Understanding and Overcoming Challenges with Spanish-speaking Employees

By: Dan Ramir, CHST, Executive Director of the Latino Worker Safety Center
Job Safety and Health - IT’S THE LAW!
Employer Responsibilities:
For All Workers

- Provide a workplace free from serious recognized hazards and follow all OSHA safety and health standards.
- Find and correct safety and health hazards.
- Inform employees about hazards in the workplace and train them about applicable OSHA standards in a language they understand.
- Provide safety training on workplace hazards.
- Provide the required personal protective equipment (PPE) and pay for most types of required PPE.
Is there a law to speak English at work?

Generally, employers have to show that there is a business necessity for the policy. For example, if an employer can show that safety requires all workers to speak a common language, or that an English-only rule is necessary to serve customers who speak only English, that would constitute a business necessity.
Can an employer require an employee to speak English?

The EEOC has stated that rules requiring employees to speak only English in the workplace violate the law unless the employer can show that they are justified by business necessity. A rule requiring employees to speak only English in the workplace at all times, including breaks and lunch time, will rarely be justified.
Per OSHA - Is English Required on Jobsites?

Question: Is there an OSHA requirement that obligates employers to ensure that their employees can communicate with supervisors and co-workers in English at construction sites so that they can understand safety training and instructions and coordinate safely with co-workers?

Answer: while there are construction standards that require training and instructions, there are no OSHA construction standards that specifically require that such information be conveyed and understood in English ....

....In addition, it is common that, for safety reasons, construction employees need to be able to communicate with supervisors and co-workers. However, an OSHA obligation in that regard would be met by any system in which that communication could reliably occur; there is no OSHA requirement that the communication system be based on the English language.

Question: Must an employer provide materials, pursuant to the Hazard Communication Standard, in a language other than English? Paragraph 29 CFR 1910.1200(f)(9) states:

(9) The employer shall ensure that labels or other forms of warning are legible, in English, prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

Thus, the employer may add information on the labels in a language other than English, but there is no requirement that they do so.

Who are the workers that don’t speak English?

15b. Birthplace of foreign-born construction workers, 2015 (All employment)

- Mexico (53.1%)
- Other Latin America (31.2%)
- Europe (7.3%)
- Asia (6.4%)
- Other (2.1%)
DEFINITIONS:

SPANISH – Citizen of Spain or the language of Spain and much of Central and South America.

HISPANIC – U.S. Citizen or resident from Latin America or Spain whose native language is Spanish.

LATINO – U.S. Citizen or resident of Latin American descent.

LATIN AMERICAN – Citizens living in Latin America.

LATINX (plural Latinxs) – Gender neutral term often used in lieu of Latino or Latina.
Where are these workers found?

15a. Percentage of foreign-born workers, by industry, 2015
(All employment)

- Agriculture: 29.4%
- Construction: 24.7%
- Transportation: 19.0%
- Manufacturing: 18.7%
- Services: 17.5%
- Wholesale: 17.0%
- Retail: 14.0%
- Finance: 12.9%
- Mining: 11.4%
- Public admin: 9.0%
- All industries: 17.1%

CPWR 6th Edition
Other language spoken at home

15c. Percentage of workers who spoke a language other than English at home, by industry, 2015 (All employment)

<table>
<thead>
<tr>
<th>Industry</th>
<th>% of workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>35.1%</td>
</tr>
<tr>
<td>Construction</td>
<td>29.4%</td>
</tr>
<tr>
<td>Transportation</td>
<td>22.9%</td>
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<tr>
<td>Mining</td>
<td>17.7%</td>
</tr>
<tr>
<td>Finance</td>
<td>16.9%</td>
</tr>
<tr>
<td>Information</td>
<td>16.7%</td>
</tr>
<tr>
<td>Public admin</td>
<td>14.8%</td>
</tr>
<tr>
<td>Utilities</td>
<td>12.0%</td>
</tr>
<tr>
<td>All industries</td>
<td>22.0%</td>
</tr>
</tbody>
</table>
Workers should learn English – Agreed!

But in the mean time...

Provide Bilingual Supervision

Partner limited English worker with Bilingual Worker

Employers might provide English training to employees
Translate all relevant documents into the primary language of your employees

- There are several translate text from one language to another. free websites that
- However, you have to be careful since the translation is not always in the exact same dialect as that of your employees.
- Also, sometimes the meaning of a word used in written translation does not always correspond to the meaning you wish to convey in your work documents.
Use an interpreter whenever you give instructions or provide feedback to your employees

• There may be someone in your organization who speaks both languages fluently enough to convey your message to your employees.
• Find someone who you trust to translate your instructions and feedback properly.
Provide language classes for your employees on the basic language requirements for your business

- Teach them work words, phrases, warnings, and other critical communication elements that are necessary for them to perform to your performance standards. Teach the basics first.
- Give all of your employees a "survival" crash course in the predominant language of your workplace.
- Later, you can provide additional opportunities for your employees to learn the language skills they need in order to "thrive" in the workplace.
Use both telling and showing methods of training

- Simplify your training methods, particularly those that rely heavily on telling versus showing.
- Demonstrate what you want and then have the employees perform the function as you observe their performance.
- Re-demonstrate as often as needed until the employees can perform the task successfully.
Use visual methods of communication more than audio

• Show more than tell. Explain it with pictures as much as possible.
• Take a lesson from the airlines in how they convey their safety instructions. Use pictures in your instruction manuals rather than words.
• Almost every step in every process can be described in picture format.

