

# South Carolina Law Prohibits EMPLOYMENT DISCRIMINATION

Based on: Race, Color, Religion, National Origin, Sex, including Pregnancy & Childbirth (or related medical conditions), Age (over 40), or Disability

## Examples of conduct covered under the law:

- ❖ Failure to Hire or Promote
- ❖ Unequal Wages
- ❖ Harassment/Intimidation
- ❖ Discipline/Demotion/Suspension/Termination
- ❖ Applying Different Terms and Conditions of Employment
- ❖ Failure to Reasonably Accommodate due to a **disability, religion, pregnancy, childbirth or related medical conditions, including, but not limited, to lactation**
- ❖ Retaliation as a result of complaining about discrimination, seeking an accommodation, or participating in a discrimination investigation

### South Carolina Human Affairs Commission

1026 Sumter Street, Suite 101  
Columbia, SC, 29201

[www.schac.sc.gov](http://www.schac.sc.gov)

Phone: 803-737-7800

Toll- Free: 1-800-521-0725



## How to report unlawful discrimination:

- ❖ Complete a questionnaire via phone, in-person, mail, or online at [www.schac.sc.gov](http://www.schac.sc.gov). Once submitted, a SCHAC Intake Officer will contact you and assist you in filing a formal complaint.
- ❖ You must file a formal complaint to launch an investigation.
- ❖ There are strict time limits for filing charges of employment discrimination. To preserve the ability to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact SCHAC promptly when discrimination is suspected.

## EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

**In Addition to Employment**, the **Mission of SCHAC** is to eliminate and prevent unlawful discrimination in:

**Housing** on the basis of race, color, national origin, religion, sex, familial status or disability.

**Public Accommodations** on the basis of race, color, national origin or religion.

Employers, including each State Agency, or department of the State, and local subdivision thereof, **SHALL POST, KEEP POSTED, AND MAINTAINED IN CONSPICUOUS PLACES UPON THEIR PREMISES** where notices to employees and applicants for employment are customarily posted a notice to be prepared and distributed by the Commission setting forth excerpts from and/or summaries of, pertinent provisions of the Human Affairs Law, and information pertinent to the filing of a complaint.

# La Ley de Carolina Del Sur Prohíbe Discriminación en el Empleo

Basado en su: Raza, Color, Religión, Nacionalidad de Origen, Sexo, incluyendo embarazo y parto (o condiciones médicas relacionadas), Edad(más 40), o Deseabilidad

## Ejemplos de conducta bajo la ley:

- ❖ Negar alquiler o promoción en su empleo
- ❖ Salarios desiguales
- ❖ Hostigamiento/Intimidación
- ❖ Disciplina/Democión/Suspensión/Terminación
- ❖ Aplicando Diferentes Términos y Condiciones de Empleo
- ❖ No Acomodar Razonablemente debido a su **deseabilidad, religión, embarazo, después de parto o alguna condición médica, incluyendo, pero no limitada, a lactación**
- ❖ Replicaría por haberse quejado por ser discriminado, solicitar acomodación, o participar en una investigación de discriminación.

Comisión de Asuntos Humanos de  
Carolina del Sur

1026 Sumter Street, Suite 101  
Columbia, SC, 29201

[www.schac.sc.gov](http://www.schac.sc.gov)

Tel: 803-737-7800

Sin Costo: 1-800-521-0725



## Como reportar discriminación en el empleo:

- ❖ Completar un cuestionario en el empleo por teléfono, en-persona, correo, o por correo electrónico al [www.schac.sc.gov](http://www.schac.sc.gov). Una vez que envíe su cuestionario, a la Comisión de Asuntos Humanos de Carolina Del Sur un Oficial de consumo lo contactara para asistirlo en como presentar su queja formal.
- ❖ Debe de poner su queja para iniciar su queja formal.
- ❖ Hay estrictos límites de tiempo en como enviar su queja o cargo de discriminación en el empleo. Para preservar la habilidad de actuar a su favor y proteger sus derechos para archivar una demanda privada, si últimamente necesita, o si debería contactar a la Comisión de Asuntos Humanos de Carolina Del Sur inmediatamente cuando se sospeche la discriminación.

