
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 755 Session of
2019

INTRODUCED BY TOEPEL, McCLINTON, DELOZIER, CEPHAS, BOBACK,
SCHLEGEL CULVER, DALEY, A. DAVIS, T. DAVIS, DAWKINS, DEASY,
DONATUCCI, FRANKEL, FREEMAN, GABLER, HANBIDGE, HILL-EVANS,
HOWARD, ISAACSON, KINSEY, KLUNK, KORTZ, KULIK, MASSER,
McNEILL, MEHAFFIE, MILLARD, MULLINS, MURT, NEILSON,
OBERLANDER, OTTEN, QUINN, RABB, READSHAW, REESE, ROTHMAN,
RYAN, SCHLOSSBERG, SCHWEYER, STEPHENS, THOMAS, TOOIL,
WARREN, YOUNGBLOOD AND ZABEL, MARCH 8, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 8, 2019

AN ACT

1 Providing for workplace sexual harassment policies, for
2 prevention measures by employers and for duties of the
3 Pennsylvania Human Relations Commission.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Sexual
8 Harassment Employee Protection Act.

9 Section 2. Definitions.

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

13 "Commission." The Pennsylvania Human Relations Commission.

14 "Employee." An individual employed by an employer.

15 "Employer." An individual, partnership, association,

1 corporation, business trust, the Commonwealth, an agency,
2 authority or instrumentality of the Commonwealth, a political
3 subdivision, an agency, authority or instrumentality of a
4 political subdivision, or a person or group of persons acting,
5 directly or indirectly, in the interest of an employer in
6 relation to an employee.

7 "Hotline." A toll-free telephone number with voicemail
8 capabilities.

9 "Sexual harassment." Unwelcome sexual advances, requests for
10 sexual favors and other verbal or physical conduct of a sexual
11 nature when:

12 (1) submission to the conduct is made either explicitly
13 or implicitly a term or condition of an individual's
14 employment;

15 (2) submission to or rejection of the conduct by an
16 individual is used as the basis for employment decisions
17 affecting the individual; or

18 (3) the conduct has the purpose or effect of
19 unreasonably interfering with an individual's work
20 performance or creating an intimidating, hostile or offensive
21 working environment.

22 Section 3. Sample sexual harassment policy.

23 The commission shall develop and make accessible on the
24 commission's publicly accessible Internet website a sample
25 sexual harassment policy. The sample sexual harassment policy
26 shall be adaptable to any size or type of employer. At a
27 minimum, the sample sexual harassment policy shall contain all
28 of the following:

29 (1) A statement that sexual harassment will not be
30 tolerated.

1 (2) A description of behavior defined as sexual
2 harassment, including examples.

3 (3) A complaint or grievance process that includes
4 taking immediate and appropriate action when a complaint of
5 sexual harassment involving an employee under the employer's
6 management is received. The complaint process shall detail
7 who may make a complaint and to whom a complaint may be made
8 and shall provide for at least one alternative designee to
9 receive complaints.

10 (4) A statement that any action taken on a complaint
11 will be documented by the employer.

12 (5) A prohibition against retaliation against any
13 individual for filing a complaint or testifying or
14 participating in any way in an investigation or other
15 proceeding involving a complaint of sexual harassment.

16 (6) A statement apprising employees of applicable
17 Federal and State law on sexual harassment.

18 Section 4. Training information.

19 The commission shall develop and make available on its
20 publicly accessible Internet website training information for
21 employers related to the prevention of and response to workplace
22 sexual harassment. At a minimum, the training information shall
23 include:

24 (1) Printable booklets and brochures.

25 (2) Educational videos.

26 (3) Internet-based interactive training exercises.

27 Section 5. Sexual harassment hotline.

28 (a) Hotline.--The commission shall, no later than six months
29 after the effective date of this section, establish and maintain
30 a sexual harassment hotline.

1 (b) Purpose.--The hotline shall, at a minimum, provide the
2 following:

3 (1) Information about the availability of and means to
4 access the sample sexual harassment policy developed under
5 section 3.

6 (2) Information about availability of and means to
7 access the training information developed under section 4.

8 (3) Information about counseling services available to
9 victims of sexual harassment.

10 (4) Information about legal services available to
11 victims of sexual harassment.

12 (5) An option for employees covered by the act of
13 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
14 Human Relations Act, to file a complaint of sexual harassment
15 with the commission.

16 (c) Limitations on specific recommendations.--The commission
17 may recommend that any employer or employee opting to utilize
18 the hotline may seek private counsel or counseling services, but
19 may not recommend a specific attorney, law firm or counseling
20 service.

21 Section 6. Effective date.

22 This act shall take effect in 60 days.