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# Accent discrimination in the US: A hindrance to your employment and career development?

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<p>In today's globalized world what is the impact of how one speaks? How can you tell if your way of talking hinders your possibilities of getting a job? Discrimination based on accent happens across the world, whether people are aware of it or not. The purpose of this paper is to take a deeper look into why this happens and why employers consider it acceptable practice, especially in the U.S.A.</p> <p>This paper will address several reasons for why this type of discrimination happens and what could be done to change it in the future. There are several studies done regarding English language involving non-native English speakers as well as native speakers who feel discriminated against. This paper will focus on the non-native speakers in the U.S.A. There is still need for further investigation as to how companies can train their personnel to avoid the bias and how children from an early age can be taught to see beyond the accent bias.</p>	
Keywords	HRM, human resources, accent discrimination,

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## **1 Introduction**

In today's business world, people are discriminated against for many reasons: race, age, religion, origin or sex. In many cases, and many jurisdictions worldwide, this is considered to be illegal. In these cases the prejudice is mostly based on the person's appearance, whereas there is another form of discrimination, which can be more difficult to prove: that is a person's accent. There are several studies, which have demonstrated that people discriminate against others based on the way they speak. Whether it is based on their native tongue, in which they speak with a varying regional accent than those in their area, or a second language that they use, people will be judged based on it. (Deprez-Sims & Morris, 2010)

A person's perception of another's accent can influence the way they see the person. The most common situation is where the receiver of the message is distracted by the "noise" caused by the accent of the sender of the message. (Quinn & Petrick, 1993) The concept of the "noise" or the accent interfering with the reception of the message is also discussed in this paper. The origin of the accent discrimination is difficult to point out, but Ingram did a study on infants and found out that even at the age of seven months, an infant can differentiate between two accents. Does this mean children naturally learn to discriminate at this age, or is it taught to them by their parents or environment at a later age? The study clearly indicates that the sensitivity to recognise different accents, or speech patterns, is there at seven months old already.

In the USA, the Civil Rights Act (Government, 1964) prevents people from discriminating based on race or origin, but it does not specify accent, which leaves employers room for interpretation and open for discrimination. Employers can easily say that one's accent hinders their ability to perform the job, because the customer cannot understand the employee. (Gluszek, 2010) In the communication process, (Nordquist, n.d.) the accent is the "noise", which inherently can affect the message between the communicator and the interpreter. (Quinn & Petrick, 1993)

Most of the articles used and referred to for this paper were published in the USA and mostly discuss non-native speakers who live in the country. Many of the people discussed in the articles work very hard to get where they are only to have their goals halted by

someone who considers their accent to be a hindrance to the business. There are several court cases where the plaintiff (the employee) lost due to court siding with the defendant (the employer) in saying that the language skills of the plaintiff were not satisfactory to do the job in question. (Akomolafe, 2013) Nguyen (1993) has a suggestion as to how to equalize everyone on the same starting line by testing their spoken English. Zuidema (2005) also has put forward suggestions for companies as to how to train their employees to train themselves against the bias.

Although, the many of the articles used for this paper are mostly prior to the year 2010 and thus can be considered outdated to a certain point. New studies should be conducted to see if people's perceptions on accents have changed. In a more globalized world, most multinational corporations have employees from all aspects of life and from around the world. It would appear that accents no longer play a vital role in these companies. There is also room to research whether children perceive accents more than adults. Furthermore, can the suggested steps for preventing discrimination (Zuidema, 2005) actually work or are they just hypothesis.

The main argument of the paper is that discrimination based on accents is widely accepted and there appears to be limited recourse for action and redress. If it were not for the employees in the USA filing law suits against the employers due to accent discrimination, no one would be discussing it and no action would be taken. Because the number of immigrants in the USA is growing annually, the Caucasians will soon be a minority and broken English will be more of a daily matter. (Wolpert, 2014)

## 2 Literature review

The aim of this paper is to discover whether discrimination based on accents is justified and whether or not prejudice and discrimination can be eliminated. Many of the articles used for this paper refer to the Civil Rights Act VII of the United States (Government, 1964) as well as to the Equal Employment Opportunity Council (EEOC). There have been several court cases where the plaintiff has sued the defendant over discrimination based on accent, which can be related with origin. (Akomolafe, 2013) It is very difficult to prove that the plaintiff has been dismissed or passed on promotion due to accent instead of other reasons. Only in the cases where it has been possible to specify that the dismissal was due to accent has the plaintiff won. Many of the court cases are justified by the employer's right to terminate an employee who cannot perform their duties. If the employee works with customers and the customer has trouble understanding the employee, there is cause for dismissal by the employer. (Akomolafe, 2013)

In their study Quinn & Petrick (1993) stated how certain accents in languages other than English were also discriminated against. This was mainly the case in Germany. Another study (Heblich, et al., 2015) supported the article by Quinn & Petrick (1993), where the participants of the study were asked to rate the accents of other German speakers.

When reviewing all the literature found, there were several articles that fit the search criteria well, which is "accent discrimination". Akomolafe (2013), is one of the best fits for what is being investigated in this paper, and one of the first ones read. He defines people discriminated based on their accent as the "Invisible Minority" and further defines who is considered to be in this category. He also refers to the legal statues of the US, which are to prevent discrimination based on national origin, which is what he says an accent is. He points out how difficult it is to prove that one has been discriminated against because of their accent. He refers to several legal cases in which the plaintiff has sued the defendant for discrimination based on accent. Due to not having a standardised method to evaluate what "fluent English" means in practice, it is difficult to prove that accent was the defining factor in not hiring or promoting someone. Akomolafe (2013) refers to there being standardised testing for written English for those who wish to attend universities in the US, but only pharmacists at the moment are required to take a test of spoken English to qualify working in their profession in the US.

