

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



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

October 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

Hostile Work Environment

A Hostile work environment may involve repeated unwelcome conduct (actions or behaviors) that occurs over a series of days, months, or years. A hostile work environment is a form of harassment. The harassment is continued and long lasting and makes it impossible for the worker to perform the functions of his or her job. Any employee can be responsible for creating a hostile work environment.

Harassment, which is a form of employment discrimination, is unwelcome conduct that is based on race, color, national origin, religion, sex (including sexual orientation, gender identity, or pregnancy), age (40 or older), or disability.

When does harassment become unlawful?

Harassment is unlawful when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive or results in an adverse employment decision (such as the victim being fired or demoted).



frequently
asked
QUESTIONS

Are employers liable for harassment?

Yes. The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, or loss of wages.

If the supervisor's harassment results in a hostile work environment, the employer can avoid liability if it can prove that:

1. It reasonably tried to prevent and promptly correct the harassing behavior.
2. The employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

Source: <https://www.eeoc.gov/harassment>

How can I schedule training?

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

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2 THINGS

WE'RE
TALKING
ABOUT

HOT TOPICS

1. Myths & Facts

Myth: There is nothing I can do about being harassed by my manager, co-worker, or other people in my workplace?

Fact: **Not true.** Tell the harasser that his or her behavior is unwelcome, and it must stop.

If you are being harassed at work, it is your responsibility to report it to your employer. Your agency or organization's harassment policy should tell you the person responsible for handling harassment issues in your workplace.

Once your employer knows that you are being harassed, it has a responsibility to correct the situation and protect you from further harassment.

Source: <https://www.eeoc.gov/laws/guidance/questions-answers-small-employers-liability-harassment-supervisors>

Press Release 5-23-2023

EEOC Sues Culver's Restaurants of Cottage Grove for Multiple Forms of Harassment

Workplace Allowed Offensive Conduct Related to Race, Sex, Sexual Orientation, and Disability, Federal Agency Charges

MINNEAPOLIS – R & G Endeavors, Inc., a fast-food franchisee doing business as Culver's Restaurants of Cottage Grove, violated federal law when it subjected employees to a hostile work environment based on race, sex, sexual orientation, and disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in two lawsuits filed today. The litigation also charges the Minnesota company with denying a long-serving employee with a disability equal pay and pay raises because of his disability.

- ***According to the EEOC's filings, multiple workers endured harassment at Culver's Cottage Grove restaurant. In one instance, managers and other employees singled out a gay and African American employee for racial and homophobic insults that included the n-word and f-word, discussed his sex life, and referred to him as the restaurant's "adopted African child."***
- ***The company also subjected another employee, who also has a disability, to bullying and disability-related slurs, while paying him less than his co-workers without disabilities. The company also exposed female employees, some as young as 14, to sexual harassment that included unwanted sexual touching, jokes, and propositions.***

Read the entire article at: [EEOC Sues Culver's Restaurants of Cottage Grove for Multiple Forms of Harassment | U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/newsroom/eeoc-sues-culvers-restaurants-cottage-grove-multiple-forms-harassment)

Source: <https://www.eeoc.gov/newsroom/eeoc-sues-culvers-restaurants-cottage-grove-multiple-forms-harassment>

2. October is Bullying Prevention Month



October is National Bullying Awareness Month, and this is an opportunity to encourage the nation to take action at the local level to create safe and supportive organizations.

Bullying is unacceptable and comments or conduct that disparages or demonstrates hostility or aversion should not be tolerated.

Source: [National Bullying Awareness Month | Office of Human Resources \(nih.gov\)](#)

What is Workplace Bullying?

Workplace bullying is a form of workplace violence and is repeated, health harming mistreatment of one or more people by their managers/supervisors, colleagues, or co-workers.

Forms of workplace bullying may include verbal abuse; threatening, humiliating, intimidating, or offensive conduct; or interference and sabotage that prevents work from getting done.

According to Healthline Media, bullying can have serious effects on physical and mental health.

Bullying crosses the line into harassment when it involves protected characteristics such as race, color, national origin, religion, sex (including pregnancy, gender identity, sexual orientation) age and disability.



A few examples of workplace bullying include:

- Verbal abuse including yelling or using profanity
- Physically abusing or threatening to abuse
- Threats, intimidation, or offensive conduct
- Spreading false rumors or gossiping about the employee
- Overly harsh or unjust personal criticism that humiliate and shame
- Work interference, that may affect the employees' job performance

Source: [National Bullying Awareness Month | Office of Human Resources \(nih.gov\)](#); [Workplace Bullying: How to Identify and Manage Bullying \(healthline.com\)](#); [October is Bullying Prevention Month | Homeland Security \(dhs.gov\)](#); [Federal Laws | StopBullying.gov](#)



SCHAC CAUSE DETERMINATION

An employer was found to have engaged in an unlawful discriminatory practice, in violation of the South Carolina Human Affairs Law when it terminated an individual's employment for engaging in protected activity by reporting sexual harassment.



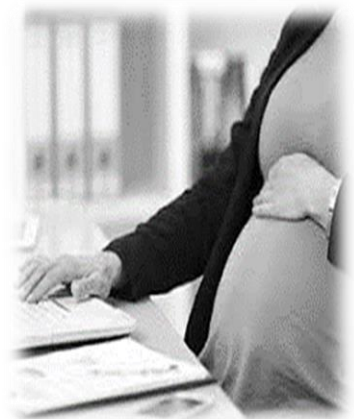
Answers to your questions about Pregnancy Discrimination and Lactation Support Laws.

What is an example of a Hostile Work Environment Based on Pregnancy?

Harassment based on pregnancy, childbirth, or rated medical condition is illegal under the SC Pregnancy Accommodations Act, the Pregnancy Discrimination Act, and the Pregnant Workers Fairness Act, when harassment creates a hostile work environment.

When a supervisor, co-worker, or other employee makes a derogatory remark, a threat to terminate, or unfairly denies an employee the ability to advance because of that employee's pregnancy or pregnancy-related condition, the employer may be creating a hostile work environment.

A pregnant worker experiencing harassment should inform her employer about the conduct if they want the employer to stop the problem. Follow the employer's reporting process, if one is in place.



Source: <https://www.eeoc.gov/laws/guidance/legal-rights-pregnant-workers-under-federal-law>

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

PREVENTION CORNER

Best Practices to Combat Workplace Harassment

In 2017, the U.S. EEOC issued a technical assistance document named Promising Practices for Preventing Harassment for all workplaces. A few of the best practices include the following:

- **Leadership and Accountability:** Ensure that anti-harassment policies clearly state who is responsible for taking corrective action when there has been an allegation and a violation of the agency's anti-harassment policy.
- **Comprehensive and effective anti-harassment policies:** A clear, easy to understand explanation and the definition of prohibited harassment.
- **Effective and accessible anti-harassment programs:** Allow for anonymous reporting of harassment through multiple methods.
- **Effective anti-harassment training:** Must be provided to non-supervisory employees as well as managers and supervisors.

Source: [EEOC Proposes Updated Workplace Harassment Guidance to Protect Workers | U.S. Equal Employment Opportunity Commission](#)

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://schac.sc.gov/>

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email: training@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.