

SURVIVOR STATE EMPLOYMENT GUIDE

SOUTH CAROLINA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employment handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, South Carolina law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under South Carolina law (**S.C. Code Ann. § 16-3-1550**), employers of victims and witnesses must not retaliate against or suspend or reduce the wages and benefits of a victim or witness who lawfully responds to a subpoena.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections. employers' internal policies.

REASONABLE ACCOMMODATIONS

At the time of publication, South Carolina had not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, South Carolina does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under South Carolina law (**S.C. Code Ann. § 16-3-1550**), employers of victims and witnesses must not retaliate against or suspend or reduce the wages and benefits of a victim or witness who lawfully responds to a subpoena.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under South Carolina law (**S.C. Code Ann. §§ 41-35-125 & 41-35-130**), an individual is eligible for unemployment compensation if the commission finds that "the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse." The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs

to relocate to avoid future domestic abuse, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual's family.

- *Do I have to show proof of domestic violence?* An individual must provide documentation of domestic abuse including, but not limited to, police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance. Documentation or evidence of domestic abuse acquired by the department must be kept confidential unless consent for disclosure is given, in writing, by the individual.