As Akomolafe referred to Quinn & Petrick (1993) several times in his article, it was only natural that it would be the next article to be reviewed. The article studies accent discrimination from the perspective of human resource management. They list several court cases in which the plaintiff lost due to the defendant claiming that the employee could not do their job due to their heavy accent. Harris (1989) as referred to by Quinn & Petrick (1993) "The only time that an employer may claim that an employee's accent is a legitimate reason for not hiring or promoting an employee is if that accent interferes materially with job performance." They also go over the US legislation on accent discrimination. They discuss globalisation and its effect on the US work force. Quinn & Petrick (1993) refer to how people with Western European accents are considered as more educated than someone with an Eastern European accent. Furthermore, they point out that "the major issue in applying Title VII of the US Civil Rights Act to accent discrimination cases is making the distinction between accents that potentially or actually inhibit job performance and those that are just different from socially accepted norms." They are quick to point out that when it comes to communication, the responsibility is not only on the sender, but on the receiver as well. "Prejudice on the receiver can also interfere with transmission." The case that changed everything was *Xieng v. Peoples National Bank of Washington*, where it was clear that Phanna Xieng of Cambodia had been working for the bank for years with recommendations for promotion, yet was never promoted to receive the salary she should have as she was already doing the job that went with that salary. Quinn and Petrick (1993) go to point out that when accent is involved, it is difficult for employees to win the case. They suggest when "evaluating a person's ability to communicate effectively in English and also evaluating the level of communication required by the position should be mandatory." Furthermore, "every job applicant, regardless of national origin, should be required to take an oral and written English test in order to assess the language proficiency of the person."

In order to make language assessments fair for everyone and to lift the burden of proof for the human resource department, Quinn & Petrick (1993) make suggestions on how to improve this. They suggest when "evaluating a person's ability to communicate effectively in English and also evaluating the level of communication required by the position should be mandatory." Furthermore, "every job applicant, regardless of national origin, should be required to take an oral and written English test in order to assess the language proficiency of the person." This would assure that if a person passes both parts of this language proficiency test successfully, there should be no reason not to hire this

person. Offering the position would come with “the understanding that he or she must complete certified English language courses and within one year be able to attain the required score on the portion of the English test where deficiency was spotted.” Due to varying levels of language skills need for different jobs, the grading on the English tests should reflect this. Furthermore, they suggest all positions in the company should be rated by what the communication level in English is needed for each position. Quinn and Petrick go on to state what the ramifications are if this type of testing for equality are not applied, as well as what the benefits for the companies are who choose to have testing done. This type of testing would also have an impact on the applicant’s self-esteem, thus suggestions are made for four universal principles of utility, justice, liberty and dignity to represent the morals of the marketplace, which would be globally applicable. Finally, Quinn & Petrick (1993) go to summarise that accent discrimination should be abolished due to globalisation, which is seen in immigration patterns as well as in US companies forming subsidiaries in foreign countries. Hiring natives of the host country, who speak English, will be difficult if the hiring manager has a bias against a person with a foreign accent when speaking English.

In her article, Nguyen (1993) discusses how an accent is a part of one’s identity and how immigrants in the US are struggling to find work because of their accent. She goes on to state that many people are paying accent coaches money to get rid of their natural accent in order to gain a better job. She covers the statement by the Ninth Circuit, which discusses how one’s accent is entwined in one’s national origin. She also discusses the stance of Equal Employment Opportunity Commission (EEOC) on title VII. She further “discusses Title VII of the Civil Rights Act of 1964 and the difficulties of applying it to accent discrimination cases.” She then goes on to present “The Educational Testing Service’s Test of Spoken English (TSE) and argues for its use in evaluating a plaintiff’s accent.” Finally, she “explores the application of the TSE as an aid to parties and courts in accent discrimination cases.”

Gluszek (2010) discusses accents in general on her website. She defines an accent and explains why accents are important. She goes on to discuss accent stereotyping and prejudice as well as discrimination. She discusses the elimination of accent, which is what Nguyen (1993) referred to as well. Gluszek (2010) points out that there are accents and discrimination in other languages as well, not just for the English language. Due to globalisation and the ease of learning the English language, it has become the general



language for businesses across the globe. She has an interest in accents as she is a non-native English speaker herself, yet she has studied at the university in the US.

Table 1 lists the rest of the articles that were found most useful for the purpose of this paper.

*Table 1 Articles found most related to the researched topic*

Article	Author	Main idea	Relation
The Invisible Minority: Revisiting the debate on foreign-accented speakers and upward mobility in the workplace	Akomolafe	Foreign-born Americans should not have problems in finding work and climbing the corporate ladder	exact
Emerging Strategic Human Resource Management: Challenges in Managing Accent Discrimination and Ethnic Diversity	Quinn and Petrick	Employers discriminating on the basis of job ability, which they claim an accent is	exact
Myth Education: Rationale and strategies for teaching against linguistic prejudice	Zuidema	English grammar and different dialects, different English accents, how to educate people on different accents to minimize prejudice	very good
Who Speaks Broken English? US undergraduates' perceptions of non-native English	Lindemann	Research done on undergraduate students in the US and how they perceived different accents and their connection to a person's appearance	very good
Are Accents One of the Last Acceptable Areas for Discrimination?	Ingram	Definition of standard English and Americans' prejudice on how one speaks English	very good
Accents in the Workplace: Their effects during a job interview	Depres-Sims and Morris	An experiment on how different accents are perceived	very good
The effects of foreign accents on employment-related decisions	Hosoda and Stone-Romero	How accents are perceived in different contexts and jobs	very good