## Oportunidad de Empleo Igualitario es la Ley

**En Adición de Empleo**, la Misión de la Comisión de Asuntos Humanos de Carolina del Sur es de eliminar y prevenir discriminación ilegal:

**Vivienda en base a su raza**, color, Nacionalidad de Origen, religión, sexo, estatus familiar o deseabilidad.

**Acomodaciones Públicas en base a su raza**, color, Nacionalidad de Origen o religión.

Empleadores, incluyendo cada agencia estatal, o departamento del Estado, y locales de subdivisión, deberán **PUBLICAR, MANTENER POSTEADO, Y MANTENER EN CONSPICUO LUGARES SOBRE INSTALACIONES** donde notificaciones de empleados y alicantes de empleo han sido habitualmente publicados una notificación a estar preparados y distribuirlos por ajuste a la Comisión exponiendo ejercicios de y/o resúmenes de, provisiones pertinentes de la ley de Asuntos Humanos, y información pertinente de la queja.



## SC Labor Law Abstract

### Payment of Wages Act

When an employee is hired, the employer must notify the employee in writing of:

- the wages agreed upon
- the normal hours the employee will work
- the time and place wages will be paid
- the deductions an employer may make from wages, including insurance

Changes to these terms must be in writing at least seven (7) calendar days before they become effective.

Employers must pay employees all wages due each pay period. Employers must also give employees an itemized statement showing gross pay and all deductions made each pay period and maintain records of wages paid for three years.

Employers who violate the Payment of Wages Act are subject to a civil penalty of \$100 for each violation. Employees can recover up to three times the full amount of unpaid wages, costs, and attorney's fees in a civil action.

To report a suspected violation, or for recordkeeping or other questions involving the Payment of Wages Act, or to order a copy of the Payment of Wages Act, please contact the Office of Wages and Child Labor at the address and number listed below.

### Child Labor

No employer in this State shall engage in any oppressive child labor practices. Oppressive child labor includes employment of any minor in any occupation declared by the Director of Labor, Licensing and Regulation to be particularly hazardous or detrimental to the health or well being of minors. Oppressive child labor also includes employment of minors who are 14 or 15 years old under the following conditions:

- During school hours
- Before 7 a.m. or after 7 p.m. (9 p.m. during the period of summer break of the school district in which the minor resides)
- More than 18 hours during school weeks
- More than 3 hours on school days
- More than 40 hours in non-school weeks
- More than 8 hours on non-school days

For details involving child labor provisions, please contact the Office of Wages and Child Labor at the address and number listed below.  
SC LLR - Office of Wages and Child Labor  
P.O. Box 11329  
Columbia, South Carolina 29211-1329  
(803)-896-4470  
[www.llronline.com](http://www.llronline.com)

### Right-to-Work

The right to work of a person in South Carolina cannot be denied, interfered with, or abridged because the person belongs – or does not belong – to a labor union. An employer, labor organization, or other person who violates a worker's rights under these provisions is guilty of a misdemeanor, and, upon conviction, must be punished by imprisonment for not less than ten days nor more than thirty days, a fine of not less than one thousand dollars but not more than ten thousand dollars, or both. In addition, the employer, labor organization, or other person is subject to a lawsuit by the aggrieved worker. For more information, call 803-896-4470.

### Immigrant Worker

The "South Carolina Illegal Immigration and Reform Act" requires all employers to verify the legal status of new employees and prohibits employment of any worker who is not legally in this country and authorized to work.

After July 1, 2009, all businesses in South Carolina are imputed a South Carolina employment license which permits an employer to hire employees. The imputed employment license remains in effect as long as the business abides by the law.

Effective January 1, 2012, all South Carolina employers are required to enroll in the U.S. Department of Homeland Security's E-Verify program and verify the status of new employees within three business days, using E-Verify. Failure to use E-Verify to verify new hires will result in probation for the employer or suspension/revocation of the employer's business licenses.

## Safety and Health Protection on the Job

### The State:

Under the South Carolina Occupational Safety and Health Act, the State is responsible for the enforcement of occupational safety and health standards in all workplaces, both public and private, within the state of South Carolina. However, longshoring, shipbuilding, ship repairing and shipbreaking operations covered by the Longshoremen and Harbor Workers' Compensation Act, as amended, remain under federal jurisdiction.

### Employers:

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or physical harm to his employees, and shall comply with occupational safety and health standards promulgated by the Director of LLR. Employers must report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours. Reporting may be accomplished by telephone at (803)896-7672 or in person at 121 Executive Center Drive, Suite 230, Columbia, SC 29211.

### Employees:

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued by the director of Labor, Licensing and Regulation which are applicable to his own actions and conduct.

Any employee or his representative may request an inspection of his place or site of employment. Any employee may file a complaint, either verbally or in writing. Complaint forms and filing information may be found on our website or will be provided, upon request, by the South Carolina Department of Labor, Licensing and Regulation.

Employers and employees have the right to participate in inspections by means of bringing to the attention of the inspecting officer possible violations which exist in their area of work and the right to participate in the walk-around inspection. The inspecting officer shall have the right to determine the number of persons participating in the walk-around inspection.

