



Ohio Commission on Hispanic\Latino Affairs

Protecting Civil Rights Town Hall Meeting
Columbus, Ohio
April 23, 2013

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Ohio Civil Rights Commission
www.crc.ohio.gov

I. Discriminatory Employment Practices

“It shall be an unlawful discriminatory practice: (R.C. 4112.02(A)) For any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.”

II. Discrimination in Public Accommodations

Public accommodations are publicly or privately owned businesses or facilities that are open or offer services to the general public.

“It shall be an unlawful discriminatory practice: **(R.C. 4112.02(G))** For any proprietor or any employee...or manager...of a public accommodation to deny any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, national origin, ancestry, disability, age, or military status, the full enjoyment of the accommodations, advantages, facilities, or privileges of the...public accommodation.”

III. Discriminatory Housing Practices

It shall be an unlawful discriminatory practice **(R.C. 4112.02(H))** to discriminate in the sale, rental, transfer or finance of housing accommodations, or to otherwise deny or make unavailable housing accommodations, or to deny goods or services relating to housing because of race, color, religion, sex, familial status, ancestry, disability, military status, or national origin.

IV. Discriminatory Credit Practices

“It shall be an unlawful discriminatory practice: **(R.C. 4112.021(B)(1))** For any creditor...discriminate against any applicant for credit in the granting, withholding, extending, or renewing of credit, or in fixing of the rates, terms, or conditions of any form of credit, on the basis of race, color, religion, age, sex, marital status, national origin, disability, military status, or ancestry...”

V. Discriminatory Retaliation Practices

“It shall be an unlawful discriminatory practice: **(R.C. 4112.02(I))** For any person to discriminate in any manner against any other person because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing...(arising under the Ohio Civil Rights Act).”

VI. “Know Your Rights” Handout (See attached)

VII. Associated Press National Survey on Racial Attitudes (See attached (October 2012))

Know Your Rights



G. Michael Payton
Executive Director

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

The Ohio Civil Rights Act *protects applicants and employees of private employers, state, county and local governments, educational institutions, labor organizations, employment agencies and personnel placement services from unlawful discriminatory employment practices.*

Race and Color

Ohio law prohibits discrimination on the basis of **race or color** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any facially neutral employment policy or practice that results in a discriminatory impact on the basis of race or color is a prohibited form of discrimination unless such policy or practice is job-related and based upon business necessity.

National Origin and Ancestry

Ohio law prohibits discrimination on the basis of **national origin or ancestry** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any policy or practice limiting or prohibiting the use of any language in the workplace is a prohibited form of discrimination unless such limitation or prohibition is job-related and based upon business necessity.

Military Status

Ohio law prohibits discrimination on the basis of **military status** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, employees who leave employment to perform military service, which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, must be reemployed upon conclusion of such service.

Harassment

Ohio law prohibits harassment in the workplace on any basis set forth herein, which includes the creation of a racially or sexually hostile work environment, verbally or physically abusive treatment, and requiring submission to sexual advances as a condition of employment, continued employment or promotion.

In addition, all reasonable steps should be taken to prevent and promptly correct harassment in the workplace, which includes the establishment of a policy against harassment and a procedure for receiving, investigating and remedying complaints of workplace harassment.

Sex and Pregnancy

Ohio law prohibits discrimination on the basis of **sex or pregnancy** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, women affected by pregnancy, childbirth or related medical condition must be afforded leave for a reasonable period of time and may not be discharged under a policy providing insufficient or no leave.

Disability

Ohio law prohibits discrimination on the basis of **disability** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for their disabilities, except when the accommodation imposes an undue hardship.

Age

Ohio law prohibits discrimination against persons **40 years of age or older** on the basis of **age** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

Religion

Ohio law prohibits discrimination on the basis of **religion** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for religious beliefs and practices, except when the accommodation imposes an undue hardship.

Retaliation

Ohio law prohibits retaliation against any person because that person has opposed any unlawful discriminatory practice, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing.

ENFORCEMENT

The Ohio Civil Rights Commission (OCRC) investigates complaints of discrimination and harassment in employment.

Complaints must be filed with the OCRC within six months of the last act of discrimination or harassment.

For assistance in filing a complaint, or for any other information on the Civil Rights Act, please call 1-888-278-7101 or (614) 752-2391 (TTY), or visit our website at:

crc.ohio.gov

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AP poll: U.S. majority have prejudice against blacks

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Overall, the survey found that by virtue of racial prejudice, Obama could lose 5 percentage points off his share of the popular vote on Nov. 6.



(Photo: Mandel Ngan, AFP/Getty Images)

WASHINGTON (AP) — Racial attitudes have not improved in the four years since the United States elected its first black president, an Associated Press poll finds, as a slight majority of Americans now express prejudice toward blacks whether they recognize those feelings or not.

Those views could cost President Obama votes as he tries for re-election, the survey found, though the effects are mitigated by some Americans' more favorable views of blacks.

Racial prejudice has increased slightly since 2008 whether those feelings were measured using questions that explicitly asked respondents about racist attitudes, or through an experimental test that measured implicit views toward race without asking questions about that topic directly.

