfamiliar ways of their immigrant coworkers? Dyer (1995) went so far as to train supervisors for the multicultural workplace, but could go further. Many of the ESL workplace literacy programs integrated ESL with other forms of workplace training, including native

language literacy, high school equivalency and job specific training. "Cultural sensitivity" training of the sort conducted at the University of California at San Francisco could be tried in a videotaped, distance education format. Video tapes, using work environments, humor and games, could show immigrant groups and Americans in the process of solving problems or just interacting with each other. Watching such video tapes at home, members of each group might come to think of the other as less "foreign." William Rothwell (personal communication) has observed that "workplace based assignments with cross-cultural teams can build appreciation for diversity." It has been the author's experience that individuals from vastly different cultural and linguistic backgrounds can readily learn to cooperate when the circumstances that bring them together are carefully planned and explained to all members.

Incentives

Nothing in the HRD literature hinted at any consideration of using incentives to encourage the use of English in the workplace. It is not hard to imagine a situation in which a business necessity demands the use of English, and in exchange for compliance with an "English-only" policy, the company pays the tuition for English instruction. The cost of tuition reimbursement may or may not exceed the cost of litigating an "English-only" rule and the ill will it generates, but will pay itself back in good will.

The Future

What is the most likely outcome of the present situation? D'O'Brian (1991) has predicted that, with time, "the English-only movement will be an historical curiosity" (p. 44). With time, Americans will no longer find the sounds of other languages so annoying or threatening, and with time, the immigrants, or at least their children, will become primary speakers of English.

Conclusion

This review of the literature of English-only and ESL literacy in the workplace has drawn together sources of information that seldom occupy the same page. The factions that represent these groups, when they are not openly hostile to each other, seldom cooperate or exchange information. The intent of this review has been to study what has been written by and about each of the factions in order to identify some themes that they have in common. The author believes that identifying common ground between the two factions could serve as a first step toward cooperation and mutually beneficial effort. In the details of the agendas of polarized social movements can be found the seeds of their reconciliation.

This study has shown that a primary justification offered by companies for their English -only policies is the belief that American monolingual speakers of English experience negative feelings when they hear a foreign language. This is a testable hypothesis that is worthy of further research. If this claim could be substantiated, it would have important implications for future workplace ESL literacy programs. Instead of targeting only those with limited English proficiency, future programs could include elements that address these negative feelings as well.

This study has also shown that, of the sampled workplace ESL literacy programs from the past ten years, the great majority pay little attention to needs assessment in program development. This is a serious shortcoming. Workplace ESL literacy programs should not be only about getting those with limited English proficiency to use it. They need to take a wider view of the workplace as a communication system and take into consideration its many factors, possibly revealing phenomena such as the negative feelings described in the preceding paragraph.

The author brought to this investigation the perspective of an ESL teacher, and of an experienced foreign language learner. As such, he has been energized by the challenges of communicating across language barriers. An important result of this investigation, however, is the recognition of the need to remain sensitive to the needs of those English speakers, and non-English speakers alike, who are *not* stimulated by communication challenges. The workplace environment offers a unique setting in which to instill in the workforce an understanding -- and just possibly an appreciation -of the differences and similarities in the way people communicate.

REFERENCES

Benice, S. (1993). Work and your life. An ESL instructional unit. (ERIC Document Reproduction Service No. ED 364 121)

Brady, R. (1996). English-only rules draw controversy. HRFOCUS, 73(6), 20.

Brady, T. (1996). The downside of diversity. HRFOCUS, 73(8), 22-23.

Castaldi, T. (1991, April). Ethnography and adult workplace literacy program design. Washington, DC: Center for Applied Linguistics. (ERIC Document Reproduction Service No. ED 334 867)

Clinton administration urges high court to review legality of English-only rules. (1994, June 13). BNA's Employee Relations Weekly, 12(24), 643.

Clymer-Spradling, C. (1993). The Cutting Edge: Workplace English. (ERIC Document Reproduction Service No. ED 371 641)

Collective bargaining briefs. (1995, March 6). BNA's Employee Relations Weekly, 13(9), 234.

Commission says English-only policy at 7-eleven violates county ordinance. (1995, June 26). BNA's Employee Relations Weekly, 13(25), 695.

Cooper, H. (1989). Integrating research A Guide for Literature Reviews. (2nd ed.). Newbury Park: Sage.

Crawford, J. (1992). Hold your tongue. New York: Addison-Wesley.