Under state law, when the authorized representative of the employees accompanies the inspecting officer during a walk-around inspection, he shall not suffer any loss of wages or other benefits which would normally accrue to him.

Where there is no authorized representative, the inspecting officer will consult with a reasonable number of employees concerning matters of safety and health in the workplace.

### Discrimination:

State and federal laws prohibit discrimination against any employee if he files a complaint or causes any proceeding under or related to this Act or is about to testify in any such proceedings or because of the exercise by any employee on behalf of himself or others of any right afforded under state and federal law. The Director of Labor, Licensing and Regulation or the nearest federal OSHA offices must be notified within thirty (30) days after such discriminatory act occurs. State and local government employees should file such complaints with the Director, South Carolina Department of Labor, Licensing and Regulation. A public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8.

### Citations:

Citations listing the alleged violations during an inspection will be mailed to the employer with reasonable promptness. State law requires such citations be promptly posted at appropriate places for employee information for three (3) days, or until the violations are corrected, whichever is later, to warn employees of dangers that may exist.

### Penalties:

An employer may be assessed a penalty up to seven thousand (\$7,000) dollars for a non-serious violation.

An employer who receives a citation for a serious violation may be assessed a penalty up to seven thousand (\$7,000) dollars for each such violation.

Any employer who willfully violates an occupational safety and health rule or regulation may be assessed a penalty not more than seventy thousand dollars (\$70,000) for each violation.

Any employer who willfully violates an occupational safety and health rule or regulation and the violation causes death to an employee shall be deemed guilty of a misdemeanor and, upon conviction, be punished by fine, imprisonment or both.

Under a plan approved November 30, 1972 by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of South Carolina is providing job safety and health protection for workers throughout the State. Federal OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the Regional Office of OSHA, U.S. Department of Labor, 61 Forsyth Street S.W., Room 6T50, Atlanta, Georgia 30303.

For more information, contact:

SC LLR - Office of OSHA Compliance  
P.O. Box 11329  
Columbia, South Carolina 29211 - 1329  
(803) 896-7665  
[www.scosha.llronline.com](http://www.scosha.llronline.com)



# YOUR RIGHTS AS A WORKER IN SOUTH CAROLINA

It is the public policy of the state of South Carolina that the right of persons to work must not be denied or abridged because of membership or non-membership in a labor union or labor organization. Certain actions by employers, labor organizations, and individuals are unlawful, including: (1) Agreements or contracts which require membership in a labor organization in order to be hired or continue to work; (2) Requirement by an employer that an employee become or remain a member of a labor organization, abstain or refrain from membership in a labor organization, or pay fees or dues to a person or organization; (3) Participation in an agreement that requires, as a condition of employment, that an employee be, become, or remain a member of a labor organization or pay fees or dues to a labor organization; such an agreement is unenforceable.

An employer has the right to deduct from the wages of employees and to pay to a labor organization, or its authorized representative, membership dues in a labor organization; however, the employer must have received from each employee written authorization which must not be irrevocable for a period of more than one year or until the termination date of any applicable collective agreement or authorization, whichever occurs sooner. After one year, the employee has the right to revoke the written authorization allowing for deduction of membership dues in a labor union.

It is unlawful for a person or persons to use force, intimidation, violence, threats or violent/insulting language against a person or property, or any member of the family of any person, to interfere, or attempt to interfere, with the person in the exercise of his right to work, to pursue or engage in any lawful vocation or business activity, to enter or leave his place of employment, or to receive, ship or deliver materials, goods or services not prohibited by law, or compel or attempt to compel any person to join, or support, or refrain from joining or supporting any labor organization; or to engage in picketing by force or violence as to obstruct or interfere, with free ingress to, and egress from, any place of employment. Peaceful picketing is permissible under the National Labor-Management Relations Act of 1947 and the Constitution of the United States.

An employer, labor organization, or other person who fails to comply is guilty of a misdemeanor, and, upon conviction, must be punished by imprisonment for not less than ten days nor more than thirty days, a fine of not less than one thousand dollars but not more than ten thousand dollars, or both. A person whose rights are adversely affected by contract, agreement, assemblage, or other act or thing done or threatened to be done and declared to be unlawful or prohibited by state law may apply to a court having general equity jurisdiction for appropriate relief.

For more information, go to South Carolina Code of Laws 41-7-10 et seq.

