

2021D02795NES:AAS

No. \_\_\_\_\_

Legislative Reference Bureau

AN ACT

Amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for definitions and for unlawful discriminatory practices.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

Referred to Committee on

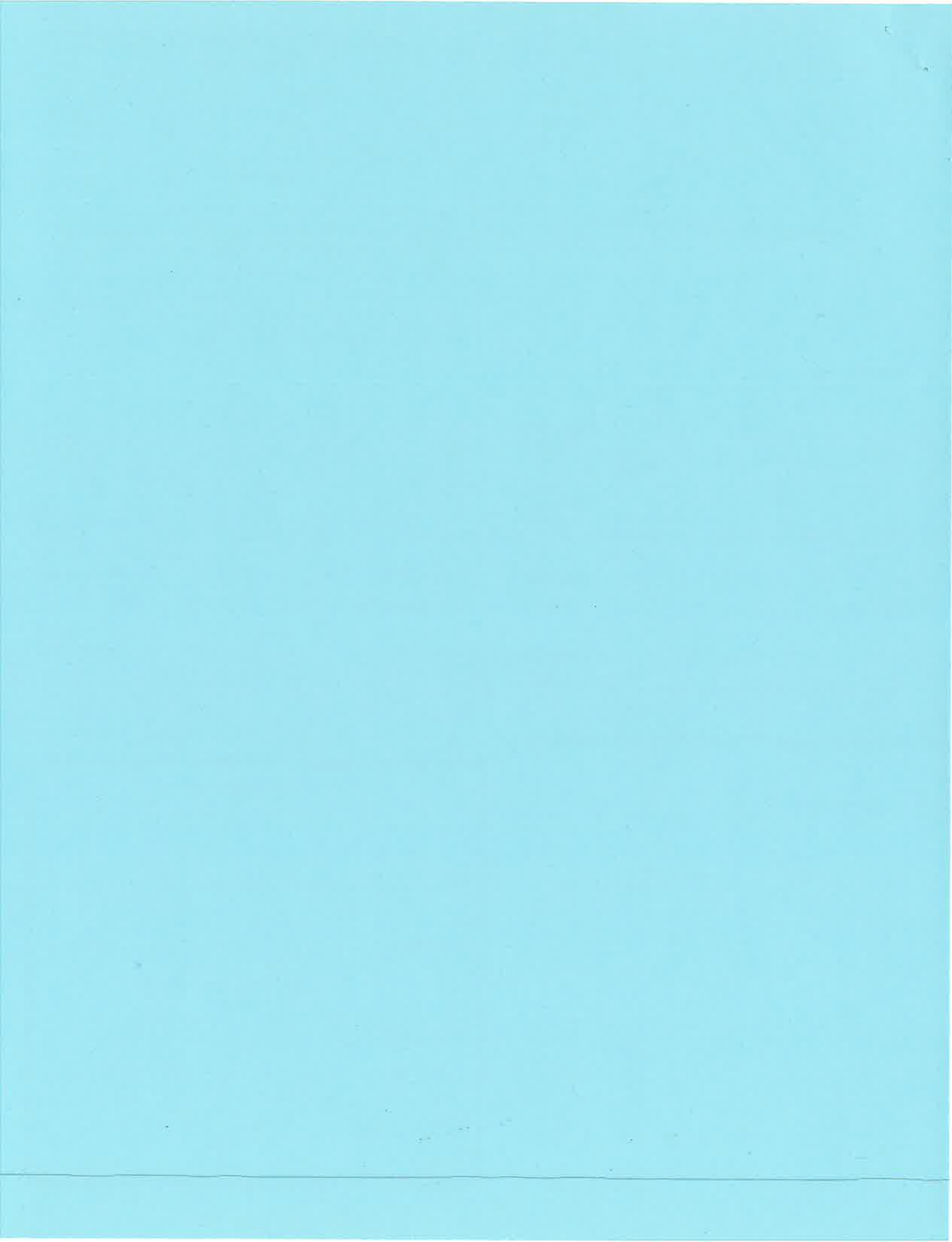
Date \_\_\_\_\_ 20 \_\_\_\_\_

Reported \_\_\_\_\_ 20 \_\_\_\_\_

As Committed-Amended

Recommendation

By Hon. \_\_\_\_\_



## AN ACT

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

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

16 Section 1. Section 2(b) 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 2. Findings and Declaration of Policy.--

20 \* \* \*

21 (b) It is hereby declared to be the public policy of this  
22 Commonwealth to foster the employment of all individuals in  
23 accordance with their fullest capacities regardless of their

1 race, color, religious creed, familial status, marital status,  
2 family caregiver status, ancestry, age, sex, national origin,  
3 handicap or disability, use of guide or support animals because  
4 of the blindness, deafness or physical handicap of the user or  
5 because the user is a handler or trainer of support or guide  
6 animals, and to safeguard their right to obtain and hold  
7 employment without such discrimination, to assure equal  
8 opportunities to all individuals and to safeguard their rights  
9 to public accommodation and to secure housing accommodation and  
10 commercial property regardless of race, color, familial status,  
11 religious creed, ancestry, age, sex, national origin, handicap  
12 or disability, use of guide or support animals because of  
13 blindness or deafness of the user or because the user is a  
14 handler or trainer of guide or support animals.

15 \* \* \*

16 Section 2. Section 4 of the act is amended by adding  
17 clauses to read:

18 Section 4. Definitions.--As used in this act unless a  
19 different meaning clearly appears from the context:

20 \* \* \*

21 (bb) The term "family caregiver status" means a person who  
22 provides medical or supervisory care to a person related to the  
23 caregiver by blood, legal custody or marriage.

