

South Carolina Workplace Laws: Notice to Employees

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 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 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 shall comply with occupational safety and health standards promulgated by the Director of Labor, Licensing and Regulation (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 representative may request an inspection of 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

Employment Discrimination

South Carolina and federal laws prohibit discrimination on the basis of race, sex, age, religion, color, national origin and disability. You also have the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions.

If you feel that you have been discriminated against because of these, contact the:
South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101, Columbia, SC 29201
Phone: 803-737-7800 or 1-800-521-0725 www.schac.sc.gov

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 of SC 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 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 \$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 \$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 \$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.

For more information, contact:
South Carolina Department of
Labor, Licensing and Regulation
Office of OSHA Compliance
PO Box 11329, Columbia, SC 29211-1329
803-896-7665, <http://www.scosha.llronline.com/>

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 SW, Room 6T50, Atlanta, Georgia 30303.

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 in the box below or the Worker's 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 calendar days.

We are operating under and subject to the SC 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.

SC Workers' Compensation Commission
PO Box 1715, Columbia, SC 29202-1715
803-737-5700, www.wcc.sc.gov

For more information, contact:
♦SC Dept. of Labor, Licensing and Regulations,
803-896-4380, www.llronline.com
♦SC Department of Employment and Workforce,
803-737-2400, www.dew.sc.gov

♦SC Human Affairs Commission,
803-737-7800, 1-800-521-0725,
www.schac.sc.gov

♦SC Workers Compensation Commission,
803-737-5700, www.wcc.sc.gov

**THIS NOTICE MUST BE POSTED
CONSPICUOUSLY.**

This poster is free of charge to all SC employers by contacting one of the agencies above.
August 2018

Payment of Wages, Child Labor and Right-to-Work Laws

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:
SC Department of Labor, Licensing and Regulation
Office of Wages and Child Labor
PO Box 11329, Columbia, SC 29211-1329
Phone: 803-896-4470, 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 10 days nor more than 30 days, a fine of not less than \$1,000 but not more than \$10,000, 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.

Unemployment Insurance

This establishment may be covered by the S.C. Employment and Workforce Law.

If you become unemployed, contact your local SC Works center for assistance with employment opportunities. If no job is immediately available, you may be eligible for unemployment insurance. If only part time work is available, you may be eligible for partial benefits. Apply online anytime, anywhere at <https://scuihub.dew.sc.gov/CSS/>
A guide to applying for unemployment benefits can be found at <https://dew.sc.gov/individuals/apply-for-benefits>

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." In South Carolina, employees do not fund unemployment insurance through deductions from pay. Employers fund unemployment insurance through tax contributions.

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.

If you have lost your job due to domestic violence, there is a possibility you may be eligible for unemployment insurance benefits.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I—financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I—financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose);

**Office of Equal Opportunity, S.C. Department of Employment and Workforce,
P.O. Box 908, Columbia, SC 29202**

or

**Director, Civil Rights Center (CRC), U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**
or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.



SOUTH CAROLINA HUMAN AFFAIRS LAW

PROHIBITS EMPLOYMENT DISCRIMINATION

Under state law an employer may not discriminate against you on the bases of: Race, Color, National Origin, Religion, Age (40+) or Disability, Sex (Including pregnancy, childbirth, or related medical conditions, sexual orientation, or gender identity).

The South Carolina Human Affairs Commission (SCHAC) enforces state and federal laws that protect employees and applicants from employment discrimination.

Examples of Illegal Employment Practices

All aspects of employment including:

- **Failure to hire or promote**
- **Pay (Unequal wages or compensation) or Benefits**
- **Failure to provide reasonable accommodation due to:**
 - a disability
 - sincerely held religious belief, observance, or practice.
 - pregnancy, childbirth, or related medical condition, including, but not limited to, lactation.
- **Unlawful Discipline/Demotion/Suspension**
- **Retaliation or conduct, that might reasonably discourage someone from:**
 - opposing discrimination
 - filing a charge
 - or participating in an investigation or proceeding
- **Applying different terms and conditions of employment**
- **Harassment including:**
 - unwelcome verbal or physical conduct or Intimidation

Enforcement is pursuant to SC Code Ann. § 1-13-90. For a full list of unlawful employment actions in this State, please refer to SC Code Ann. §§ 1-13-80 & 41-1-130.



How to report unlawful discrimination:

If you believe discrimination has occurred, contact the South Carolina Human Affairs Commission.

- **Complete a questionnaire:**

- **Online** at www.schac.sc.gov
- **Call us** at (803) 737-7800 or Toll-Free at 1-800-521-0725
- **In person or mail to:**
1026 Sumter Street, Suite 101
Columbia, SC 29201



- 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 the SC Human Affairs Commission promptly when discrimination is suspected.

