
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 498 Session of
2019

INTRODUCED BY FONTANA, FARNESE, LEACH, MUTH, SANTARSIERO,
HAYWOOD, BLAKE, BREWSTER, SCHWANK, COSTA AND HUGHES,
APRIL 3, 2019

REFERRED TO LABOR AND INDUSTRY, APRIL 3, 2019

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for powers and duties of the Pennsylvania
12 Human Relations Commission and providing for employer
13 training.

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

16 Section 1. Section 7(f) and (l) of the act of October 27,
17 1955 (P.L.744, No.222), known as the Pennsylvania Human
18 Relations Act, are amended to read:

19 Section 7. Powers and Duties of the Commission.--The
20 Commission shall have the following powers and duties:

21 * * *

22 (f) To initiate, receive, investigate and pass upon
23 complaints charging unlawful discriminatory practices and

1 violations of section 7.1.

2 * * *

3 (1) To prepare and distribute fair practices notices. The
4 employment fair practices notice shall include, at a minimum,
5 the following information:

6 (1) A description of discrimination, harassment and
7 retaliation as unlawful acts under Federal and State law.

8 (2) A description of sexual harassment as a form of unlawful
9 discrimination under Federal and State law.

10 (3) Examples of different acts and behavior constituting
11 unlawful discrimination, harassment and retaliation.

12 (4) Examples of different acts and behavior constituting
13 sexual harassment.

14 (5) The procedure available to file a complaint with the
15 Commission and the contact information for the Commission.

16 (6) Any other information the Commission deems pertinent.

17 * * *

18 Section 2. The act is amended by adding a section to read:

19 Section 7.1. Employer Training.--(a) An employer shall
20 provide interactive training regarding discrimination,
21 harassment and retaliation to all current employes of the
22 employer within sixty days of the effective date of this section
23 and every two years thereafter. An employer shall provide
24 interactive training to all new employes hired after the
25 effective date of this section within thirty days following the
26 commencement of work by the employe and on the two-year training
27 schedule for all employes thereafter. The interactive training
28 shall include, at a minimum, the following:

29 (1) An explanation of discrimination, harassment and
30 retaliation as unlawful acts under Federal and State law.

1 (2) An explanation of sexual harassment as a form of
2 unlawful discrimination under Federal and State law.

3 (3) Examples of different acts and behavior that could be
4 considered unlawful discrimination, harassment and retaliation.

5 (4) Examples of different acts and behavior that could be
6 considered sexual harassment.

7 (5) Bystander intervention and other strategies that are
8 found to be effective in the prevention of harassment.

9 (6) The effects of discrimination and harassment on victims
10 and the workplace.

11 (7) The consequences of being found to be in violation of
12 Federal or State law prohibiting discrimination, harassment and
13 retaliation.

14 (8) An explanation and examples of implicit bias and the
15 effects of implicit bias on the workplace.

16 (9) A description of the employer's internal complaint
17 policies and procedures available to employees to report and
18 address discrimination, harassment and retaliation claims.

19 (10) The process available to file a complaint with the
20 Commission and the United States Equal Employment Opportunity
21 Commission, along with contact information.

22 (b) Employers shall provide additional interactive training
23 relating to discrimination, harassment and retaliation to all
24 current supervisors employed by the employer within sixty days
25 of the effective date of this section and every two years
26 thereafter. An employer shall provide interactive training to
27 all new supervisors hired or promoted after the effective date
28 of this section within thirty days of the commencement of a
29 supervisory position. The training shall include, at a minimum,
30 the following:

1 (1) The specific responsibilities of supervisors in the
2 identification and prevention of discrimination, harassment and
3 retaliation.

4 (2) A description of the employer's internal complaint
5 policies and procedures available to employes to report and
6 address discrimination, harassment and retaliation claims.

7 (3) Measures that supervisors should take to appropriately
8 address complaints of discrimination, harassment and
9 retaliation.

10 (4) The consequences of failing to address complaints of
11 discrimination, harassment and retaliation.

12 (c) Employers shall keep a record of all interactive
13 trainings provided by the employer as required under clauses (a)
14 and (b), including the following:

15 (1) The title and content of the interactive training.

16 (2) The date, time and duration of the interactive training.

17 (3) A certification documenting the completion of training
18 by each employe and supervisor of the employer.

19 Employers shall maintain the training records for at least three
20 years and the records shall be made available for inspection by
21 the Commission upon request.

22 (d) The Commission shall develop online interactive training
23 modules that may be used by employers to satisfy the
24 requirements of clauses (a) and (b). The modules shall be made
25 available at no cost on the Commission's publicly accessible
26 Internet website. The modules shall allow for the electronic
27 provision of a certification documenting that an employe or
28 supervisor completed training through the Commission's modules.
29 If an employer uses the Commission's interactive training
30 modules to satisfy the requirements of clauses (a) and (b), the

1 employer shall supplement such training by providing a
2 description of the employer's internal complaint policies and
3 procedures available to employes to report and address
4 discrimination, harassment and retaliation claims.

5 (e) The interactive training required by this section is
6 intended to establish a minimum threshold. An employer may offer
7 more frequent and additional training.

8 (f) A person claiming a violation of this section may make a
9 complaint with the Commission, which shall state the name and
10 address of the employer alleged to have violated this section.
11 If, after investigation by the Commission, the Commission
12 determines that the employer violated this section, the
13 Commission shall endeavor to cause compliance with this section
14 and may issue a citation and impose a fine as provided in
15 subsection (g).

16 (g) The Commission has the power to issue citations and
17 impose fines on an employer for a violation of this section as
18 follows:

19 (1) A fine of not less than five hundred dollars (\$500) and
20 not more than one thousand dollars (\$1,000) for the first
21 violation.

22 (2) A fine of not less than one thousand dollars (\$1,000)
23 and not more than five thousand dollars (\$5,000) for the second
24 or each subsequent violation.

25 (3) The Commission may waive the fine for a first-time
26 violation of this section if the employer proves to the
27 satisfaction of the Commission, within sixty days of the
28 issuance of the citation, that the violation has been cured.

29 (h) The Human Relations Training Fund is established within
30 the State Treasury. A fine imposed and collected by the

1 Commission under subsection (g) shall be deposited in the fund.
2 The money in the fund shall be used by the Commission for
3 training, education and outreach.

4 (i) As used in this section, the following words and phrases
5 shall have the meanings given to them in this subsection unless
6 the context clearly indicates otherwise:

7 (1) The term "interactive training" means participatory
8 instruction, whether in person or Internet-based, provided to an
9 employee in a manner that allows the employee to interact with the
10 instructor through the use of traditional learning techniques or
11 computer-based learning or a combination of both.

12 (2) The term "supervisor" means either:

13 (i) an individual authorized to undertake or recommend
14 tangible employment decisions affecting the employee, including
15 hiring, firing, promoting, demoting and reassigning the employee;
16 or

17 (ii) an individual authorized to direct the employee's daily
18 work activities.

19 Section 3. This act shall take effect in 90 days.