

The background of the slide is a stylized American flag, with the stars and stripes rendered in a soft, semi-transparent manner. The top of the slide features a solid red horizontal bar.

Civil Rights

Awareness Training

Aloha

- **RAN ANNIM**
- **IAKWE**

Civil Rights Compliance Staff

Role 4.10.4

- Developing and coordinating plans
- Serving as liaison with Federal and State agencies
- Providing technical assistance to Divisions
- Responding to inquiries from external agencies
- Performing other duties relative to compliance
- Sharing responsibility with divisions for policies and procedures implementation, compliance reporting, training and development of tools, and developing private/public partnerships

Overview

- **Civil Rights Goals and Objectives**
- **Federal and State Laws on Discrimination, Disabilities and Reasonable Accommodation**
DHS P & P 4.10.3 and 4.10.4
- **Discriminatory Harassment** P&P 4.10.2
- **Discrimination Complaint Policy and Procedures**
DHS P & P 4.10.1
- **Language Access--Limited English Proficiency**
DHS P & P 4.10.3 and 4.10.4
Hawaii Revised Statutes 371 & 378

DHS

Civil Rights

Objective

To create awareness of our roles in providing workplace and service areas that are free from discriminatory practices toward employees, clients and applicants.

What does Civil Rights

Compliance

Mean

to **You** ?

Prominent Federal Legislation as amended

- Civil Rights Act (CRA) of 1964
- Age Discrimination in Employment Act (ADEA) of 1967
- Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA) of 1990
- Civil Rights Act of 1991

☐ For more information: <http://www.hawaii.gov/dhs>

Fact Sheets in the Civil Rights Corner

Laws and Issues in Training Modules Link

State Legislation

- Hawaii Revised Statutes, **Title 21** Labor and Industrial Relations **Chapter 371**, Part II 371-31 to 37, and **Chapter 378**, as amended

DHS Policies and Procedures

- Non-Discrimination in Employment and Services
Discrimination Complaint Procedure (4.10.1)
- Harassment (4.10.2)
- DHS Policy and Procedures 4.10.3
Opportunity to Participate in Programs, Services
and Activities
- DHS Policy and Procedures 4.10.4 Access

Protected Areas in Employment

FEDERAL

Race
Color
National Origin
Sex
Religion
Disability
Age
Uniformed Service
Citizenship Status

Ancestry
Marital Status
Arrest and Court Record
Sexual Orientation
Child Support Obligations
National Guard Absence
Breast Feeding

STATE

Protected Areas in Access to Services

FEDERAL

National Origin

Political Beliefs*

Race

Color

Sex

Religion

Disability

Age

Ancestry

Breast Feeding

STATE

* Applies to **SNAP** Program (formerly Food Stamp) only

The Age Discrimination in Employment Act (ADEA)

- Applies to employers with 20 or more employees.
- Applies to individuals who are age 40 and over.

The Equal Pay Act (EPA)

- Prohibits sex-based **wage** discrimination
- Includes fringe **benefits**
- Applies when men and women perform **substantially equal work**

Americans with Disabilities

Title I of the Americans with Disabilities Act (ADA) (as amended)

- Prohibits discrimination on the basis of **disability**, including requirements relative to providing a **reasonable accommodation** in **employment and services** for disabled individuals

Definition of a “Disability”

- A physical or mental impairment that **substantially limits** a major life activity
- A **record** of such an impairment
- Being **regarded** as having such an impairment

REASONABLE ACCOMMODATION

A modification or adjustment to a **job**, the work **environment**, or the **way job tasks** are usually accomplished, to enable a person with a disability to perform the **essential** functions of a job or position.

How to provide Reasonable Accommodations

- Making facilities accessible
- Job restructuring, modifying work schedules, reassignment
- Acquiring or modifying equipment or devices
- Adjusting examinations, training materials, or policies
- Providing qualified readers or interpreters

Form, Fact Sheet and Practice

- ❑ RA-1

(Available at <http://www.hawaii.gov/dhs>
in the Civil Rights Corner)

- ❑ How to

- ❑ Fact Sheet

- ❑ Processing

- ❑ Questions

Discriminatory Harassment

DHS P&P 4.10.2

Is **UNLAWFUL**

when:

- It is based on a **protected** factor
- It **alters** terms and conditions

Harassment Defined

- Any **unwelcome** verbal or physical conduct based on:
 - Race
 - Color
 - Sex (Gender)
 - Religion
 - National origin - ex: LEP
 - Age
 - Disability - ex: MENTAL HEALTH

Two Types of Harassment

1) Tangible Employment Action

- Only supervisors and managers can subject an employee to tangible employment action harassment because only supervisors and managers have the authority needed to take a tangible employment action (hiring, benefits, promotion, training, demotion, discharge).

