

English Language Policy for Kitchen Wasn't Reasonably Applied



Three restaurant workers from Bangladesh sued for discrimination, challenging, among other things, the unwritten policy that English was the language 'of first choice' in the kitchen. The manager testified that for 'safety, courtesy and efficiency in the kitchen,' she requested that English be spoken. But the safety concerns were never explained. One of the workers wasn't fluent in English and spoke Bengali to the others to be sure he understood instructions. The restaurant claimed an exception to the rule was made to accommodate this worker but it didn't always give effect to this exception. The Human Rights Tribunal found that there was friction in the workplace about the use of Bengali in the kitchen. The restaurant should've taken steps to defuse the situation, such as holding a meeting with all staff in which communication could be addressed and appropriate compromises reached. But there was no evidence that it took such action. Instead, the manager would make mocking comments when Bengali was spoken and reiterate that English should be spoken. Thus, the Tribunal concluded that the workplace language rule wasn't reasonably applied and was discriminatory [*Islam v. Big Inc. (c.o.b. Le Papillon on the Park)*, [2013] O.H.R.T.D. No. 2236, Dec. 4, 2013].