Introducing women's health and economic security by eliminating
discrimination and ensuring reasonable workplace
accommodations for workers whose ability to perform the
functions of a job are limited by pregnancy, childbirth or a
related medical condition.

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

Section 1. Short title.
This act shall be known and may be cited as the Pennsylvania
Pregnant Workers Fairness Act.

Section 2. Definitions.
The following words and phrases when used in this act shall
have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Covered entity." The Commonwealth, a political subdivision
or board, department or commission of the Commonwealth, a school
district and a person employing one or more persons within this
Commonwealth.

"Person." One or more individuals, partnerships,
associations, organizations, corporations, legal
representatives, trustees in bankruptcy or receivers. The term
includes, but is not limited to, any owner, lessor, assignor,
builder, manager, broker, salesman, agent, employee, independent
contractor, lending institution and the Commonwealth of
Pennsylvania; and all political subdivisions, authorities,
boards and commissions thereof.

"Reasonable accommodation." A modification to the work
environment to enable an employee to continue working despite
limitations due to pregnancy, childbirth or related medical
conditions that do not present an undue hardship on the
employer. A reasonable accommodation may include, but is not
limited to:

(1) Providing a chair, assistance with heavy lifting,
access to drinking water or uncompensated break time.

(2) Temporary job restructuring, part-time or modified
work schedules, reassignment to a vacant position,
acquisition or modification of equipment or devices,
appropriate adjustment or modifications of examinations and
other similar accommodations.

Section 3. Reasonable accommodations related to pregnancy,
childbirth or related medical conditions.

(a) General rule.--It shall be an unlawful employment
practice for a covered entity to:

(1) Refuse an employee's or prospective employee's
request for reasonable accommodations for limitations related
to pregnancy, childbirth or related medical conditions,
unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the covered entity's operations.

(2) Deny employment opportunities to an employee or prospective employee, if such denial is based on the employee or prospective employee's need for an accommodation related to pregnancy, childbirth or related medical conditions.

(3) Require an employee or prospective employee to accept an accommodation that changes the terms, privileges, or conditions of their employment, including, but not limited to, reductions in pay or hours or to changes in shifts or location, unless requested or agreed to by the employee or prospective employee.

(4) Require an employee to take leave under any policy of the covered entity or law if other reasonable accommodations can be provided to address the employee's limitations related to pregnancy, childbirth or related medical conditions that would enable the employee to continue working.

(b) Undue hardship.--The covered entity shall have the burden of proving undue hardship under subsection (a). The factors to be considered in determining whether a requested accommodation presents an undue hardship to the covered entity include, but are not limited to:

(1) The overall size and nature of the covered entity, its structure, the composition of its work force and the number and type of facilities.

(2) The extent, nature and cost of the requested reasonable accommodation.

(c) Nondiscrimination.--No person may discriminate or
retaliate against an individual because the individual has
opposed any act or practice made unlawful by this act or because
the individual made a charge, testified, assisted or
participated in any manner in an investigation, proceeding or
hearing under this act.

Section 4. Remedies and enforcement.
A person claiming discrimination in violation of section 3
may:

(1) if otherwise permitted by the laws or rules of this
Commonwealth, bring an action for preliminary injunctive
relief in an appropriate court. Any order or relief shall be
granted in accordance with Pa.R.C.P. No. 1531 (relating to
Special Relief. Injunctions.); or

(2) make, sign and file with the commission a verified
complaint in writing pursuant to the procedures set forth in
the act of October 27, 1955 (P.L.744, No.222), known as the
Pennsylvania Human Relations Act, with all appeals,
enforcement mechanisms, judicial review and remedies,
including damages and attorney fees, available under that
act.

Section 5. Notice.
The Commission shall create a written notice regarding
employees' rights under this act that employers shall display in
plain view in the workplace.

Section 6. Rulemaking.
Not later than two years after the effective date of this
act, the commission shall issue regulations in an accessible
format to effectuate the policies and provisions of this act.

Section 7. Effective date.
This act shall take effect in 60 days.