2. Sexual Harassment

- **Unwelcome** sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- Something promised in **exchange** for something else

Know the difference

- **Discrimination** is based upon the **perception** of the client/employee that he/she is discriminated against based on one or more of the **protected factors**.
- **Workplace violence** is an act of aggression that the victim perceives as a threat to his/her safety, health and well being.
- **Contact Eleanor Suma, PERS/ERS at 586-4984** to discuss your particular situation relative to **workplace violence**.
- **Contact Geneva Watts/PERS/CRCS at 586-4955** to discuss your particular situation relative to **discrimination**.
- **Contact Yvonne Tanaka at 586-4961** to discuss your particular situation relative to **misconduct**.

Identifying and Preventing Workplace Harassment

- Educate and Monitor
- Listen and Investigate
- Take **Timely** Corrective Action
- Set the standard; prevent workplace harassment

Rights and Responsibilities

Refer to:

(Access Hawaii Rights & Responsibility
Brochure - DHS 050)

Available in public waiting areas and on employee bulletin boards.

DHS' Discrimination Complaint Policy and Procedures 4.10.1

Forms available at

<http://www.hawaii.gov>

In the **Civil Rights Corner**

Discussion/Questions

Discrimination Complaint Process

- ❑ Right to file complaint concurrently
- ❑ Must be informed of complaint process in writing
- ❑ Forms, brochures, posters in multiple languages
- ❑ Guidelines should be clear
- ❑ Procedures, processes and forms readily available

Discriminatory Retaliation is Prohibited

- It is unlawful to **penalize, punish or deny** any **employment status** because that person opposed discrimination or participated in any way (ex: as a witness) in the investigation of a charge
- It is unlawful to **penalize, punish or deny (or delay)** any **services or benefits** because that person opposed discrimination or participated in any way (ex: as a witness) in the investigation of a charge

When **yOU** participate in an investigation

Report only Facts

- **Dates**
- **Times**
- **Witnesses**

Language Access

for individuals with

Limited English Proficiency

What is L E P?

DHS must provide language access.

L is for Limited

Speaking
Reading
Writing
Understanding

E is for English

Language
Verbal
Nonverbal
Written

P is for Proficiency

(at levels that permit
effective interaction)

Capsule

DVD—Breaking Down
the Barriers

Civil Rights Corner

Access Requirements

Opportunities for clients and applicants, to participate in programs, services and activities.

Clients and program participants shall be informed of their right to:

- Non-discriminatory service provision
- Accommodations
- Free interpreter services
- Filing a discrimination complaint

What to do

- **Step 1: Determine the primary language spoken.**
 - Check application form
 - Use “I speak” cards <http://www.lep.gov>
 - Language Desk Book
 - Telephone Interpreter service
 - Poster

Once you have established the primary language you will need to make **timely** arrangements for an interpreter and document your efforts in the case notes/log of contacts.

How to do it

Step 2: Getting an interpreter.

- Contact a **DHS employee** (preferably familiar with program).
 - DHS Volunteer
For current listing (586-4955 or gwatts@dhs.hawaii.gov)
 - arrange an appointment with the client and interpreter
- Contact **Telephone Interpreter** service where available
- Arrange for an interpreter for the formal interview
- There are **other resources** for interpreters that are available to you:
 - DCAB Listing
 - Court Interpreter Listing

Working with the Interpreter

- The interpreter shall read, initial and date the Interpreter **Code of Ethics**
 - **Document in log** of contacts/contact notes.
 - Copy and place in **case record**.
- The interpreter shall provide a Confirmation statement to confirm to his/her qualifications
 - **Verify signature** on Confirmation and place in case notes or log of contacts.
 - Copy and file in **case record**.