Chris Smith – Seven Barriers of Communication
Use Repetition

• As with any new concept, most people don’t learn something the first time they hear it. Employees need to hear the same message over and over before they fully grasp it.
• Don’t expect people to learn anything after being told once.
• This is true of all of your employees whether they have a language barrier or not.
Never raise your voice or over-enunciate your words

- Talk slower, not louder. **Speak clearly, not forcefully.** People of a different language and culture can hear fine.
- They probably also are intelligent enough to grasp what you are saying if you intelligently **deliver your message without talking down to them.**
- **Speak correct English the correct way, just more clearly.** People cannot learn the language right if you don't speak it right.
Use simpler words with fewer syllables

• Be aware of the complexities of your words.
• Use more common words that convey your message in simpler terms.
• Don't talk down; just use a less complex vocabulary.
Learn the basics of your employee's language

• If you want to communicate effectively and build rapport with your employees you should consider learning a few words and phrases in their language.
• Nothing sends the message that you value the diversity of your employees more than your willingness to learn from them.
• Have them teach you how to say hello, goodbye, please, thank you, and other important pleasantries you can use in your interactions with them.

Chris Smith – Seven Barriers of Communication
Have the employee demonstrate their understanding

• Don't assume the employee understands; **check for understanding.**
• Ask the employee to demonstrate that they know how to do what you have asked them to do.
How to train on specific topics

- Respiratory Protection
- Fall Protection
- Lockout/Tagout
- Trenching and Excavation
- Electrical Safety
- Machine Guarding
- Scaffolding
- Silica
- Hazard Communication
- Walking Working Surfaces
- OSHA 10 and 30
OSHA’s Susan Harwood Grant Topics

https://www.osha.gov/dte/grant_materials/material_listing_topic.html

By Topic
TRAINING SOLUTIONS

• Translation Services – *may be useful during training – document*

• Train a bilingual worker for a safety position within the company *part of the culture*

• Find a bilingual safety compliance trainer in your State
  • *OSHA Website - Spanish Outreach Trainers*

• Online Safety Training – *but may not be useful for the illiterate*
TRAINING SOLUTIONS

• Safety Compliance Videos, DVDs can be purchased on line. 
  Ensure they are up to date and compliant with current standards.

• CPWR: www.elcosh.org/es/, Spanish PowerPoints, Images, and Videos

• Check with the Unions – Some offer Safety Compliance Training in Spanish
BEYOND LANGUAGE BARRIERS

CULTURAL DIFFERENCES!!!
Culture

• It plays a vital socio-economic role in the development of the economy of any country.

• Cultural differences can interfere with management practices.

• 35 % of workplace problems are caused by language barriers.

• 65 % are caused by cultural differences.

• Bridging both language and cultural barriers is the most effective way to ensure a safe and productive work site for all crew members.

Zerah, 2013
Converging factors in U.S Culture

1. Individualistic oriented
2. Low-context communication style
3. Direct verbal message cues.
4. Non-verbal cues less important
5. To the point.

Converging Factors in Latino Culture

1. Collectivistic Oriented
2. High-context communication style
3. General verbal cues
4. Non-verbal language dominance
5. Introductory conversation necessary.
Building a Safety Culture in the Workplace

Vital steps for Supervisors:

1. Be committed to your worker’s safety.
   - Genuine behavior is the most impactful.
2. Explain safety regulations in terms of how it affects friends or their family members.
3. Focus on minimizing risk. Reinforce those behaviors only.
   - Provide employees with empowerment.
4. Images are a vital learning tool. Beware of literal translations!
5. Studies suggest language loss accompanies profound identity transformation that reinforce resistance to change.
Nations are oriented towards certain type of characteristics that determine: behavior, values and attitudes of its population.

<table>
<thead>
<tr>
<th>Power-Distance</th>
<th>Uncertainty Avoidance</th>
<th>Individualism vs. Collectivism</th>
<th>Masculinity vs. Femininity</th>
<th>Long-term orientation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extent of acceptance/rejection of power inequalities in a nation’s society.</td>
<td>Degree to which a culture accepts presence of uncertainty; level of comfort in taking actions with no evidence of certain results.</td>
<td>Collectivism: Identity through long-lasting group memberships. Individualism: Identity is an individual concept rather than plural.</td>
<td>Styles of communication in nations that value either the use of assertiveness or nurturance.</td>
<td>Long Term: Oriented towards the future, can delay satisfaction to achieve goals.</td>
</tr>
<tr>
<td><strong>High:</strong> Russia, Slovakia, Guatemala.</td>
<td><strong>High:</strong> USA, UK, China</td>
<td><strong>Individualistic:</strong> USA, UK, Canada</td>
<td><strong>MA:</strong> Japan, Austria, Hungary.</td>
<td><strong>Short –term:</strong> Focus on the present or past, more likely to value tradition highly.</td>
</tr>
<tr>
<td><strong>Low:</strong> Israel, Denmark, Ireland, New Zealand.</td>
<td><strong>Low:</strong> Mexico, Italy, Korea</td>
<td><strong>Collectivism:</strong> Colombia, Venezuela, Guatemala.</td>
<td><strong>FE:</strong> Costa Rica, Denmark, Norway.</td>
<td><strong>Long-term:</strong> China, Hong Kong, Japan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Short-term:</strong> USA, Latin America, Africa.</td>
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</table>
Managing a Diverse Workforce - Cultural Barrier Solutions Training

Layla Sarquis-Cubillo
Training for Companies with a Diverse Workforce

Cultural Barrier Solutions for the Workplace

Constructive Communication and Worker Incentives
Understanding and Overcoming Challenges with Spanish-speaking Employees

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