

# KNOW YOUR RIGHTS

## Non-Discrimination Laws & Policies

A major challenge faced by South Carolina's LGBT community often comes in the form of discrimination. Protections in employment, housing, public accommodations, and including health care are essential to ensuring the livelihood and economic security of all individuals and their families. While progress has been made in some areas of our state to stop discrimination on the basis of sexual orientation and gender identity, many LGBT South Carolinians still find themselves in situations where they face discrimination every day. That is why it is important to **Know Your Rights**.

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### Employment

*Can a potential employer in South Carolina refuse to hire me because of my sexual orientation or gender identity? Can my current employer fire me or deny me a promotion on the basis of my sexual orientation or gender identity?*

#### **Public Employers**

- **Federal** – Currently there are no federal statutes protecting LGBT employees from discrimination.
  - [The Employment Nondiscrimination Act \(ENDA\)](#) recently made historic progress when it was passed by the Senate; the bill must now be approved by the House of Representatives and signed by the President to become law.
  - Most employees of federal government agencies and employees of contractors who do business with the federal government are covered by internal equal opportunity policies covering LGBT workers as recently mandated by the Equal Employment Opportunity Commission and contained in Executive Orders. Employees can assert their rights by contacting an EEO counselor, filing a complaint with the Office of Special Counsel, or with the Office of Federal Contract Compliance Programs (OFCCP). A notice of employees' rights and the appropriate complaint mechanism should be posted in the workplace or contained in an employee handbook or policy manual.
- **State** – There is not statute protecting LGBT employees from discrimination in the workplace.
  - A bill pending in the state legislature, the [Workplace Fairness Act \(H4025\)](#) would end employment discrimination on the basis of both sexual orientation and gender identity in workplaces with 15 or more employees.
  - Several state agencies, such as public universities, have adopted internal non-discrimination employment policies on the basis of sexual orientation: University of South Carolina System, Clemson University, and the Citadel
- **Local Government** – Two cities and two counties in South Carolina protect government workers from discrimination on the basis of sexual orientation and gender identity.
  - *Cities:*
    - Columbia (Employee Handbook; Section 1, p. 5)
    - Charleston ([The Williams Institute; reference #41](#))
  - *Counties:*
    - Richland County ([Item 26; p. 120-122](#))
    - Charleston County (only sexual orientation) ([The Williams Institute; reference #43](#))



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### *Private Employers*

- Many larger corporations have implemented employment non-discrimination policies which include sexual orientation and gender identity.
- The [Williams Institute](#) reports that 8 out of South Carolina's top 10 employers have non-discrimination policies that include both sexual orientation and gender identity: **Walmart Store, Inc, Greenville Health System, Palmetto Health, Blue Cross and Blue Shield of South Carolina, Food Lion, the Boeing Company, Lowe's Companies, Inc, Wells Fargo and Company**
- There are a few ways you can find out more about whether your company has an LGBT-inclusive non-discrimination policy:
  - Review your company's website; often this information is included under "job", "employment", "equal employment", or "human resources".
  - Check your employee handbook or equal employment opportunity posters that are required to be posted in common areas of the workplace.
  - Check out the Human Rights Campaign's (HRC) [Corporate Equality Index](#). This guide scores larger corporations on LGBT inclusiveness in regards to employment.
  - Ask your company's Human Resources Director but be careful because asking may imply your sexual orientation or gender identity.

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### Housing

*Can my partner and I be denied housing in South Carolina due to sexual orientation and/or gender identity?*

#### *Federal*

- [Title VIII of the Civil Rights Act of 1968](#) states that it is illegal to discriminate or refuse housing based to seven protected classes: race, color, religion, national origin, sex, familial status, and disability.
- While this federal law will not completely protect all LGBT individuals from housing discrimination, The U.S. Department of Housing and Urban Development (HUD) states that housing providers who receive HUD funding, or lenders who are federally insured by the Federal Housing Administration, are prohibited from discriminating against buyers, tenants, or potential borrowers on the basis of sexual orientation or gender identity. ([24 CFR § 5.105](#))

**State** – Currently there is no statute protecting LGBT South Carolinians from housing discrimination.

**Local Government** – Currently three cities in South Carolina prohibit housing discrimination on the basis of sexual orientation and gender identity.

- *City:*
  - North Charleston ([CODE § 10-92](#))
  - Charleston ([CODE § 16-20](#))
  - Columbia ([CODE § 11-393](#))



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### Public Accommodations

*Could my partner or I be discriminated against when trying to get a hotel room, dine together at a restaurant, or be denied other services in South Carolina?*

- **Federal/State:** Currently, there are no federal or statewide protections for the LGBT community in public accommodations.
- **Local Government:**
  - City
    - Folly Beach (Sexual Orientation only) ([The Williams Institute; reference #51](#))
    - Columbia ([CODE §11-503](#))
    - Charleston ([CODE § 16-29](#))
  - County
    - Richland County ([The Williams Institute; reference #47](#))
- **Myrtle Beach Human Rights Commission:** Myrtle Beach offers a Human Rights and Fair Housing Hotline, available 24 hours a day to assist in city efforts to assure equal rights and opportunities for All citizens and visitors of Myrtle Beach. Call 843-918-1130 to share your concerns.
- **Private:** You should however be aware that many businesses do prohibit this type of discrimination. If you experience discrimination on the basis of your actual or perceived sexual orientation or gender identity, you should be sure to research the individual business's policies on such practices.

### Healthcare

*What are my rights in regards to visiting my partner while they are in the hospital? Could I be denied medical services?*

- Often, services provided by physicians, hospitals, and healthcare providers are included under public accommodation policy. Particularly medical facilities which provide overnight accommodations. See municipal protections above.
- The Human Rights Campaign (HRC) offers an online resource which scores the inclusiveness of hospitals in the country called the [Healthcare Equality Index](#) including the following in parts of our state: Charleston, Columbia, Greenville, Greer, Simpsonville, and Traveler's Rest

### Hospital Visitation

- As of 2011, the federal government requires that any hospital accepting Medicaid or Medicare must grant patients the ability to decide who can visit them regardless of sexual orientation or gender identity.
- The Health Insurance Portability & Accountability Act (HIPAA), which does protect patient confidentiality, should not be used to as a basis for discrimination.
- [Also see information on the benefits of Medical Power of Attorney from our Know Your Rights - Relationship Protections fact sheet.](#)

