

4 RNs axed for speaking Tagalog at work win suit

Written by Administrator
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Three of the four Filipino nurses that won an anti-discriminatory lawsuit against a Baltimore hospital.

BALTIMORE — Four Filipino nurses in Maryland has won the anti-discriminatory lawsuit they filed against a Baltimore hospital, who fired them last year for speaking in Tagalog while on duty.

The United States Equal Employment Opportunities Commission (EEOC) on Aug. 16 ordered Bon Secours Hospital to settle with the Filipino nurses, ruling that the hospital's policy requiring staff to speak only in English unlawfully discriminated against complainants Corina Capunitan Yap, Anna Rowena Rosales, Hachelle Natano and Jazziel Granada.

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The four accused the hospital management of singling them out when staff of other nationalities were not disciplined for speaking their own language.

The Filipino nurses, who were represented by the Migrant Heritage Commission (MHC), also argued that they spoke Tagalog only during breaks and not when on duty or in front of patients.

They also accused the hospital of dismissing them in April 2010 because of their nationality.

Filipino nurses organizations in the U.S. hailed the verdict as benefiting other immigrant workers in the country.

In its Aug. 16, 2011 determination, Director Gerald Kiel, of the EEOC Baltimore field office, said he found reasonable cause that the Bon Secours Hospital System subjected the four nurses to unequal terms and conditions of employment, a hostile work environment, disciplinary action and discharge because of their national origins (Filipino) in violation of Title VII of the Civil Rights Act of 1964 as amended.

“Other employees spoke Spanish and other languages contrary to the policies and were not disciplined,” Kiel pointed out.

“In addition, it appears more serious infractions of work rules were not comparably punished.”

In urging the hospital management to settle with the nurses, Kiel said this decision is “final.”

“The commission now invites the parties to join with it in reaching a just resolution of this matter,” he said.

Expressing elation over the EEOC decision, the nurses also expressed gratitude to the MHC for

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having stood for them during the entire process of seeking justice to their predicament.

MHC co-executive director and legal counsel Arnedo Valera said the victory is MHC's landmark case for labor and anti-discriminatory laws in the U.S. because it benefits all other ethnic groups.

"The English Only rule in workplaces which has nothing to do with one's performance of duties is discriminatory, based on national origin," Valera said.

"Everyone has a right to speak their own native language whenever they want or need to so long as they do not compromise and put their patients in danger."

"In fact, hospitals and other facilities benefit from bilingualism," he added.

"Many lives have been saved in emergency rooms because hospital personnel could understand the persons brought to them."

MHC co-executive director Jesse Gatchalian for his part commended the nurses for their courage in their quest for justice.

In April 2010, the Bon Secours Health System discharged the four nurses for speaking Tagalog in the premises of the Emergency Department.

Its English Only policy is being enforced at the Emergency Department, as well as in other departments, to all employees in the conduct of their duties.

The nurses were found to have spoken to each other in their native language.

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However, the EEOC determined that the disciplinary action and discharge were unlawful and failed to support Bon Secours' assertion that the conversations were job-related and necessary for business.

In their affidavits, the nurses said they were actually exchanging pleasantries in Tagalog, including that of thanking another person for having brought to their work station a delicious Filipino meal.

MHC co-executive director Grace Valera-Jaramillo said that as a nation of immigrants, "we value the contributions of immigrants, including the sharing of their culture and language. Our community is actually enriched by diversity."