SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

Declaration of Independence

- "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness…"

EEOC LAWS ENFORCED

Title VII of the 1964 Civil Rights Act

Bans discrimination in employment because of race, color, religion, sex, or national origin.

Age Discrimination in Employment Act (ADEA)

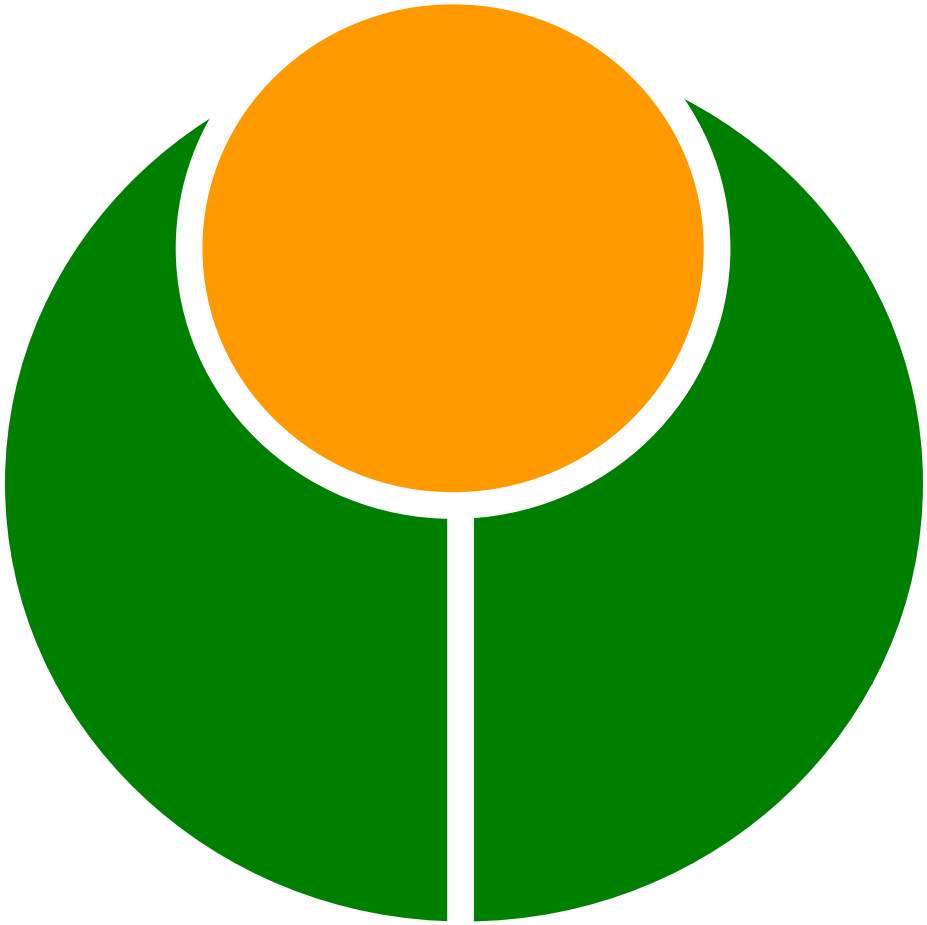
Makes unlawful employment discrimination because of age against anyone 40 years of age and older.

Pregnancy Discrimination Act

Amends Title VII and states that employment discrimination is prohibited when based on pregnancy, childbirth, and related medical conditions.

The Americans with Disabilities Act (ADA)

Prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.

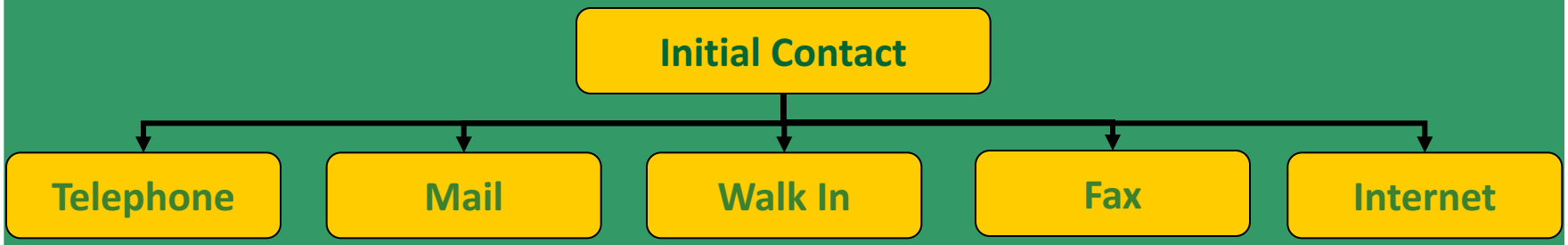


The Intake/ Investigation Process

South Carolina Human Affairs Commission

Discrimination Complaint Receiving Process

(Acceptance of Complaint)



