
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1895 Session of
2013

INTRODUCED BY M. DALEY, J. HARRIS, BISHOP, YOUNGBLOOD, MUNDY,
SCHLOSSBERG, BROWNLEE, MOLCHANY, THOMAS, DAVIS, O'BRIEN,
PARKER, PAINTER, HARPER, KIM, DERMODY, BRIGGS, SCHREIBER,
GAINNEY, DONATUCCI, FRANKEL, COHEN, DEAN AND SANTARSIERO,
DECEMBER 12, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 12, 2013

AN ACT

1 Providing for the Workplace Accommodations for Nursing Mothers
2 Act.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Workplace
7 Accommodations for Nursing Mothers Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Labor and Industry of the
13 Commonwealth.

14 "Employer." A person, firm, association, partnership,
15 corporation, organization, institution or public employer,
16 including the Commonwealth and a political subdivision of the

1 Commonwealth, employment agencies or labor organizations that
2 have one or more employees.

3 "Employment agency." A person regularly undertaking, with or
4 without compensation, to procure opportunities to work or to
5 procure, recruit, or place employees.

6 "Labor organization." An organization that exists for the
7 purpose, in whole or part, of collective bargaining or of
8 dealing with employers concerning grievances, terms or
9 conditions of employment or of other mutual aid or protection in
10 relation to employment.

11 "Undue hardship." Any action that requires significant
12 difficulty or expense when considered in relation to factors
13 such as the size of the employer, the financial resources of the
14 employer or the nature and structure of its operation.

15 Section 3. Right of nursing mothers to express breast milk and
16 breastfeed in workplace.

17 (a) Breaktime.--An employer shall provide unpaid breaktime
18 or permit an employee to use paid breaktime, mealtime or both,
19 to allow the employee to express breast milk for her nursing
20 child.

21 (b) Room.--The employer shall provide a room or other
22 private location in close proximity to the work area, other than
23 a bathroom, where an employee can express breast milk so long as
24 these requirements do not impose an undue hardship on an
25 employer with fewer than 50 employees.

26 (c) No retaliation.--An employer may not:

27 (i) Refuse to hire, employ, bar, discharge from
28 employment, withhold pay from, demote or penalize a
29 lactating employee because an employee breastfeeds or
30 expresses milk on the employer's premises.

1 (ii) Retaliate against an employee who has made a
2 charge, filed a complaint or instituted or caused to be
3 instituted a proceeding under or related to this act,
4 including an investigation conducted by the employer.

5 (iii) Retaliate against an employee who has
6 testified, is planning to testify or has assisted or
7 participated in any manner in an investigation,
8 proceeding, hearing or action under or related to this
9 act.

10 Section 4. Violations.

11 (a) Complaints.--An individual claiming to be aggrieved by a
12 violation of section 3 may file a complaint with the department
13 within 90 days after the alleged violation.

14 (b) Preliminary relief.--An individual may file an action
15 seeking preliminary injunctive relief in a court of common pleas
16 of competent jurisdiction if immediate relief is needed.

17 (c) Form.--The department shall develop and post on its
18 Internet website a form for individuals to use in filing a
19 complaint with the department with respect to a violation under
20 section 3.

21 (d) Notice.--Within 30 days of receipt of a complaint, the
22 department shall provide the employer, employment agency or
23 labor organization with a copy of the complaint.

24 (e) Response.--An employer shall have 30 days from receipt
25 of the complaint to respond in writing to the department
26 regarding the complaint.

27 (f) Determination by department.--Within 90 days of receipt
28 of a complaint, the department shall notify the complainant and
29 employer of a determination as to whether a violation has
30 occurred and whether a civil penalty shall be assessed by the

1 department.

2 (g) Relief.--Upon a determination by the department that a
3 violation has occurred, the department shall enjoin the employer
4 from violating this act and order the employer to pay
5 compensatory damages to the complainant. The department may also
6 assess a civil penalty not to exceed \$300 for a first violation
7 and \$1,000 for each subsequent violation of section 3.

8 (h) Appeal.--A party that is dissatisfied with the
9 determination of the department may file an appeal with the
10 Commonwealth Court within 30 days of receiving notice of the
11 determination.

12 (i) Additional remedies preserved.--Nothing in this act
13 shall be construed to impair existing statutory or common law
14 rights, powers or duties or bar the relief otherwise available
15 under the law to the complainant.

16 Section 5. Notification.

17 (a) Notification to employees.--

18 (1) Every employer subject to this act shall post and
19 keep posted a notice in accordance with the following:

20 (i) The notice shall be prepared or approved by
21 the department.

22 (ii) The notice shall be posted in conspicuous
23 places on the premises of the employer where notices to
24 employees are customarily posted.

25 (iii) The notice shall summarize the requirements of
26 this act and include information pertaining to the
27 procedures and remedies to enforce this act.

28 (2) The department shall furnish copies of summaries and
29 rules to employers upon request without charge and shall
30 publish these documents on the department's official Internet

1 website.

2 (b) Information for the public.--The department and the
3 Department of Health of the Commonwealth shall make available to
4 the general public on the departments' Internet websites
5 information and links to other websites where the public can
6 access information concerning breastfeeding and expressing
7 breast milk, including information relating to expressing breast
8 milk in the workplace.

9 (c) Information for employers.--On its Internet website, the
10 department shall provide information and links to other Internet
11 websites where employers can access information regarding
12 methods to accommodate nursing mothers in the workplace. The
13 department shall consult with appropriate organizations or
14 associations to determine the appropriate information and
15 Internet website links to provide employers with the most
16 accurate and useful information available.

17 Section 6. Effective date.

18 This act shall take effect in 60 days.