Human Accents: The Science Behind How We Speak	Gluszek	Theory as to where accents come from and a suggestion as to why we discriminate people based on how they speak	exact
Accent discrimination and the test of spoken English: Call for an objective assessment of the comprehensibility of non-native speakers	Nguyen	Title VII and how it is interpreted by employers in reference to accent discrimination	exact

Several studies linked to the subject were found as well as others supporting the undertaken research. Some of these articles were directly related to accent discrimination in English speaking countries, however there was also research available for Germany (Heblich, et al., 2015) and China (Liang, 2015). In order to keep the research area narrower, articles referring to non-native English speakers in the U.S. were used for the final version of the study. It would have been more difficult to draw the line for the research question with having different languages mixed together.

A study done by Deprez-Sims & Morris (2010) where three different types of accents were used, the results indicated that a Midwestern accent in an interview and the French accent were viewed more favorably than the Spanish native speaker from Colombia. People found the Midwestern and French accents more understandable than the Colombian accent. The Colombian accent was also hardest to identify of the accents. These results support other studies done on discrimination based on accent.

In a study done by Heblich, Lameli & Riener (2015) investigated the effect of a native accent from a region different to the one of the study subject was from. The accents chosen for the study were of regional accent from Bavaria and standardized accent from Thuringia. The study investigated whether there was a bias among those who spoke with a similar accent to those who spoke in different accents. The study found that the Bavarian language was more likely to be challenged than the Thuringian accent. A conclusion can be drawn from this that a deviation in accent from the common language receives a differential treatment. (Heblich, et al., 2015)

Hosoda and Stone-Romero (2010) studied the treatment of different accents in the USA in employment-related decisions. They did an empirical study on how French accent, Japanese accent and Standard American Accent were treated compared to each other in employment-related matters. The results of the study showed that the Japanese accented applicants fared worse on the study, especially for jobs that required communication even when having the same level of understandability and location. Interestingly enough, the French accented applicants were viewed as favourably, or more favourably, than Standard American English-accented applicants. (Hosoda & Stone-Romero, 2010)

In her article "Are Accents One of the Last Acceptable Areas for Discrimination?" Ingram (2009), she discusses the attitudes toward accents as well as the communication process between a native speaker and a non-native speaker of English language. She goes on to give some advice on how to improve the communication with someone with a heavy non-native English accent. She also points out that other languages have prejudices as well towards people who speak with a native accent from another region. Furthermore, she states that not all accents are considered negative and that some non-native accents are favoured over others. (2009)

Although the articles used for this paper are deemed to come from reliable sources, what about the authors themselves. How objective can one be when one feels very passionately about what they write? Is it possible to conduct a research study without being objective about it? How can one remain their objectivity when writing an academic article? How much do the used resources influence the author and their opinion on the subject matter? The whole website written by Gluszek (2010) is subjective in the sense that she has written it from her own perspective and experience as well as the research she has done for her published articles. Akomolafe (2013) writes about Nigerians living in the US, which is his own background as well. How can he write about Nigerians with an open mind when he is of that origin himself? It is questionable how subjective research on this topic can be. How can the objectivity be measured in any of the documentation found for this paper? Even Lippi-Green (2012) who wrote a book on accents in linguistics has a perspective which is influenced by her own opinions. If we look at this from a broader point of view, we could question all research that does not have firsthand data. If you do not do your own empirical study, how objective can your

results for research be? When discussing accents of non-native English speakers, which one is more objective to discuss the matter: the non-native speaker or a native speaker?

Why is a professional journal considered to be more reliable as a resource than a newspaper article or a blog written by someone? When it comes down to data, supposedly the purpose of usage of that data determines what is and is not reliable. So, for a university study, journals and other published papers by universities are deemed to be most reliable. Is this because they published by a university or because they are assumed to have done empirical research, which would validate the reliability of the data? If we really wish to dissect reliability and validity of data, we can argue over them until we turn blue. No matter how much a person wishes to be objective, there is always some subjectivity behind it, simply because there is a human behind the research.

### 3 Theory

Gluszek (2010) provides the most interesting anthropological theory behind accent discrimination. She suggests that thousands of years ago before our ancestors were able to move long distances, it was important to be able to recognise different accents. The close by tribe that spoke differently could be an enemy and one had to be on guard. This same sensitivity to accents is still strong today. When our ancestors began to move around the globe, they ran into people who looked different than those they were used to and thus considered people from different races to be "potentially dangerous".

Another theory based on study done by White et. al. (2014), goes to show that infants at under 12 months old can differentiate the way people speak in the area they are born in and another native accent. If this is a proven case, it goes to prove Gluszek's theory (2010) about fight or flight that is engrained in our DNA. The way we react to different accents can be changed by being aware of the different accent and improving communication between senders with different accents. As Ingram (2009) states, communication is a two-way street. If one has never been subjected to accents, it is more difficult for them to have an objective perspective on someone who sounds different from themselves. By educating people to be aware of accents and discrimination, you help prevent further accent discrimination from happening.

