

# International HR Best Practices Tip of the Month

January 2007

## This Month's Challenge

Global communications with employees who do not read English raise legal and practical problems.

## Best Practice Tip of the Month

To say “*our company’s official language is English*” is not always enough. Translate employee intranets and HR documents as necessary. Ensure translations account for legal and practical issues.

## Translating Employee Communications

As English has become the lingua franca of global business and the internet, U.S. multinationals increasingly value English fluency as a key job skill for employees worldwide. Multinationals issue more and more global employee communications in English. Some have actually designated English as their company’s “official language.”

But practical issues and laws still stand in the way of an all-English approach to global HR communication. Even if overseas managers tend to speak good English, rank-and-file workers may not. Translations are often advisable for global employee intranets, codes of conduct, policies, handbooks, consents, benefits offerings, hotlines, notices and announcements.

Obviously, for any communication to be effective it must be understood—and this can mean translating. Beyond that, consider:

- Legal mandate: A number of jurisdictions, including Chile, Belgium, France, Poland, Portugal and Quebec affirmatively mandate that employee communications be in the local language. These laws are serious: Last March, an appeals court in Versailles France fined a giant U.S. multinational \$689,920 for publishing in-house communications in English. This decision actually halved a trial court judgment of over \$1 million. Also, countries including Spain, Israel, the Netherlands and Costa Rica have laws that in practical effect limit the enforceability of work rules and

standards in a foreign language like English.

- **Enforceability in court:** Even where statutes do not mandate local language, HR communications should be understandable to local workforces and labor court judges. No one would expect a judge in Tennessee or Kentucky to enforce a Japanese- or German-language handbook against an American auto worker. Judges overseas can be just as hostile to policies, rules, notices, and consents written in foreign languages like English.
- **Public relations:** English-language global communications can sometimes cause public relations problems. For example, labor-rights activists and unions have publicly mocked multinationals that claim to have rolled out tough anti-sweatshop codes of conduct—yet somehow never translated them into developing-country local languages. Other American companies have come under pressure abroad when they issued downsizing announcements only in English.

These factors can drive multinationals to translate at least some global employee communications. The task then becomes ensuring a translation is effective. Consider:

- **Quality translation:** We have all seen comically-bad translations into English. For example, a recent news report told about a park in China bearing a sign with its name in Chinese and then, in English: “Racist Park.” The better translation would have said “Park of Cultural Diversity and Harmony.” Stories like this remind us how greatly even short translations vary in quality. Too many companies have used a bilingual employee on-hand who is not a professional translator to draft a translation—and gotten what they paid for. Cutting corners causes bloopers.
- **Localized translation:** Where a linguistic group within a workforce comes predominantly from one region, obtain a tailored translation. If speakers of a language hail from different countries, obtain a generic translation in a neutral version of the language. Spanish, spoken in so many far-flung countries, presents special problems: “Worker” in Spain is obrero—but to a Latin American, obrero sounds like “laborer” or “indentured servant.” A company car in Spain is a coche—but in Latin America that implies a horse-drawn carriage. An innocuous and common Spanish verb, coger, usually means “to collect, catch, or gather up”—but is filthy slang in Argentina meaning “to fornicate.”
- **Translation check:** A best practice is to get a translator’s draft reviewed by a bilingual employment lawyer and bilingual HR generalist whose edits will be attuned to content rather than form.

## **Translations for U.S. workforces**

As U.S. immigration and diversity crescendo, employers right here in the States increasingly find themselves with foreign-born staff speaking little to no English. This means an ever-more-urgent need to translate domestic U.S. employee communications into languages from Spanish to Polish to Haitian Creole. When issuing U.S. domestic HR translations, in addition to the above points, also consider:

- “English controls”: The translated version can add a prominent disclaimer saying (in the foreign language): “This is a translation of an English-language document for your convenience only. The text of the English original, which in all respects controls your rights and obligations, is available on request from Human Resources.” Clauses like this are common in translated commercial agreements, so precedent should support them.
- Extra explanations: Encourage the translator to pepper in brief contextual explanations for workers born abroad, without altering meaning. For example, literally-translated handbook provisions on employment-at-will, exempt vs. non-exempt, vacation accrual, and 401(k) plans may confuse readers new to the U.S.
- ERISA plans: If an employer offering ERISA-regulated plans has enough employees “literate only in the same non-English language,” ERISA affirmatively requires translating a brief “notice, in the non-English language common to these [plan] participants, offering them assistance” with the plan. 29 CFR §2520.102-2(c) (emphasis added).

Translating global HR communications and policies remains important even as the hegemony of English continues to grow. Manage translations aggressively, accounting for legal and practical issues.