

# 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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Human Affairs Commission  
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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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## WHAT IS SEX-BASED OR GENDER DISCRIMINATION?

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex.

Even though the words “sex” and “gender” may have different meanings today, laws against discrimination at work often use them interchangeably.

Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex, in violation of Title VII. This law applies to private and state/local employers that employ 15 or more individuals.

### ***Sex Discrimination in the Workplace***

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

### ***Examples of Potential Discriminatory Practices***

- Being held to different or higher standards, or being evaluated more harshly, because of your sex, or because you don't act or present yourself in a way that conforms to traditional ideas of femininity or masculinity.
- Being paid less than a person of a different sex who is similarly or less qualified than you, or who has similar (or fewer) job duties than you.

Resources: U.S Equal Employment Opportunity Commission: 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)



## **BOSTOCK v. CLAYTON COUNTY**

In *Bostock v. Clayton County, Georgia*, No. 17-1618 (S. Ct. June 15, 2020), the Supreme Court’s decision, in a 6–3 ruling, holding “an employer who fires an individual because of their sexual orientation or transgender status violates Title VII’s prohibition on discrimination because of sex.”

As the Court explained, “discrimination based on homosexuality or transgender status necessarily entails discrimination based on sex; the first cannot happen without the second.”

## **DISCRIMINATION EXAMPLES**

### **SCENARIO:**

*“For example, if an employer fires an employee because she is a woman who is married to a woman, but would not do the same to a man married to a woman, the employer is taking an action because of the employee’s sex because the action would not have taken place but for the employee being a woman.”*

### **SCENARIO:**

*“An employer fires an employee because that person was identified as male at birth, but uses feminine pronouns and identifies as a female, the employer is taking action against the individual because of sex since the action would not have been taken but for the fact the employee was originally identified as male.”*



**Can you give an example of gender discrimination against a pregnant employee?**

**SCENARIO: Job Classification**

*“You work at a company for 4 years and put in many hours of overtime. After you return from having a baby, you tell your employer that you will not be able to put in as many hours of overtime. Your position is then changed to a lower level and you get less pay, while male coworkers in similar positions are allowed to cut back their overtime hours for personal reasons without any changes to their position or pay.”*

Source: workplacefairness.org

## **PREVENTION CORNER**

### **6 Ways to Prevent Sex-based/Gender Discrimination**

- 1. Establish clear policies that prohibit sex-based/gender discrimination.**
- 2. Examine your company’s policies, history, culture, and awareness to correct any current problems and prevent any new ones.**
- 3. Provide regular training to all employees about discrimination in the workplace and how to be respectful toward all their coworkers.**
- 4. Provide separate training for management.**
- 5. Review regularly whether any occupational requirement applied to a particular job is still valid.**
- 6. Document everything. There should be clear documentation of complaints of discrimination. Take immediate action to address complaints.**

Resources: S.C. Human Affairs Commission; U.S Equal Employment Opportunity Commission

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

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

**<https://www.schac.sc.gov/>**