Interpreter Services Waiver

- When a client declines free interpreter services offered by DHS, document in your **log of contacts**:
 - Your efforts in providing free interpreter services
 - The client's declining such offer and the date and reason.
- The DHS shall provide a **form** and alternate interpreter verification/documentation in client's primary language.
 - If the client is unable to read in primary language, oral **translation** will be necessary.
- As a DHS employee, you shall **document your efforts** in providing free **appropriate and timely** interpreter services in your log of contacts or case notes.

Interpreter Requirements

- Proficient in more than one language
- Avoid using a client's friend, family, minor children.
- Document client waiver of free interpreter service.
- Arrange before bringing client in whenever possible.
- Use DHS volunteers appropriately.
- Examine credentials, including self attestation, of interpreters.
- Your particular program may require you to provide an interpreter for your use to verify that the communication is correct, accurate and understood by the client or applicant even when the client provides his/her own interpreter.

Remember

- Inform LEP individuals of their right to free interpreter services
- Avoid using a client's/applicant's friend or family member or minor to interpret
- Contact one or more interpreter services (phone, e-mail, on-line, in-person)
- Use DHS Volunteer Interpreters as appropriate and needed
- Provide information on process for filing a Discrimination Complaint and/or a service complaint when service delivery is unacceptable

Remember (continued)

- Document your efforts and the decision of the client to accept or decline the free interpreter service.
- Ensure that LEP applicants, potential applicants and clients are:
 - Given adequate, timely and correct information
 - Understanding of what services and benefits are available
 - Effectively communicating relevant circumstances of their situation
 - Documentation of services provided or client's declination of offered free interpreter service
 - Provided a comprehensive language assistance program, written policies, interpreter and/or translation services and effective communication devices.

What will you do differently?

- What specific actions will you take as a result of increased awareness?
 - How will you change the way you work with clients?
 - Create a list of what you will do differently and put it into action.



Access to DHS Services

Your Rights; Our Responsibilities

Aloha

Provide a “big picture” about ACCESS and CREATE awareness about discrimination and DHS’ role in preventing discrimination based on national origin and ancestry.

is Committed to these Principles

- Providing essential public services in the most effective and efficient manner
- Developing meaningful and reasonable ACCESS to programs, services, activities, buildings and employment
- Compliance with Federal and State laws and regulations

What can we “guesstimate?”

The greater percentages of immigrants in the post-school years of 18-24 and 25-44 years

indicates that if they are LEP, they will need language assistance for tasks like paying taxes, riding mass transit, obtaining drivers' licenses, applying for benefits, and so forth.

However, Race Category may reflect national origin, but not necessarily the need for language assistance.

Objectives

- ✓ Understand how cultural stereotypes led to laws that discriminated. As stereotypes eroded, constituencies supported former victims by creating "Protected Classes."
- ✓ Understand what illegal discrimination is, and promote self-change to reduce it.

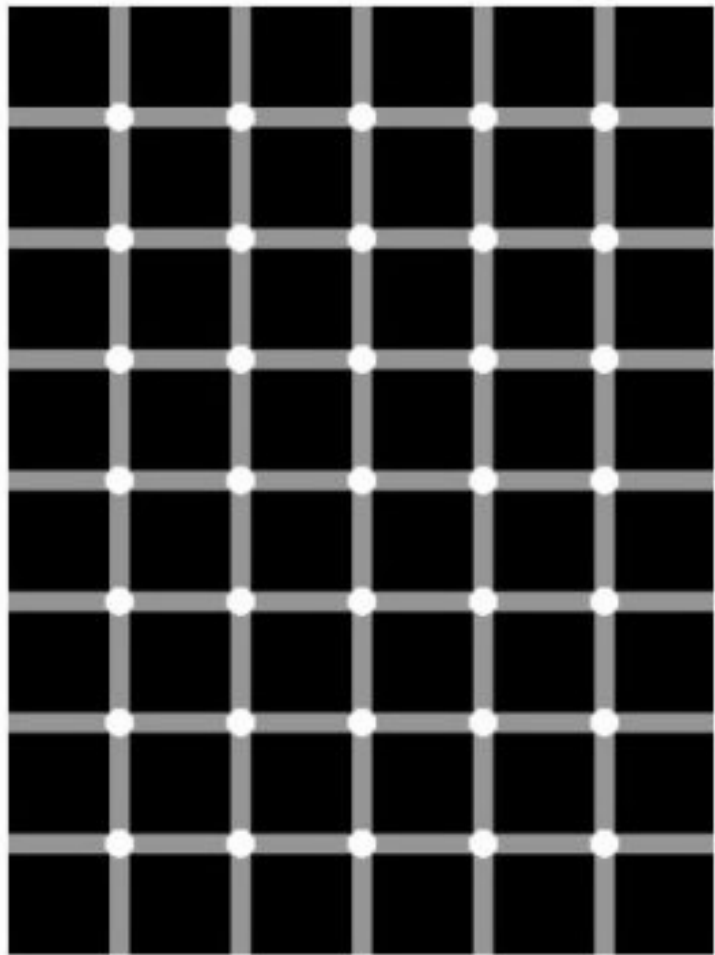
What is “*Discrimination*”?