Jurisdictional information

Complainant contact information

Respondent Information

Basis of Complaint and date occurred

Issue prompting Complaint

Respondent's apparent reason for adverse action

Complainant's allegations

Complainant's declaration of discrimination and laws violated

Complainant Certifications; sworn statement, notarization and signature

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY: [X] FEPA [ ] EEOC

CHARGE NUMBER

S. C. Human Affairs Commission and EEOC
State or local Agency, if any

NAME *(Indicate Mr., Ms., Mrs.)*: Ms. Jane Doe

HOME TELEPHONE *(Include Area Code)*: (803) 737-7800

STREET ADDRESS / CITY, STATE AND ZIP CODE: 2611 Forest Drive, Columbia, SC 29204

DATE OF BIRTH: 10/10/1931

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME *(If more than one list below.)*

NAME: L & J Cafeteria

NUMBER OF EMPLOYEES, MEMBERS:

TELEPHONE *(Include Area Code)*: (803) 333-3333

STREET ADDRESS / CITY, STATE AND ZIP CODE: 2611 Forest Drive, Columbia, SC 29204

COUNTY: 079

NAME:

TELEPHONE NUMBER *(Include Area Code)*:

STREET ADDRESS / CITY, STATE AND ZIP CODE:

COUNTY:

CAUSE OF DISCRIMINATION BASED ON *(Check appropriate box(es))*

[ ] RACE [ ] COLOR [X] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [ ] AGE [ ] DISABILITY [X] OTHER *(Specify)* Fepa

DATE DISCRIMINATION TOOK PLACE
EARLIEST *LATEST* 08/31/2004
[ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional space is needed, attach extra sheet(s))*:

I. PERSONAL HARM:
Through August 31, 2004 and continuing, I have been denied equal wages.

II. RESPONDENT'S REASON(S) FOR ADVERSE ACTION(S):
The Respondent has given no reason for the denial of equal wages.

III. COMPLAINANT'S CONTENTION(S):
I am employed with the Respondent as a Cook. I contend that I am being paid less than similarly-situated male employees even though we perform the same duties.

IV. DISCRIMINATION STATEMENT:
I, therefore, believe that I have been discriminated against because of my sex (female) in violation of the South Carolina Human Affairs Law, as amended, and Title VII of the United States Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date Charging Party *(Signature)*

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

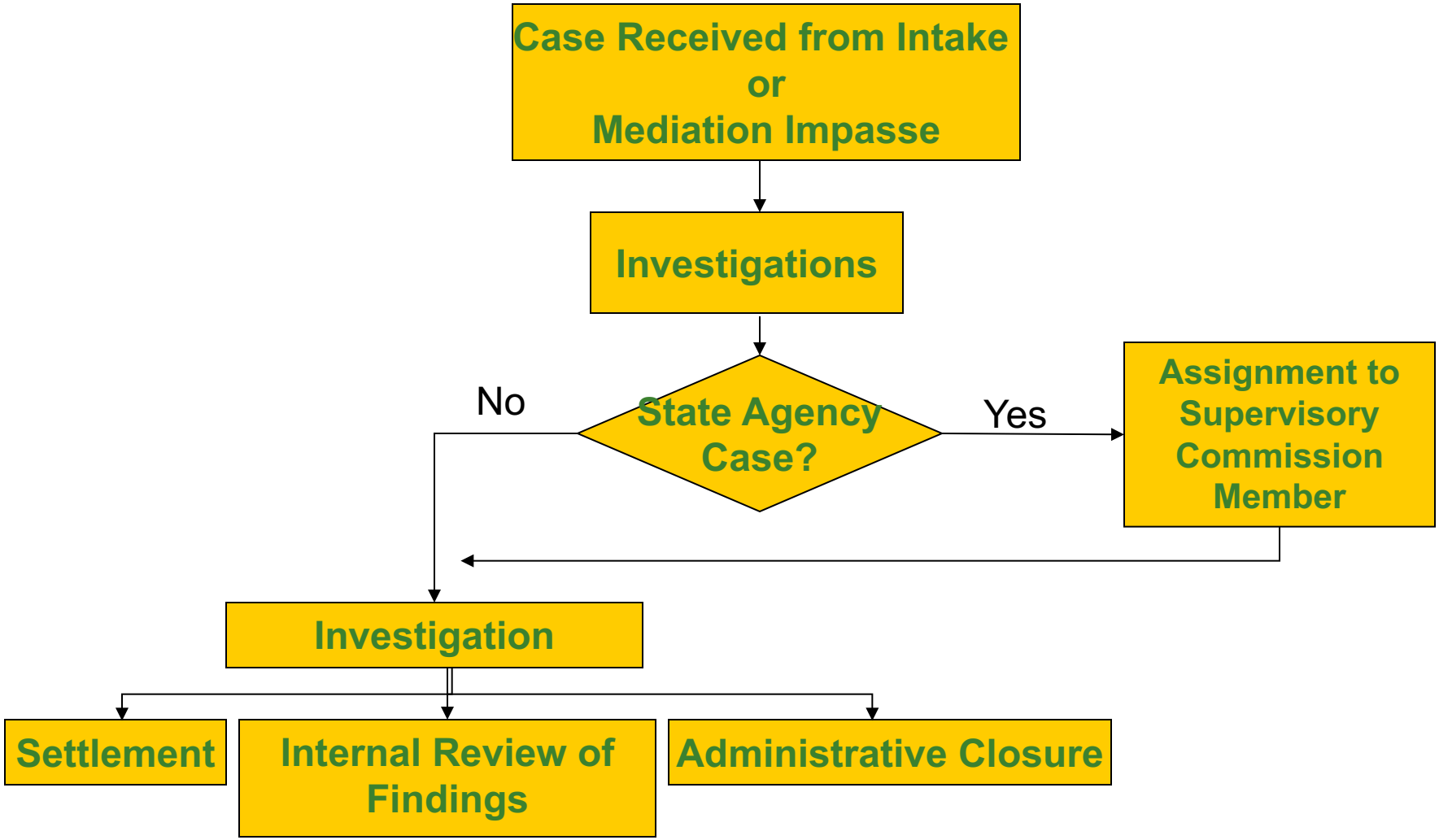
EEOC FORM 5 (Rev. 07/99)

