



South Carolina Human Affairs Commission  
1026 Sumter Street, Ste. 101, Columbia, SC 29201  
Office: (803) 737-7800  
Email: [Information@schac.sc.gov](mailto:Information@schac.sc.gov)



## **1. What are the South Carolina Pregnancy Accommodations Act and the South Carolina Lactation Support Act?**

The South Carolina Pregnancy Accommodation 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 with 15 or more employees<sup>1</sup> to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical conditions.

The South Carolina Lactation Support Act was signed by Governor McMaster on June 25, 2020. This Act requires that any employer, regardless of size, permit employees reasonable opportunities to express milk in a private place other than a toilet stall. An aggrieved employee may file a charge of discrimination with SCHAC in the event any adverse action is taken for requesting or using reasonable unpaid break time, or paid break time or mealtime, to express breast milk. However, an employer will not be held liable if it takes reasonable efforts to comply with the Lactation Support Act.

## **2. What types of individuals are covered by these Acts?**

These acts protect employees and applicants who have medical needs arising from pregnancy, childbirth, lactation, or related medical conditions.

## **3. What employers must comply with the Act?**

Both Acts apply 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. Additionally, the Lactation Support Act applies to any employer with at least one employee. If you have questions about whether your business qualifies as an employer under either or both of the Acts, please call our Agency at 803-737-7800.

## **4. How should I notify my employees about the Pregnancy Accommodations Act and the Lactation Support Act?**

You must inform new employees during the onboarding process (or commencement of employment) about the Pregnancy Accommodation Act. Written notice is required by the Act. The Human Affairs Commission has also developed a poster to provide notice to employees regarding both Acts in [English](#) and [Spanish](#).

## **5. When should an employer provide reasonable accommodations to pregnant or lactating women?**

An employer should provide reasonable accommodations to these individuals once those women have asked for an accommodation, unless providing an accommodation would be an undue hardship on the employer (see Questions 7 & 8 below). These accommodations 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

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<sup>1</sup> Calculated pursuant to S.C. Code Ann. §1-13-30(e), which states 15 or more employees are required for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.



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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.

#### **6. What types of reasonable accommodations should employers consider for women who have recently given birth and/or are lactating?**

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.

#### **7. What is an interactive process?**

The interactive process starts with an accommodation request from a covered individual. 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/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.

#### **8. 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.

#### **9. Where can I find a copy of the Pregnancy Accommodations Act and Lactation Support Act?**

The Pregnancy Accommodations Act may be found [here](#). The Lactation Support Act may be found [here](#).



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## **10. What should I do if I feel I have been discriminated against in violation of one of these Acts 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 through Friday, 8:30 am – 5 pm. We can be reached at 803-737-7800. You may also provide an initial questionnaire to us by completing one of the **Employment Discrimination Complaint** forms found at <https://schac.sc.gov/filing-complaint>. After you file a complaint, an investigator will investigate the issues, make a determination, and attempt to conciliate your charge, when appropriate.

## **11. I'm an employer. What should I do now?**

This is a great time to look at your policies related to pregnant, nursing, or post-partum employees. Update them to comply with the recent Acts. Consider providing training to your supervisors and managers on handling accommodation requests or to address breast-feeding needs.

Also, you may click on the links provided to view and print the posters in [English](#) and [Spanish](#).

## **12. I'm an employer. How can I schedule training on compliance with the Acts?**

Please contact [training@schac.sc.gov](mailto:training@schac.sc.gov) or (803) 673-9284 for more information. Training on the Acts is being provided for free by the South Carolina Human Affairs Commission for a limited time.