Denver Public Schools, CO. (1994). Workplace Education Program (WEP) Emily Griffith Opportunity School Final Report. (ERIC Document Reproduction Service No. ED 378 428)

D'O'Brian, J. (1991). Only English speakers need apply. Management Review, 80(1), 41-45.

Dyer, P. (1992). Training a multicultural workforce. Canberra, Australia: Hobart Institute of of Technical and Further Education. (ERIC Document Reproduction Service No. ED 378 844)

English-only rules are increasing; critics, backers debate legality. (1994, January 17). BNA's Employee Relations Weekly, 12(3), 59-60.

Equal Employment Opportunity Commission (1996). National Origin Discrimination EEOC Compliance Manual. Speak English-only rules and other language policies. Section 623. Washington, DC: U.S. Government Printing Office.

Extra, G. & Verhoeven, L. (Eds.). (1993). Immigrant languages in Europe. Philadelphia: Multilingual Matters LTD.

Flynn, G. (1995). English-only rules can cause legal tongue ties. Personnel Journal, 74(11), 87-91.

Grognet, A. (1994). ESL and the employment connection. Paper presented at the Office of Refugee Resettlement English Language Training Consultations. (ERIC Document Reproduction Service No. ED 378 843)

Grognet, A. (1996, June). Planning, implementing, and evaluating workplace ESL programs. Washington, DC: Center for Applied Linguistics.

Guth, G. & Wrigley, H. (1992, May). Adult ESL Literacy Programs and Practices Executive Summary. San Mateo, CA: Aguirre International.

Hakuta, K. (1986). Mirror of language: The debate over bilingualism. New York: Basic Books.

Halton, M. (1989). Legislating assimilation: The English-only movement. Christian CENTURY, 106(36), 1119-1121.

Helper, C. (1994). Enforcing the equal employment opportunity commission guidelines on discrimination because of national origin: The overextension of English-only rules in *Garcia v. Spun Steak Co.* Minnesota Law Review, 79(2), 391-423.

Isserlis, J. (1991, October). Workplace literacy programs for nonnative English speakers. Washington, DC: Center for Applied Linguistics. (ERIC Document Reproduction Service No. ED 334 874)

Kennedy, D. (1996). Can we still afford to be a nation of immigrants? Atlantic Monthly, 278(5), 52-68.

Leiserson, W. (1924, 1971). Adjusting immigrant and industry. Montclair, NJ: Patterson Smith.

Lewandowski, C. (1994). English as a Second Language. Level 2. (ERIC Document Reproduction Service No. ED 368 971)

Mager, R., & Pipe, P. (1984). Analyzing performance problems or you really oughta wanna. Belmont, CA: Lake Publishing.

McGroarty, M. & Scott, S. (1993, October). Workplace ESL instruction: Varieties and constraints. Washington, DC: Center for Applied Linguistics.

Mercer County Community College, Trenton, NJ. (1994). Skills for tomorrow. Workplace skills project. DACUM charts. (ERIC Document Reproduction Service No. ED 368 988)

Mikulecky, L., & Lloyd, P. (1994). Handbook of ideas for evaluating workplace literacy programs. (ERIC Document Reproduction Service No. ED 348 579)

Murphy, B., Barlow, W. & Hatch, D. (1993). English-only rules might not violate Civil Rights Act. Personnel Journal, 72(10), 24.

Perea, J. (1990). English-only rules and the right to speak one's primary language in the workplace. University of Michigan Journal of Law Reform, 23(2), 265-318.

Petersen, D. (1994). English only rules: Valid business policy or discrimination? Labor Law Journal, 45(6), 367-373.

Rothwell, W., & Sredl, H. (1992). The ASTD reference guide to professional human resource development roles and competencies. (2nd ed.). Amherst, MA: HRD Press.

Silbergeld, A. & M. Tuvim. (1994). English-only rules should be narrowly drawn and justified by business necessity. Employment Relations Today, 21(3), 355-364.

Sklarewitz, N. (1992). English-only on the job. Across the Board, 29(1/2), 18-22.

Strauss, G. (1997, February 28). Survival 101: Learning English. USA Today, 15(117), 1A, 8A - 9A.

Supreme court to review English-only law. (1996, July/August). State Legislatures, 22(7), 10.

Ugalde, A. (1990). "No se habla Espanol": English-only rules in the workplace. University of Miami Law Review, 44(5), 1160-1241.

