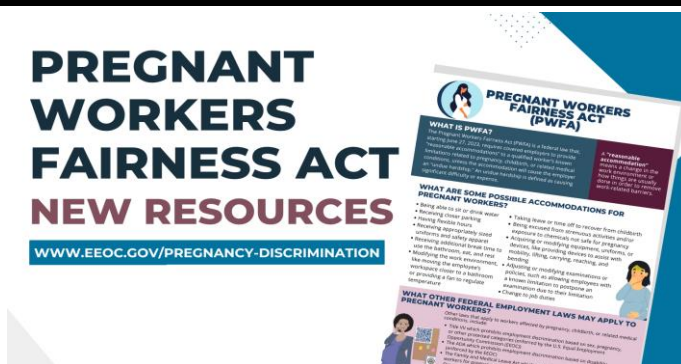




## PREVENTION CORNER



# Workplace Protections for Pregnant & Lactating Employees



Source: [Pregnant Workers Fairness Act \(PWFA\) Social Media Toolkit – April 2024 | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

### State Law

The South Carolina Pregnancy Accommodations Act was signed by the Governor on May 17, 2018. The intent of the law is to combat pregnancy discrimination. The law requires employers with 15 or more employees to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical condition.

### Federal Law

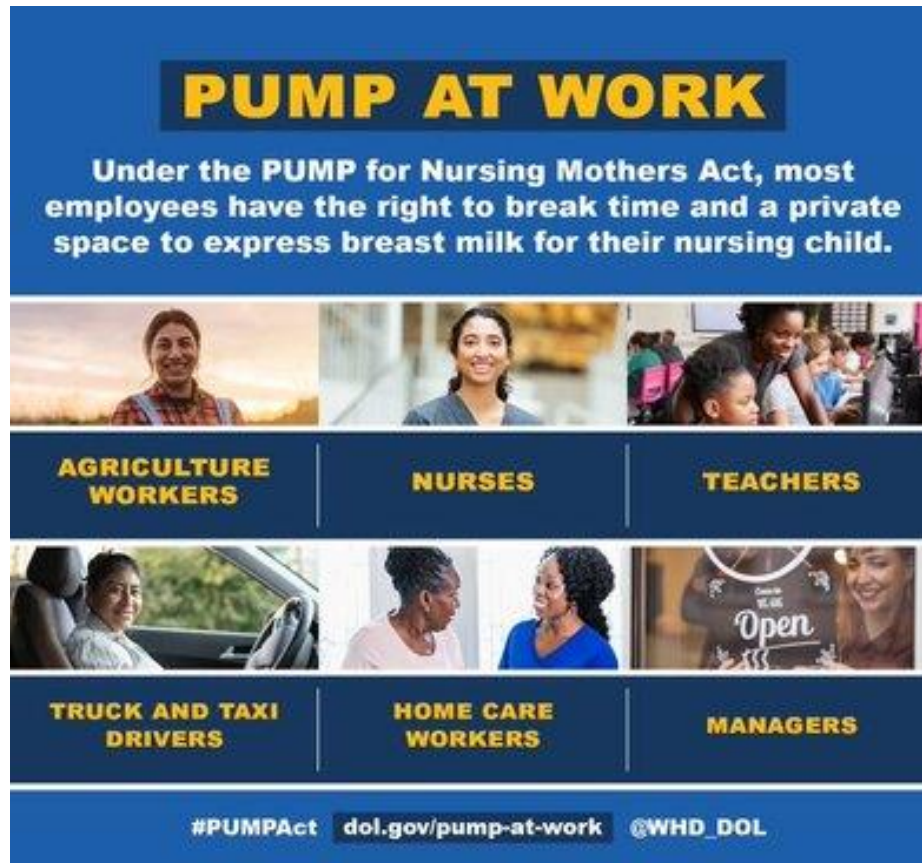
The Pregnant Workers Fairness Act (PWFA) is a law that requires covered employees to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

According to the U.S. Equal Employment Opportunity Commission (EEOC), the PWFA applies only to accommodations. Existing laws that the EEOC enforces make it illegal to fire or otherwise discriminate against workers because of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are **more protective** of workers affected by pregnancy, childbirth, or related medical conditions. This law went into effect on June 27, 2023.