FILE COPY

Matters subject to investigation to determine if laws were violated

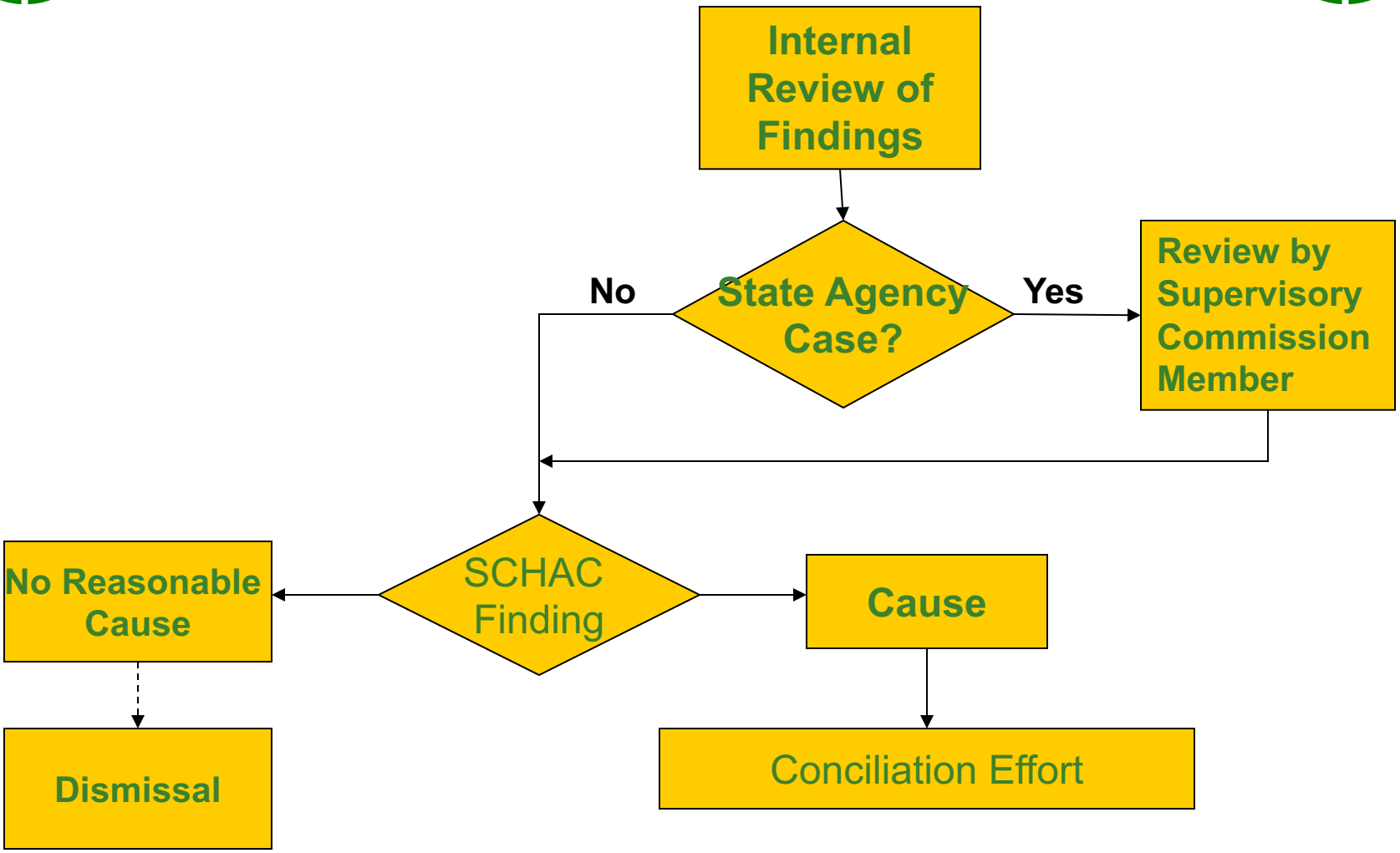
The Investigative Process