Nguyen (1993) suggests that having a test for spoken English would help in discrimination cases. Her suggestion is that a company would evaluate the need of spoken English for each vacancy and then match that level to levels on the test. If a person scores high enough on the test of spoken English, there should be no reason not to hire them for the vacancy. However, if they do not score enough to qualify, there should be no recourse. This should alleviate any future discrimination cases. Is this feasible for all companies to do and would they even want to spend their resources for this? Until the law is changed to leave no loop holes for the employers to exploit, there is doubt many companies would spend the money or resources to prove themselves to be an equal opportunity employer in all aspects.

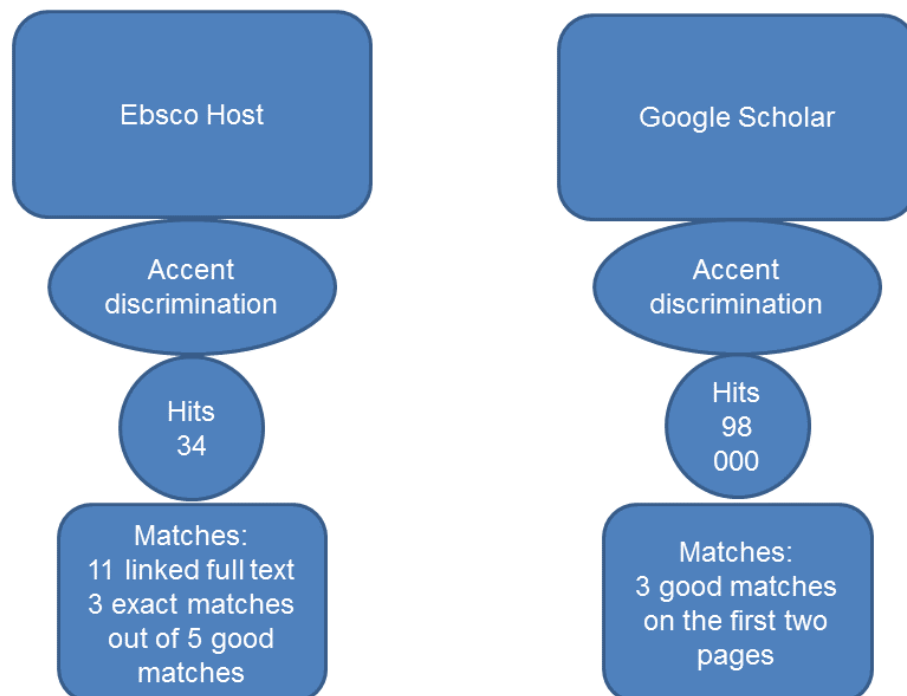
The research done by Akomolafe (2013) shows that there are law suits filed in the USA all the time because of discrimination based on accent. He well defines what a non-native accent in the USA is and goes on to show how discrimination cases have fared in

the USA. His paper already states that he hopes it will raise discussion on the matter and that it will lead to changes in the society and legal system.

This paper will go on to dissect the main articles found to match the subject matter in question and pin point the main issues of accent discrimination. The different aspects of the matter will be discussed in the Results section as well as in Analysis and Discussion.

## 4 Methods

The research for this thesis began with Ebsco Host, looking for articles referring to discrimination based on ethnicity or name, but not enough supporting documents were found on those subjects. While reading articles that appeared in the research results, several articles were found referring to accent based discrimination and "The Invisible Minority". (Akomolafe, 2013) The search continued on to find more articles with the same or similar key words, which were "accent discrimination" and more articles were found supporting the same ideas as in "The Invisible Minority". (Akomolafe, 2013) Once these articles were found, the research spread on to Google and Google scholar with the same key words as on Ebsco Host. Some articles were found on Emerald Insight, although many of them were not available without a payment.



*Figure 1 Methodology of processing information found*

Ebsco Host was found to be reliable and an accurate source for information as the documents found were mostly journals from universities, however many of the articles found there are not available in full to be used. Due to this problem, there were attempts to find more information on Google Scholar, but it did not seem to produce as many articles as Ebsco Host or Google. After refining the key words, more articles were found through Google Scholar.

The articles chosen from Google were from accredited journals. Wikipedia was only used to see what their references were and whether or not those were reliable sources. Some definitions for terminology were verified through Wikipedia and Dictionary.com. These sources used on Wikipedia would sometimes link to other useful sources, which could then be filtered out based on what the information found was.

Since most of the sources used referred to Lippi-Green (2012), the validity and reliability of the articles is approved. It is to believe that the research done for this study is sufficient but leaves room for more empirical studies to be done. Study done by Lippi-Green (2012) seems to be somewhat outdated, yet the context is still relevant. The book by Lippi-Green (2012) is more about linguistics than human resources, which is what this paper is aiming more towards.

Some news articles were found, but not used in the research as they were not deemed to be "reliable" sources and thus left for review only. These documents could have given more perspective on the subject matter, but as for example cartoons are not considered a reliable source, these documents or articles found in newspapers or websites were not considered for this paper.

The information found was narrowed down to address accent discrimination in the USA, as majority of the articles found were referring to the US constitution and the legal system in the USA. There were articles regarding the same subject in England, Germany and China, but to narrow down the topic and to make it easier to define a research area, those were left out of this article. Leaving these articles out of this study, leaves a notion that there is more research to be done for other countries besides the USA.



## 5 Results

Where does the discrimination come from? According to Gluszek, (2010), discrimination based on accents goes back to when people were more segregated from each other and understanding the other person was vital to survival. Those who spoke with a different accent or in a different language than the receiver were considered a threat. At that time people had a tendency to stay in their area and not wander off too far, thus hearing a different accent was not common. So, it can be said that discriminating based on accents has been going on for so long that it is ingrained in humans.

