

Metro Monitor

Q.&A.: RUSTY KENNEDY

How to fight discrimination in public places

Last month, after dozens of minority customers complained they were unfairly denied admittance to Red Onion restaurants, the California Department of Fair Employment and Housing launched an investigation. At issue is whether Red Onion violated state and federal laws prohibiting discrimination in public accommodation.

Most of the complaints first were filed with the Orange County Human Relations Commission, which mediates discrimination complaints. Rusty Kennedy is executive director.

Q. What is public accommodation discrimination?

A. It is discrimination in the provision of accommodation in restaurants, hotels or other public places based on race, ethnicity, color, national origin, religion, sex or handicap.

Q. Is it ever legal to refuse accommodation to a customer in a public place?

A. Yes, as long as your rules are consistently applied. Public accommodation discrimination is not to be confused, for example,



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with a dress code. ... What's illegal is applying different rules to different people based on the characteristics I just mentioned.

Q. How often does public accommodation discrimination occur in Orange County?

A. We don't know. Often it never comes to our attention. People sometimes do not realize their rights or don't understand what has occurred. Or they are embarrassed that it has occurred, and they just want to forget it.

Q. How can I tell if I am being discriminated against?

A. Sometimes it's hard to tell. A maitre d' may keep you out of a particular restaurant, for instance, by telling you it's crowded or you don't have proper ID, when, in fact, he is keeping you out because of your skin color. You may never realize what has happened.

A good rule of thumb is, if it looks fishy, examine how other people are being treated. If you are told your ID is inappropriate, stand at the door for a while and see how the person behind you is being treated. ... Also, when I think I'm not getting a fair shake, I always ask to speak to the manager or the person in charge and demand an explanation.

Q. If I feel I've been the victim of discrimination, who do I complain to?

A. Our Orange County Human Relations Commission takes any type of complaint people have along these lines. ... Where it might appear there is a simple solution, we might contact the establishment, for instance, and try to arrange a meeting between you and the managers, to mediate the problem. If it's a clear-cut case, we may refer you to the state Department of Fair Employment and Housing office in Santa Ana for a formal investigation.

Q. What sort of evidence do I need?

A. One of the best forms of evidence is a witness who observes unequal application of standards — somebody with you in a group, for example. ... Also, you should document the time, the place, and the name of the person you spoke to.

— Shawn Hubler/The Register