



PREVENTION CORNER



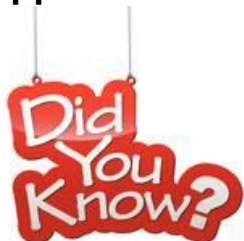
Equal Employment Opportunity: Recruiting and Hiring Employees

According to the U.S. Chamber of Commerce, the terms recruitment and hiring are used interchangeably.

- Recruitment is the process of attracting a pool of qualified job seekers to your organization.
- Hiring happens when there's a need to fill a job, and to consider individual candidates for employment.

Employers should always comply with hiring laws and follow a legal process for recruitment and hiring qualified job seekers to reduce legal risks. Equal Employment Opportunity (EEO) Laws prohibit workplace discrimination to ensure applicants and employees are treated fairly.

Application and Hiring



Under the laws enforced by the S.C. Human Affairs Commission and the U.S. EEOC, discrimination is forbidden in every aspect of employment to include:

- Recruitment, hiring, and firing.
- Pay, assignment or classification of employees;
- Transfer, promotion, layoff, or recall; or
- Other terms and conditions of employment.

An employer may not base hiring decisions on stereotypes and assumption about a person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), or disability.

For more information about your employment rights, visit [Employment Discrimination | Human Affairs Commission](#).

Source: <https://schac.sc.gov/employment-discrimination>; [Hiring vs. Recruiting: What's the Difference? | CO-](#) by US Chamber of Commerce; [Prohibited Employment Policies/Practices | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

Laws that Affect the Recruitment and Hiring Selection Process

Some laws that prohibit discrimination in the recruitment and hiring selection process include:

- **Age Discrimination in Employment Act (ADEA)**
Prohibits discrimination against individuals who are age 40 and above.
- **Americans with Disabilities Act (ADA)**
Prohibits employment discrimination because of a disability.
- **South Carolina Pregnancy Accommodations Act**
Prohibits discrimination because of pregnancy, childbirth, or related medical condition.
- **South Carolina Human Affairs Law**
Prohibits employment discrimination when it involves unfair treatment or harassment because of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 and above), and disability.
- **Pregnancy Discrimination Act of 1978**
Prohibits discrimination because of pregnancy, childbirth, or related medical condition.
- **Pregnant Workers Fairness ACT (PWFA)**
Requires a covered employer with 15 or more employees to provide a “reasonable accommodation” to a qualified employee’s or applicant’s known limitations related to, pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”
- **Title VII of the Civil Rights Act**
Prohibits discrimination in hiring, compensation, terms, conditions, or privileges of employment based on race, religion, color, sex, or national origin.
- **Equal Pay Act**
Prohibits discrimination based on sex in the payment of wages or benefits when women and men perform a job requiring similar skills, effort, and responsibility in the same workplace and under similar working conditions.



Source: [Prohibited Employment Policies/Practices | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/policy/docs/prohibited.html)



U.S. Equal Employment Opportunity Commission News & Notes



Press Release
04-09-2024

EEOC sues RaronHR and Radient Services for Discriminatory Recruitment and Hiring.

Temporary Staffing Company Resolves Federal Charges It Discriminated Against Workers Based on Race, National Origin, Sex and Disability

LOS ANGELES – Nationwide staffing agency BaronHR, LLC will pay \$2.2 million and enter a consent decree requiring extensive injunctive relief to settle a hiring discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) the federal agency announced today.

The EEOC brought the lawsuit on behalf of a class of Black, Asian, white, and other non-Hispanic workers, male and female workers, and workers with disabilities who were discriminated against in hiring.

- **The EEOC’s lawsuit charged that since at least 2015, BaronHR failed to recruit and refer workers for low-skill positions based on their race (Black, Asian, and white) and national origin (non-Hispanic), and illegally steered candidates to certain positions based on their sex.**
- **The lawsuit also said BaronHR screened out individuals with disabilities and perceived disabilities by only hiring and referring supposedly physically fit candidates with no history of injury.**

Such alleged conduct violated Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, which prohibit discrimination in recruitment and hiring based on race, national origin, sex, and disability.

Read the entire article at: [BaronHR to Pay \\$2.2 Million in EEOC Hiring Discrimination Lawsuit | U.S. Equal Employment Opportunity Commission](#)

Source: <https://www.eeoc.gov/newsroom/baronhr-pay-22-million-eeoc-hiring-discrimination-lawsuit>



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

Can an employer refuse to hire an applicant if she is pregnant?

No. Pregnancy discrimination is against the law. Pregnant employees and qualified applicants who are pregnant are protected by state and federal laws.

Laws that protect pregnant job applicants and employees:

- SC Pregnancy Accommodations Act
- Pregnancy Discrimination Act
- The Pregnant Workers Fairness Act

Source: <https://schac.sc.gov/employment-discrimination/prohibited-practices-discrimination-types/pregnancy-discrimination>; <https://www.eeoc.gov/laws/guidance/fact-sheet-pregnancy-discrimination>; <https://www.eeoc.gov/laws/guidance/legal-rights>

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Resources & Tools

Title I of the Americans with Disabilities Act of 1990 (ADA)

Title I of the Americans with Disabilities Act of 1990 (ADA) makes it unlawful for an employer to discriminate against a qualified applicant or employee with a disability. The ADA applies to private employers with 15 or more employees and to state and local government employers.

Source: <https://www.eeoc.gov/laws/guidance/job-applicants-and-ada>

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

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



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

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

**South Carolina Human Affairs Commission
1026 Sumter St., Suite 101
Columbia, SC 20201**

<https://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.

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, and the SC Equal Enjoyment and Privileges to Public Accommodations Law.