South Carolina State Postings

Always Designing for People

SOUTH CAROLINA

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 walkaround 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 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.

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.

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

February 20, 2014

LLR South Carolina Department of Labor, Licensing and Regulation

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.

07-12

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

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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.

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.

August 2018

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SOUTH CAROLINA

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Employers: For additional information on our services, speak to your local sales associate or visit us at: www.adp.com

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