

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 41 Session of 2015

INTRODUCED BY SMITH, BLAKE, WOZNIAK, TEPLITZ, BREWSTER, FONTANA,
 BOSCOLA, HUGHES, COSTA, FARNESE AND RAFFERTY,
 JANUARY 27, 2015

REFERRED TO LABOR AND INDUSTRY, JANUARY 27, 2015

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 expanding
 12 protection from unlawful discriminatory practices to
 13 pregnancy.

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

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

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

21 * * *

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

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

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

10 (a) For any employer because of the race, color, religious
11 creed, ancestry, age, sex, national origin or non-job related
12 handicap or disability or pregnancy or the use of a guide or
13 support animal because of the blindness, deafness or physical
14 handicap of any individual or independent contractor, to refuse
15 to hire or employ or contract with, or to bar or to discharge
16 from employment such individual or independent contractor, or to
17 otherwise discriminate against such individual or independent
18 contractor with respect to compensation, hire, tenure, terms,
19 conditions or privileges of employment or contract, if the
20 individual or independent contractor is the best able and most
21 competent to perform the services required. The provision of
22 this paragraph shall not apply, to (1) operation of the terms or
23 conditions of any bona fide retirement or pension plan which
24 have the effect of a minimum service requirement, (2) operation
25 of the terms or conditions of any bona fide group or employe
26 insurance plan, (3) age limitations placed upon entry into bona
27 fide apprenticeship programs of two years or more approved by
28 the State Apprenticeship and Training Council of the Department
29 of Labor and Industry, established by the act of July 14, 1961
30 (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.