

AMENDMENTS TO HOUSE BILL NO. 1329

Sponsor: REPRESENTATIVE PARKER

Printer's No. 2468

1 Amend Bill, page 1, line 5, by inserting after

2 "applicability"

3 ; and providing for protection of workmen

4 Amend Bill, page 3, by inserting between lines 11 and 12

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

6 Section 13.1. Protection of Workmen.--(a) No contractor or
7 subcontractor may discharge, threaten or otherwise discriminate
8 or retaliate against a workman regarding the employe's
9 compensation, terms, conditions, location or privileges of
10 employment because the workman exercised his rights under
11 section 11(b) or 13.

12 (b) No contractor or subcontractor may discharge, threaten
13 or otherwise discriminate or retaliate against an employe
14 regarding the employe's compensation, terms, conditions,
15 location or privilege of employment because the employe is
16 requested by the secretary to participate in an investigation,
17 hearing or inquiry held by the secretary or in a court action.

18 (c) (1) A workman who alleges a violation of this act may
19 bring a civil action in a court of competent jurisdiction for
20 appropriate injunctive relief or damages, or both, within one
21 hundred eighty days after the occurrence of the alleged
22 violation.

23 (2) It shall be a defense to an action under this section if
24 the defendant proves by a preponderance of the evidence that the
25 action by the employer occurred for separate and legitimate
26 reasons, which are not merely pretextual.

27 (d) A court, in rendering a judgment in an action brought
28 under this act, shall order, as the court considers appropriate,
29 reinstatement of the employe, the payment of back wages, full
30 reinstatement of fringe benefits and seniority rights, damages
31 or a combination of the remedies. A court may also award the
32 complainant all or a portion of the costs of litigation,
33 including reasonable attorney fees and witness fees, if the
34 court determines that the award is appropriate.

35 Amend Bill, page 3, line 12, by striking out "2" where it

1 occurs the first time and inserting

2 3

3 Amend Bill, page 3, line 15, by striking out "3" and

4 inserting

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