

# South Carolina Human Affairs Commission

## Technical Services and Training Division



# Prevention Corner



*An ounce of Prevention is Worth a Pound of Cure.*

~Benjamin Franklin

**MAY 2021**

South Carolina  
Human Affairs Commission  
1026 Sumter St., Suite 101  
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[www.schac.sc.gov](http://www.schac.sc.gov)

The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (including the SC Pregnancy Accommodations Act), the SC Fair Housing Law, the SC Equal Enjoyment and Privileges to Public Accommodations Law and the SC Lactation Support Act.

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## WHAT ARE RACE AND COLOR DISCRIMINATION?

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race.

Color discrimination involves treating someone unfavorably because of skin color complexion. This may occur when the victim and the person inflicting the discrimination are the same race or color.

Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color.

### ***Race/Color Discrimination in the Workplace***

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

### ***Potential Discriminatory Practices***

- Not interviewing or hiring qualified candidates of a particular race
- Assigning work based on race
- Disciplining employees of different races differently for similar behavior
- Providing different compensation or benefits to employees of different races

Resources: U.S Equal Employment Opportunity Commission; S.C. Human Affairs Commission

## How can I schedule training?

### Contact us at:

(803) 737-7800 or (800) 521-0725, Relay 711

email: [training@schac.sc.gov](mailto:training@schac.sc.gov)



On May 1, 1958, President Eisenhower proclaims Law Day to honor the role of law in the creation of the United States of America. Three years later, Congress followed suit by passing a joint resolution establishing May 1 as Law Day.

The American Bar Association defines Law Day as: *“A national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share.”*

The language of the statute ordaining May 1 calls it *“a special day of celebration by the American people in appreciation of their liberties and rededication to the ideals of equality and justice under law.”*

On a day that, in many parts of the world, inspires devotion to the rights of the working classes to participate in government, Law Day asks Americans to focus upon every American’s rights as laid out in the fundamental documents of American democracy: the Declaration of Independence and the federal Constitution.

The declaration insists that Americans “find these truths to be self-evident, that all men are created equal,” and guarantees the rights to “life, liberty, and the pursuit of happiness.” The Bill of Rights amended to the Constitution codifies the rights of free speech, free press, and fair trial.

Resource: <https://www.history.com/this-day-in-history/president-eisenhower-proclaims-law-day>

*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.*

**Preamble to the Declaration of Independence**

Resource: <https://www.archives.gov/founding-docs/declaration>

## SOUTH CAROLINA HUMAN AFFAIRS LAW

MAKES IT ILLEGAL FOR AN EMPLOYER TO DISCRIMINATE ON THE BASIS OF:



- RACE
- COLOR
- NATIONAL ORIGIN
- RELIGION
- AGE
- DISABILITY
- SEX (INCLUDING PREGNANCY, CHILDBIRTH, AND RELATED CONDITIONS)

### SCENARIO: Color-Based Discrimination

*“A brown-complexioned Latina works as a sales clerk for a major department store. She applies for a promotion to be the Counter Manager for a major line of beauty products, but the employer denies her the promotion because the vendor prefers a light skinned representative to manage its product line at this particular location.”*

## SC Retaliation Law

### *Am I protected from Retaliation?*

All of the laws enforced by the SC Human Affairs Commission make it illegal to fire, demote, harass, or otherwise **“retaliate”** against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, because they seek an accommodation or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit). An employee may file a complaint with the SC Human Affairs Commission (SCHAC). For SCHAC to investigate a complaint, it **must be filed within 180 days** of the retaliatory action. If you believe you have a claim, you should contact SCHAC immediately. Resource: South Carolina Human Affairs Commission



### ***Diversity and Inclusion at Work!***

Companies that strive for both diversity and inclusion are achieving intended business results.

Crayola created **multicultural and inclusive “Colors of the World”** crayons in **24 skin tone shades** so every child can color themselves accurately, and to make every child feel great in their skin. Resource: [www.crayola.com](http://www.crayola.com)

Contact us at [training@schac.sc.gov](mailto:training@schac.sc.gov) for your Diversity, Equity, & Inclusion training needs.

## May is Asian/Pacific American Heritage Month

A celebration of Asians and Pacific Islanders in the United States



A rather broad term, Asian/Pacific encompasses all of the Asian continent and the Pacific islands of Melanesia (New Guinea, New Caledonia, Vanuatu, Fiji and the Solomon Islands), Micronesia (Marianas, Guam, Wake Island, Palau, Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia) and Polynesia (New Zealand, Hawaiian Islands, Rotuma, Midway Islands, Samoa, American Samoa, Tonga, Tuvalu, Cook Islands, French Polynesia and Easter Island).

Congress passed [Public Law 102-450](#) (PDF, 285kb) which annually designated May as Asian/Pacific American Heritage Month.

The month of May was chosen to commemorate the immigration of the first Japanese to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants.

Resources: <https://asianpacificheritage.gov>; The Library of Congress

### RACIAL DISCRIMINATION EXAMPLES

**SCENARIO: Racial Discrimination by Association**

*“A white British man performs well at an interview for a sales position. The next day he runs into the interviewer while out with his wife, who is of African descent. The interviewer makes it clear to the white British man that he would not be hired because of his wife’s color.”*

**SCENARIO:**

*“A person of Asian ethnicity applies to work as a receptionist at a car dealership in a predominately white area. She meets all the job requirements but following an interview the employer tells her “you wouldn’t fit here”. A white person with similar skills and experience is hired instead.”*



## What are Pregnancy Accommodations at Work?

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### The S.C. Pregnancy Accommodations Act of 2018

To ensure FULL and EQUAL participation for women in the labor force by requiring employers to provide REASONABLE accommodations to employees for medical needs arising from pregnancy, childbirth, or related medical conditions.

#### SCENARIO:

*“My supervisor refused to let me take periodic bathroom breaks, then told me I’d be ‘happier at home’ and sent me home.”*

### EMPLOYERS

Provide a clear policy and protocol for employees to request a reasonable accommodation. Work with your pregnant employee through an interactive process to agree on a reasonable accommodation that:

- Is right for your employee and does not cause undue hardship to your business
- Values your employee’s contribution to the workplace

### EMPLOYEES

#### REASONABLE ACCOMMODATION EXAMPLES

- Changes to your work environment such as a seat or a fan
- Time off from work or work schedule adjustments
- A private, clean, space (not a bathroom stall) to express breastmilk
- Frequent breaks to eat, use the bathroom, or rest

## **PREVENTION CORNER**

Race and Color discrimination in the workplace are very serious issues that can harm both the employee and the employer.

### **6 Ways to Prevent Race and Color Discrimination in the Workplace**

- 1.** Respect cultural and racial differences in the workplace.
- 2.** Refuse to initiate, participate, or condone discrimination and harassment.
- 3.** Avoid race-based or culturally offensive humor or pranks. When in doubt, leave it outside the workplace.
- 4.** Be familiar with your company's workplace policies.
- 5.** Be pro-active. Report acts of inappropriate, discriminatory, harassing, or abusive behavior to your supervisor, Human Resources department or management.
- 6.** If you experience or witness discrimination or harassment contact the South Carolina Human Affairs Commission.

Resources: U.S Equal Employment Opportunity Commission; S.C. Human Affairs Commission

If you feel like you have experienced discrimination,  
contact us for help.

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