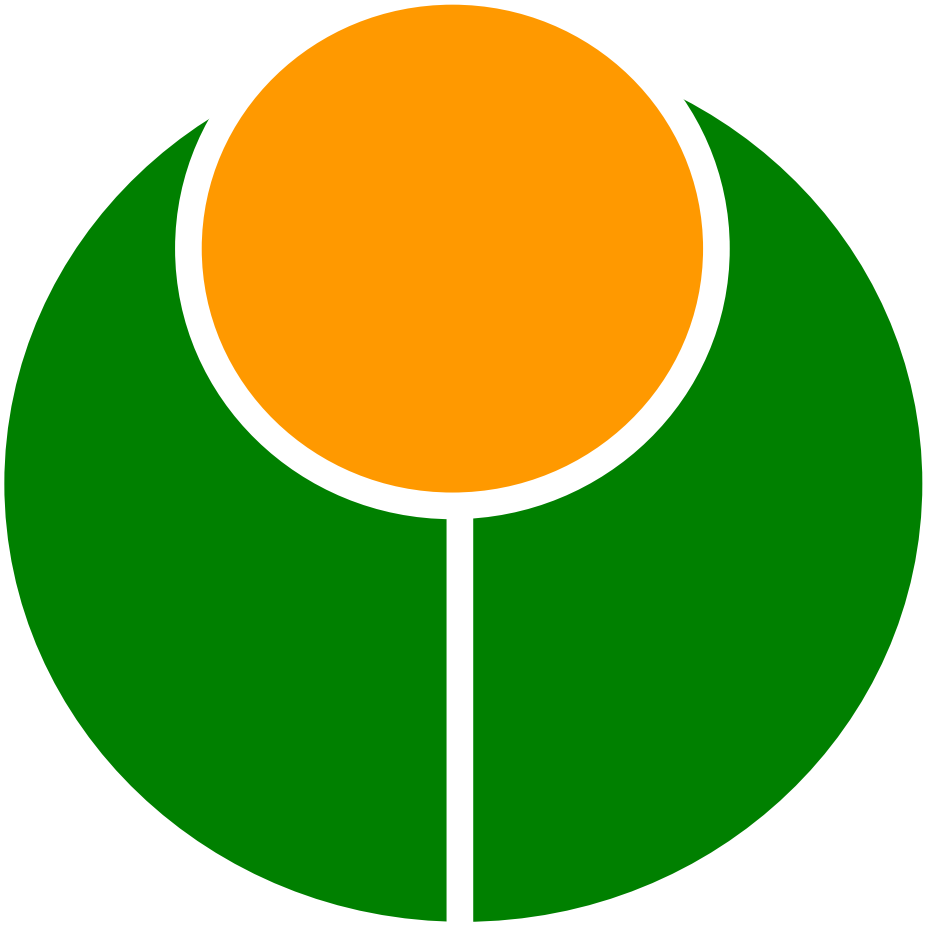
Tracking a case from filing to final agency action



The Investigative Process (Con't)

