
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 587 Session of
2019

INTRODUCED BY J. WARD, PHILLIPS-HILL, FOLMER, SCHWANK, COSTA,
TARTAGLIONE, BAKER AND MENSCH, APRIL 25, 2019

REFERRED TO LABOR AND INDUSTRY, APRIL 25, 2019

AN ACT

1 Repealing the act of July 25, 1913 (P.L.1024, No.466), entitled
2 "An act to protect the public health and welfare, by
3 regulating the employment of females in certain
4 establishments, with respect to their hours of labor and the
5 conditions of their employment; by establishing certain
6 sanitary regulations in the establishments in which they
7 work; by requiring certain abstracts and notices to be
8 posted; by providing for the enforcement of this act by the
9 Commissioner of Labor and Industry and others; by prescribing
10 penalties for violations thereof; by defining the procedure
11 in prosecutions; and by repealing all acts and parts of acts
12 inconsistent with the provisions thereof."

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

15 Section 1. The act of July 25, 1913 (P.L.1024, No.466),
16 referred to as the Female Labor Law, is repealed:

17 [AN ACT

18 To protect the public health and welfare, by regulating the
19 employment of females in certain establishments, with respect
20 to their hours of labor and the conditions of their
21 employment; by establishing certain sanitary regulations in
22 the establishments in which they work; by requiring certain
23 abstracts and notices to be posted; by providing for the

1 enforcement of this act by the Commissioner of Labor and
2 Industry and others; by prescribing penalties for violations
3 thereof; by defining the procedure in prosecutions; and by
4 repealing all acts and parts of acts inconsistent with the
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10 Section 1. Definitions: Establishment, Person, Week, Day.--
11 Be it enacted, &c., That the term "establishment," when used in
12 this act, shall mean any place within this Commonwealth where
13 work is done for compensation of any sort, to whomever payable.

14 The term "person," when used in this act, shall be construed
15 to include any individual, partnership, or other unincorporated
16 association, corporation, Commonwealth, and any political
17 subdivision thereof.

18 The term "week," when used in this act, shall mean seven
19 consecutive days which may begin on any day of a week, and the
20 term "day" shall mean twenty-four consecutive hours which may
21 begin at any hour of a day.

22 Section 2. Inclusion of Plural and all Genders.--Whenever in
23 this act the singular is used the plural shall be included, and
24 whenever the masculine gender is used the feminine and neuter
25 shall be included.

26 Section 3. Hours of Labor.--(a) Except as hereinafter
27 provided, no female eighteen (18) years of age or older shall be
28 employed or permitted to work in, or in connection with, any
29 establishment for more than six (6) days in any one week or more
30 than forty-eight (48) hours in any one week, or more than ten

1 (10) hours in any one day.

2 Where the strict application of the schedule of hours,
3 provided for by this section, imposes an unnecessary hardship
4 and violates the intent and purpose of this act, the Secretary
5 of Labor and Industry, with the approval of the Industrial
6 Board, may make, alter, amend, and repeal general rules and
7 regulations prescribing variations from said schedule of hours:
8 Provided, That if it should be held hereafter by the courts of
9 this Commonwealth that the power herein sought to be granted to
10 the Secretary of Labor and Industry is, for any reason, invalid,
11 such holding shall not be taken in any case to affect or impair
12 the remaining provisions of this section.

13 (b) Nothing in this section or in any other provisions of
14 this act shall apply to the employment of females in
15 agricultural field occupations, or in domestic service in the
16 home of the employer, nor shall any provisions of this act which
17 relates to the regulation of hours of employment apply to the
18 work of registered nurses in hospitals, or to the work of
19 females over eighteen years of age who are employed in a bona
20 fide executive, administrative or professional capacity, as
21 confidential secretaries, or as outside salesmen as such terms
22 are defined and delimited from time to time by regulations
23 issued by the Secretary of Labor and Industry with the approval
24 of the Industrial Board.

25 (c) It shall be unlawful for any female to be employed, or
26 permitted to work, in any occupation dangerous to life or limb,
27 or injurious to the health or morals, as such occupation shall,
28 from time to time, be determined and declared by the Industrial
29 Board. Before any occupation is prohibited the board must give
30 notice of its intention and hold a public hearing.

