

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.

~Benjamin Franklin

February 2023

South Carolina
Human Affairs
Commission
1026 Sumter St.,
Suite 101
Columbia, SC 29201

(803) 737-7800
1-800-521-0725
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 and the SC Lactation Support Act.), the SC Fair Housing Law, the SC Equal Enjoyment and Privileges to Public Accommodations Law

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Recruitment, Hiring & Promotion: Identifying and Preventing Discrimination

Recruitment

It is illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex (including pregnancy, childbirth, lactation, or related medical condition), national origin, age (40 or older), disability or genetic information.

- When using an outside agency for recruitment, make sure the agency does not search for candidates based on a particular protected class.
- If a recruitment agency honors a client's discriminatory request, both the agency and the client may be liable for discrimination.

Application & Hiring

It is illegal for an employer to discriminate against a job applicant because of his or her race, color, religion, sex (including pregnancy, childbirth, lactation, or related medical condition), national origin, age (40 or older), or disability. For example, an employer may not refuse to give employment applications to people of a certain race.

Source: <https://schac.sc.gov/employment-discrimination/prohibited-practices-discrimination-types>

Testing & Selection: Employer Best Practices

- Employers should administer tests and other selection procedures without regard to race, color, national origin, sex, religion, age (40 or older), or disability.
- The tests or selection procedure must be job-related and its results appropriate for the employer's purpose.

Promotions

- Make sure promotion criteria are made known, and that job openings are communicated to all eligible employees.

Source: <https://www.eeoc.gov/initiatives/e-race/best-practices-employers-and-human-resourceseeo-professionals>

How can I schedule training?

(803) 737-7800 or (800) 521-0725, Relay 711
email: training@schac.sc.gov

2 THINGS

WE'RE
TALKING
ABOUT

HOT TOPICS

1

Myth: There is no difference between hiring and recruitment.

Fact: Hiring happens when you need to fill a role. Recruiting is the process of attracting top talent to your organization.

According to the U.S. Chamber:

- Recruiting will help you find the right person to hire, it should be an ongoing process, even when you don't have job openings. It's all about building awareness of your company and convincing them that your organization is the right fit for their goals and skill set.
- The act of hiring involves soliciting and reviewing applications for an open position. Essentially, hiring is seeking and evaluating candidates when you need to fill a specific role at your company.

Source: <https://www.uschamber.com/co/run/human-resources/difference-between-hiring-and-recruiting>

The U.S. Chamber works with leaders at the U.S. Department of Labor, the Equal Employment Opportunity Commission, the National Labor Relations Board, Congressional committees, and state legislatures to protect opportunities for independent contractors, promote needed immigration reforms to welcome global talent to the American workforce, and preserve every American's right to work.

2

DOL + EEOC Hiring Initiative: The Hiring Initiative to Reimagine Equity (HIRE)



Why it matters: The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) and the U.S. Equal Employment Opportunity Commission launched a new initiative in 2022 to reimagine hiring practices to advance equal employment opportunity.

Goal: *The goal of the initiative is to identify innovative and evidence-based practices that will help workers access good jobs and help employers utilize the talent across America's workforce.*

Source: <https://www.eeoc.gov/newsroom/eeoc-and-dol-unveil-hire-initiative-advance-equal-opportunity-work>

Press Release 01-12-2022

EEOC and DOL Unveil HIRE Initiative to Advance Equal Opportunity at Work

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) today hosted a roundtable discussion to launch the Hiring Initiative to Reimagine Equity (HIRE).

- HIRE is a multi-year collaborative effort chaired by EEOC Chair Charlotte A. Burrows and OFCCP Director Jenny R. Yang that will engage a broad array of stakeholders in expanding access to good jobs for workers from underrepresented communities and help address key hiring and recruitment challenges.
- HIRE will identify strategies to remove hiring barriers that limit opportunity along the lines of race, color, ethnicity, gender, LGBTQ+ status, religion, disability, age, and veteran status.

