

# South Carolina Human Affairs Commission

## Technical Services and Training Division



# Prevention Corner



*An ounce of Prevention is Worth a Pound of Cure.*

~Benjamin Franklin

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

(803) 737-7800

1-800-521-0725

[www.schac.sc.gov](http://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), the SC Fair Housing Law, the SC Equal Enjoyment and Privileges to Public Accommodations Law and the SC Lactation Support Act.

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## Discrimination on the Basis of Race (Commonly referred to as Racism)

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race

### Race Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of race, can be illegal if it has a negative impact on the employment of people of a particular race and is not job-related and necessary to the operation of the business.

*For example*, a “no-beard” employment policy that applies to all workers without regard to race, may still be unlawful if it is not job-related and has a negative impact on the employment of African American men (who have a predisposition to a skin condition that causes severe shaving bumps).

### Negative Impact of Race-Based Discrimination

**Race-based discrimination has been found to contribute to poor job quality. Other negative effects include:**

- May produce decreased wages (*some races may be kept at entry-level positions or offered less pay than their co-workers*).
- Morale may drop, which can affect productivity.
- *Retaliation*: Unfair treatment of an employee who has made or supported a complaint about race discrimination.

Source: S.C. Human Affairs Commission

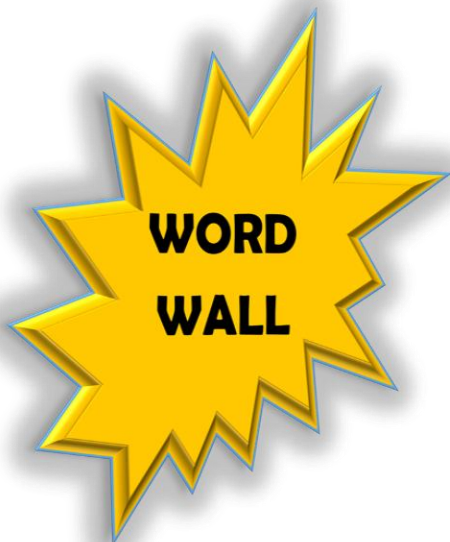
**How can I schedule training?**

**Contact us at:**

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

email: [training@schac.sc.gov](mailto:training@schac.sc.gov)

# Racism



- 1:** a belief that race is a fundamental determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race.
- 2a:** the systemic oppression of a racial group to the social, economic, and political advantage of another.
- 2b:** a political or social system founded on racism and designed to execute its principles.

Source: merriam-webster.com/dictionary

## Types of Race-Based Discrimination

The Equal Employment Opportunity Commission's (EEOC) federal sector *Digest of Equal Employment Opportunity Law* has an interesting article, "Race Discrimination in the 21<sup>st</sup> Century Workplace". This article is based on EEOC documents available to the public at their website, which summarize less "traditional" forms of race-based discrimination occurring in the modern workplace:

*(Not intended as legal advice)*

- **Perceived race discrimination:** Involves employment discrimination against an individual because of the belief that he/she is a member of a particular racial group, regardless of how the individual identifies him or herself.
- **Same race discrimination:** This type of employment discrimination occurs when the victim and the person who inflicted the discrimination are the same race.
- **Associational discrimination:** Employment discrimination against an applicant or employee "because of his/her association with someone of a particular race," known as "associational discrimination" is unlawful.
- **Biracial discrimination:** This is employment discrimination that targets persons because they are mixed-race. This is a by-product of associational discrimination.

### Not Just Words

**Racial discrimination can also include a display of racially offensive symbols in the workplace.**

Source: Merriam-Webster.com Dictionary; [The DIGEST Of Equal Employment Opportunity Law | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

## Social History

### The Lamar Riot

March 3, 1970, Darlington County, South Carolina



In last month's "Prevention Corner" newsletter, the Orangeburg Massacre was highlighted as one of the events that led to the creation of the SC Human Affairs Commission. This month's edition focuses on another confrontation that led to the creation of the Commission, the Lamar Bus Attack that was motivated by racism. The attack of children on a school bus was the most violent act against court-ordered school desegregation in South Carolina. The racial unrest occurred when a mob of angry white parents

armed with ax handles, bricks, and chains overturned two school buses that had delivered black students to Lamar elementary and high schools in Darlington County.

In January 1970 the U.S. Fourth Circuit Court of Appeals ordered the Darlington County schools to immediately increase integration among students and teachers.

The court struck down the county's 1965 "freedom of choice" plan that allowed whites and blacks to attend schools of their choice. But in Lamar, a rural community of 1,350 people, one elementary school had nine black students and a high school had ten black students. On the other side of town Spaulding elementary and high schools had no white students.