1 Section 4. Night-Work; Prohibition In Manufacturing

2 Establishments.--Females over eighteen (18) years of age may be
3 employed in manufacturing establishments during any hours, night
4 or day, so long as there is compliance with the provisions of
5 this act. The employment of females on second (evening) and
6 third (night) shifts, however, is subject to prior approval by
7 the Secretary of Labor and Industry in accordance with
8 regulations issued by the secretary with the approval of the
9 Industrial Board.

10 Section 5. Night-Work; Prohibition, Females under

11 Eighteen.--No female under eighteen (18) years of age shall be
12 employed or permitted to work in, or in connection with, any
13 establishment before the hour of six o'clock in the morning or
14 after the hour of nine o'clock in the evening of any day, except
15 that students sixteen (16) years of age and over whose
16 employment is part of a recognized school work program,
17 supervised by a recognized school authority may be employed
18 until ten o'clock P.M.

19 Section 7. Intervals Between Work Periods.--No female shall

20 be employed or permitted to work for more than five hours
21 continuously in, or in connection with, any establishment,
22 without a meal or rest period of at least thirty minutes, which
23 period shall not be considered a part of the hours of labor, and
24 no period of less than thirty minutes shall be deemed to
25 interrupt a continuous period of work.

26 Employes shall not be required to remain in the workrooms or
27 at their work stations during the meal or rest periods required
28 by this section: Provided, however, That where the strict
29 application of the thirty minutes' meal or rest period imposes
30 an unnecessary hardship on employers and employes or a

1 limitation on the job opportunities of female employes, the
2 Secretary of Labor and Industry, may grant upon written
3 application of an employer an exception from the strict
4 observance of this requirement.

5 Section 8. Seats.--Every person employing or permitting
6 females to work in any establishment shall provide suitable
7 seats for their use conveniently assessable while they are
8 working, and shall maintain and keep them there, and shall
9 permit the reasonable use thereof by such females. At least one
10 seat shall be provided for every five females employed or
11 permitted to work.

12 Section 9. Wash and Dressing-Rooms; Water-Closets.--In every
13 establishment where females are employed, toilets, wash-rooms
14 and retiring rooms shall be provided in accordance with the
15 General Safety Law, act No.174, May 18, 1937 (P.L.654), as
16 amended and Regulations for Industrial Sanitation promulgated by
17 the Industrial Board of the Department of Labor and Industry.

18 Section 10. Lunch Rooms in Certain Establishments.--Any
19 person employing or permitting any female to work in any
20 establishment where white lead, arsenic or other poisonous
21 substances, or injurious fumes, dust or gases, shall be present,
22 shall provide and maintain a suitable room, free from the
23 aforesaid substances, fumes, dust and gases, for the use of said
24 female employees; and no such person shall, during the time
25 allowed for meals, permit any such female to remain in any room
26 where the aforesaid substances, fumes, dust, and gases shall be
27 present.

28 Section 11. Exhaust-Fans in Certain Establishments.--Any
29 person who shall employ or permit any female to work in any
30 establishment in which poisonous or injurious dust, fumes, or

1 gases are generated, shall provide and maintain proper hoods and
2 pipes connected with exhaust-fans, ventilation or purification
3 systems of sufficient capacity to remove such dust, fumes, or
4 gases at their point of origin, and prevent them from mingling
5 with the air in the room, and such exhaust fans, ventilation or
6 purification systems shall be installed, operated and maintained
7 in accordance with regulations issued by the Industrial Board of
8 the Department of Labor and Industry under the General Safety
9 Law, act No.174, May 18, 1937 (P.L.654), as amended.

10 Section 12. Drinking-Water.--In every establishment where
11 females are employed, cool, pure, wholesome drinking water shall
12 be supplied to such employes in accordance with the rule on
13 drinking water contained in the Regulations for Industrial
14 Sanitation issued by the Industrial Board of the Department of
15 Labor and Industry under the General Safety Law, act No.174, May
16 18, 1937 (P.L.654), as amended.

17 Section 12.1. In addition to any specific rules or
18 regulations affecting the employment of women which are
19 promulgated under this law, all persons who employ female
20 employes shall comply with those general regulations of the
21 Industrial Board of the Department of Labor and Industry under
22 the General Safety Law, act No.174, May 18, 1937 (P.L.654), as
23 amended, which are not superseded by specific rules and
24 regulations issued under this law. The responsibility for
25 complying with all regulations rests upon both the employer and
26 employes.