The word **discrimination** comes from the Latin *discriminare*, which means to "distinguish between". However, **discrimination**, as used in **civil rights**, is more than distinction; it is *action based on prejudice resulting in unfair treatment of other people*. To **discriminate** socially is to make a distinction between people on the basis of a presumed category without regard to individual merit. Examples include race, religion, gender, disability, ethnicity, sexual orientation and age.

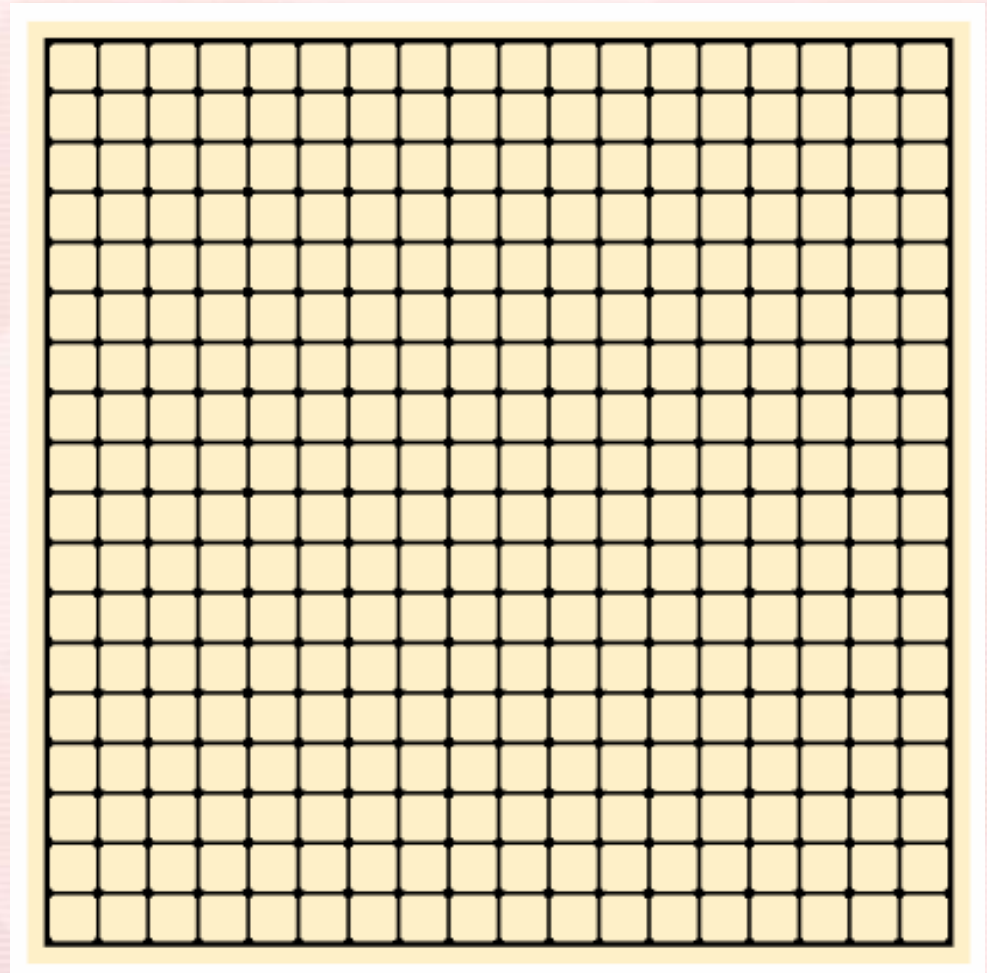
Distinctions between people which are based on individual merit (such as personal achievement, wealth, or skill) are generally not considered socially discriminatory.