Employers including state agencies, local governments (as employers), educational institutions (as employers), and local subdivision thereof, shall **POST, KEEP POSTED, AND MAINTAINED IN CONSPICUOUS PLACES UPON THEIR PREMISES**, where notices to employees and applicants are customarily posted.

The mission of the SC Human Affairs Commission is to eliminate and prevent unlawful discrimination in: **Employment** on the bases of Race, Color, National Origin, Religion, Sex (including pregnancy, childbirth, or related medical condition, sexual orientation, or gender identity), Age (40+), or disability; **Housing** on the bases of: Race, Color, National Origin, Religion, Sex, Familial Status or Disability; **Public Accommodations** on the bases of: Race, Color, National Origin or Religion.

South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, SC 29201
www.schac.sc.gov

Phone: (803) 737-7800

Toll-Free: 1-800-521-0725

(Revised 11/14/2022)

South Carolina Law Prohibits EMPLOYMENT DISCRIMINATION

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

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. 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.



South Carolina Workers' Compensation

Workers' Compensation Compliance Poster

We are operating under and subject to the South Carolina 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.

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.

If you are injured on the job, you should:

1. Notify your employer at once. You cannot receive benefits unless your employer knows you are injured.
2. Tell the doctor your employer sends you to that you are covered by workers' compensation.
3. Notify the Workers' Compensation Provider listed on this poster or the South Carolina Workers' Compensation Commission at 803.737.5700 if you experience undue delays or problems with your claim.

South Carolina
Workers' Compensation Commission
P.O. Box 1715, 1333 Main Street, Suite 500
Columbia, S.C. 29202-1715
803-737-5700
www.wcc.sc.gov

Workers' Compensation Provider Name

Mailing Address

Claims Telephone Number

EQUAL OPPORTUNITY

HUMAN AFFAIRS COMMISSION

HOW TO CONTACT THE COMMISSION

You may make an appointment or walk-in.

Monday—Friday

8:30 am—5:00 pm

Call: (803) 737-7800 or (800) 521-0725

Fax: (803) 737-7835

Web Address: www.schac.sc.gov

Email Address: Information@schac.sc.gov

Our Address is:

1026 Sumter Street, Suite 100

Columbia, SC 29201

The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in: employment on the basis of race, color, national origin, religion, sex, age or disability; housing on the basis of race, color, national origin, religion, sex, familial status or disability; and public accommodations on the basis of race, color, national origin or religion.

We also seek to promote harmony, understanding, and mutual respect among all the residents of South Carolina.



SCAN BELOW TO VISIT OUR WEBPAGE



Janie A. Davis
Commissioner

OPEN THE DOORS TO

SOUTH CAROLINA

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

PUBLIC

ACCOMMODATIONS

Discrimination complaints for public accommodations may be filed on the basis of:

race, color, religion, or national origin.

Types of businesses covered:

hotels, restaurants, hospitals, sports arenas, other places of amusement, exhibition, recreation, or entertainment.

To file a public accommodations complaint:

⇒ *file within 180 days of the date of the alleged violation.*

NON-EMPLOYMENT

COMPLAINTS/90(e)

Non-employment discrimination complaints may be filed on the basis of race, color, religion, age, sex, national origin, or disability. They must be filed within 180 days of the date of the alleged violation.

EMPLOYMENT DISCRIMINATION

It is against the law to discriminate in employment on the basis of:

race, color, religion, age (age 40 & above), sex, national origin, or disability.

How to file an employment complaint:

⇒ *File with SCHAC within 300 days of the date of the alleged violation.*

⇒ *If the matter is covered under the law, SCHAC will write a complaint which must be signed and notarized by the complainant.*

Investigator will attempt to negotiate a settlement as the case is investigated.

HOUSING DISCRIMINATION

It is against the law to discriminate in housing on the basis of:

race, color, religion, sex, national origin, physical or mental disability, or familial status (families with children under the age 18).

The law is applicable to the sale, rental, and financing of residential housing. Dwellings covered include: *apartments, houses, mobile homes, vacant residential lots, beach rentals, nursing homes, group homes, seasonal facilities such as housing for migrant workers.*

To file a housing complaint:

⇒ *File with SCHAC within 180 days of the date of the alleged violation, or file with HUD within one year.*

⇒ *If the matter is covered under the law, SCHAC will write a complaint which must be signed and notarized by the complainant.*

Investigator will attempt to conciliate as the case is investigated.

MEDIATION

Mediation is offered in employment, housing, and public accommodations.

It is a process in which the parties, assisted by the mediator, try to reach a decision to resolve the dispute.

COMMUNITY RELATIONS

The Community Relations Division promotes harmony and fosters goodwill, mutual understanding and respect among the residents of South Carolina. It works through Community Relations Councils. If you would like to serve on a Community Relations Council in your county, please contact SCHAC for further information.

TECHNICAL SERVICES

Technical Services monitors the affirmative action plans and programs of state agencies.

TRAINING

Training is offered in diversity, employment law, and housing law.