Understanding the Tennessee Human Rights Act

Tennessee Society for Human Resource Management
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Presentation Outline

• Agency Overview

• Employment Trends & Issues

• Mediation/Settlement

• Initiatives
What is the Tennessee Human Rights Commission (THRC)?

THRC is an independent state agency charged with enforcing the Tennessee Human Rights Act which prohibits discrimination in employment, housing and public accommodations and coordinates statewide compliance with Title VI of the Civil Rights act of 1964.

Mission of the Agency

- Identify, prevent and eliminate discrimination
- Safe guard citizens from discrimination
- Provide Education and Outreach
Laws Enforced by THRC

- TN Human Rights Act - Prohibits discrimination based on race, color, national origin, sex, age, creed, religion, disability, familial status (housing) and retaliation
- TN Disability Act - Prohibits discrimination based on disability except reasonable accommodation, disability by association
- Title VII - Prohibits discrimination based on race color, national origin, sex, age, creed, religion, disability, and retaliation
- Age Discrimination In Employment Act - Prohibits discrimination against persons over 40 based on age
- Americans With Disabilities Act - prohibits discrimination based on disability except reasonable accommodation, disability by association
- Title VI - Prohibits discrimination based on race, color and national origin in program receiving federal financial assistance

Are the Laws application different?

- The Tennessee Human Rights Act applies to Employers of 8 or more
- Title VII applies to Employers of 15 or more
- ADA applies to employers of 15 or more
- ADEA applies to employers of 20 or more
THRC and EEOC
What is the relationship?

THRC and EEOC have a cooperative work sharing agreement that allows THRC to dual file and investigate employment discrimination charges to prevent duplication of effort. Complaining parties can elect to withdraw their charge with THRC and get a right to sue from the EEOC.

THRC Staffing

- Total staff –27
- 4 offices
- Staffing
  - Enforcement
    - Employment 11
    - Housing 6
  - Attorneys 2
  - Education & Outreach 2
  - Customer Contact 4
  - Title VI 1
EMPLOYMENT COMPLAINT PROCESS

- Intake Process
- Mediation
- Investigation
- Settlement
- Legal Review
- Final Determination
- Appeal Options

Issues and Complaints

- Trends and Issues

- Workload Statistics

- Settlement and Mediation Results
Trends & Issues

• Davidson, Knox, Hamilton, Shelby, Madison & Sullivan account for the largest number of receipts every month
• 60% of all cases are based on race, color, sex or religion
• Pregnancy Discrimination is on the rise
• English in the workplace continues to be an issue
• Discrimination complaint on the rise generally

Case Load

<table>
<thead>
<tr>
<th>Year</th>
<th>Case Load</th>
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</thead>
<tbody>
<tr>
<td>2006</td>
<td>967</td>
</tr>
<tr>
<td>2007</td>
<td>883</td>
</tr>
<tr>
<td>2008</td>
<td>961</td>
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THRC also averages 940 calls a month, 80 is the number of inquiries of per month.
Settlements & Mediations

- 2007 $ 71,000
- 2008 $278,525
- 2009 $436,121
- 2010 $455,147

FY 09/10 Employment and Public Accommodation Complaints Received Sorted by Basis Alleged
FY 09/10 Employment and Public Accommodation Charges Received Sorted by Issues Alleged

FY 09/10 Employment and Public Accommodation Complaints Showing Monthly Trends in Issues

[Graphs showing data]
How to Contact us?

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