

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.
~Benjamin Franklin

March 2023

South Carolina
Human Affairs
Commission
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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

TABLE OF CONTENTS

Quid Pro Quo Harassment	1
2 Things We're Talking About	2
Ask SCHAC	4
Prevention Corner	5
We're Hiring!	6

Quid Pro Quo Harassment: "This for That"

Harassment

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990, (ADA).

The U.S. Equal Employment Opportunity Commission calls harassment "unwelcome conduct" that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, age (beginning at age 40), or disability.

Unlawful Conduct

Harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment, or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Quid Pro Quo Harassment- "This for That"

Quid Pro Quo Harassment may result in an employment decision based upon an individual's acceptance or rejection of unwelcome sexual favors.

This kind of harassment is generally committed by someone who can make or recommend formal employment decisions (such as termination, demotion, or denial of promotion) that will affect the victim.

Harassment can occur in a variety of circumstances, including, but not limited to the following:

- ✚ The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, an agent of the employer, or a non-employee.

Examples: Harasser may threaten to withhold or make promises of:

- ✚ A promotion
- ✚ Title/position
- ✚ Compensation
- ✚ Not firing you

Source: [What do I need to know about... WORKPLACE HARASSMENT | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eoc.gov/harassment); eoc.gov/harassment

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: Sexual harassment in the workplace only happens to women.

Fact: Some people believe that there is no such thing as same-gender sexual harassment. However, sexual harassment by men against men or women against women is still sexual harassment. Male employees are also sexually harassed by women. Both men and women are protected from discrimination and harassment on the basis of sex.

Article: June 2022

Porzio Employment Law Monthly

Employers Must Recognize and Support Male Victims of Sexual Harassment in the Workplace



Over the past decade, only 16-18% of the sexual harassment complaints received by the EEOC were filed by male employees. But this representation is only the tip of the proverbial iceberg. In 2014, the American Journal of Public Health published a study challenging the prevailing assumption that men rarely experience sexual victimization.

In analyzing data from five federal surveys conducted independently by the Bureau of Justice Statistics, the Centers for Disease Control and Prevention, and the Federal Bureau of Investigation from 2010 through 2012, the study found widespread sexual victimization among men in the United States, "with some forms of victimization roughly equal to those experienced by women."

Read the entire article at [Employers Must Recognize And Support Male Victims of Sexual Harassment In The Workplace | Porzio \(pbnlaw.com\)](#)

Resource data: [Sexual Harassment in Our Nation's Workplaces | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

2

Press Release 10-13-2022

Focus Plumbing Pays \$500,000 to Settle EEOC Sexual Harassment Suit

Latina Construction Employees Subjected to Unwelcome Sexual Advances, Federal Agency Charged.

LAS VEGAS – Focus Plumbing, LLC agreed to pay \$500,000 and along with Focus Electric, LLC, Focus Concrete, LLC, Focus Fire Protection, LLC, and Focus Framing, Door, & Trim, LLC,

agreed to furnish comprehensive injunctive relief to settle a sexual harassment lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

- The EEOC alleged that since 2017, Focus subjected a class of monolingual Spanish-speaking female employees to a hostile work environment and *quid pro quo sexual harassment* that included unwanted touching, groping, sexual advances, sexually offensive comments, and requests.
- The EEOC's lawsuit further alleged that employees were threatened if they rejected the sexual advances whereas others were offered better work assignments and hours if they acquiesced to sexual acts.

This alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, including sexual harassment. The EEOC filed suit (*EEOC v. Focus Plumbing, LLC, et. al.*, Case No. 2:21-cv-01758-GMN-EJY) in U.S. District Court, District of Nevada, after first attempting to reach a pre-litigation settlement through its conciliation process.

Read the entire article at <https://www.eeoc.gov/newsroom/focus-plumbing-pays-500000-settle-eeoc-sexual-harassment-suit>



What to do if you have been sexually harassed at work?

Confront the Harasser. Tell the harasser to **STOP** and explain the behavior that's bothering you.

Document the Harassment and the report you submit to your employer. Take the time to write down what happened. This includes dates, times, the harasser's name, and the names of any witnesses. Also save all emails and/or text messages.

Review your employer's harassment policy and report the conduct. If you believe you are a victim of sexual harassment at work, your workplace harassment policy should explain how to file a harassment report.

- Follow the complaint process.
- Report as much detail as possible.

The more details reported, the higher the possibility the harasser will be held accountable.

Source: SC Human Affairs Commission



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

Does Pregnancy Harassment Count As Sex-Based Harassment?

Yes. Harassment does not have to be of a sexual nature to count as sex-based harassment.

Pregnancy is a protected basis (on the basis of sex discrimination and harassment). Harassment because of pregnancy is unlawful under the S.C. Human Affairs Law and S.C. Pregnancy Accommodations Act and is treated similarly to other forms of harassment in the workplace.

What are Examples of Pregnancy Harassment?

Pregnancy harassment involves unwelcome conduct in the workplace that is related to pregnancy. The conduct can be physical, verbal, or written.

Harassment can include but not limited to the following:

- Name calling
- Offensive jokes
- Lewd comments about weight or appearance

It is unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

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



Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

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

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

PREVENTION CORNER

Create a Respectful Work Environment Free from Sexual Harassment

- 1. Employers should take steps to prevent and respond to sexual harassment in the workplace. The state law prohibits all forms of discrimination and harassment based on sex and includes sexual harassment.**
- 2. Educate yourself on quid pro quo harassment and other types of discrimination and harassment.**
- 3. Retaliation: Educate employees regarding protections for employees who report violations of state or federal law.**

Source: [What do I need to know about... WORKPLACE HARASSMENT | U.S. Department of Labor \(dol.gov\)](#)

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 Positions Available

Legal Assistant	(Administrative & Paraprofessional Support)
Program Coordinator I	(Employment Investigator)
Program Coordinator I	(Community Relations & Outreach Consultant)
Program Coordinator I	(Technical Services & Training - EEO Consultant)



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)

or

Visit www.linktr.ee/schacomm