# Safety and Health Protection on the Job

**THE STATE:** Under the South Carolina Occupational Safety and Health Act, the State is responsible for the enforcement of occupational safety and health standards in all workplaces, both public and private, within the state of South Carolina. However, longshoring, shipbuilding, ship repairing and shipbreaking operations covered by the Longshoremen and Harbor Workers' Compensation Act, as amended, remain under federal jurisdiction.

**EMPLOYER:** Each employer shall furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or physical harm to his employees, and he shall comply with occupational safety and health standards promulgated by the Director.

**EMPLOYEES:** Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued by the director of Labor, Licensing and Regulation which are applicable to his own actions and conduct.

Any employee or his representative may request an inspection of his place or site of employment. Any employee may file an imminent danger complaint by telephone. All other complaints must be in writing. Complaint forms will be furnished upon request by the South Carolina Department of Labor, Licensing and Regulation. The identity of any employee filing a complaint will not be revealed without the written consent of the employee.

Employers and employees have the right to participate in inspections by means of bringing to the attention of the inspecting officer possible violations which exist in their area of work and the right to participate in the walk-around inspection. The inspecting officer shall have the right to determine the number of persons participating in the walk-around inspection.

Under state law, when the authorized representative of the employees accompanies the inspecting officer during a walk-around inspection, he shall not suffer any loss of wages or other benefits which would normally accrue to him.

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**DISCRIMINATION:** State and federal laws prohibit discrimination against any employee if he files a complaint or causes any proceeding under or related to this Act or is about to testify in any such proceedings or because of the exercise by any employee on behalf of himself or others of any right afforded under state and federal law. The Director of Labor, Licensing and Regulation or the nearest federal OSHA offices must be notified within thirty (30) days after such discriminatory act occurs. State and local government employees should proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8 of the South Carolina Code of Laws.

**CITATIONS:** Citations listing the alleged violations during an inspection will be mailed to the employer with reasonable promptness. State law requires such citations be promptly posted at appropriate places for employee information for three (3) days, or until the violations are corrected, whichever is later, to warn employees of dangers that may exist.

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For more information, contact:

South Carolina Department of Labor,  
Licensing and Regulation  
Office of OSHA Compliance  
P.O. Box 11329  
Columbia, South Carolina 29211  
(803) 896-7665  
[www.llr.state.sc.us](http://www.llr.state.sc.us)

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# Seguro de Desempleo

## Este sistema puede estar cubierto por la Ley de Compensación de Desempleo

Si usted se queda sin trabajo, vaya a la Oficina de Servicio del Trabajo para la Seguridad Laboral de Carolina del Sur más cercana, que le ayudará a encontrar trabajo.

Favor de llevar consigo su tarjeta de seguro social. Si no hay trabajo disponible inmediatamente, usted puede ser elegible para beneficios de desempleo si usted:

1. Es capaz y está disponible para un trabajo apropiado
2. No es capaz de obtener un trabajo apropiado
3. Está buscando empleo activamente

Si sólo hay trabajo de media jornada disponible, usted puede ser elegible para beneficios parciales.

Su patrón paga todos sus impuestos de desempleo, no se deduce nada de su salario para cubrir el costo.

## Oficinas de Seguridad Laboral de Carolina del Sur

Abbeville	Kingstree
Aiken	Lancaster
Anderson	Lexington
Barnwell	Liberty
Beaufort	Marion
Benettsville	Moncks Corner
Camden	Myrtle Beach
Charleston	Newberry
Chester	Orangeburg
Clinton	Ridgeland
Columbia	Rock Hill
Conway	Seneca
Florence	Spartanburg
Gaffney	Summerville
Georgetown	Sumter
Greenville	Union
Greenwood	Walterboro
Hampton	Winnsboro
Hartsville	
Horry	

## Los Trabajadores No Pagan Ninguna Parte del Costo del Seguro de Desempleo

### El Impuesto del Seguro de Desempleo:

Muchas veces los trabajadores desempleados nos dicen que les debemos el seguro de desempleo “porque ellos lo pagaron.”

Esto no es verdad. No se descuenta ni un centavo de su salario en Carolina del Sur para cubrir el seguro de desempleo. Su patrón paga el impuesto completo del seguro de desempleo

### El Impuesto del Seguro Social

No confunda el seguro de desempleo con el seguro de vejez, supervivientes e invalidez. La cantidad deducida de su salario como seguro social es su contribución para el seguro de vejez, supervivientes e invalidez. El patrón contribuye con una cantidad igual, además de su pago completo del impuesto de seguro de desempleo.