Investigation is Concluded





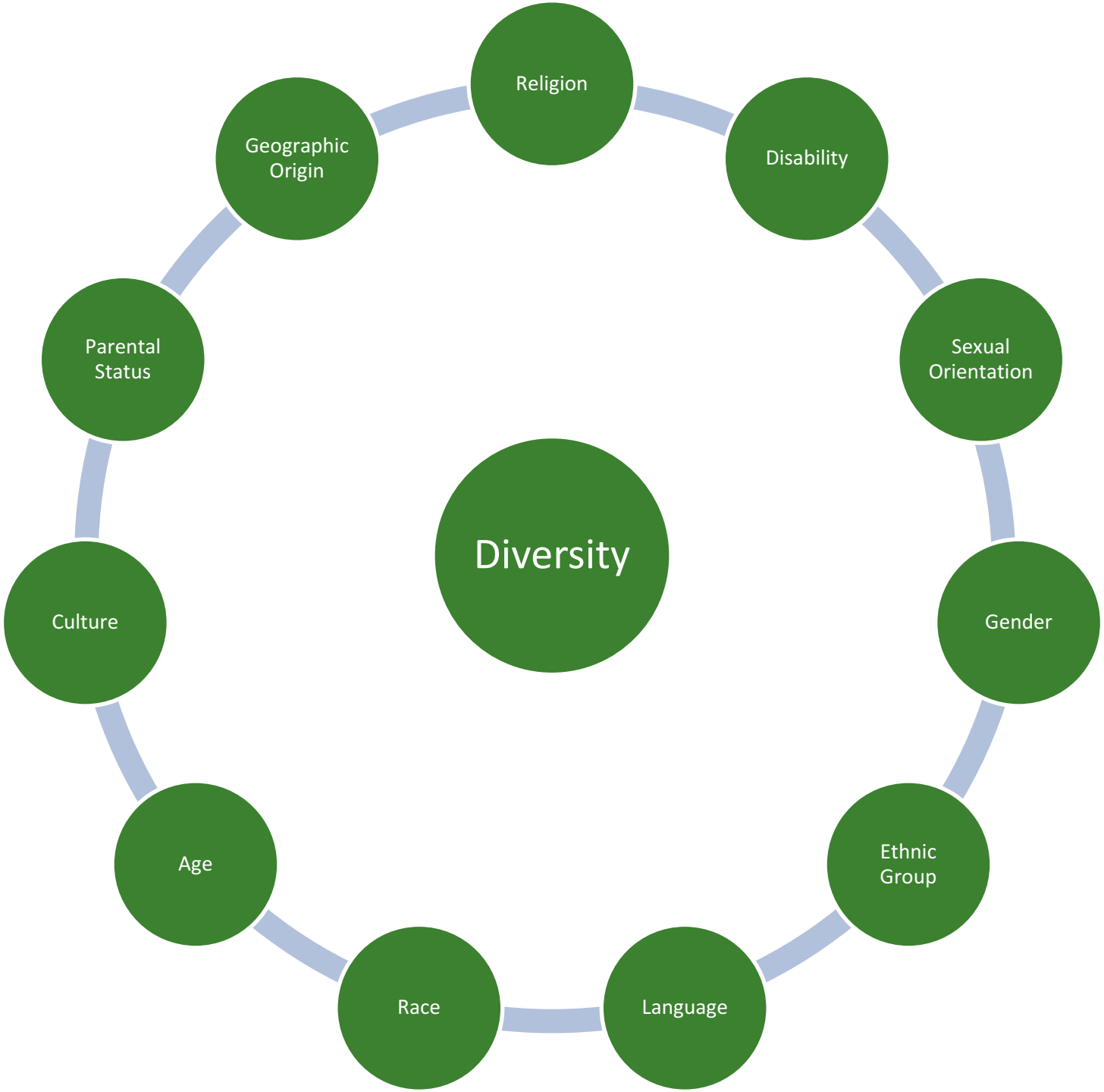
MEDIATION/ADR

Benefits to Mediation

- A notice of Right to Sue is not issued
- The case does not go to court
- Saves time
- Saves money
- Resolves a complaint so that all parties are content
- Discussion can result in solving other problems and issues

What is Diversity?

Are all people alike?


Diversity
Religion
Disability
Sexual Orientation
Gender
Ethnic Group
Language
Race
Age
Culture
Parental Status
Geographic Origin

