

Your Rights under the South Carolina Pregnancy Accommodations Act

The SC Pregnancy Accommodations Act is intended to protect employees by combating pregnancy discrimination, promoting public health, and ensuring full and equal participation for women in the labor force by requiring employers to provide reasonable accommodations to employees for medical needs arising from pregnancy, childbirth, or related medical conditions.

It is an unlawful employment practice for an employer:

- to fail or refuse to hire, bar, discharge from employment, or otherwise discriminate against an individual with respect to the individual's compensation or terms, conditions, or privileges of employment because of the individual's race, religion, color, sex, age, national origin, or disability;
- to limit, segregate, or classify employees or applicants for employment in a way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, sex, age, national origin, or disability;
- to reduce the wage rate of an employee in order to comply with the provisions of this chapter relating to age;
- to fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer;
- to deny employment opportunities to a job applicant or employee, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee;
- to require an applicant for employment or an employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation that the applicant or employee chooses not to accept, if the applicant or employee does not have a known limitation related to pregnancy, or if the accommodation is unnecessary for the applicant or employee to perform the essential duties of her job;
- to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions;
- to take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions; or
- to deny an accommodation request for any documented condition unless it would cause the employer undue hardship.

It is the employee's responsibility to request an accommodation for pregnancy or pregnancy related conditions, or any other condition. The employer may need to verify the condition and your restrictions with your provider.

Some examples of accommodations you can request include: reduced or modified work schedules; reassignment to a vacant position if the employee cannot perform the essential functions of her regular position; adjustment or modification of workspace; more frequent or longer break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified; providing job restructuring or light duty, if available; acquiring or modifying equipment or devices necessary for performing essential job functions; however, the employer is not required to do the previous, unless the employer does or would do so for other employees or classes of employees that need a reasonable accommodation. Please see Human Resources to request an accommodation or to seek clarification of your rights under this law.