In all, 51% of Americans now express explicit anti-black attitudes, compared with 48% in a similar 2008 survey. When measured by an implicit racial attitudes test, the number of Americans with anti-black sentiments jumped to 56%, up from 49% during the last presidential election. In both tests, the share of Americans expressing pro-black attitudes fell.

"As much as we'd hope the impact of race would decline over time ... it appears the impact of anti-black sentiment on voting is about the same as it was four years ago," said Jon Krosnick, a Stanford University professor who worked with AP to develop the survey.

Most Americans expressed anti-Hispanic sentiments, too. In an AP survey done in 2011, 52% of non-Hispanic whites expressed anti-Hispanic attitudes. That figure rose to 57% in the implicit test. The survey on Hispanics had no past data for comparison.

The AP surveys were conducted with researchers from Stanford University, the University of Michigan and NORC at the University of Chicago.

Experts on race said they were not surprised by the findings.

"We have this false idea that there is uniformity in progress and that things change in one big step. That is not the way history has worked," said Jelani Cobb, professor of history and director of the Institute for African-American Studies at the University of Connecticut. "When we've seen progress, we've also seen backlash."

Obama himself has tread cautiously on the subject of race, but many African-Americans have talked openly about perceived antagonism toward them since Obama took office. As evidence, they point to events involving police brutality or cite bumper stickers, cartoons and protest posters that mock the president as a lion or a monkey, or lynch him in effigy.

"Part of it is growing polarization within American society," said Fredrick Harris, director of the Institute for Research in African-American Studies at Columbia University. "The last Democrat in the White House said we had to have a national discussion about race. There's been total silence around issues of race with this president. But, as you see, whether there is silence, or an elevation of the discussion of race, you still have polarization. It will take more generations, I suspect, before we eliminate these deep feelings."

Overall, the survey found that by virtue of racial prejudice, Obama could lose 5 percentage points off his share of the popular vote in his Nov. 6 contest against Republican challenger Mitt Romney. However, Obama also stands to benefit from a 3 percentage point gain due to pro-black sentiment, researchers said. Overall, that means an estimated net loss of 2 percentage points due to anti-black attitudes.

The poll finds that racial prejudice is not limited to one group of partisans. Although Republicans were more likely than Democrats to express racial prejudice in the questions measuring explicit racism (79% among Republicans compared with 32% among Democrats), the implicit test found little difference between the two parties. That test showed a majority of both Democrats and Republicans held anti-black feelings (55% of Democrats and 64% of Republicans), as did about half of political independents (49%).

Obama faced a similar situation in 2008, the survey then found.

The Associated Press developed the surveys to measure sensitive racial views in several ways and repeated those studies several times between 2008 and 2012.

The explicit racism measures asked respondents whether they agreed or disagreed with a series of statements about black and Hispanic people. In addition, the surveys asked how well respondents thought certain words, such as "friendly," "hardworking," "violent" and "lazy," described blacks, whites and Hispanics.

The same respondents were also administered a survey designed to measure implicit racism, in which a photo of a black, Hispanic or white male flashed on the screen before a neutral image of a Chinese character. The respondents were then asked to rate their feelings toward the Chinese character. Previous research has shown that people transfer their feelings about the photo onto the character, allowing researchers to measure racist feelings even if a respondent does not acknowledge them.

Results from those questions were analyzed with poll takers' ages, partisan beliefs, views on Obama and Romney and other factors, which allowed researchers to predict the likelihood that people would vote for either Obama or Romney. Those models were then used to estimate the net impact of each factor on the candidates' support.

All the surveys were conducted online. Other research has shown that poll takers are more likely to share unpopular attitudes when they are filling out a survey using a computer rather than speaking with an interviewer. Respondents were randomly selected from a nationally representative panel maintained by GfK Custom Research.

Overall results from each survey have a margin of sampling error of approximately plus or minus 4 percentage points. The most recent poll, measuring anti-black views, was conducted Aug. 30 to Sept. 11.

Andra Gillespie, an Emory University political scientist who studies race-neutrality among black politicians, contrasted the situation to that faced by the first black mayors elected in major U.S. cities, the closest parallel to Obama's first-black situation. Those mayors, she said, typically won about 20% of the white vote in their first races, but when seeking re-election they enjoyed greater white support presumably because "the whites who stayed in the cities ... became more comfortable with a black executive."

"President Obama's election clearly didn't change those who appear to be sort of hard-wired folks with racial resentment," she said.

Negative racial attitudes can manifest in policy, noted Alan Jenkins, an assistant solicitor general during the Clinton administration and now executive director of the Opportunity Agenda think tank.

"That has very real circumstances in the way people are treated by police, the way kids are treated by teachers, the way home seekers are treated by landlords and real estate agents," Jenkins said.

Hakeem Jeffries, a New York state assemblyman and candidate for a congressional seat being vacated by a fellow black Democrat, called it troubling that more progress on racial attitudes had not been made. Jeffries has fought a New York City police program of "stop and frisk" that has affected mostly blacks and Latinos but which supporters contend is not racially focused.

"I do remain cautiously optimistic that the future of America bends toward the side of increased racial tolerance," Jeffries said. "We've come a long way, but clearly these results demonstrate there's a long way to go."

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AP News Survey Specialist Dennis Junius contributed to this report.

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