

South Bend Human Rights Commission

South Bend Human Rights Commission

January 2015

Board of Commissioners

GlendaRae Hernandez
Chairperson
Karen Brandy-Comer
Vice Chairperson
Muhammad Shabazz II
Secretary
William Eagan
Bernice Freeman
Ed Henry
Penny Hughes
Felix Marquez
Raphael Thomas
Aladean DeRose
Commission Attorney

Staff

Lonnie L. Douglas
Executive Director
Danya Hardin
Crystal F. McCain
Diana Moya
Nancy O'Brien
Investigators
Fred Harris, Jr.
Housing Investigator
Neil Weisman
Staff Attorney

319 N. Niles Ave
Suite 150 A
South Bend, IN 46617
574.235.9355



Race/Color Discrimination

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 (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

Race/Color Discrimination & Work Situations

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.

Race/Color Discrimination & Harassment

It is unlawful to harass a person because of that person's race or color.

Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Continued on back page

Consent Decree Ends EEOC Race Discrimination Lawsuit Against Battaglia Distributing

CHICAGO - A federal district judge has entered a \$735,000 consent decree resolving a race harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), EEOC v. Battaglia Distributing Corp., U.S. District Court for the Northern District of Illinois, Eastern Division, in Chicago.

The EEOC had charged that Battaglia, a grocery wholesaler and manufacturer, tolerated a workplace that was racially hostile to its African-American dock workers. The company is located on South Ashland Avenue in Chicago.

Based upon the findings of an EEOC administrative investigation managed by Chicago Acting District Director Julie Bowman, the lawsuit alleged that since at least 2007, black employees had been harassed due to their race, including being subjected to racial slurs, such as the "N-word," by co-workers and managers. The suit also alleged that management failed to take action against the harassment despite complaints from employees.

Under the terms of the decree which was entered Nov. 10, 2014, Battaglia will pay \$735,000 to a group of current and former African-American employees. Among other relief provided under the decree, Battaglia will also have to provide its managers with training on Title VII of the Civil Rights Act of 1964, which prohibits racial discrimination on the job, and report regularly to the EEOC on any complaints it has received, as well as provide other data to demonstrate that it has not retaliated against any of the participants in the litigation.

HRC Sponsors Training Event

On November 7, 2014, the Human Rights Commission held a training at the Charles Martin Center. Ethel Harmon, State and Local Coordinator from the Indianapolis District Office of the Equal Employment Opportunity Commission, trained on disability and sex discrimination with an emphasis on pregnancy and LGBT issues.

Philip Shelton, Director of Fair Housing and Equal Opportunity from the Indianapolis Office of Housing and Urban Development, trained on affirmatively furthering fair housing.

Race/Color Discrimination continued

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Race/Color Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color 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).
