

## **OCCUPATIONAL SAFETY AND HEALTH**

Employees have a right to a safe and healthful workplace. Under the South Carolina Occupational Safety and Health Act (OSHA), each employer must provide employees a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.

Employers must comply with occupational safety and health rules and regulations adopted by the South Carolina Department of Labor, Licensing and Regulation. At the same time, employees must comply with the rules applicable to their own actions and conduct.

To file a complaint about unsafe or unhealthful working conditions, contact LLR's Office of Occupational Safety and Health, 110 Centerview Drive, Ste. 102, P.O. Box 11329, Columbia, SC, 29211, (803) 734-9648. A complainant's identity is never revealed to the employer without the authorization of the complainant.

An employer may not fire or in any manner discriminate against an employee for filing a complaint with LLR concerning unsafe or unhealthful working conditions at his/her place of employment. An affected employee must file a complaint with the LLR director within 30 days following an act of discrimination. If the director determines the employee was discriminated against, the director may bring suit against the employer. The court may require the employer to rehire or reinstate the employee to his former position with back pay.

Employers who are concerned about whether their workplaces comply with all OSHA regulations, may request courtesy inspections from LLR's Office of OSHA Voluntary Programs. Training programs are also provided for employers and employees

in various aspects of health and safety on the job. For more information, call (803) 734-9599.

## **PAYMENT OF WAGES**

State law requires an employer of five or more employees to notify each employee in writing at the time of hiring of the wages agreed upon, the time and place of payment, and the deductions which will be made from wages, including insurance programs. No law requires an employer to provide an employee with benefits such as vacation, sick leave, health insurance, lunch hour, break time, etc. However, if an employer decides to do so, he must give notice of the policy to the employee in writing and abide by the policy. The employer has the option of giving individual notification or posting the terms conspicuously at or near the place of work. Any changes in these terms must be given to the employee in writing at least seven calendar days before they become effective. The employer must furnish each employee with an itemized statement showing his gross pay and the deductions made from his wages for each pay period.

When an employee is separated from the payroll, voluntarily or involuntarily, every employer must pay all wages due to the employee within 48 hours of the time of separation or the next regular payday which may not exceed 30 days.

If an employer fails to pay wages due to an employee, the employee may recover in a civil action an amount equal to three times the full amount of the unpaid wages, plus costs and reasonable attorney's fees as the court may allow. The employee must bring the suit within three years. LLR will, upon complaint, investigate wage complaints to determine if any violations have occurred.

To file a wage complaint, contact LLR's Office of Wages and Child Labor, 110 Centerview Drive, Ste. 102, P.O. Box 11329, Columbia, SC, 29211, (803) 734-9509.

## **MINIMUM WAGE/OVERTIME PAY**

There is no state law covering minimum wage or overtime pay. These issues are addressed by the federal Fair Labor Standards Act which is enforced by the U.S. Department of Labor's Wage and Hour Division. You may contact this agency at 1835 Assembly St., Federal Building, Columbia, SC, 29201, (803) 765-5981.

## **CHILD LABOR**

LLR's Office of Wages and Child Labor, and the U.S. Department of Labor's Wage and Hour Division have adopted identical regulations covering child labor. These rules limit the work hours of persons 14 and 15 years old and prohibit the employment of persons under 18 years of age in occupations determined to be hazardous.

For more information, contact LLR's Office of Wages and Child Labor, 110 Centerview Drive, Ste. 102, P.O. Box 11329, Columbia, SC, 29211, (803) 734-9509, or the U.S. Department of Labor, Wage and Hour Division, Federal Building, 1835 Assembly St., Columbia, SC, 29201, (803) 765-5981.

## **UNION/NON-UNION MEMBERSHIP**

The South Carolina Right-to-Work Law provides that employees shall not be deprived of their rights based upon their affiliation or non-affiliation with a labor union.

The LLR director under state law, is responsible for assisting in the settlement of labor disputes, except those involving railroads and express companies doing business by rail. Through LLR's Office of Mediation for Organized Labor, the Director investigates industrial disputes, strikes and lockouts, and their causes, and tries to help both sides reach agreement.