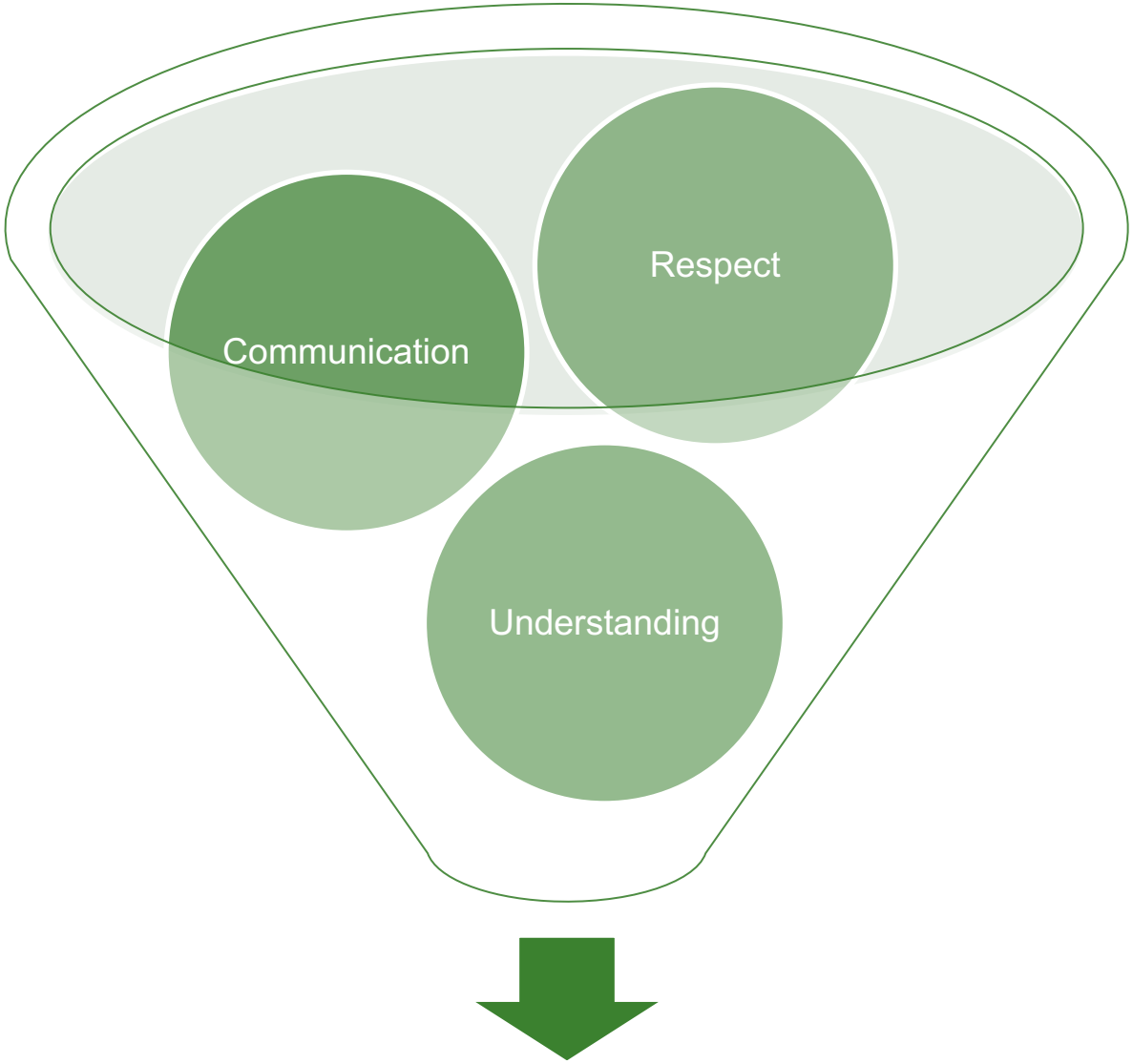
How to Appreciate Diversity?

RESPECT

Treat people the way they want to be treated. Respect individuals as a whole person and be aware of their feelings.

Lack of Respect in an Organization can cause:

- Low Productivity
- Create Bad Relationships
- Cause good employees to seek other employment
- Ultimately, cause the filing of Discrimination Complaints



A Positive Work Environment

“To be kinder than necessary.”

-Cynthia Hurd

“How are we going to develop trust and relationships with each other if we continue to stay in our separate corners? We can’t. …if we’re going to be true to the charge of moving South Carolina and our nation forward, the actions have to move through each of us. If we want to bring opportunity to every American, we will have to work together. That requires commitment, open-mindedness, and a willingness to think differently by all of us.”

-Governor Nikki Haley

Employment Discrimination

Unfair vs. Unlawful

State Human Affairs Law Prohibits Employment Discrimination Based On:

