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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1417 Session of  
2019

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INTRODUCED BY DELOZIER, CALTAGIRONE, CIRESI, DAVIDSON,  
DONATUCCI, FREEMAN, HELM, HILL-EVANS, ISAACSON, KINSEY,  
MATZIE, McCLINTON, MURT, SCHLOSSBERG, STEPHENS, WARREN AND  
ZABEL, MAY 6, 2019

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 6, 2019

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AN ACT

1 Promoting women's health and economic security by eliminating  
2 discrimination and ensuring reasonable workplace  
3 accommodations for workers whose ability to perform the  
4 functions of a job are limited by pregnancy, childbirth or a  
5 related medical condition.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pregnant  
10 Workers Fairness Act.

11 Section 2. Definitions.

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

15 "Commission." The Pennsylvania Human Relations Commission.

16 "Covered entity." The Commonwealth, a political subdivision  
17 or board, department or commission of the Commonwealth, a school  
18 district and a person employing one or more persons within this

1 Commonwealth.

2 "Person." One or more individuals, partnerships,  
3 associations, organizations, corporations, legal  
4 representatives, trustees in bankruptcy or receivers. The term  
5 includes, but is not limited to, any owner, lessor, assignor,  
6 builder, manager, broker, salesman, agent, employee, independent  
7 contractor, lending institution and the Commonwealth of  
8 Pennsylvania and all political subdivisions, authorities, boards  
9 and commissions thereof.

10 "Reasonable accommodation." A modification to the work  
11 environment to enable an employee to continue working despite  
12 limitations due to pregnancy, childbirth or related medical  
13 conditions that do not present an undue hardship on the  
14 employer. A reasonable accommodation may include, but is not  
15 limited to:

16 (1) Providing a chair, assistance with heavy lifting,  
17 access to drinking water or uncompensated break time.

18 (2) Temporary job restructuring, part-time or modified  
19 work schedules, reassignment to a vacant position,  
20 acquisition or modification of equipment or devices,  
21 appropriate adjustment or modifications of examinations and  
22 other similar accommodations.

23 Section 3. Reasonable accommodations related to pregnancy,  
24 childbirth or related medical conditions.

25 (a) General rule.--It shall be an unlawful employment  
26 practice for a covered entity to:

27 (1) Refuse an employee's or prospective employee's  
28 request for reasonable accommodations for limitations related  
29 to pregnancy, childbirth or related medical conditions,  
30 unless the covered entity can demonstrate that the

1 accommodation would impose an undue hardship on the covered  
2 entity's operations.

3 (2) Deny employment opportunities to an employee or  
4 prospective employee if the denial is based on the employee's  
5 or prospective employee's need for an accommodation related  
6 to pregnancy, childbirth or related medical conditions.

7 (3) Require an employee or prospective employee to  
8 accept an accommodation that changes the terms, privileges or  
9 conditions of their employment, including, but not limited  
10 to, reductions in pay or hours or changes in shifts or  
11 location, unless requested or agreed to by the employee or  
12 prospective employee.

13 (4) Require an employee to take leave under any policy  
14 of the covered entity or law if other reasonable  
15 accommodations can be provided to address the employee's  
16 limitations related to pregnancy, childbirth or related  
17 medical conditions that would enable the employee to continue  
18 working.

19 (b) Undue hardship.--The covered entity shall have the  
20 burden of proving undue hardship under subsection (a). The  
21 factors to be considered in determining whether a requested  
22 accommodation presents an undue hardship to the covered entity  
23 include, but are not limited to:

24 (1) The overall size and nature of the covered entity,  
25 its structure, the composition of its work force and the  
26 number and type of facilities.

27 (2) The extent, nature and cost of the requested  
28 reasonable accommodation.

29 (c) Nondiscrimination.--No person may discriminate or  
30 retaliate against an individual because the individual has

1 opposed any act or practice made unlawful by this act or because  
2 the individual made a charge, testified, assisted or  
3 participated in any manner in an investigation, proceeding or  
4 hearing under this act.

5 Section 4. Remedies and enforcement.

6 A person claiming discrimination in violation of section 3  
7 may take either of the following actions:

8 (1) If otherwise permitted by the laws or rules of this  
9 Commonwealth, bring an action for preliminary injunctive  
10 relief in an appropriate court. Any order or relief shall be  
11 granted in accordance with Pa.R.C.P. No. 1531 (relating to  
12 Special Relief. Injunctions.).

13 (2) Make, sign and file with the commission a verified  
14 complaint in writing pursuant to the procedures specified in  
15 the act of October 27, 1955 (P.L.744, No.222), known as the  
16 Pennsylvania Human Relations Act, with all appeals,  
17 enforcement mechanisms, judicial review and remedies,  
18 including damages and attorney fees, available under that  
19 act.

20 Section 5. Notice.

21 The commission shall develop and publish a written notice  
22 regarding employees' rights under this act. Employers shall  
23 display the notice in plain view in the workplace.

24 Section 6. Rulemaking.

25 Not later than two years after the effective date of this  
26 section, the commission shall issue regulations in an accessible  
27 format to effectuate the policies and provisions of this act.

28 Section 7. Effective date.

29 This act shall take effect in 60 days.