Source: [What You Should Know About the Pregnant Workers Fairness Act | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); <https://schac.sc.gov/employment-discrimination/prohibited-practices-discrimination-types/pregnancy-discrimination>

# Pumping in the Workplace: Employee Rights



## State Law

The South Carolina Lactation Support Act was signed by Governor McMaster on June 25, 2020. This Act requires that any employer, regardless of size, provide employees' reasonable break time to express milk in a private place other than a toilet stall.

## Federal Law

On December 29, 2022, the **Providing Urgent Maternal Protections for Nursing Mothers Act** (PUMP ACT) became law. The PUMP Act expands the rights of nursing mothers to have reasonable break time to pump and a private place other than a bathroom, shielded from view and free from intrusion from coworkers and the public, to express their breast milk.

## Eligible Employees

- Nearly all employees covered by FLSA are eligible to pump at work.
- Employees are eligible to pump at work for one year after their child's birth, each time an employee needs to express milk.

## Federal Law interaction with State Law

Federal law provides workplace protections that apply to employees in all states. The FLSA's pump at work protections do not preempt (*take the place of or take precedence over*) a state law that provides greater protections to employees than those provided by the FLSA.

**Source:** [FLSA Protections to Pump at Work | U.S. Department of Labor \(dol.gov\)](https://dol.gov/pump-at-work);

# U.S. Equal Employment Opportunity Commission

## News & Notes

### Press Release

3-15-2024



## Walgreens Pays \$205,000 in EEOC Pregnancy and Disability Discrimination Lawsuit

### ***Lawsuit Settles Federal Charges That Alexandria Pharmacy Refused to Allow Pregnant Worker Emergency Medical Leave, Forcing Her to Quit.***

**NEW ORLEANS** – Pharmacy and retailer Walgreens Co. has agreed to pay \$205,000 and provide other relief to settle a pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

- According to the EEOC’s lawsuit, Walgreens violated federal law when one of its stores in Alexandria, Louisiana refused to allow a pregnant employee with impairments to take emergency leave to seek medical attention, forcing her to quit.
- The pregnant customer sales associate, who had diabetes and hypoglycemia, experienced spotting at work and asked the store manager to allow her to take unscheduled emergency leave to seek medical attention.
- Although the store manager and team lead could have covered for her, the store manager told the customer sales associate that she could not leave until they found a replacement for her. They were unable to do so.
- The store manager told the customer sales associate that she had already asked for too many accommodations.
- The customer sales associate had no option but to resign so that she could seek immediate medical attention, per her doctor’s advice. According to the EEOC, she miscarried later that day.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, which prohibit discrimination because of pregnancy-related conditions and disability, respectively, and which also prohibit retaliation, including for making a reasonable accommodation request.

**Read the entire article at:** [Walgreens Pays \\$205,000 in EEOC Pregnancy and Disability Discrimination Lawsuit | U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/newsroom/walgreens-pays-205000-in-eeoc-pregnancy-and-disability-discrimination-lawsuit)

Source: <https://eeoc.gov/newsroom/walgreens-pays-205000-eeoc-pregnancy-and-disability-discrimination-lawsuit>

## **PREVENTION CORNER**

### **\*Resources & Tools\***

---

#### **U.S. Department of Labor - Wage and Hour Division** ***FLSA Protections to Pump at Work***

- Fact sheets
- Resources for employers, workers, and advocates
- Frequently Asked Questions
- The PUMP for Working Mothers webinar series

Source: [FLSA Protections to Pump at Work | U.S. Department of Labor \(dol.gov\)](#)

#### **U.S. Equal Employment Opportunity Commission** ***Enforcement Guidance on Pregnancy Discrimination***

- Overview of statutory protections
- Americans with Disabilities Act
- Other requirements affecting pregnant workers
- Best practices

Source: [Enforcement Guidance on Pregnancy Discrimination and Related Issues | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

**EEO laws are designed to protect the rights of ALL individuals.**

**\*\*Please Note: This newsletter is not intended to be used as legal advice.**



**If you feel like you have experienced discrimination,  
contact us for help.**

**(800) 521-0725, Relay 711 or 803-737-7800**

---

**South Carolina Human Affairs Commission  
1026 Sumter St., Suite 101  
Columbia, SC 20201**

<https://schac.sc.gov/>



**The mission of the South Carolina Human Affairs Commission is to Prevent and Eliminate Unlawful Discrimination in Employment, Housing, and Public Accommodations.**

The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (*including the SC Pregnancy Accommodations Act and the SC Lactation Support Act.*), the SC Fair Housing Law, and the SC Equal Enjoyment and Privileges to Public Accommodations Law.