

# 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  
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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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## Fair Housing: Effective Communication ADA Rights & Obligations

Under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, recipients of HUD financial assistance, state and local governments, health care facilities, group homes, assisted living facilities, colleges and universities, and housing rental and sales offices, among others, have the legal obligation to take appropriate steps to ensure effective communications with individuals with disabilities.

These organizations and individuals are required to take appropriate steps to ensure that communications with individuals with disabilities are as effective as communication with individuals without disabilities.

**Example:** An assisted housing provider may be required to provide visual alarms for residents who are deaf or hard of hearing.

### Fair Housing Act

The Fair Housing Act makes it illegal for housing providers to refuse to make reasonable accommodations, including taking steps that may be necessary to ensure effective communications with individuals with disabilities.

### SC Fair Housing Law

The SC Fair Housing Law makes it illegal to discriminate in housing because of race, color, religion, sex, national origin, physical or mental handicaps, or familial status (families with children).

The SC Fair Housing Law requires housing providers to provide reasonable accommodations to individuals with disabilities when requested.

**Source:** [www.hud.gov/program\\_offices/fair\\_housing](http://www.hud.gov/program_offices/fair_housing); <https://www.ada.gov/effective-comm.htm>; SC Human Affairs Commission

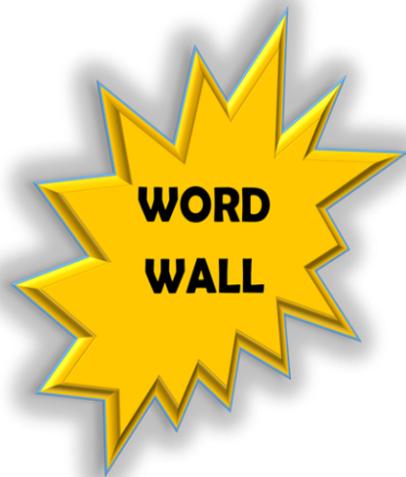
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### How can I schedule training?

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

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# Communication

1. A process by which information is exchanged between individuals through a common system of symbols, signs, or behavior.
2. Information communicated: information transmitted or conveyed.
3. A system (as of telephones or computers) for transmitting or exchanging information.
4. A technique for expressing ideas effectively (as in speech).

Source: [www.merriam-webster.com/dictionary](http://www.merriam-webster.com/dictionary)

## Choosing Communication Aids and Services “ADA Requirement”

The ADA affords protection to people who have vision, hearing, or speech disabilities (communication disabilities) and use different ways to communicate. The effective communication requirement applies to all members of the public with disabilities, including job applicants, program participants, and people who contact state or local government agencies seeking information about programs, services, or activities.

**The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication.**

**The goal is to find a solution that fits the circumstances.**

**Example:** People who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech.



The Americans with Disabilities Act (ADA) celebrated 32 years on July 26, 2022. The act was signed into law on July 26, 1990 and has helped increase access and opportunity for people with disabilities in our nation’s workplace and communities.

Source: [dclibrary.org/ada](http://dclibrary.org/ada); [adaanniversary.org](http://adaanniversary.org); ADA National Network

## Different Types of Auxiliary Aides & Services

Providing materials in an alternative format to communicate is suggested. This includes but not limited to:

<b>For people who are blind or have vision loss</b>	Information in large print; Braille; or an Audio recording of printed information
<b>For people who are deaf or have hearing loss</b>	American sign language interpreters (qualified); Real time captioning; Providing written materials
<b>For people who have speech disabilities</b>	Keeping paper and pen on hand so the person can write out words that staff cannot understand; Allowing more time to communicate with someone who uses a communication board or device may provide effective communication.



Below are two examples provided by the ADA for solutions to communication barriers that are simple and straightforward:

Situation	Solution
<b>A person who is deaf or has hearing loss is attending a meeting.</b>	<p><b>Effective communication could require:</b></p> <ul style="list-style-type: none"> <li>• Sign language interpreter or</li> <li>• Real time captioning</li> <li>• Ask what assistance is needed</li> </ul> <p>This will depend on whether the person uses sign language.</p>
<b>A person who has low vision needs a long, multi-page document from your agency.</b>	Providing a large print copy or accessible electronic copy of the document are possible solutions.

Source: <https://www.ada.gov/effective-comm.htm>



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

**When should communication begin about lactation accommodations between an employer and employee?**



An employer should provide an employee with information about their rights to lactation accommodations and information about the employer’s policy on lactation accommodations before an employee starts maternity leave, if possible. However, employees may request a lactation accommodation at any time.

This may include communicating to the employer orally or in writing that they will need lactation space/location and/or scheduling adjustments to account for time to pump.

All employees must be informed of their rights to a lactation accommodation upon being hired.

The South Carolina Lactation Support Act expands upon the SC Pregnancy Accommodations Act to protect the rights of nursing employees by requiring employers to provide break time and private space for milk expression, so long as it is reasonably possible for the employer to do so.

A key provision of the SC Lactation Support Act is that it applies to **all** employers, regardless of the number of employees. This law does not require an employer to provide break time if doing so would create an undue hardship on the operations of the employer.

**The United States Breastfeeding Committee sponsors National Breastfeeding Month in August to promote the benefits of breastfeeding and build a landscape of support for babies and families.**

Source: U.S Equal Opportunity Commission; SC Human Affairs Commission; [National Breastfeeding Month \(usbreastfeeding.org\)](http://usbreastfeeding.org)

## PREVENTION CORNER

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### How to Provide Effective Communication

To facilitate effective communication as required by the ADA, there are a list of things that can be done before someone requests an auxiliary aid or service. (Title II Checklist)

1. Identify local resources for auxiliary aids and services.
2. Find out how you can produce documents in Braille or acquire other aids or services.
3. Contract with qualified interpreter services and other providers so that interpreters and other aids and services will be available on short notice.
4. Audit: Assess your agency's ability to provide effective communication.
5. Determine steps for achieving ADA compliance. You will need:
  - ✓ Establish policy or procedures related to providing sign language interpreters, oral interpreters, notetakers, etc. when requested by members of the public.
  - ✓ A list of printed material provided to the public by your agency and an indication of whether these materials are provided, upon request, in an accessible format, such as large print, Braille, or audio recording.
  - ✓ A list of where the teletypewriters (TTY's) are provided by your agency.
  - ✓ A list of any videos or television programs produced by your agency and an indication of whether these videos or programs have captioning and audio descriptions.
6. Train employees about effective communication and how to obtain and use auxiliary aids and services.

Source: <https://www.ada.gov/pcatoolkit>; Chapter 3 Addendum: Title II Checklist, 2007

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

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**The mission of the South Carolina Human Affairs Commission is to  
Prevent and Eliminate Unlawful Discrimination in Employment, Housing,  
and Public Accommodations.**