“The HIRE initiative aims to expand employment opportunities as our nation recovers from the pandemic,” said EEOC Chair Charlotte A. Burrows. “Working with employers and workers to prevent unfair and unnecessary obstacles to equal employment opportunity is a key component of this initiative. This collaboration between EEOC and OFCCP will help create an economy that works for everyone.”

Read the entire article at <https://www.eeoc.gov/newsroom/eeoc-and-dol-unveil-hire-initiative-advance-equal-opportunity-work>



Answers to your questions about Pregnancy Discrimination and Lactation Support Laws.

I am pregnant and looking for work. What protections do I have?

Many state and federal laws prohibit employers from discriminating against applicants and employees based on pregnancy.

An employer must treat you in the same way as any other job applicant. When applying for work you should not be rejected because you are:

- ✦ Pregnant (which would be pregnancy discrimination)
- ✦ Likely to become pregnant (which would be sex discrimination)



An employer should not, because of your pregnancy:

- ✦ Refuse to interview you or not appoint you to a job
- ✦ Give you a job for a limited period instead of permanent employment
- ✦ Offer you a lower salary or a less favorable terms than you would otherwise have been offered

It is unlawful if your employer treats you unfavorably:

- ✦ Because you are pregnant
- ✦ For a reason related to your pregnancy, or
- ✦ Out of work with an illness related to your pregnancy.

Source: SC Human Affairs Commission; <https://www.eeoc.gov/pregnancy-discrimination>

The South Carolina Pregnancy Accommodations Act was signed by the Governor on May 17, 2018. The intent of the law is to combat pregnancy discrimination. The law requires employers with 15 or more employees to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical condition.

Source: <https://schac.sc.gov/employment-discrimination/prohibited-practices-discrimination-types/pregnancy-discrimination>

****Please Note:** This newsletter is not intended to be used as legal advice

PREVENTION CORNER

Employer Best Practices

1. Explain your recruitment, hiring and promotion policies and practices to employees involved in making these decisions, including employees who accept applications.
2. Ensure that recruitment, hiring, and promotion decisions are not based on race, color, national origin, religion, sex (including pregnancy, childbirth, or related medical conditions, sexual orientation, or gender identity), age or disability.
3. Screen applications consistently. Apply the same standards to everyone applying for the same position.
4. When interviewing applicants, keep in mind that there are certain questions that you can't or shouldn't ask.

Source: [https://www.eeoc.gov/employers/small-business/3-im-recruiting-hiring-or-promoting-employees#:~:text=Ensure%20that%20recruitment%2C%20hiring%20and,\(including%20family%20medical%20history\)](https://www.eeoc.gov/employers/small-business/3-im-recruiting-hiring-or-promoting-employees#:~:text=Ensure%20that%20recruitment%2C%20hiring%20and,(including%20family%20medical%20history))

EEO laws are designed to protect the rights of ALL individuals.

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

**South Carolina Human Affairs Commission
(800) 521-0725, Relay 711 or 803-737-7800**

<https://www.schac.sc.gov/>

**The mission of the South Carolina Human Affairs Commission is to
Prevent and Eliminate Unlawful Discrimination in Employment, Housing,
and Public Accommodations.**



Full Time Position Available

Program Coordinator I	(Employment Investigator)	One (1) position
Program Coordinator I	(Community Relations & Outreach)	One (1) position



For more details about these positions:

Please visit www.careers.sc.com and search “State Human Affairs Commission” in the search bar.

or

Click on the link below.

[https://www.governmentjobs.com/careers/sc?department\[0\]=State%20Human%20Affairs%20Commission&sort=PositionTitle%7CAscending](https://www.governmentjobs.com/careers/sc?department[0]=State%20Human%20Affairs%20Commission&sort=PositionTitle%7CAscending)

Visit www.linktr.ee/schacomm