Articles used in this paper have common points regarding accents and how they affect communications in general. The common points will be discussed in this section of the paper.

The message is lost due to the noise caused by the accent. (Ingram, 2009) (Quinn & Petrick, 1993) The sender and receiver are both equally responsible for the message. Often the accent is in the head of the receiver. (Ingram, 2009) (Quinn & Petrick, 1993) Court cases of discrimination based on accents are difficult to prove as many of the US employers claim that the employees claiming discrimination are not suitable for the job due to their accent, even if their English otherwise is immaculate.

Where do employers draw the line regarding whether or not the employee's accent interferes with their ability to perform their job? Quinn & Petrick (1993) state that by creating a four-step program in human resource management, the company will be better prepared to defend against discrimination based on accents and possible litigations that may follow. Nguyen (1993) also has her suggestions on how to combat the bias. She suggests that companies should implement a test of spoken English in order to measure whether or not ones accent interferes with their communication enough to fail in a position within that company. She then suggests that the company should evaluate the need for spoken English for each position and then match the requirement with levels of the test. It is assumed from her paper that this test would be done to everyone, not just non-native English speakers to keep it equal to everyone. It is easier to define accent discrimination based on non-native speakers as it quickly illustrates how that person is generalized. Testing suggested by Nguyen (1993), would set everyone on the same starting ground.

How do we teach ourselves to overcome this bias? Zuidema (2005) suggests intervention should occur from a young age. Children at school should be taught about different accents so they would grow up not discriminating based on accents. Is this really something that would work or is it suggested because it appears better than no action at all? How long would it take to change people's attitudes? One generation? Two generations? Three? It is hard enough to root out discrimination based on looks, so the discrimination based on accents would likely take longer and be harder to address.

As the world is becoming increasingly global, we are exposed to more different types of accents. Our perceptions on these affect our businesses through interactions as well as from hiring perspective. If one manages to surpass the discrimination based on their looks, they will most likely fail when it comes to the actual interview where their speech is tested. Jobs that do not require interaction with clients are easier to obtain by people with accents, but they may not be likely to receive opportunities for promotion due to the fact.

Due to globalization, we are hearing increasingly different accents mainly when speaking English. English has become the de facto language of doing business across the globe. Even if written English between two parties is clear, it may be difficult to understand when spoken between the two parties.

In his article, Akomolafe (2013), discusses discrimination based on accent, which he describes as the "Invisible Minority", as this type of discrimination is hard to prove and often the burden of proof falls on the plaintiff instead of the defendant. He refers to a television show in which they targeted discrimination for a week. During this whole week of a TV show airing there was no indication to discrimination based on national origin or accent, but mainly towards African-Americans in the US. They seem to forget that there are other minorities who make up more than half of the US population today. The term "Invisible Minority" is defined by Akomolafe (2013) as "a group of foreign-born Americans who number in the millions and who for the most part are law-abiding, tax-paying, productive members of the society but are nevertheless denied some of the most basic constitutional rights and privileges extended to native-born Americans". Furthermore, Akomolafe (2013) defines "foreign-born people" as "those who at the time of birth did not reside in the US excluding legal non-immigrants, whereas native-born are those who were born in one of the 50 states or the District of Columbia, people born

in the United States Insular Areas such as Puerto Rico or Guam, and people who were born abroad to at least one US citizen parent". He further defines these people who are IM to be "foreign born and must have been at least a teenager before immigrating to the US, most likely have a 'funny sounding' name, and most importantly they must speak English with a noticeably 'heavy' or 'slightly heavy' accent". His narrow definition is due to wanting to focus primarily on discrimination based on foreign accent.

His (Akomolafe, 2013) definition of an accent is the way a person pronounces a specific language. Furthermore, he states that "the degree to which a person can substitute one accent for another is severely dependent upon the age at which the second language is learned". Akomolafe (2013) goes on to classify IMs to two sub-groups based on their accent: "low-status and high-status accent", which he justifies by there being graded levels of accent discrimination. He further assumes that low-status accents are more likely to be interpreted as difficult to understand and are indicative of incompetence, whereas high-status accents are more likely to be interpreted as easily understood and suggestive of competence. In his text, Akomolafe (2013), refers to Quinn & Petrick (1993) agreeing with the assumption that high-status accent is stereo-typically considered as well educated and upper class while "a low-class accent is often associated with inferiority and lower class". He also refers to Goto (2008), who suggests that foreign accents are perceived as low-status are more prone to discrimination than higher-status counterparts.

There is legislation that is aimed at preventing discrimination, however there are loopholes the employers can use to choose their employees without directly discriminating against them. Akomolafe (2013) goes into discussing The Bona Fide Occupational Qualification provision (BFOQ), which can aide employers against possible lawsuits. When it comes to employment law, "a BFOQ is a quality or an attribute that employers are allowed to consider when making decisions on the hiring or retention of employees; qualities that when considered in other contexts would constitute discrimination and thus in violation of the law". There is irony in it as Title VII which recognises accent discrimination as a violation of the law also gives the employers a responsibility to determine whether an employee or applicant's accent constitutes a BFOQ (Slentz, 2009) as quoted by Akomolafe (2013). What makes matters worse is that the law does not clarify what exactly is the measure for fluent or effective communication in English. This is where the employers find a loophole and waste no time in capitalizing

it. Slentz, as quoted by Akomolafe (2013), points out that employers often invoke the BFOQ by requiring that English is spoken on the job without an accent that might not be easily understood by others. According to Quinn & Petrick (1993) it is common practice that employers frequently bypass the protection of the Title VII by demanding their prospective employees have the ability to speak fluent English as a BFOQ because the provision "allows them to legally deny employment to foreign-accented speakers who otherwise may be qualified for the position". Because of this loophole it comes as no surprise that when a position for higher level administrative or executive comes available, there is always the caveat of needing this person to have "the ability to communicate fluently in English".

