

# Democrat and Chronicle

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## Hospital settles ethnic bias case

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Highland Hospital will pay \$200,000 to settle a lawsuit that claimed the institution discriminated against its Hispanic housekeepers, according to an agreement approved by the courts on Tuesday.

The settlement stems from a lawsuit filed in July by the U.S. Equal Employment Opportunity Commission on behalf of five hospital workers who are natives of Cuba and Puerto Rico.

The workers said they were subjected to rules requiring them to speak only

### What's at stake

How we get along. In an increasingly multicultural society, where do we draw the lines so that we can co-exist in peace, if not in harmony?

English when they were in the hospital.

One manager reportedly told a worker, "This is America, speak English." Workers were allegedly disciplined for speaking Spanish on breaks and after they clocked out of work, among other claims.

**LAWSUIT, PAGE 4A**

## Lawsuit

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Typically, for such rules to be legal, employers need a "business" reason for them.

"We are pleased we were able to have this matter resolved favorably, not only for our clients, but also for the message that it sends to employees everywhere," said Nelson Thomas of DoInn, Thomas & Solomon, the firm that represented the workers.

### Highland takes action

Officials at Highland — which is part of the area's No. 1 employer, the University of Rochester — have admitted no wrongdoing in the settlement, said spokesman John Turner.

"Highland disagrees with the EEOC's interpretation, but we are deeply concerned about the friction this has caused among all employees and the impression that it may have left with our colleagues in the Hispanic community," he said.

Turner said the situation has been "misrepresented." Departmental managers did implement

an "action plan" and not a formal policy, in which housekeepers were asked to speak English.

The managers were responding to complaints from their non-Spanish-speaking housekeepers who said the housekeeping supervisor and other workers would deliberately switch from English to Spanish when they entered the room.

### Terms of the settlement

Under the terms of the settlement, approved in the Western District of New York federal court, Highland cannot implement "English only" or "no Spanish" policies for three years.

Officials have also agreed to adopt a comprehensive anti-discrimination policy and complaint procedure, and they will instruct managers and supervisors about national origin discrimination and other discriminatory practices, among others.

The \$200,000 in compensatory damages and attorneys' fees will be divided among the five workers in the initial complaint, along with three additional claimants. □

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