

1. What is the South Carolina Pregnancy Accommodations Act?

This Act was signed by Governor McMaster on May 17, 2018. The General Assembly's intent in passing it was to combat pregnancy discrimination. In sum, it requires employers to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical conditions.

2. Who is covered by the Act?

This act protects employees and applicants who have medical needs arising from pregnancy, childbirth, or related medical conditions.

3. What employers must comply with the Act?

This Act applies to all employers covered under the Human Affairs Law, which means any employer that has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. Staffing agencies are also considered to be employers. If you have questions about whether your business qualifies as an employer under the Act, please call our Agency at 803-737-7800.

4. When should an employer provide reasonable accommodations to pregnant women?

An employer should provide reasonable accommodations to covered individuals once those women have asked for an accommodation, unless providing an accommodation would be an undue hardship on the employer (see Questions 6 & 7 below). These accommodations for pregnant women can include but are not limited to frequent and longer bathroom breaks; modifying a food and drink policy; the provision of seating or allowing employees to sit more frequently if the job requires the employees to stand; the provision of assistance with manual labor and limits on lifting; the transfer of an employee to a less strenuous or hazardous position; and/or, job restructuring and light duties. An employer may suggest alternative reasonable accommodations, so long as the alternative accommodation provides the same result or relief as the originally requested accommodation.

5. What types of reasonable accommodations should employers consider for women who have recently given birth?

Some reasonable accommodations that employers should consider for covered individuals who have recently given birth would include, but not be limited to granting time off, adjusting work schedules, providing food and water breaks, providing more frequent and longer bathroom breaks, lifting restrictions, and a private place other than a bathroom stall for expressing milk.

6. What is an interactive process?

The interactive process starts with an accommodation request from a covered individual so it is important for employers to be able to recognize a request. Once an accommodation request has been received, the employer should gather whatever information is necessary to process the request. Necessary information may include documentation of the pregnancy or birth and need for accommodation. In some cases, the individual's pregnancy and need for accommodation are obvious and no additional information is needed. Once the employer has gathered the data

necessary, which may include a note from a medical provider, then the employer should talk to the individual about the accommodations available to her for achieving the medically necessary result or relief. Once accommodation options have been explored, the employer must choose what accommodation to implement. If there is more than one option, the employer should consider the preference of the covered individual.

7. What constitutes an undue hardship?

An "Undue hardship" is an action requiring significant difficulty or expense when considering several factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship to an employer should be determined on a case-by-case basis. In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources.

If an accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship.

8. Where can I find a copy of the Pregnancy Accommodations Act?

Here is a link to the Act.

9. What should I do if I feel I have been discriminated against in violation of this Act or any part of the Human Affairs Law?

If you feel you have been discriminated against in violation of this Act or any part of the Human Affairs Law, you should contact the South Carolina Human Affairs Commission. Our office is located at 1026 Sumter Street Suite 101, Columbia SC 29201. We are open Monday- Friday, 8:30 am – 5pm. We can be reached at 803-787-7800 where you can file a complaint. After you file a complaint, an investigator will investigate the issues, make a determination, and attempt to conciliate your charge, when appropriate.

10. I'm an employer. Where can I find a poster that complies with the Act?

The posters are currently being produced. Please contact Stephanie Price at the Human Affairs Commission for more information. The telephone number for the Commission is (803) 737-7800.

11. I'm an employer. How can I schedule training on compliance with the Act?

Please contact Stephanie Price at the Human Affairs Commission for more information. The telephone number for the Commission is (803) 737-7800. Some fees may be associated with Human Affairs Commission trainings.