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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 559 Session of  
2019

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INTRODUCED BY BLAKE, STREET, FONTANA, FARNESE, BREWSTER,  
TARTAGLIONE, HUGHES, SCHWANK, COSTA, YUDICHAK AND MUTH,  
APRIL 18, 2019

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REFERRED TO LABOR AND INDUSTRY, APRIL 18, 2019

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AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled  
2 "An act prohibiting certain practices of discrimination  
3 because of race, color, religious creed, ancestry, age or  
4 national origin by employers, employment agencies, labor  
5 organizations and others as herein defined; creating the  
6 Pennsylvania Human Relations Commission in the Governor's  
7 Office; defining its functions, powers and duties; providing  
8 for procedure and enforcement; providing for formulation of  
9 an educational program to prevent prejudice; providing for  
10 judicial review and enforcement and imposing penalties,"  
11 further providing for powers and duties of the commission;  
12 providing for employer policies and procedures; and  
13 establishing the Human Relations Training Fund.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 7(f) of the act of October 27, 1955  
17 (P.L.744, No.222), known as the Pennsylvania Human Relations  
18 Act, is amended to read:

19 Section 7. Powers and Duties of the Commission.--The  
20 Commission shall have the following powers and duties:

21 \* \* \*

22 (f) To initiate, receive, investigate and pass upon  
23 complaints charging unlawful discriminatory practices and

1 violations of section 7.1.

2 \* \* \*

3 Section 2. The act is amended by adding a section to read:

4 Section 7.1. Employer Policies and Procedures.--(a) An  
5 employer shall adopt written policies and procedures for  
6 preventing harassment, discrimination and retaliation against  
7 employees. The policies and procedures shall include, at a  
8 minimum, all of the following:

9 (1) An explanation that harassment, discrimination and  
10 retaliation are unlawful acts under Federal and State law.

11 (2) An explanation that sexual harassment is a form of  
12 unlawful discrimination under Federal and State law.

13 (3) A complaint procedure to report and address harassment,  
14 discrimination and retaliation claims, including a provision  
15 allowing employees to report the claims to persons other than  
16 their supervisor.

17 (4) The specific responsibilities of a supervisor in the  
18 identification, prevention and reporting of harassment,  
19 discrimination and retaliation.

20 (5) An explanation of the procedures for maintaining  
21 confidentiality surrounding the reporting of harassment,  
22 discrimination and retaliation claims.

23 (6) A procedure for the timely, thorough and prompt  
24 investigation of claims of harassment, discrimination and  
25 retaliation filed by an employee.

26 (b) An employer shall make the policies and procedures  
27 available and easily accessible to all employees.

28 (c) An employer shall review and update the policies for  
29 harassment, discrimination and retaliation as needed to remain  
30 in compliance with Federal and State law.

1 (d) An employer shall keep records of the current policies  
2 and procedures and make them available for inspection by the  
3 commission upon request. If applicable, the employer shall keep  
4 a record of the immediately preceding policies and procedures  
5 for a period of three years after the effective date of the  
6 current policies and procedures and make them available for  
7 inspection by the commission upon request.

8 (e) The commission shall develop standard policies and  
9 procedures that may be used by employers to satisfy the  
10 requirements under subsection (a). The policies and procedures  
11 shall be made publicly available at no cost on the commission's  
12 publicly accessible Internet website.

13 (f) The commission shall publish on its publicly accessible  
14 Internet website, and transmit to the Legislative Reference  
15 Bureau for publication in the Pennsylvania Bulletin, any changes  
16 to Federal or State harassment, discrimination or retaliation  
17 laws that would impact the standard policies and procedures  
18 under subsection (e) within forty-five days of the changes. The  
19 commission may establish an electronic notification system to  
20 alert employers of changes to the standard policies and  
21 procedures.

22 (g) A person claiming a violation of this section may make a  
23 complaint with the commission. The complaint must state the name  
24 and address of the employer alleged to have violated this  
25 section. If after investigation by the commission, the  
26 commission determines that the employer violated this section,  
27 the commission shall endeavor to cause compliance with this  
28 section and may issue a citation and impose a fine as provided  
29 in subsection (h).

30 (h) The commission has the power to issue citations and

1 impose fines on an employer for a violation of this section as  
2 follows:

3 (1) A fine of not less than five hundred dollars (\$500) and  
4 not more than one thousand dollars (\$1,000) for the first  
5 violation.

6 (2) A fine of not less than one thousand dollars (\$1,000)  
7 and not more than five thousand dollars (\$5,000) for the second  
8 or each subsequent violation.

9 (3) The commission may waive the fine for a first-time  
10 violation of this section, if the employer proves to the  
11 satisfaction of the commission, within sixty days of the  
12 issuance of the citation, that the violation has been cured.

13 (i) The Human Relations Training Fund is established within  
14 the State Treasury. A fine imposed and collected by the  
15 commission under subsection (g) shall be deposited in the fund.  
16 The money in the fund shall be used by the commission for  
17 training, education and outreach.

18 Section 3. This act shall take effect in 90 days.