The court ordered that integration take place no later than February 18, 1970. White parents said that the court should wait until the following school year to put the order into effect. They were further enraged by the county's school attendance zones. Allegedly, lines were drawn to keep the children of prominent white residents out of black schools.

The building contractor and restaurant owner Jeryl Best led the white opposition, Citizen for Freedom of Choice, which pushed for a boycott to close the schools. They hoped that if low attendance closed the schools the county would have no choice but to reopen them under the freedom-of-choice plan. Black parents were urged to keep their children out of the schools unless the federal courts promised protection.

On March 3 about 150 to 200 men and women clashed with about 150 South Carolina highway patrolmen and agents with the South Carolina Law Enforcement Division (SLED).

Demonstrators and police received minor injuries, and flying glass cut some students



when the mob smashed the bus windows. One rioter fired a gunshot during the thirty-five-minute fight. Police responded by firing tear gas into the crowd. Of the forty men charged after the riot, three were sentenced to jail.

Fifty-on (51) years after this terrible event in Lamar, public schools are more integrated than ever before. However, the issue of racism continues in various segments of our society. The SC Human Affairs Commission's mission to prevent and eliminate unlawful discrimination and to promote harmony and the betterment for all South Carolinians is just as important now as it was in the past.

Source: SC Human Affairs Commission; SC Encyclopedia (scencyclopedia.org); Bass, Jack. "White Violence in Lamar." *New Republic* 162 (March 28, 1970): 10–12.; McIlwain, William F. "On the Overturning of Two School Buses in Lamar, S.C." *Esquire* 75 (January 1971): 98–103, 162–64.



**Answers to your questions about Pregnancy Discrimination and Lactation Support in the workplace.**

### **Can I be denied a promotion because I recently gave birth?**



**No.** If pregnancy, childbirth, or a related medical condition, is the reason that an employer has denied an employee a promotion, this may be an illegal act, as it would likely violate the South Carolina Pregnancy Accommodations Act. Being pregnant or having recently given birth should not disqualify women from being eligible for promotions at work.

## **EEOC News & Notes**

**FOR IMMEDIATE RELEASE**

February 11, 2022

### **EEOC SUES WALMART FOR GENDER AND RACE DISCRIMINATION**

***Ottumwa Store Employee Denied Promotion Based on Having a Newborn at Home, Federal Agency Charges***

**OTTUMWA, Iowa** – Walmart violated federal law when it gave a Black female employee an unsanitary lactation space based upon her race and failed to promote her based on sex stereotypes about mothers with small children, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

***The EEOC's pre-suit investigation revealed that Walmart failed to promote the employee to a management position at its Ottumwa store because it assumed she would not remain with the company long due to her having a newborn at home. Walmart also gave her an unsanitary storage closet to express her breast milk, a facility that was inferior to the clean office space it provided to a White employee for the same purpose.***

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex and race. The EEOC filed suit in U.S. District Court for the Southern District of Iowa, (EEOC v. Walmart, Inc. et al., 22-cv-00037) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC's litigation effort will be led by Trial Attorneys Hannah Henkel and Kelly Bunch and Supervisory Trial Attorney Justin Mulaire.

"It is inexcusable and unlawful that qualified women are still facing these kinds of discriminatory barriers to career advancement in the workplace," said Gregory Gochanour, regional attorney for the EEOC's Chicago District Office. "Federal law clearly prohibits employers from making discriminatory promotion decisions based on sex stereotypes and requires employers to provide equal working conditions for their employees regardless of race."

Source: U.S Equal Opportunity Commission

## PREVENTION CORNER

**Employers are responsible for preventing discrimination and retaliation from happening in the workplace.**

### **Ways to Prevent Race-Based Discrimination in the Workplace**

- 1. Develop/update internal workplace anti-discrimination policies and codes of conduct, that incorporates and strictly prohibits race-based discrimination and harassment in the workplace.**
- 2. Provide terminology, that includes clear definitions of race-based discrimination, including examples.**
- 3. Managers, supervisors, and employees should receive training about race-based discrimination to include how to avoid racial slurs, stereotypes, and other manifestations (displays of racism) in the workplace.**
- 4. Be prepared to investigate complaints of race-based discrimination or harassment. This includes the following:**
  - Investigate promptly**
  - Take steps to ensure confidentiality**
  - Document the investigation**
  - Take action**

Source: S.C. Human Affairs Commission

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

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<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.**