24 (cc) The term "marital status" means whether a person is  
25 single, married, divorced, separated or widowed.

26 Section 3. Section 5(a), (b), (c), (f) and (g) of the act  
27 are amended to read:

28 Section 5. Unlawful Discriminatory Practices.--It shall be  
29 an unlawful discriminatory practice, unless based upon a bona  
30 fide occupational qualification, or in the case of a fraternal

1 corporation or association, unless based upon membership in such  
2 association or corporation, or except where based upon  
3 applicable security regulations established by the United States  
4 or the Commonwealth of Pennsylvania:

5 (a) For any employer because of the race, color, religious  
6 creed, ancestry, familial status, marital status, family  
7 caregiver status, age, sex, national origin or non-job related  
8 handicap or disability or the use of a guide or support animal  
9 because of the blindness, deafness or physical handicap of any  
10 individual or independent contractor, to refuse to hire or  
11 employ or contract with, or to bar or to discharge from  
12 employment such individual or independent contractor, or to  
13 otherwise discriminate against such individual or independent  
14 contractor with respect to compensation, hire, tenure, terms,  
15 conditions or privileges of employment or contract, if the  
16 individual or independent contractor is the best able and most  
17 competent to perform the services required. The provision of  
18 this paragraph shall not apply, to (1) operation of the terms or  
19 conditions of any bona fide retirement or pension plan which  
20 have the effect of a minimum service requirement, (2) operation  
21 of the terms or conditions of any bona fide group or employe  
22 insurance plan, (3) age limitations placed upon entry into bona  
23 fide apprenticeship programs of two years or more approved by  
24 the State Apprenticeship and Training Council of the Department  
25 of Labor and Industry, established by the act of July 14, 1961  
26 (P.L.604, No.304), known as "The Apprenticeship and Training  
27 Act." Notwithstanding any provision of this clause, it shall not  
28 be an unlawful employment practice for a religious corporation  
29 or association to hire or employ on the basis of sex in those  
30 certain instances where sex is a bona fide occupational

1 qualification because of the religious beliefs, practices, or  
2 observances of the corporation, or association.

3 (b) For any employer, employment agency or labor  
4 organization, prior to the employment, contracting with an  
5 independent contractor or admission to membership, to:

6 (1) Elicit any information or make or keep a record of or  
7 use any form of application or application blank containing  
8 questions or entries concerning the race, color, religious  
9 creed, ancestry, familial status, marital status, family  
10 caregiver status, age, sex, national origin, past handicap or  
11 disability or the use of a guide or support animal because of  
12 the blindness, deafness or physical handicap of any applicant  
13 for employment or membership. Prior to an offer of employment,  
14 an employer may not inquire as to whether an individual has a  
15 handicap or disability or as to the severity of such handicap or  
16 disability. Prior to an offer of employment, an employer may not  
17 inquire as to whether an individual intends to have a child. An  
18 employer may inquire as to the individual's ability to perform  
19 the essential functions of the employment.

20 (2) Print or publish or cause to be printed or published any  
21 notice or advertisement relating to employment or membership  
22 indicating any preference, limitation, specification or  
23 discrimination based upon race, color, religious creed,  
24 ancestry, age, sex, national origin, non-job related handicap or  
25 disability or the use of a guide or support animal because of  
26 the blindness, deafness or physical handicap of the user.

27 (3) Deny or limit, through a quota system, employment or  
28 membership because of race, color, religious creed, ancestry,  
29 familial status, marital status, family caregiver status, age,  
30 sex, national origin, non-job related handicap or disability,

1 the use of a guide or support animal because of the blindness,  
2 deafness or physical handicap of the user or place of birth.

3 (4) Substantially confine or limit recruitment or hiring of  
4 individuals, with intent to circumvent the spirit and purpose of  
5 this act, to any employment agency, employment service, labor  
6 organization, training school or training center or any other  
7 employe-referring source which services individuals who are  
8 predominantly of the same race, color, religious creed,  
9 ancestry, familial status, marital status, family caregiver  
10 status, age, sex, national origin or non-job related handicap or  
11 disability.

12 (5) Deny employment because of a prior handicap or  
13 disability.

14 Nothing in clause (b) of this section shall bar any  
15 institution or organization for handicapped or disabled persons  
16 from limiting or giving preference in employment or membership  
17 to handicapped or disabled persons.

18 (c) For any labor organization because of the race, color,  
19 religious creed, ancestry, familial status, marital status,  
20 family caregiver status, age, sex, national origin, non-job  
21 related handicap or disability or the use of a guide or support  
22 animal because of the blindness, deafness or physical handicap  
23 of any individual to deny full and equal membership rights to  
24 any individual or otherwise to discriminate against such  
25 individuals with respect to hire, tenure, terms, conditions or  
26 privileges of employment or any other matter, directly or  
27 indirectly, related to employment.

28 \* \* \*

29 (f) For any employment agency to fail or refuse to classify  
30 properly, refer for employment or otherwise to discriminate

1 against any individual because of his race, color, religious  
2 creed, ancestry, familial status, marital status, family  
3 caregiver status, age, sex, national origin, non-job related  
4 handicap or disability or the use of a guide or support animal  
5 because of the blindness, deafness or physical handicap of the  
6 user.

7 (g) For any individual seeking employment to publish or  
8 cause to be published any advertisement which in any manner  
9 expresses a limitation or preference as to the race, color,  
10 religious creed, ancestry, familial status, marital status,  
11 family caregiver status, age, sex, national origin, non-job  
12 related handicap or disability or the use of a guide or support  
13 animal because of the blindness, deafness or physical handicap  
14 of any prospective employer.

15 \* \* \*

16 Section 4. This act shall take effect in 60 days.