

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2635 Session of
1994

INTRODUCED BY KELLER, MIHALICH, M. COHEN, COWELL, ROONEY, BAKER,
TIGUE, VEON, TRELLO, DERMODY, RAYMOND, PISTELLA, WILLIAMS,
BELFANTI, ACOSTA, MCGEEHAN, YANDRISEVITS, RICHARDSON AND
SURRA, MARCH 23, 1994

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 13, 1994

AN ACT

1 Providing for the ~~Workforce~~ WORKPLACE Antiretaliation Act. <—

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Workplace
6 Antiretaliation Act.

7 Section 2. Protection of employees.

8 (a) Persons not to be discharged.--No employer may
9 discharge, threaten, demote, suspend ~~or otherwise discriminate~~ <—
10 or retaliate against an employee because the employee ~~or a~~ <—
11 ~~person acting on behalf of the employee~~ files a petition, claim
12 or other legal document or testifies on behalf of himself or any
13 other person in a hearing or court action on a petition, claim
14 or other legal process under Federal or State ~~law~~ STATUTES. <—

15 (b) Discrimination prohibited.--No employer may ~~discharge,~~ <—
16 ~~threaten, demote, suspend or otherwise discriminate or retaliate~~ <—

1 against an employee regarding the employee's compensation,
2 terms, conditions, location or privileges of employment because
3 the employee ~~or a person acting on behalf of the employee~~ files <—
4 a petition, claim or other legal document or testifies on behalf
5 of himself or any other person in a hearing or court action on a
6 petition, claim or other legal process under Federal or State
7 ~~law~~ STATUTES. <—

8 Section 3. Remedies.

9 (a) Civil action.--A person who alleges a violation of this
10 act may bring a civil action in a court of competent
11 jurisdiction for appropriate injunctive relief or damages, or
12 both, no later than 180 days after the occurrence of the alleged
13 violation.

14 (b) Necessary showing of evidence.--An employee alleging a
15 violation of this act must prove by a preponderance of the
16 evidence that the employer violated all or part of section 2.

17 (c) Defense.--It shall be a defense to an action under this
18 section if the defendant shows by a preponderance of the
19 evidence that the action by the employer occurred for separate
20 and legitimate reasons, which are not merely pretextual.

21 Section 4. Enforcement.

22 A court, in rendering a judgment in an action brought under
23 this act, shall order, as the court considers appropriate,
24 reinstatement of the employee, the payment of back wages, full
25 reinstatement of fringe benefits and seniority rights, actual
26 damages or any combination of these remedies. A court may, if it
27 deems appropriate, award the complainant all or a portion of the
28 costs of litigation, including reasonable attorney fees and
29 witness fees.

30 Section 5. Penalties.

1 A person who, under color of an employer's authority,
2 violates this act shall be liable for a civil fine of not more
3 than \$500 per violation. Additionally, except where the person
4 holds an elected public office, if the court specifically finds
5 that the person, while in the employment of this Commonwealth or
6 any of its political subdivisions, committed a violation of this
7 act, the court may order the person's suspension from public
8 service for a period not to exceed six months. A civil fine
9 which is ordered under this section shall be paid to the State
10 Treasurer for deposit into the General Fund.

11 Section 6. Notice.

12 An employer shall post notices and use other appropriate
13 means to notify employees and keep them informed of their
14 protections and obligations under this act.

15 Section 7. Effective date.

16 This act shall take effect in 60 days.