

The South Carolina Pregnancy Accommodations Act

What is the South Carolina Pregnancy Accommodations Act?

The South Carolina Pregnancy Accommodations Act was signed into law by Governor Henry McMaster on May 17, 2018. The law requires employers to provide reasonable accommodations to employees and applicants for employment based on medical needs caused by pregnancy, childbirth or medical conditions related to pregnancy or childbirth.

What are Considered Unlawful Practices of an Employer Toward an Employee or Applicant for Employment Under the Pregnancy Accommodations Act?

Failing or refusing to make reasonable accommodation for medical needs based on pregnancy, childbirth or conditions related to pregnancy or childbirth, unless the employer can demonstrate the accommodation would impose an undue hardship on the operation of the business of the employer.

Denial of employment opportunities, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations for medical needs based on pregnancy, childbirth or medical conditions related to pregnancy or childbirth.

Requiring the acceptance of an accommodation which the applicant or employee refuses to accept, if the applicant or employee does not have a known limitation related to pregnancy, childbirth or a medical condition related thereto, or if the accommodation is unnecessary for the performance of the essential duties of her job.

Requiring an employee to take leave under any leave law, or policy of the employer, if another reasonable accommodation is available.

Taking adverse action in the terms, conditions or privileges of employment because a reasonable accommodation was requested or used pursuant to the Pregnancy Accommodations Act.

Who is Covered by the Act?

The act protects employees and applicants for employment with medical needs arising from pregnancy, childbirth or medical conditions related to pregnancy or childbirth.

What Employers Must Comply with the Act?

The Act covers all South Carolina employers subject to the South Carolina Human Affairs Law. This means the University of South Carolina is subject to the Act.

When are Employers Required to Provide Reasonable Accommodations Under the Act?

Once an accommodation is requested, unless providing the accommodation would be an undue hardship on the employer.

Accommodations may include, but are not limited to:

- Frequent and longer bathroom breaks;
- Modifying a food and drink policy;
- Provision of seating or allowing an employee to sit more frequently if the job requires employees to stand;
- Aiding with manual labor and limits on lifting;
- Transferring employees to less strenuous or hazardous positions;
- Restructuring jobs and providing light duties.

Are Employees Required to Accept Alternative Accommodations?

If an employee recommends or requests an accommodation, an employer may suggest alternative reasonable accommodations, if the alternative accommodations provide the same result or relief as the originally requested accommodations.

What Types of Reasonable Accommodations Should Employers Consider for Women Who Have Recently Given Birth?

Reasonable accommodations employers should consider for individuals who have recently given birth include, but are not limited to:

- Granting time off;
- Adjusting work schedules;
- Providing food and water breaks;
- Providing more frequent and longer bathroom breaks;
- Placing lifting restrictions;
- Providing a private place, other than a bathroom stall, to express milk.

What Constitutes an Undue Hardship?

An action requiring significant difficulty or expense when compared to the size, resources, nature and structure of the employer's operation.