

● SOUTH CAROLINA HUMAN AFFAIRS LAW

STATUTORY CITATION: S.C. Code §§ 1-13-10 – 1-13-110

GENERAL SUMMARY: The South Carolina Human Affairs Law declares unlawful the practice of discrimination against individuals because of race, religion, color, sex, age, national origin, or disability, and defines specific employment-related acts that are prohibited as unlawfully discriminatory. The Human Affairs Law, which generally applies to all agricultural and non-agricultural employers who have 15 or more employees for each working day in each of 20 or more different calendar weeks in the current or preceding calendar year, creates a state commission whose purpose it is to prevent and eliminate such practices.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL ACTS — With numerous but very narrow exceptions, it is forbidden for an employer subject to the law to engage in any of the following practices, among others:

- (1) To refuse to hire a job applicant, to dismiss an employee from the job, or in any other manner to discriminate against a person with respect to compensation or the terms, conditions or privileges of employment, because of the person's race, religion, color, sex, age (over 40), national origin, or disability.
- (2) To limit, segregate or classify employees or job applicants in any way which would tend to deprive an individual of employment opportunities or otherwise affect employment status on the grounds of race, religion, color, sex, age, or national origin.
- (3) To publish or circulate a job notice or employment advertisement indicating a preference, limitation, specification or discrimination based on race, color, religion, sex, national origin or disability.

Employment agencies and labor organizations are bound by comparable anti-discrimination provisions.

COMPLAINTS — Within 180 days after the occurrence of an act perceived to be illegal under the Human Affairs Law, an individual aggrieved by the incident may file a complaint with the state enforcement agency. The agency must respond with an investigation of the facts relating to the allegations in the complaint, and if the evidence gathered indicates the employer or other respondent named in the complaint has, in fact, committed a violation, the agency must issue such a finding and attempt to negotiate a conciliation agreement with the respondent. In the event an informal agreement is not reached within 30 days of its finding, the agency may file suit against the respondent in circuit court. A determination by the court that the respondent intentionally engaged in an unlawful employment practice charged in the complaint is grounds for issuance of an order that the respondent cease such practice and take prescribed corrective action, including reinstatement or hiring of the complainant, with or without back pay, as the court deems appropriate.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *South Carolina Human Affairs Commission, Columbia, South Carolina 29201 (803-737-7800; toll-free 800-521-0725).* As outlined above, the Commission has the power to investigate any complaint of employment discrimination under the Human Affairs Law, and to bring legal action against the respondent when investigation reveals evidence of a violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — If the Commission has not commenced action against or entered into a conciliation agreement with the respondent within 180 days from the filing of a complaint by a worker, or if the Commission has dismissed the charges, the worker may bring suit against the respondent in circuit court, using a private attorney or public legal service provider. Civil action generally must be filed no later than one year after the date of the alleged violation, or within 120 days of the date of dismissal of the complaint, whichever is earlier. Court action brought by a worker automatically bars court action by the Commission on the same charge. Likewise, once the Commission files suit in a case, the worker may not take legal action against the respondent with respect to the same violation.