In America, each individual's **civil rights** include the *right to be free from government sponsored social discrimination*.

The human mind, naturally “*discriminates*”
and can make you imagine....

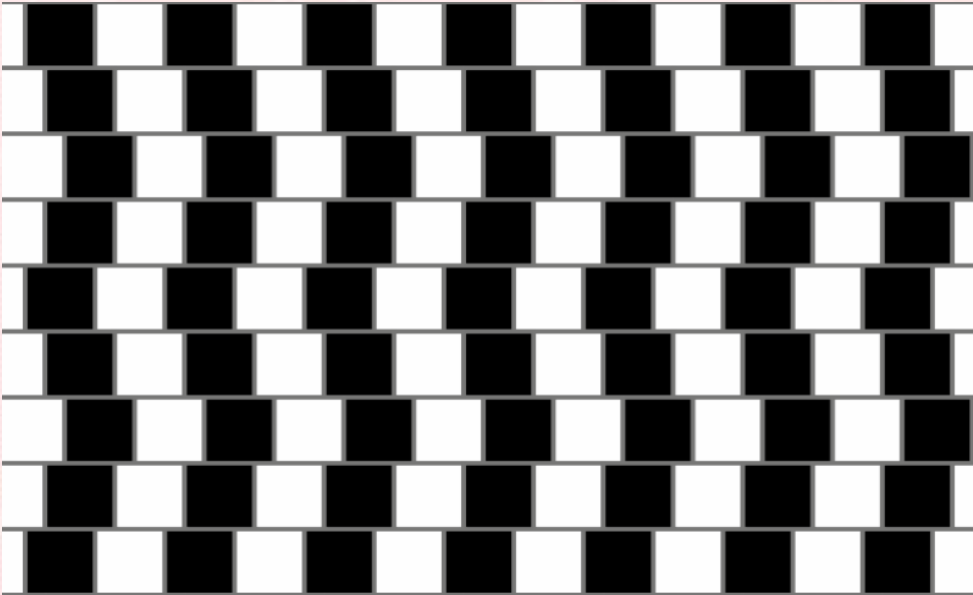


Black Dots

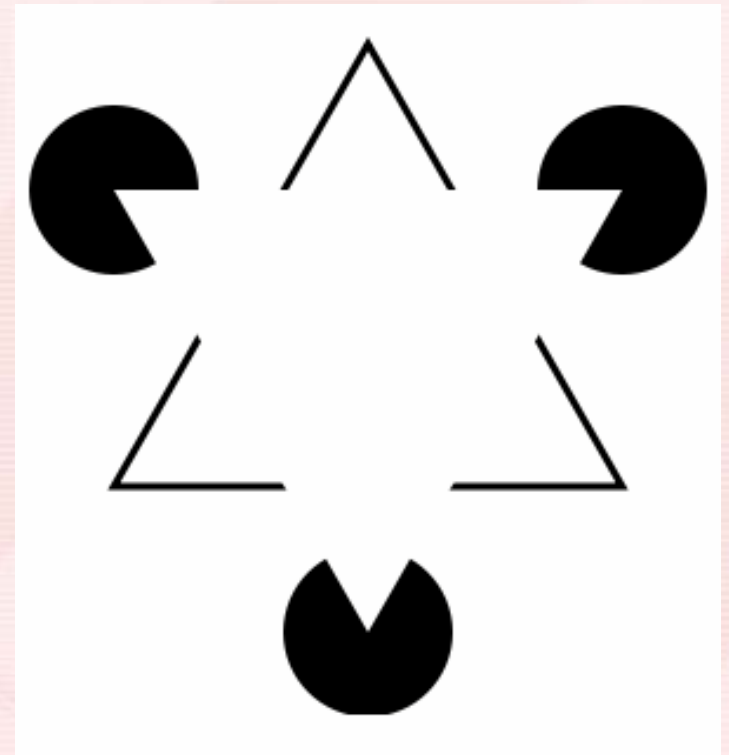


White Dots

...or even make a *straight* line, appear crooked...



Or a shape that's not even there



What is the legal definition of *“Discrimination”* ?

“Unfair treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion. A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.”