27 Section 13. Enforcement: Posting Abstract of This Act and
28 Schedule of Hours of Labor; Preparation and Distribution of
29 Abstracts and Forms of Schedule.--(a) Every person employing or
30 permitting any female to work in any establishment, shall keep

1 posted, in a conspicuous place, where such female employe may
2 read, a printed abstract of the provisions of this act:
3 Provided, that when any female shall be employed or permitted to
4 work in connection with any establishment, but not in such
5 establishment, the aforesaid abstract shall be kept posted in a
6 conspicuous place in the office of such establishment. The
7 Department of Labor and Industry shall prepare the abstract of
8 the provisions of this act. Copies of such abstract shall be
9 printed, in accordance with the laws of this Commonwealth
10 regulating printing and publishing, and the Department of Labor
11 and Industry shall supply the same, upon application, to all
12 persons required to post the abstract.

13 (b) Every person employing or permitting any female to work
14 in any establishment shall maintain a true and accurate record
15 of the hours worked by each such female. Such record shall
16 contain the name of the female employe, the hours of commencing
17 and stopping work, the hours when the time allowed for meal or
18 rest periods shall begin and end for each day of the week, and
19 the total daily hours and total weekly hours for each such
20 female employe.

21 Where records are maintained at a central record-keeping
22 office, other than in the place of employment such records shall
23 be made available for inspection at the place of employment
24 within seven calendar days following verbal or written notice
25 from the Secretary of Labor and Industry or his authorized
26 representative. Such records shall be maintained for a period of
27 three years.

28 The use of micro-film for record-keeping purposes is
29 permitted: Provided, however, That employers who use such micro-
30 film shall make available to authorized representatives of the

1 Department of Labor and Industry the equipment which is
2 necessary to facilitate review of the records.

3 Section 14. Enforcement: Proof of Age of Certain Females.--
4 Whenever any female shall be employed or permitted to work in,
5 or in connection with, any establishment, before the hour of six
6 o'clock in the morning or after the hour of nine o'clock in the
7 evening of any day, who, in the judgment of the Secretary of
8 Labor and Industry or his authorized representative, is under
9 eighteen (18) years of age, such representative of the
10 department may demand from any person employing or permitting
11 any such female to work in, or in connection with, his
12 establishment, that such person shall either furnish to such
13 representative of the department within ten days satisfactory
14 evidence, such as shall be required by law for the issuing of
15 employment certificates to minors that such female is, in fact,
16 eighteen (18) years of age or over, or shall cease to employ or
17 permit such female to work in, or in connection with, such
18 establishment, before or after the hours above named.

19 In case such employer shall fail to furnish to said
20 representative of the department, within ten days after making
21 such written demand, the required evidence of age, and shall
22 thereafter continue to employ such female, or permit her to work
23 in, or in connection with, such establishment, before or after
24 the hours aforesaid, proof of the making of such demand and of
25 failure to produce the evidence required shall be prima facie
26 evidence of the illegal employment of such female, in any
27 prosecution brought therefor.

28 Section 15. Enforcement: Hindering or Delaying Commissioner
29 of Labor and Industry or His Deputies.--No person shall hinder
30 or delay the Secretary of Labor and Industry or any of his

1 authorized representatives in the performance of their duties in
2 the enforcement of this act, or refuse to admit, or to lock out,
3 any representative from any place while females are employed
4 therein, and which said representative shall be authorized to
5 inspect, or refuse to give any representative information
6 required for the proper enforcement of this act.

7 Section 16. Enforcement: By the Commissioner of Labor and
8 Industry and His Deputies.--It shall be the duty of the
9 Secretary of Labor and Industry and his authorized
10 representatives to enforce all the provisions of this act. They
11 shall visit and inspect establishments, and shall have power at
12 any reasonable time to visit and inspect any establishment in or
13 in connection with which any female shall be employed or
14 permitted to work. They shall investigate all complaints of
15 violations of this act received by them, and shall institute
16 prosecutions for violations of the provisions thereof.

17 Section 17. Prosecutions: Procedure, Appeals.--All
18 prosecutions for violations of this act shall be instituted by
19 the Department of Labor and Industry, before a magistrate,
20 alderman, or justice of the peace, and shall be in the form of
21 summary proceedings. Upon conviction after hearing, the
22 penalties provided in this act shall be imposed, and shall be
23 final, unless an appeal be taken to the court of proper
24 jurisdiction, within twenty days after the imposition of the
25 penalties aforesaid, in the manner already provided by law in
26 appeals from penalties.