Akomolafe (2013) goes further on to state that the problem with this provision is that there is no specific definition for what fluency means or how to measure it in terms of what rejection may be based on. Even the Equal Employment Opportunity Commission (EEOC) has failed in doing so. He continues that as a result, the interpretation of "the terms 'fluent', 'effective oral communication' and 'discernible foreign accent' are at best very subjective and open to biased and sometimes disingenuous interpretations". In his paper, Akomolafe (2013) brings up a case mentioned by Quinn and Petrick (1993), "Fragante v. City and County of Honolulu, (1989), which illustrates a quintessential example of the complications an accent discrimination case may present in the absence of a clear definition of these terms." "Manuel Fragante, a Filipino American, took a civil service examination and scored highest out of over 700 applicants, but was turned down after a brief interview for a position he applied for because of his heavy Filipino accent. This was after a linguist had testified that Mr. Fragante speaks grammatically correct, standard English – only he does so with a characteristic accent of someone raised in the Philippines. Given all these mitigating factors it is not a surprise that the court rules in the favour of the employer in many of the accent discrimination cases at the expense of the employee." Furthermore, Akomolafe (2013) refers to Quinn and Petrick (1993) in regards to other similar cases where the courts have ruled in favour of the employer.

Nguyen (1993) proposes that a standardized test of spoken English could serve as a tool for courts in accent discrimination cases. She states that courts recognise that discrimination against an accent may function as the equivalent of discrimination against national origin, which is prohibited under the Title VII. The Ninth circuit court of the US has stated the following: "Accent and national origin are obviously inextricably

intertwined in many cases and the EEOC has declared that discrimination based on a person's manner of speech or any accent may constitute national origin under Title VII." Research in language acquisition shows that most people retain their original accents when they acquire a second language after childhood.

*Disparate Treatment Claims states that BFOQ affirmative defence for which the employer bears the initial burden of production and the ultimate burden of persuasion. It provides only the narrowest of exceptions to the general rule requiring equality of employment opportunities. To qualify as a BFOQ, a discriminatory job qualification must "affect an employee's ability to do the job" and "must relate to the 'essence' or to the 'central mission of the employer's business'". Disparate impact claims under this theory must demonstrate that the employer's practices cause broader harm than the harm it caused the plaintiff alone. Disparate impact theory requires proof of facts independent of the defendant's state of mind and envisions "the removal of artificial arbitrary, and unnecessary barriers to employment" maintained by facially neutral practices. Accent discrimination cases are distinct from race and gender discrimination cases, because courts must expressly examine the trait in question and evaluate it in relation to a plaintiff's job qualifications. In contrast, the court in a race or gender discrimination case would consider the plaintiff's immutable trait only to determine if she were in a protected class and would never ask whether the plaintiff's race or gender made her competent for the job in question. A major challenge in applying Title VII to accent discrimination case is the difficulty in determining which accents actually impede job performance and which "simply differ [ ] from some preferred norm imposed, whether consciously or subconsciously, by the employer. Trial courts rely heavily on the defendant employer's appraisal and their own subjective assessment of the accent.*

Lindemann (2005) did a study on US university undergraduate students regarding the accents of non-native English speakers and to see how well the native speakers would recognize and how they would rate the accents they heard during the study. All participants were native English speakers who grew up only speaking English at home. In her study she first asked the participants to label the map of the world with descriptions of the English spoken by these students. The task turned out to be complicated as there were names of the countries so the participants could label them. In spite of having encouraged the participants to ask if they were not sure about the area or country, they carried on and mislabelled countries, which Lindemann (2005) thought to be "due to their sometimes limited knowledge of geography". After the country labelling task she played accents from 58 countries to the participants and asked them to rate them by familiarity, correctness, pleasantness and friendliness.

In the same research, Lindemann (2005) points out that even though subjects in her experiment on how non-native English is perceived by native speakers, even though a customer might comment about the employee's English being broken, it doesn't immediately indicate that their language skills are insufficient for the job. She further indicates that the way an accent is perceived can lead to further discrimination of a certain group of people. She hopes to use the results of her study to further investigate how these negative reactions can be addressed in the future. Lindemann (2005) found out in her research that the relationship of the country of origin with the US during the respondent's lifetime had an influence on how they rated that particular accent. (How can this bias be intervened?) She found out that e.g. Cubans were rated less favourably due to the political factors involved.

Based on the findings by Lindemann (2005), those coming from countries in Asia (especially China and Japan) or from Eastern European countries (including Russia) were seen less favourably than those from Spanish speaking South and Central American countries (except for Mexico) or Western European countries. Clearly, there is already a bias from these undergraduate students towards these people, regardless of what their current life situation is.

If these undergraduate students already had a prejudice on the accents they heard, which was biased with political connections with the US, how can one objectively say that they are not biased when talking to a non-native English speaker in English? These undergraduates are the managers of the future who will be making decisions on hiring and promotions. If at this point in their careers they already let political matters affect their objectivity on how they perceive someone with an accent, what will change their minds about hiring once they are in working life?