Weakness in evidence dooms hispanic workers' challenge to English-only policy. (1996, June 10). BNA's Employee Relations Weekly, 14(23), 634.

Westerfield, K., & Burt, M. (1996, May). Assessing workplace performance problems: A checklist. Washington, DC: Center for Applied Linguistics.

Wiley, D. (1995). Whose proof?: Deference to EEOC guidelines on disparate impact discrimination analysis of "English-only" rules. Georgia Law Review, 29(539), 539-579.

APPENDIX

Alamprese, J. (1993). The worker, work, and workplace literacy: Missing links. (ERIC # EJ474575)

Arlington County Public Schools. (1993). Building facilities/custodial services English as a second language workplace literacy curriculum. (ERIC # 364124)

Benice, S. (1993). Work and your life. An adult ESL instructional unit. (ERIC # 364121)

Binder, A. (1993). ESL resource center. An annotated bibliography of selected resources for vocational preparation for limited English proficient students. (ERIC # 366766)

Bozarjian, B., & Uvin, J. (1993). Workplace education sample evaluation report. (ERIC # 363745)

Brod, S. (1987). Ideas at work. Techniques for effective communication: Giving feedback and asking for clarification. The work styles series. (ERIC # 359850)

Business Council for Effective Literacy. (1993). Computers & literacy: Curricula & guides. General adult literacy series. (ERIC # 359393)

Cacy, R., & Smith, P. (1992). First aid lessons. Correlated conversation for use with "You can give first aid." Workplace curriculum. (ERIC # 354355)

Career Resources Development Center, Inc. (1993). Project EXCEL: Holiday Inn at Fisherman's Wharf, housekeeping department: Improving customer service. (ERIC # 373609)

Career Resources Development Center, Inc. (1993). Project EXCEL: San Francisco Hilton and Towers, stewarding department. (ERIC # 373608)

Career Resources Development Center, Inc. (1993). Project EXCEL: Sheraton Wharf, room service department. (ERIC # 373607)

Career Resources Development Center, Inc. (1993). Project EXCEL: Westin St. Francis, stewarding department. (ERIC # 373606)

Career Resources Development Center, Inc. (1991). Project EXCEL. Final performance report. (ERIC # 355838)

Career Resources Development Center, Inc. (1991). Project EXCEL. Curriculum for Casa Sanchez, Inc. (ERIC # 355839)

Career Resources Development Center, Inc. (1992). Workplace ESL literacy in diverse small business contexts: Final evaluation report on Project EXCEL. (ERIC # 355837)

Career Resources Development Center, Inc. (1991). Project EXCEL. Curriculum for Momentum, Inc. (ERIC # 355840)

Career Resources Development Center, Inc. (1991). Project EXCEL. Curriculum Ace Mailing (ERIC # 355841)

Career Resources Development Center, Inc.(1991). Project EXCEL: Curriculum for Just Desserts, Inc. (ERIC # 355842)

Career Resources Development Center, Inc. (1993). Project EXCEL: Holiday Inn Union Square, housekeeping department. English for room cleaners (ERIC # 373610)

Chan, H. (1993). From theory to practice: A set of garment-related ESL curriculum. (ERIC # 367200)

Ching, N., & Mahuka, R. (1994). The Waikiki lifelong learning center. (ERIC # 372220)

Clymer-Spradling, C. (1993). The cutting edge: Workplace English. Project handbook and instructional guide. (ERIC # 371641)

Continuing Education Institute. (1993). National workplace literacy program for health care employees. Final evaluation report. (ERIC # 359397)

Darville, R. (1993). Teaching literacy to second language learners. (ERIC # 359807)

Denver Public Schools. (1994). Workplace education program (WEP) Emily Griffith Opportunity School. (ERIC # 378428)

Dyer, P. (1992). Training a multicultural workforce. (ERIC # 378884)

El Paso Community College. (1993). The cutting edge: Workplace English. Section I: Project handbook. (ERIC # 373593)

El Paso Community College. (1993). The cutting edge: Workplace English. Instructional guide.. (ERIC # 373594)

Gardner, D. (1993). Florida's adult education programs: Challenges and accomplishments. A report for fiscal year 1991 and fiscal year 1992. (ERIC # 367845)

Gilding, N. (1992). Strategic management in language and literacy -- Outcomes or empires? (ERIC # 364120)

Grasso, R., & Vallone, K. (1994). The language improvement partnership program. (ERIC # 368220)

Grognet, A. (1994). ESL and the employment connection. (ERIC # 378843)

