Declaration of Independence

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness…”
Title VII of the 1964 Civil Rights Act
Bans discrimination in employment because of race, color, religion, sex, or national origin.

Age Discrimination in Employment Act (ADEA)
Makes unlawful employment discrimination because of age against anyone 40 years of age and older.

Pregnancy Discrimination Act
Amends Title VII and states that employment discrimination is prohibited when based on pregnancy, childbirth, and related medical conditions.

The Americans with Disabilities Act (ADA)
Prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.
The Intake/Investigation Process
South Carolina Human Affairs Commission

Discrimination Complaint Receiving Process

(Acceptance of Complaint)
Jurisdictional information

Respondent Information

Basis of Complaint and date occurred

Issue prompting Complaint

Respondent’s apparent reason for adverse action

Complainant’s allegations

Complainant’s declaration of discrimination and laws violated

Complainant Certifications; sworn statement, notarization and signature

Matters subject to investigation to determine if laws were violated
The Investigative Process
Tracking a case from filing to final agency action

Case Received from Intake or Mediation Impasse

Investigations

State Agency Case?

No

Yes

Assignment to Supervisory Commission Member

Investigation

Settlement

Internal Review of Findings

Administrative Closure
The Investigative Process (Con’t)

Investigation is Concluded

- **State Agency Case?**
  - Yes: Review by Supervisory Commission Member
  - No: SCHAC Finding

**SCHAC Finding**

- **No Reasonable Cause**
  - Dismissal
- **Cause**
  - Conciliation Effort

**Internal Review of Findings**

- No
MEDIATION/ADR
Benefits to Mediation

- A notice of Right to Sue is not issued
- The case does not go to court
- Saves time
- Saves money
- Resolves a complaint so that all parties are content
- Discussion can result in solving other problems and issues
What is Diversity?

Are all people alike?
How to Appreciate Diversity?

RESPECT

Treat people the way they want to be treated. Respect individuals as a whole person and be aware of their feelings.
Lack of Respect in an Organization can cause:

- Low Productivity
- Create Bad Relationships
- Cause good employees to seek other employment
- Ultimately, cause the filing of Discrimination Complaints
A Positive Work Environment

- Communication
- Understanding
- Respect
“To be kinder than necessary.”

-Cynthia Hurd
“How are we going to develop trust and relationships with each other if we continue to stay in our separate corners? We can’t. ...if we’re going to be true to the charge of moving South Carolina and our nation forward, the actions have to move through each of us. If we want to bring opportunity to every American, we will have to work together. That requires commitment, open-mindedness, and a willingness to think differently by all of us.”

-Governor Nikki Haley
Employment Discrimination

Unfair vs. Unlawful
State Human Affairs Law
Prohibits Employment Discrimination Based On:

- RACE
- COLOR
- RELIGION
- NATIONAL ORIGIN
- SEX
- AGE
- DISABILITY
Sexual Harassment
Americans with Disabilities (ADA)
ADA: An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities; regardless of mitigating circumstances
- Has a record of such an impairment; or
- Is regarded as having such an impairment
Reasonable Accommodation

- Making existing facilities readily accessible
  - Job restructuring
  - Modifying work schedules
- Reassignment to a vacant position
- Acquiring or modifying equipment
- Adjusting or modifying examinations, training materials, or policies and
- Providing qualified readers or interpreters.
If an employee asserts a need for religious accommodation, the employer should do the following:

1. Inquire as to the nature of the employee’s beliefs.
2. Consider the sincerity with which the employee holds those beliefs.
3. Consider the nature of the conflict between the employee’s religious beliefs and his or her job obligation.
4. Consider possible accommodations
5. Consider the burdens on business of accommodation
6. Offer a reasonable accommodation unless to do so would cause undue hardship.
Lawful Interviewing Practices
When Interviewing Potential Employees
Focus on their talents, skills, and abilities
that relate to the performance of the ESSENTIAL duties of the job.

Do not ask questions about their Disabilities, Religion, National Origin, Ect.
Techniques to Prevent Discrimination

- Practice Consistency
- Document
- Do the Right Thing
- Apply Standards Equally
- Choose Words Thoughtfully
- Keep Accurate Objective Records
- Apply the Golden Rule
Prevention

- Train and Post Policies
- Provide for internal complaints
- Publicize efforts to prevent harassment
- Publicize policy
- Be fair
Do not Retaliate
Q & A

Any QUESTIONS?
There still remains the unfinished goals of the civil rights movement and the civil rights movement is a critical part of the American movement and the American story. It’s a movement in which every person, regardless of their skin color is treated equally under the law.

-S.C. Governor Nikki Haley

speech at the National Press Club
“All men are created equal. With certain rights. Life, Liberty, and the pursuit of Happiness.

- Do your part to prevent and eliminate Discrimination

Thank you!

Presented by: Dan Koon
Deputy Commissioner
SC Human Affairs Commission