In her research, Gluszek (2010) has investigated accents of non-native speakers and how they affect their careers and employability. She defines accent from Merriam-Webster dictionary as "a distinctive manner of expression as a: an individual's distinctive or characteristic inflection, tone, or choice of words – usually used in plural, b: a way of speaking typical of a particular group of people and especially of the natives or residents of a region". She goes on to stating that dictionary definitions are very general and that an accent is difficult to define even by linguistics. Linguistics tend to use "aspects of phonology to explain accents; accents include features of intonation, pitch, stress,

tempo, as well as phonological structures, called phonemes, which differ from language to language."

It is interesting to note that Gluszek (2010) is careful in the use of the term "foreign" when referring to accents of non-native speakers. A non-native speaker is one who speaks a language, which is not the first language they have learned, whereas a foreign accent can be one speaking a language that is their mother tongue, but differently than the majority in their current area of residence (e.g. Australian in the US or an American in the UK).

Gluszek (2010) gives an interesting theory behind accents. She refers to anthropology in the sense that sensitivity to non-native pronunciation comes from a theory of evolution. She suggests that before humans were able to travel long distances, they stayed in their usual area of habitat where everyone looked the same, but might sound different. Furthermore, she suggests that being sensitive to another person's accent could define whether that person is "a potential friend or foe". "It was only later on, when people started traveling further distances, that they met others who not only spoke but also looked differently." This is where she sees race becoming a matter that humans became sensitive to. Gluszek (2010) goes on to state that "the association between 'accent' and 'dangerous', whether conscious or not, may lead a native speaker to be more cautious and suspicious of the non-native speaker, which in turn, may cause stereotyping, prejudice, and discrimination, and ultimately, affect the non-native speaker's psychological and physical well-being, educational and employment opportunities and advancement, income, and overall quality of life". This is why she states that it does matter how you speak.

In her study, Gluszek (2010) goes on to discussing stereotyping and prejudice based on accents. She says that stereotyping influences how people process and retrieve information. She states that sometimes stereotypes result in prejudice, which in her words "means having negative attitudes toward a group and its members, which may be based on stereotypic beliefs about the group." Furthermore, prejudice is still prevailing in our everyday lives. Nowadays non-native speakers often deal with "both negative stereotypes and prejudice resulting from speaking with an accent." According to Gluszek (2010) "research have shown that accents are associated with a range of negative stereotypes and attitudes." She goes on to say that "on average, native

speakers find non-native speakers less intelligent, less competent, less educated, having poor English skills, and unpleasant to listen to."

Further, in her research, Gluszek (2010) found that non-native English speakers were more likely to experience discrimination in housing and employment, and were "more likely to be assigned by employers to lower status positions than those with standard accents." Furthermore, she refers to the United States Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on national origin. It does not specifically state accent, which gives employers a loophole to discriminate based on one's accent. This statement has been made by Akomolafe (2013), where an employer can insist that one has to have "fluent English" or "good communication skills" in order to qualify for a position. Having an accent that distorts the message, can thus be a hindrance to the company's message and disqualifies a non-native with an accent from the position. According to Gluszek (2010) "10 percent of employers admitted having discriminated on the basis of a person's foreign appearance or accent" in a nationwide representative survey of workplaces. Gluszek (2010) goes on to saying that accent discrimination does not stop with regular businesses, but spreads on to academia, where students accuse non-native English speaker lecturers for underperformance. There is no proof of this however, as "on average students taught by non-native English speaker do not underperform when compared to those taught by native speakers of English." She then refers to a study that was done where "students listened to a taped lecture recorded by a native English speaker with a standard accent and were shown a picture of the lecturer. Half the students were shown a picture of a Caucasian instructor and the other half saw a picture of an Asian instructor. Students who saw the Asian picture believed they had heard an accented lecturer and performed worse on a task measuring comprehension. Thus, negative evaluations may reflect the prejudices that one holds rather than real issues with comprehensibility."

Gluszek (2010) discusses whether or not non-native speakers should work harder at getting rid of their accents. She refers to several businesses attempting to help those who have the financial capacity to pay someone to fine-tune their accent to a more acceptable one. Her problem with this is that it makes an accent seem like a bad trait, which needs to be fixed. In her opinion, it would be better to work on changing the attitudes of the native English speakers to more accepting of different accents, as the globalization process will not be ending anytime soon, thus making accent discrimination



a growing problem. Negative attitudes towards accents needs to be changed rather than eliminating non-native English speaker's accents.

## **6 Analysis and discussion**

Can it be said that accent based discrimination is learned or primal to human beings, as Gluszek (2010) suggests? How could this bias be eliminated out of humans and could this is it even be possible? (Zuidema, 2005) White et al. (2014) tested accents on infants under 12 months old and came to the conclusion that even at that age an infant can differentiate between two ways of speaking. If this is the case and sensitivity to accents is in our DNA, when is the time to teach the children not to discriminate people based on the way they speak? Or is this something they learn later in life? Exposing children to different accents from an early age, could be the solution to preventing accent discrimination later in life.

There are suggestions as to how human resource employees can be taught to avoid bias in an interview situation. In order for this to work, one must be constantly aware of the internal bias they may face. (Zuidema, 2005) (Anon., 2013) Also, Nguyen (1993) has suggestions as to how this bias could be prevented. She suggests that companies should evaluate their vacancies in terms of what level of communication in English is required for succeeding in that particular position. The company would then match the level required with levels on a test of spoken English. If an applicant matches the required level of English, they should not be dismissed based on their accent. As discussed earlier in this paper, how many companies would be willing to invest in this sort of a process in order to really be an equal opportunity employer. What would this require in terms of technical resources as well as human resources in the hiring team? Would this be approved by the government and made into a requirement? Would this really repair the loop holes left in Title VII or would this have no effect on how things are dealt with today?

