Legal Update Article

South Carolina Issues New Pregnancy Accommodations FAQs and Anti-Discrimination Poster

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The South Carolina Human Affairs Commission (SCHAC) has published Frequently Asked Questions on the new state Pregnancy Accommodations Act. It also has published a new anti-discrimination poster that includes provisions required under the Act.

The Act amends the South Carolina Human Affairs Law to require employers with at least 15 employees to provide reasonable accommodations to employees for medical needs arising from pregnancy, childbirth, or other related medical conditions (including lactation), unless the employer can demonstrate the accommodation would impose an undue hardship on the operation of the business. According to the SCHAC's FAQs, staffing agencies are considered covered employers.

The Act also imposes posting and notice requirements effective September 14, 2018. It requires employers to conspicuously post information about the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or other related medical conditions in an area accessible to employees. The poster provided by SCHAC satisfies the requirements of the Act.

By September 14, 2018, employers also must provide written notice of employees' rights under the Act to existing employees and new employees at the beginning of employment. To satisfy this requirement, employers should update their existing equal employment opportunity policies in handbooks or other documents provided to employees at the time of hire. Employers also may create and distribute a separate notice to comply with the Act.

For more on the Act, see our article, South Carolina Enacts New Pregnancy Accommodation Requirements.

We will continue to monitor developments as they arise. Jackson Lewis attorneys are available to assist employers with questions about the new South Carolina law's requirements and provide compliance assistance.

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