

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of 2013

INTRODUCED BY SMITH, TEPLITZ, BREWSTER, FONTANA, FERLO,
WASHINGTON, RAFFERTY, MENSCH, COSTA, GREENLEAF, TARTAGLIONE,
WILLIAMS, FARNESE, SOLOBAY, HUGHES AND BROWNE, MAY 31, 2013

REFERRED TO STATE GOVERNMENT, MAY 31, 2013

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:

20 * * *

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

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

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

(a) For any employer because of the race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability or pregnancy or the use of a guide or support animal because of the blindness, deafness or physical handicap of any individual or independent contractor, to refuse to hire or employ or contract with, or to bar or to discharge from employment such individual or independent contractor, or to otherwise discriminate against such individual or independent contractor with respect to compensation, hire, tenure, terms, conditions or privileges of employment or contract, if the individual or independent contractor is the best able and most competent to perform the services required. The provision of this paragraph shall not apply, to (1) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement, (2) operation of the terms or conditions of any bona fide group or employee insurance plan, (3) age limitations placed upon entry into bona fide apprenticeship programs of two years or more approved by the State Apprenticeship and Training Council of the Department of Labor and Industry, established by the act of July 14, 1961 (P.L.604, No.304), known as "The Apprenticeship and Training

1 Act." Notwithstanding any provision of this clause, it shall not
2 be an unlawful employment practice for a religious corporation
3 or association to hire or employ on the basis of sex in those
4 certain instances where sex is a bona fide occupational
5 qualification because of the religious beliefs, practices, or
6 observances of the corporation, or association.

7 * * *

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