



## LABOR AND EMPLOYMENT LAW

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**Q** : I want to advertise a sales position that says, "Ability to speak, read, write, and translate fluently in Spanish and English highly desirable." I'm afraid an applicant who is monolingual in English will sue me if I don't hire him. So, is this alright?

**a** : You're fine. It is unlawful "to fail or refuse to hire ... any individual ... because of such individual's race, color, religion, sex, or national origin." Non-bilingual individuals are not a protected class under either Title VII of the Civil Rights Act of 1964, nor the Texas counterpart, the Texas Commission on Human Rights Act. Moreover, courts have consistently held that a preference, or even requirement, that employees have bilingual ability does not give rise to a discrimination claim based on national origin or race.

Your preference for employees who are bilingual is not a violation of the discrimination laws. Advertise away, as long as you have a legitimate business reason for it.