

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2541 Session of 2012

INTRODUCED BY M. SMITH, PARKER, THOMAS, BISHOP, K. BOYLE, BRENNAN, V. BROWN, BROWNLEE, CALTAGIRONE, CONKLIN, D. COSTA, P. COSTA, DALEY, DAVIS, DEASY, DeLUCA, DePASQUALE, DONATUCCI, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GOODMAN, HARKINS, HARPER, HORNAMAN, JAMES, JOSEPHS, KORTZ, KOTIK, MAHONEY, MANN, MATZIE, MUNDY, MURT, MYERS, M. O'BRIEN, PAYTON, QUINN, RAVENSTAHL, READSHAW, SANTARSIERO, STABACK, STEPHENS, TAYLOR, WATERS, WHITE, WILLIAMS, YOUNGBLOOD, B. BOYLE AND GEIST, JULY 2, 2012

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 2, 2012

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 definitions and for  
 12 unlawful discriminatory practices.

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

15 Section 1. Section 4 of the act of October 27, 1955  
 16 (P.L.744, No.222), known as the Pennsylvania Human Relations  
 17 Act, is amended by adding a clause to read:

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

1 \* \* \*

2 (bb) The term "pregnancy" means women affected by pregnancy,  
3 childbirth or related medical conditions.

4 Section 2. Section 5(a) of the act, amended December 20,  
5 1991 (P.L.414, No.51), is amended to read:

6 Section 5. Unlawful Discriminatory Practices.--It shall be  
7 an unlawful discriminatory practice, unless based upon a bona  
8 fide occupational qualification, or in the case of a fraternal  
9 corporation or association, unless based upon membership in such  
10 association or corporation, or except where based upon  
11 applicable security regulations established by the United States  
12 or the Commonwealth of Pennsylvania:

13 (a) For any employer because of the race, color, religious  
14 creed, ancestry, age, sex, national origin or non-job related  
15 handicap or disability or pregnancy or the use of a guide or  
16 support animal because of the blindness, deafness or physical  
17 handicap of any individual or independent contractor, to refuse  
18 to hire or employ or contract with, or to bar or to discharge  
19 from employment such individual or independent contractor, or to  
20 otherwise discriminate against such individual or independent  
21 contractor with respect to compensation, hire, tenure, terms,  
22 conditions or privileges of employment or contract, if the  
23 individual or independent contractor is the best able and most  
24 competent to perform the services required. The provision of  
25 this paragraph shall not apply, to (1) operation of the terms or  
26 conditions of any bona fide retirement or pension plan which  
27 have the effect of a minimum service requirement, (2) operation  
28 of the terms or conditions of any bona fide group or employe  
29 insurance plan, (3) age limitations placed upon entry into bona  
30 fide apprenticeship programs of two years or more approved by

1 the State Apprenticeship and Training Council of the Department  
2 of Labor and Industry, established by the act of July 14, 1961  
3 (P.L.604, No.304), known as "The Apprenticeship and Training  
4 Act." Notwithstanding any provision of this clause, it shall not  
5 be an unlawful employment practice for a religious corporation  
6 or association to hire or employ on the basis of sex in those  
7 certain instances where sex is a bona fide occupational  
8 qualification because of the religious beliefs, practices, or  
9 observances of the corporation, or association.

10 \* \* \*

11 Section 3. This act shall take effect in 60 days.