

● SOUTH DAKOTA HUMAN RELATIONS ACT OF 1972

STATUTORY CITATION: S.D. Codified Laws §§ 20-13-1 – 20-13-56

GENERAL SUMMARY: Among other offenses defined in the South Dakota Human Relations Act, it is an unfair or discriminatory practice for any person, because of race, color, creed, religion, sex, ancestry, disability or national origin, to fail or refuse to hire a job applicant, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment. The Act also prohibits employers from advertising or otherwise indicating that individuals of any particular race, color, creed, religion, sex, ancestry, disability or national origin are unwelcome, objectionable, not acceptable, or not solicited for employment. Provided they are administered without discrimination, ability tests, seniority systems, merit increase plans, job descriptions, or training systems used by employers to make hiring, promotion, pay and other personnel decisions are generally not regarded as unlawful.

PROVISIONS APPLICABLE TO AGRICULTURE: The employment provisions of the Human Relations Act apply equally to both agricultural and non-agricultural employers with one or more employees.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for anyone to engage in any reprisal, economic or otherwise, against an individual because the individual has filed a charge, testified, or helped anyone exercise rights under the Human Relations Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Human Rights, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. It is the role of this agency to receive, investigate and attempt to settle informally all complaints charging an unfair or discriminatory practice. A worker has up to 180 days after an alleged unlawful act to file a complaint with the Division.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Human Rights Commission, Division of Human Rights, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. Whenever the efforts of the Division of Human Rights to resolve a complaint by conference or conciliation are unsuccessful, the Commission may call a hearing to permit the party named in the complaint to answer the charges. A finding by the Commission that the respondent has, in fact, engaged in an unfair or discriminatory practice will result in an order requiring the respondent to cease and desist from such practice and to take affirmative action to remedy the damage suffered by the complainant.