-Black's Law Dictionary

Protected by Law (Recap)



Federal Law covers:

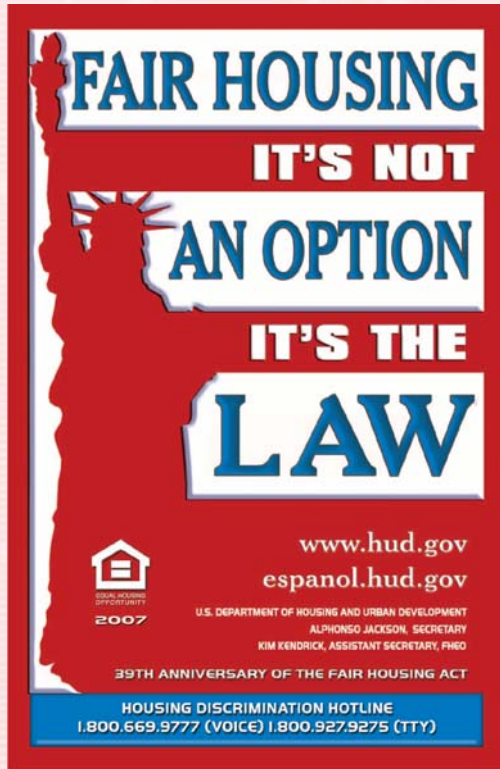
- Race
- Color
- National Origin
- Religion
- Sex
- Disability
- Familial Status

*Some Federal Agencies add
Political Beliefs/Affiliations

Hawai'i Law adds:

- Marital Status
- HIV Infection
- Age
- Ancestry
- Arrest and Court Records
- Gender Identity or Expression
- Sexual Orientation
- Breast Feeding

Current U.S. HUD Fair Housing Posters: What Do You Think?



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ЗАКОНА О РАВНОПРАВЬИ В ОТНОШЕНИИ ЖИЛЬЯ

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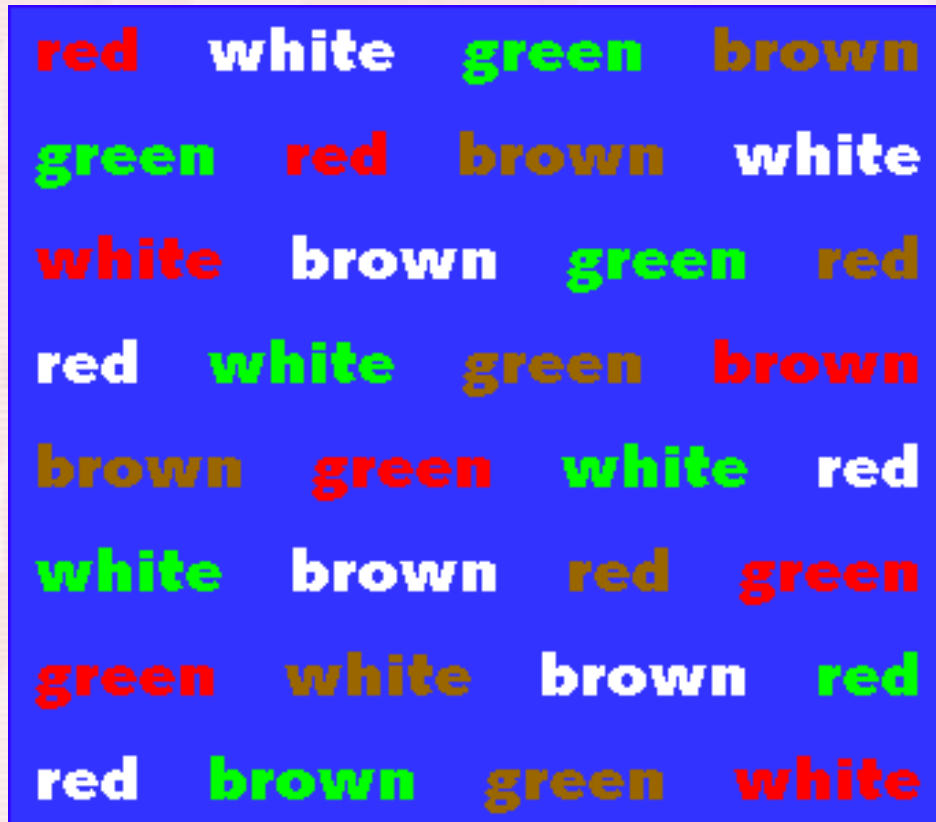
Food for thought...

We might be puzzled by the deliberate placement of the Statue of Liberty image next to the Russian and Middle Eastern languages.