Guth, G. (1993). Profiles of adult literacy programs. (ERIC # EJ474569)

Hellman, L. (1993). Pima County workplace literacy partnership. Final report. (ERIC # 365810)

Hellman, L. (1992). Pima County workplace literacy partnership. Final report. (ERIC # 353451)

Illinois Eastern Community College. (1992). National workplace literacy program: Final report. (ERIC # 355365)

Johnson, H. (1993). Curriculum development in selected workplace literacy programs of the consortium for worker education. (ERIC # 367911)

Jones, J. (1992). Janitorial unit prepared for Carr Grocery employees. Custodian's guide prepared for the Anchorage school district custodial employees. Workplace curriculum. (ERIC # 354354)

Jones, J. (1992). Lesson plans prepared for Carr Grocery employees. Conversation and reading skills correlated with skill books 1-2 of "The Laubach way to English." Workplace curriculum. (ERIC # 354353)

Kober, N. (1992). Profiles of major federal literacy programs. Contractor report, adult literacy and new technologies: Tools for a lifetime. (ERIC # 361502)

Lake County College (1994). Workplace literacy curriculum: A competency-based approach for ESL, math, & reading. (ERIC # 375295)

LaMar, M., & Schnee, E. (1993). The global factory. Union worker-family education program. (ERIC # 357657)

Lewandowski, C. (1994). English as a second language. Level 1. (ERIC # 368970)

Lewandowski, C. (1994). English as a second language. Level 2. (ERIC # 368971)

Lowry, B., & Sterling, D. (1992). Beyond reading and writing: A workplace curriculum report. (ERIC # 355390)

Mansoor, I. (1993) REEP federal workplace literacy project. (ERIC # 363146)

Massachusetts Career Development Institute. (1993). Massachusetts Career Development Institute in partnership with the Geriatric Authority of Holyoke, Massachusetts. Final report. (ERIC # 364753)

McGroarty, M., & Scott, S. (1993) Workplace ESL instruction: Varieties and constraints. ERIC digest. (ERIC # 367190)

Mercer County Community College. (1994). Mercer County Community College workplace skills project. Final evaluation. (ERIC # 368968)

Mercer County Community College. (1994). Skills for tomorrow. Workplace skills project. DACUM charts. (ERIC # 368988)

Merlin, S. (1993). Career enhancement program for the industries of the Shenandoah Valley of Virginia. (ERIC # 359373)

Mikulecky, L., & Lloyd, P. (1994). Handbook of ideas for evaluating workplace literacy programs. (ERIC # 375264)

Napa Valley Unified School District (1994). The literacy line (ERIC # 374690)

Northern Virginia Community College. (1993). The English challenge. Final report. (ERIC # 364123)

Nunes, E. (Ed.) (1992). Learning resources evaluations manual. (ERIC # 353858)

Roberts, L. (1993). ESL small town. (ERIC # 359845)

Roberts, M., & Walton, T. (1993). Vocational English as a second language and office skills. Curriculum guide. (ERIC # 359816)

Royce, S. (1992). Pennsylvania's exemplary special projects 1976-1990. (ERIC # 373172)

Sanford Public Schools. (1993). Sanford Maine public schools national workplace literacy program. (ERIC # 371128)

Schneider (USA) Inc. (1992). Schneider skills enhancement program. (ERIC # 365778)

Smith, P., & King, R. (1992). Lesson plans used with housekeeping employees of the Sheraton Anchorage Hotel. (ERIC # 354352)

Snapp, M. (1993). English as a second language/workplace education. (ERIC # 364690)

Snedeker, D. (1992). Workplace skills enhancement project, Seattle-King County Private Industry Council, Final report. (ERIC # 359834)

Van Duzer, C., & Mansoor, I. (1993). Convenience store workplace literacy curriculum. (ERIC # 363145)

Van Duzer, C. (1990). Food and beverage industry ESL workplace literacy curriculum for hotels. (ERIC # 363144)

Wrigley, H. (1993). Adult ESL literacy: Findings from a national study. (ERIC # 365169)

Wrigley, H. (1993). Outside evaluation report for the Arlington federal workplace literacy project. (ERIC # 359849)

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	Organization/Address: Pennsylvania State University 301 Keller Bldg University Park, PA 16802	Telephone: (814) 865-2132 FAX: (814) 863-7532
		E-Mail Address: ggg4@psu.edu Date: May 27, 1997

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