The articles used for this discussion are mainly regarding English language spoken by non-native speakers, however the same type of discrimination can be found in Germany as well. (Heblich, et al., 2015) In the German study, it was found that people reacted differently to an accent that was very distinct as opposed to a much-generalized German accent. This goes to prove that the accent discrimination does not only occur with the English language, but other languages as well. The majority of the studies and articles referred to were conducted before the year 2000, thus needing new research to be required in order to clearly state whether or not there has been a change in people's perception of the foreign accent.

Is there discrimination between two non-native English speakers or do they just accept the fact that neither of them speaks with a native accent? How does this compare to how the native speakers perceive accents? Is there discrimination between two non-native English speakers from two different countries? Do non-native English speakers have a prejudice towards the accent of certain countries?

What will happen with the refugees seeking asylum in European countries and the USA? Will they be discriminated against because of bias towards people from those countries or simply because of the way they speak? Many of these people will be adults who want a safer and better lives, but may not even speak another language as they never thought they would have to leave their home country. What can governments do to help integrate these people into their society? Is it too little to help them learn the language of the country or do they need further education as well? Where do you draw the line?

Although this paper concentrates more on the US and its case law, as mentioned earlier, accent discrimination happens in other countries as well. As long as there is discrimination, there will be accent discrimination as well. The governments can try and combat it, but without having clear laws and ways to prove the discrimination as well as have ramifications for this, it is to believe that things will not change.

In terms of communications, is there a difference between two non-native English speakers communicating with each other opposed to a non-native English speaker and a native English speaker communicating? How could this be measured and quantified? The suggestion for further research would be in finding out whether or not non-native English speakers hear the noise in the communication the same way a native English speaker would. The recent waves of refugees to Europe and other Western countries bring increasingly people with accents to English speaking countries, as well as others.

It seems that there is room for more research for how to fight the prejudice as the world is becoming increasingly globalized and English language is the de-facto language in business. The recent waves of refugees to Europe and other Western countries bring increasingly people with accents to English speaking countries, as well as others.

To counter any potential for perceived bias in the research material, it must be considered that as a result of the authors' unique experiences that caused them to study

their specific areas of interest; developing their own unique critical views. Any perceived subjectivity would therefore be balanced out by careful and moderated research for and against their considered points of view. Overall, the collective research on this topic has helped create the general view about this subject matter from which it can be learned that accent discrimination is perceptive and real.

Bias exists as a matter of course. Humans discriminate by their very nature, however this paper has gone to discuss that accent discrimination is a part of a greater and broader topic of bias albeit not as prominent as gender or racial bias to give a couple of examples. Or, as more recently described: an unconscious bias. It is by the research into this topic, can this form of discrimination be brought to light to allow it to be addressed.

Additionally, concerns raised regarding the loopholes of Title VII which have generally favoured employers does require further scrutiny and study; this is especially in an ever changing world which is rapidly becoming smaller. Perhaps Title VII has been considered in a more conservative manner; hence its tendency to favour the employers. However, it would not altogether be improbable that Title VII may also allow less conservative interpretations for the very reason that the world is shrinking. Or in the alternative, Title VII may well become redundant in itself for those same reasons. Clearly there is scope for additional research in this area.

## 7 Conclusions

The research suggests that discrimination based on accent is still widely accepted and continues to happen. There needs to be ways to end the discrimination, as difficult as it may be. There were some suggestions found in the research, but whether or not they would actually work in the long run remains to be seen. Nguyen (1993) suggests testing spoken English in order to put all applicants on the same level and to match vacancies to the required level of spoken English. However, until Title VII (Government, 1964) is updated so that there is less room for interpretation, it will be difficult for employees to win cases against the employers. On the other hand, the loop hole in Title VII leaving room for interpretation, may allow progress if one is to look at it more openly.

A suggestion for further research would be in whether the prejudice against accents is nature or nurture, and how is this influenced. Could it be explained psychologically why people have certain perceptions of different accents? Are they told by their parents that this is the case? Or are they taught in some other way how accents reflect on people? Can this be changed to make things easier for people with foreign accents in the future? White et. al (2014) found in their study that even infants under 12 months old can differentiate between accents they heard. If this is really the case, then when is the time to begin training these infants from discriminating against different accents? The sensitivity is clearly there at a young age, but where is the line for discrimination.

In her studies Gluszek (2010) stated quite well that the root of discrimination based on accent comes from trying to be safe. If this is the case, then it will be very difficult to change people's way of receiving information with a non-native accent. No matter how clear the language is, the accent will always be noise in the message and has the possibility of turning the recipient off due to the noise. (Gluszek, 2010)

It seems that there is room for more research for how to fight the prejudice as the world is becoming increasingly globalized and English language has become the de-facto language in business. How will other English speaking countries, apart from the USA, handle this type of discrimination when other countries do not seem to have a judicial system that would allow easier suing of an employer for discrimination? As per usual, the burden of proof falls on the employee and thus they are less likely to do anything about the case in a country where the judicial system is more cumbersome and it is more difficult to file a suit on discrimination. Leaving out the non USA related articles from this

study leaves room for more research on whether or not the discrimination based on accents varies from language to another or country to another.

Finally, based on the information available today, it is clear that accent discrimination hinders one's career development. One may get hired for a job, thus discrimination not hindering their employability, but the employee most likely will not get promoted should they be in a customer service position and have a strong non-native accent.

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