However, had such foresight at the start of World War II, it might have avoided much of the stress of the internment camps.

Let's Reinforce the *Written Law*, Not the Person's Color !

Start at the top and say the *actual* color, not the *written* word.



The “Stroop Test,” invented by John Stroop in 1935, psychologically tests our mental ability to stop one response in order to do something else.

How Do We Continue to Remove Our
Stereotypes in Communicating With our Clients?

Bias- Free Language

Bias-Free Language

Councilman	Council Member
chairman	chair person
fireman, policeman	fire fighter, police officer
draftsman	drafting technician
handicapped, invalid	person with a disability (or be specific)
man and wife	husband and wife, partners
manmade	artificial, handmade, synthetic
man hours	staff hours; staff / work time
master, slave	first (primary) copy, second copy
middle man	intermediary
waiter, waitress	server

Bias-Free Language

Eskimo	Inuk (singular) Inuit (Plural)
Hispanic, Latino, Latin American	A prime example of the complexities of terms related to nationality
Indian	American Indian, Native American (or better, name the person's tribe)
Oriental	Asian (or be specific)
Racial Codes: Welfare, inner-city, underprivileged	Do not use a a euphemisms for racial groups

Guidelines for Achieving Bias-Free Communication

Be aware of words, images and situations that suggest that all or most members of a group are the same. Stereotypes often lead to assumptions that are unsupportable and offensive.

Example: A writer who describes a *Martian child as well-dressed* may be unconsciously portraying this as an exception to a stereotype that *Martians are unkempt*.

Avoid qualifiers that reinforce stereotypes. A qualifier is added information that suggests what is being said is an exception to what is expected.

Example: "A group of *intelligent Martian* students were guests as part of the orientation program." Would members of the majority population be described in the same way; i.e. the *intelligent Earthling* students?

Guidelines for Achieving Bias-Free Communication

Identify people by identity characteristics only when relevant. Very few situations require such identification.

Examples: “Michael Bloomberg, noted *heterosexual* mayor of New York...” “Twenty-two House Democrats, led by *gay* Democratic Representative Barney Frank...”

Be aware of language that, to some people, has questionable racial or ethnic connotations. While a word or phrase may not be personally offensive to you, it may be to others.

Examples: “*Culturally deprived*” or “*culturally disadvantaged*.” These terms imply superiority of one culture over another. In fact, people so labeled are often bicultural and bilingual. For example, “*Nonwhite*,” implies that white is the standard. In American language, similar phrases such as *non-black* or *non-yellow* do not exist.

Guidelines for Achieving Bias-Free Communication

Be aware of the negative implications of *color* symbolic words. Choose words that do not reinforce bias. In some instances, *black* and *yellow* have become associated with the undesirable or negative.

Examples: *black* hearted and *yellow* coward

Avoid patronizing language and tokenism toward any racial or ethnic group.

Example: Once-a-year articles or special editions about a particular group may be interpreted as *cultural tokenism*, especially when such a group constitutes a large part of the community. This approach may suggest that that racial or ethnic group is out of the mainstream.

Guidelines for Achieving Bias-Free Communication

Substitute substantive information for ethnic clichés.

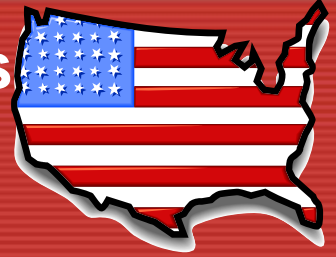
Don't let ethnic clichés substitute for in-depth information.

Example: A person of Pacific Island heritage might prefer to be asked about family history or real estate experiences than about surfing or dance.

Review marketing media to see if all groups are fairly represented.

Examples: Are persons portrayed in positions of authority almost invariably white? Does your marketing media provide diverse racial role models?

And Remember Access to Government Services is a Civil Right



Granted by the U.S. Constitution

- Civil rights include the right to free speech, to privacy, to equal protection and due process.
- The right not to be discriminated in government services falls under equal protection which means that everyone shall be treated equally no matter the race, sex, religion or national origin.

<http://www.hawaii.gov/dhs>

Civil Rights Corner

- Forms
- Training
- Plans
- Policies
- Notices
- Resource Lists

586-4955

*Mahalo
Mesolang*



*Makalo
Thank you*



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2007/3/23