

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.

~Benjamin Franklin

July 2023

South Carolina
Human Affairs
Commission
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<https://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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Fair Employment Practices

Many states have their own laws prohibiting employment discrimination and their own agency responsibilities for enforcing these state and local laws, these agencies are referred to as "Fair Employment Practices Agencies" (FEPAS). Section 709 of Title VII of the Civil Rights Act of 1964 encourages the U.S. Equal Employment Opportunity Commission (EEOC) to cooperate with FEPAS.

Fair Employment Practices Agencies (FEPAS)

- EEOC works closely with state and local government agencies that protect you against job discrimination.
- EEOC has contracts and "Worksharing Agreements" with 90 FEPAS nationwide.
- FEPAS process job discrimination claims under state and local laws that prohibit discrimination.
- FEPAS also work with EEOC to process job discrimination claims under federal law.

As a result, each year since 1975, the SC Human Affairs Commission has entered a written contract with the U.S. EEOC to investigate employment discrimination complaints.

Discrimination Is Illegal

The SC Human Affairs Law makes it an unlawful employment practice to discriminate in any aspect of employment including:

- ❖ Recruiting, hiring, and firing
- ❖ Refusing reasonable accommodation
- ❖ Transfer, promotion, or layoff,
- ❖ Pay, fringe benefits, or classification of employees
- ❖ Other terms and conditions of employment

Source: [Local Offices | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); [Fact Sheet: The EEOC and FEPA Data-Sharing | U.S. Equal Employment Opportunity Commission](#); [Prohibited Practices & Discrimination Types | Human Affairs Commission](#)

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: Discrimination is a problem only at the worst workplaces.

Fact: **Not true.** Discrimination and harassment can happen anywhere.

Biases or forms of discrimination and harassment can exist in the workplace and can become a problem when it negatively impacts employees or creates a hostile work environment.

Discrimination can also occur:

- While you are at school,
- At work,
- In a public place (such as a mall, restaurant, or medical facility)

To discriminate against someone means to treat that person differently, or less favorably, for some reason. Employment discrimination because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, and age (age 40 or older) is unlawful.

Source: [What is Employment Discrimination? | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

2 EEOC *NEW UPDATE*



Published: June 13, 2023

Updated: June 13, 2023

The U.S. Equal Employment Opportunity Commission (EEOC) is taking a proactive stance on equal pay by launching a social media video campaign called "Level The Paying Field." This campaign commemorates the **60th anniversary** of the **Equal Pay Act of 1963** on June 10, which addresses sex-based wage discrimination.

The EEOC's #LevelThePayingField campaign aims to raise awareness about the persistent issue of gender pay inequality and encourage equal pay for equal work. As part of the campaign, the EEOC will provide the public with Level The Paying Field graphics to show support for equal pay.

For more information: https://www.eeoc.gov/equal-pay-act-60th-anniversary-levelthepayingfield?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Source: [EEOC's "Level The Paying Field" Campaign \(berkshireassociates.com\)](#)



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

What Should I know about Protections to Pump at Work?

On December 29, 2022, the **Consolidated Appropriations Act, 2023** was signed into law. The law includes the **PUMP for Nursing Mothers Act** (“PUMP ACT”), which extends to more nursing employees the rights to receive break time to pump, and a private place to pump at work.

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their child for one year after the child’s birth, each time such employee has need to express the milk. Employees are entitled to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

For more information: [FLSA Protections to Pump at Work | U.S. Department of Labor \(dol.gov\)](#)

PUMP AT WORK

Under the PUMP for Nursing Mothers Act, most employees have the right to break time and a private space to express breast milk for their nursing child.

AGRICULTURE WORKERS	NURSES	TEACHERS
TRUCK AND TAXI DRIVERS	HOME CARE WORKERS	MANAGERS

#PUMPAct [dol.gov/pump-at-work](#) @WHD_DOL

The South Carolina Lactation Support Act was signed by Governor McMaster on June 25, 2020. This Act requires that any employer, regardless of size, permit employees reasonable opportunities to express milk in a private place other than a toilet stall. An aggrieved employee may file a charge of discrimination with SCHAC in the event any adverse action is taken for requesting or using reasonable unpaid break time, or paid break time or mealtime, to express breast milk. However, an employer will not be held liable if it takes reasonable efforts to comply with the Lactation Support Act.

Visit our website for frequently asked questions:
<https://schac.sc.gov/sites/schac/files/Documents/FAQs%20PAA%20LSA%20links.pdf>

Source: [FLSA Protections to Pump at Work | U.S. Department of Labor \(dol.gov\)](#); [Pregnancy Discrimination | Human Affairs Commission](#) [Pregnancy Discrimination | Human Affairs Commission](#)



SCHAC CAUSE DETERMINATION

In January 2023, SCHAC determined that an employer engaged in discriminatory practices in violation of the South Carolina Human Affairs Law, where the employer failed to take appropriate and immediate action in response to an employee's report of sexual harassment resulting in the employee's constructive discharge.

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

PREVENTION CORNER

Best Practices: Employers & Human Resources/EEO Professionals

- **Establish written policies and procedures.** Review and update as needed.
- **Recruit, hire, promote with *Equal Employment Opportunities (EEO)* principles in mind,** and by implementing practices designed to widen and diversify the pool of candidates considered for employment openings, including openings in upper-level management.
- **Promotions:** Make sure promotion criteria are made known, and that job openings are communicated to all eligible employees.
- **Harassment:** Adopt a strong anti-harassment policy, periodically training each employee on its contents, and vigorously follow and enforce it.
- **Protect against retaliation.** Provide clear and credible assurances that if employees make complaints or provide information related to complaints, the employer will protect employees from retaliation, and consistently follow through on this guarantee.

Source: [BEST PRACTICES FOR EMPLOYERS AND HUMAN RESOURCES/EEO PROFESSIONALS | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/best-practices-for-employers-and-human-resources/eoo-professionals)

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

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

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