RACE

COLOR

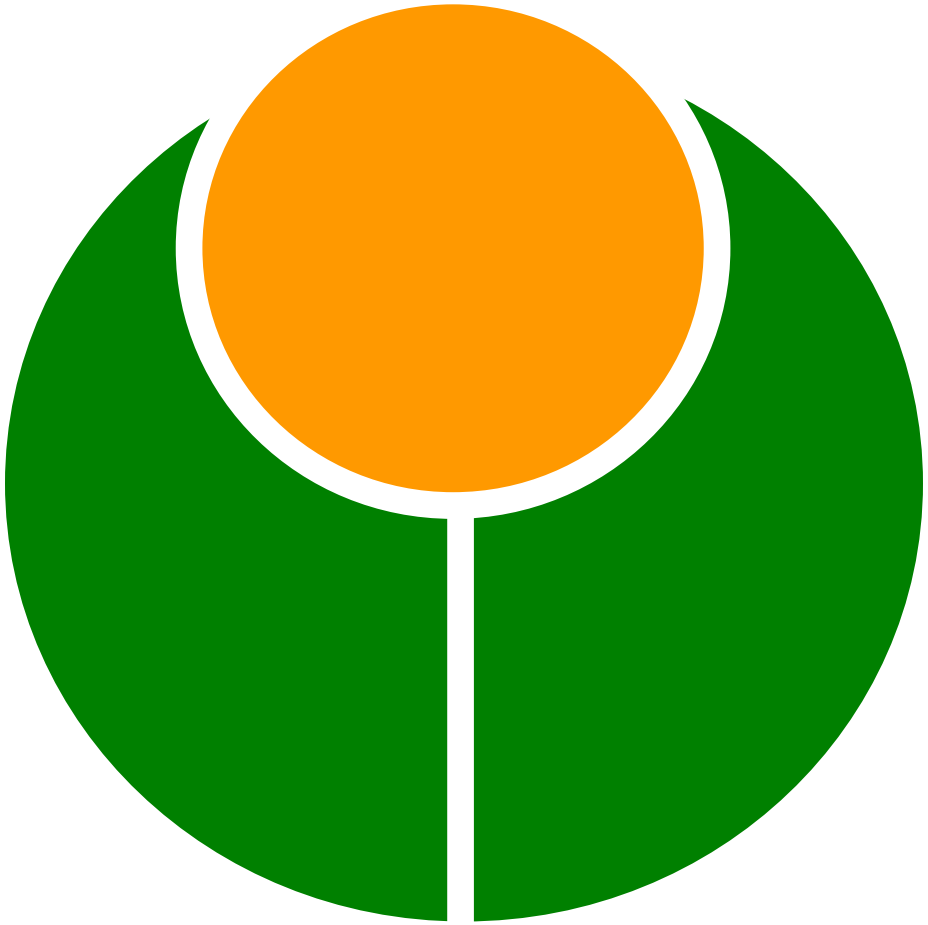
RELIGION

NATIONAL ORIGIN

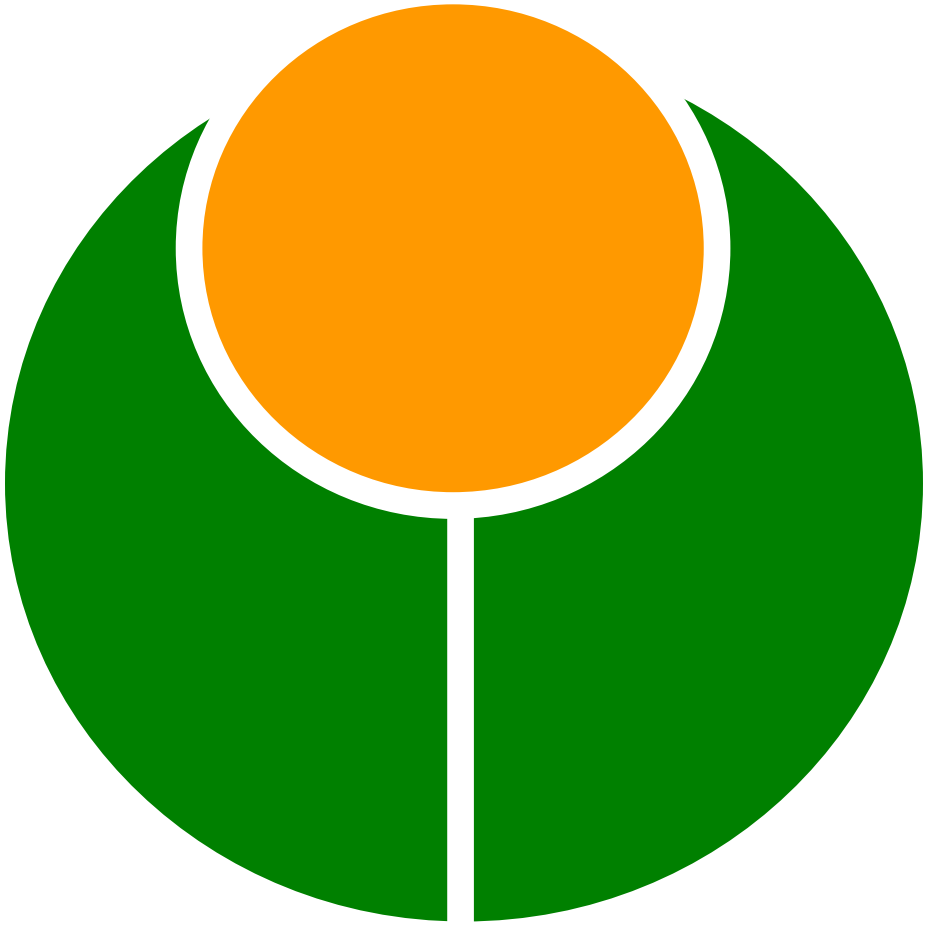
SEX

AGE

DISABILITY



Sexual Harassment



Americans with Disabilities (ADA)

ADA: An individual with a disability is a person who:

- **Has a physical or mental impairment that substantially limits** one or more major life activities; regardless of mitigating circumstances
- Has a **record** of such an impairment; or
- Is **regarded** as having such an impairment

