

Instruction not to speak native language at work was not discriminatory

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It is not discriminatory on grounds of race for an employer to ask its employees not to speak their native language at work

in circumstances where there are legitimate security concerns.

Mrs Kelly was a Russian national employed by Covance Laboratories Ltd. Covance carried out animal testing and had previously had serious issues with animal rights activists, including activists who had posed as workers for the company in order to gather information. From early on in Mrs Kelly's employment, Covance considered her behaviour unusual and had suspicions that she may be an activist; for example, she would frequently use her mobile phone at work and would have lengthy conversations in Russian in the staff toilets. As a result of the concerns, Mrs Kelly's manager instructed her not to speak Russian whilst at work so that the English-speaking management team could understand her.

Mrs Kelly ultimately resigned and brought a claim against Covance alleging race discrimination on grounds of her nationality.

The Employment Appeal Tribunal found that the reason for the instruction not to speak Russian was not connected to Mrs Kelly's Russian nationality; rather, it was because her conduct had given rise to a suspicion that she may be a security risk. This was reasonable in the circumstances, particularly given that other Russian-speaking employees had been given the same instruction.

Kelly v Covance Laboratories Ltd UKEAT/0186/15

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