**South Carolina Employment Security Commission**  
**(Comisión de Seguridad Laboral de Carolina del Sur)**  
1550 Gadsden Street  
Columbia, S.C. 29202  
(803) 737-2474

[www.sces.org](http://www.sces.org) • E-Mail (Correo electrónico): [ui@sces.org](mailto:ui@sces.org)

**Unemployment Insurance**

# Unemployment Insurance

**This establishment may be covered by the S.C. Unemployment Compensation Law.**

If you become unemployed, go to the nearest South Carolina Employment Security Workforce Center to help you find a job. Please take your social security card with you. If no job is immediately available, you may be eligible for unemployment insurance benefits if you are:

1. Able and available for suitable work
2. Unable to obtain suitable work
3. Actively seeking work

If only part time work is available, you may be eligible for partial benefits. For questions concerning unemployment insurance benefits, contact:

## **UI Technical Services at (803) 737-3071 S.C. Employment Security Workforce Centers**

Abbeville	Horry
Aiken	Kingstree
Anderson	Lancaster
Barnwell	Lexington
Beaufort	Liberty
Bennettsville	Marion
Camden	Moncks Corner
Charleston	Newberry
Chester	Orangeburg
Clinton	Rock Hill
Columbia	Seneca
Florence	Spartanburg
Gaffney	Summerville
Georgetown	Sumter
Greenville	Union
Greenwood	Walterboro
Hampton	Winnsboro
Hartsville	

## **Workers Pay No Part of the Cost for Unemployment Insurance**

### **Unemployment Insurance Tax:**

Often unemployed workers tell us that unemployment insurance is due them “because they have paid for it.” This is not true. Not one cent is deducted from your pay in South Carolina to cover unemployment insurance. Your employer pays the entire unemployment insurance tax.

### **Social Security Tax**

Don't confuse unemployment insurance with old-age, survivors and disability insurance. The amount deducted from your wages as social security is your contribution to old-age, survivors and disability insurance. The employer contributes an equal amount, in addition to his payment of the full unemployment insurance tax. For questions concerning unemployment insurance tax, contact:

## **Employer Status Section at (803) 737-3075**

**South Carolina Employment Security Commission  
1550 Gadsden Street  
Columbia, S.C. 29202  
(803) 737-2400  
[www.sces.org](http://www.sces.org)  
E-Mail: [ui@sces.org](mailto:ui@sces.org)**

# **Workers' Compensation**

## **If you are injured on the job, you should:**

1. Notify your employer at once. You can't receive benefits unless your employer knows you're injured.
2. Tell the doctor your employer sends you to that you're covered by Workers' Comp.
3. Notify the Workers' Comp. Provider below or the S.C. Workers' Comp. Commission at (803) 737-5700 if you experience undue delays or problems with your claim.

## **Workers' Compensation:**

1. Pays 100% of your medical bills and some other expenses.
2. Compensates you for 66 2/3% of your salary, limited to the maximum wage set by law, if you are unable to work for more than seven (7) calendar days.

## **We are operating under and subject to the S.C. Workers' Compensation Act**

In case of accidental injury or death to an employee, the injured employee, or someone acting in his or her behalf, must give immediate notice to the employer or general authorized agent. Failure to give such immediate notice may be the cause of serious delay in the payment of compensation to the injured employee or his or her dependents and may result in failure to receive any compensation benefits under the law.

**S.C. Workers' Compensation Commission**  
**1333 Main Street**  
**Columbia, S.C. 29201**  
**(803) 737-5700**  
**[www.wcc.sc.gov](http://www.wcc.sc.gov)**



# Compensación del Trabajador

## Si usted se lesiona en el trabajo, usted debe:

1. Notificar a su patrón inmediatamente. Usted no puede recibir beneficios a menos que su patrón sepa que se ha lesionado.
2. Decirle al doctor al que su patrón le envíe que usted está cubierto por la Compensación del Trabajador.
3. Notificar al Proveedor de Compensación del Trabajador abajo mencionado o a la Comisión de Compensación del Trabajador de Carolina del Sur al (803) 737-5700 si usted tiene retrasos o problemas indebidos con su reclamación.

## La Compensación del Trabajador:

1. Paga el 100% de sus recibos médicos y otros gastos.
2. Le compensa por el 66 2/3% de su salario, limitado al salario máximo establecido por la ley, si usted no puede trabajar por más de siete (7) días calendario.

## Trabajamos conforme al Acto de Compensación del Trabajador de Carolina del Sur

En caso de lesión accidental o muerte de un empleado, el empleado lesionado, o alguien que le represente, tiene que avisar inmediatamente al patrón o agente autorizado general. El hecho de no avisar inmediatamente puede causar una demora seria en el pago de la compensación al empleado lesionado o a sus dependientes y puede resultar en el impago de los beneficios de compensación según estipula la ley.

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