

## What do we do with an employee who eats loudly at her desk?

Celery, chips, bubble gum. Have these disruptive intruders shown up in employee complaints? Mark decides to start eating healthier, brings his bag of carrots to work and happily chomps on them all day long. Gary, sitting in the cubicle next to him, considers this to be as maddening as a ticking metronome and calls you to complain about the offending rabbit food. What should you do?

As silly as this complaint may sound, there's more to consider than you might think. Employers can generally decide whether to allow or prohibit food at workstations, assuming there are no medical accommodations to consider. Most companies prohibit employees from eating at their desk only if they sit in a spot visible to the public, such as a reception desk, where it would present an unprofessional appearance. Others might ban food in work areas where it would be unsafe, such as in a laboratory.

Some employers might also have an office or cubicle etiquette policy that addresses unprofessional or otherwise disturbing noises (such as crunching or chewing food constantly), which can be referred to in such situations.

However, if a loud chewer claims to have a medical condition and requests an accommodation, you may have few options. In any organization covered under the federal Americans with Disabilities Act or state disability discrimination laws, HR should have an interactive discussion with the employee to determine what can reasonably be done to accommodate him or her.

And it's possible that the complaining employee needs a medical accommodation as well. For example, he or she might have a condition called misophonia, also known as selective sound sensitivity syndrome. Individuals with this disorder are bothered by certain sounds, including

common noises that most of us wouldn't notice. Their reactions can range from increased anxiety to panic or rage. To address this issue, once again offer reasonable accommodations, which might include relocating an employee's desk, allowing telecommuting or providing noise-canceling equipment.

Whatever the situation, handle it



with sensitivity. People often have strong feelings about eating. They might be dieting, or they might have food allergies or a food addiction. And they may be offended that their employer is trying to govern how and when they eat. Try to keep the conversation to the specific behavior that is not acceptable, and don't let it feel like a personal attack on an individual's choices or lifestyle.

## Can an employer limit the use of a foreign language in the workplace?

The United States doesn't have an official language, yet many employers and employees across the nation believe that only English should be spoken in the workplace. Maybe you've heard complaints from workers who believe that their colleagues are talking about them in other languages to exclude or annoy them. They complain that it makes them feel uncomfortable.

Under both federal and state anti-discrimination laws, national origin discrimination in employment is prohibited. For that reason, you can't ban other languages without a true business need to do so.

However, you can have nondiscriminatory English-only rules that apply to specific circumstances in the workplace, according to the U.S. Equal Employment

Opportunity Commission.

These circumstances generally relate to safety and the efficient operation of the organization. For safety reasons, it is permitted to require that English be used during emergencies or when performing job duties in areas where there may be fire or a potential for explosions. However, casual conversations that happen while employees are not performing job duties can't

be limited to English.

In terms of efficient operation of the business, a rule that English is to be used with customers or clients who speak only English makes sense, as does requiring English to be used during collaborative projects with co-workers. Again, when not working on such projects and certainly during breaks, English-only would not be deemed a business necessity.

So what about those employees who feel they are being talked about in other languages? Your diversity training should encourage respect for those who speak more than one language and should help create an awareness that people may speak another language to relax or feel closer to their heritage. This is just as natural as English-speaking Americans on assignment in another country enjoying conversations in their native tongue rather than always using a secondary language. Managers should fully support the employer's policies on language use and ensure that no discrimination takes place within their purview. ■