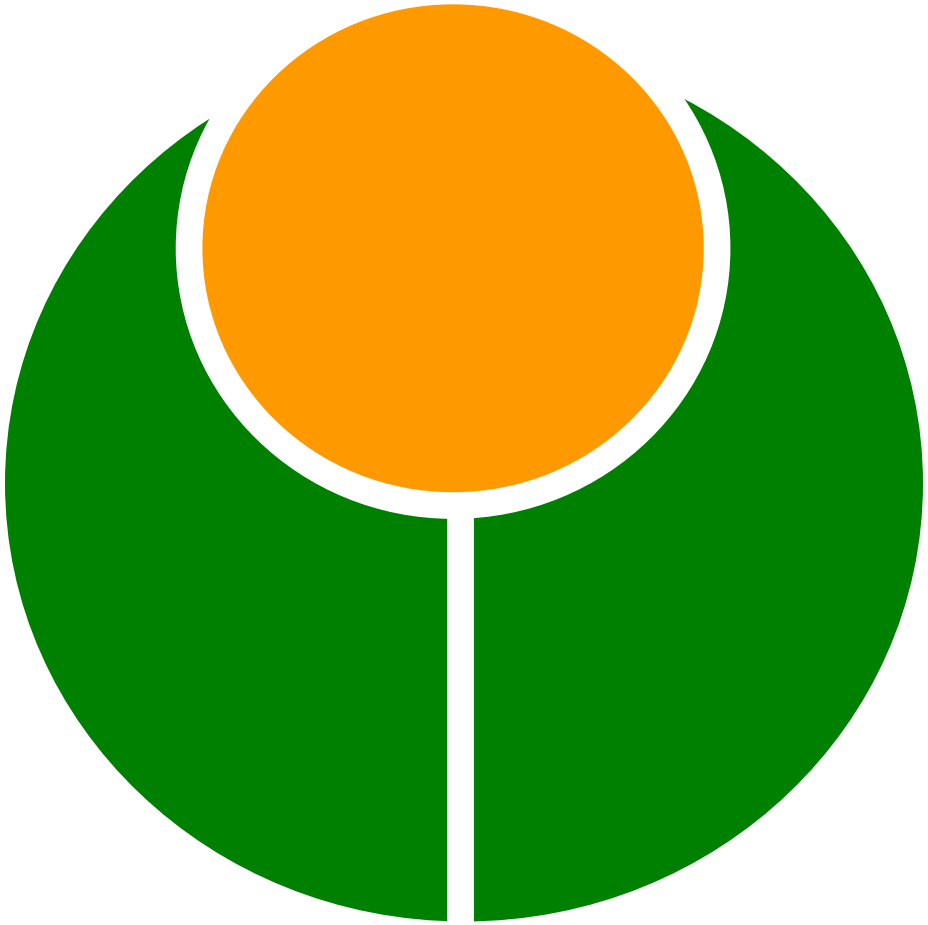
Reasonable Accommodation

- Making existing facilities readily accessible
- Job restructuring
- Modifying work schedules
- Reassignment to a vacant position
- Acquiring or modifying equipment
- Adjusting or modifying examinations, training materials, or policies and
- Providing qualified readers or interpreters.

Religious Accommodation

- **If an employee asserts a need for religious accommodation, the employer should do the following:**

1. Inquire as to the nature of the employee's beliefs.
2. Consider the sincerity with which the employee holds those beliefs.
3. Consider the nature of the conflict between the employee's religious beliefs and his or her job obligation.
4. Consider possible accommodations
5. Consider the burdens on business of accommodation
6. Offer a reasonable accommodation unless to do so would cause undue hardship.



Lawful Interviewing Practices

When Interviewing Potential Employees Focus on their talents, skills, and abilities that relate to the performance of the ESSENTIAL duties of the job.

Do not ask questions about their Disabilities, Religion, National Origin, Ect.

Techniques to Prevent Discrimination

- Practice Consistency
- Document
- Do the Right Thing
- Apply Standards Equally
- Choose Words Thoughtfully
- Keep Accurate Objective Records
- Apply the Golden Rule

Prevention

- Train and Post Policies
- Provide for internal complaints
- Publicize efforts to prevent harassment
- Publicize policy
- Be fair

Do not Retaliate

Q & A

Any QUESTIONS?

There still remains the unfinished goals of the civil rights movement and the civil rights movement is a critical part of the American movement and the American story. It's a movement in which every person, regardless of their skin color is treated equally under the law.

-S.C. Governor Nikki Haley

speech at the National Press Club

"All men are created equal.. With certain rights.. Life, Liberty, and the pursuit of Happiness..

- **Do your part to prevent and eliminate Discrimination**

Thank you!

Presented by: Dan Koon
Deputy Commissioner
SC Human Affairs Commission