The National Labor Relations Board regulates employer/employee relations. Under the National Labor Relations Act, private sector employees have the right to form and join unions, to bargain as a group with their employers, and to engage in collective action for their mutual advantage and protection. Employers are prohibited from interfering with the formation or internal affairs of unions, and unions are prohibited from engaging in unfair labor practices. For more information, contact LLR's Office of Mediation for Organized Labor, 110 Centerview Drive, Ste. 102, P.O. Box 11329, Columbia, SC, 29211, (803) 734-9596, or the National Labor Relations Board, 4035 University Parkway, Suite 200, Winston Salem, NC, 27106-3325, (336) 631-5201.

## **DISCRIMINATION**

The South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission enforce labor laws which prohibit discrimination in employment. Contact the South Carolina Human Affairs Commission at 2611 Forest Drive, Suite 200, P.O. Box 4490, Columbia, SC, 29240, (803) 737-7800, or 1-800-521-0725. The Equal Employment Opportunity Commission can be reached at 15 South Main St., Suite 530, Greenville, SC, 29601, (864) 241-4400.

## PENSIONS/HEALTH INSURANCE

The Employee Retirement Income Security Act (ERISA) was enacted by Congress in 1974 to protect the interests of employees who participate in pension plans and the beneficiaries. Employees and their family members have the right to continue health care insurance coverage at group rates following termination by their employer, death or divorce under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Information on pensions and COBRA rights is available through the U.S. Department of Labor's Pension and Welfare Benefits Administration, 61 Forsyth St., S.W., 7B54, Atlanta, GA, 30303, (404) 562-2156.

## UNEMPLOYMENT COMPENSATION

The South Carolina Employment Security Commission administers the state unemployment insurance program which protects employees who become unemployed through no fault of their own. For more information, contact the South Carolina Employment Security Commission, 1550 Gadsden Street, P.O. Box 995, Columbia, SC, 29202, (803) 737-2400.

## WORKER'S COMPENSATION

The South Carolina Workers' Compensation Commission administers the state workers' compensation laws which provide for the compensation of employees and their families for wages lost and medical expenses incurred due to injury, disease, or death resulting from work-related accidents and diseases. Contact the South Carolina Workers' Compensation

Commission, 1612 Marion St., P.O. Box 1715, Columbia, SC, 29202-1715, (803) 737-5700.

## IMMIGRATION REFORM AND CONTROL ACT

The Immigration Reform and Control Act requires all employers to verify that each job applicant is an American citizen or an alien authorized to work in the United States. In order to do so, an employer must ask a prospective employee to provide some of the following documents before he or she can be hired: birth certificate, driver's license, state-issued ID card, Social Security card, passport, certification of U.S. citizenship, certificate of naturalization, alien registration card, etc. It is illegal to discriminate against employees because of their national origin or citizenship status. For more information, contact the Immigration and Naturalization Service, 210 E. Woodlawn Road, Suite 138, Building 6, Charlotte, NC, 28217, 1 (800) 375-5283.

## THE EMPLOYEE POLYGRAPH PROTECTION

The Employee Polygraph Protection Act prohibits most private employers from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act. Federal, state and local governments are not affected by the law. Additional information can be obtained, and complaints or violations may be filed with the U.S. Dept. of Labor, Wage and Hour Division, Federal Building, 1835 Assembly St., Room 1072, Columbia, SC, 29201, (803) 765-5981.

*South Carolina and federal laws are the source of various rights employers and employees have in their employer/employee relationships. The South Carolina Department of Labor, Licensing and Regulation is one of several state and federal agencies which administers the laws assuring these rights. This brochure provides information, in broad terms, on the laws administered by the South Carolina Department of Labor, Licensing and Regulation and other state and federal agencies. It is not intended as a legal interpretation of the laws. You should contact the appropriate agencies directly with your questions or consult an attorney.*



The South Carolina Department of Labor, Licensing and Regulation  
P.O. Box 11329  
Columbia, S.C. 29211-1329  
[www.llr.state.sc.us](http://www.llr.state.sc.us)

## EMPLOYEE AND EMPLOYER RIGHTS AND RESPONSIBILITIES



Under South Carolina  
and Federal Labor Laws