27 Section 18. Penalties: First and Second Offenses, Continued
28 Violations, Cumulative Penalties, Exemptions of Persons from
29 Punishment Under Certain Circumstances.--Any person who, whether
30 by himself or for another, or through an agent, servant, or

1 foreman, shall violate any provisions of this act, shall be
2 subject to the following penalties:

3 Upon conviction for violation of any provision of section
4 three, four, five, seven, or fifteen of this act, he shall be
5 punished, for a first offense, by a fine of not less than fifty
6 (\$50) dollars and costs, or more than one hundred (\$100) dollars
7 and costs, and, upon nonpayment thereof, be imprisoned in the
8 county jail for not more than ten days; for a second or
9 subsequent offense, by a fine of not less than one hundred
10 (\$100) dollars and costs, or more than two hundred (\$200)
11 dollars and costs, and, upon nonpayment thereof, by imprisonment
12 in the county jail for not more than sixty days; and whenever
13 any person shall have been notified by the Department of Labor
14 and Industry, or by the service of a summons in a prosecution,
15 that he is violating such provision, he shall be punished by
16 like penalties in addition for each and every day that such
17 violation shall have continued after such notification.

18 Upon conviction for a violation of any of the provisions of
19 sections eight, nine, ten, eleven, twelve, thirteen, or fourteen
20 of this act, the punishment shall be without regard to the
21 number of females employed, for a first offense, not less than
22 twenty-five (\$25) dollars and costs, or more than fifty (\$50)
23 dollars and costs, and, upon nonpayment thereof, imprisonment in
24 the county jail for not more than twenty days; for a second or
25 subsequent offense, a fine of not less than fifty (\$50) dollars
26 and costs, or more than two hundred (\$200) dollars and costs,
27 and, upon nonpayment thereof, imprisonment in the county jail
28 for not more than sixty days; and whenever any person shall have
29 been notified by the Department of Labor and Industry that he is
30 violating such provisions, and shall have been given a

1 reasonable time in which to remedy the condition which shall
2 constitute such violation, he shall be punished, in addition to
3 the penalties aforesaid, by like penalties for each and every
4 day that such violation shall have continued after the
5 expiration of the time allowed by the Department of Labor and
6 Industry for remedying the aforesaid condition: Provided,
7 First. That an employer will be fully protected against
8 unintentional violations of sections 3, 4 and 5 of this act and
9 regulations issued thereunder, if before employing or permitting
10 any female under eighteen years of age to work in his
11 establishment he has received from that employe an age
12 certificate issued by the proper officials of the school
13 district in which the prospective employe resides. These age
14 certificates must be kept on file by the employer for inspection
15 by authorized representatives of the Department of Labor and
16 Industry so long as the female is employed or until she reaches
17 the age of eighteen, whichever occurs sooner. An age certificate
18 will be no defense to any violation of the provisions of this
19 law and regulations issued thereunder if the employer knows that
20 it was obtained falsely or after knowledge of the true age of
21 the employe becomes known to him.

22 Second. That whenever a violation of any provisions of this
23 act shall also be a violation of another provision, or other
24 provisions of this act, penalties may be imposed for the
25 violation of each and every such provision.

26 Third. That under no circumstances shall any person be
27 sentenced to imprisonment for more than one year for any one
28 violation of this act.

29 Fourth. That whenever a violation of any of the provisions
30 of this act shall also be a violation of the laws of this

1 Commonwealth regulating the hours of labor and conditions of
2 employment of minors, penalties shall be imposed under only one
3 of such acts.

4 Section 19. Disposition of Fines.--All fines imposed and
5 collected for any violation of this act shall be forwarded to
6 the Department of Labor and Industry, which shall pay the same
7 into the office of the State Treasurer, for the use of the
8 Commonwealth.

9 Section 20. Construction of the Act Not to Affect Industrial
10 Training or Other Education; Unconstitutionality of a Part of
11 the Act.--Nothing in this act shall be construed to prevent
12 females of any age from receiving industrial training or other
13 education in, or in connection with, any school or educational
14 institution in this Commonwealth.

15 Each section of this act and every part thereof is hereby
16 declared to be an independent section, or part of a section, and
17 if any section, subsection, sentence, clause, or phrase of this
18 act shall for any reason be held unconstitutional, the validity
19 of the remaining phrases, clauses, sentences, subsections, and
20 sections of this act shall not be affected thereby.

21 Section 21. Acts Repealed.--The following acts, or parts of
22 acts, are hereby repealed:

23 Section 22. Date of Operation.--Except as herein otherwise
24 provided, this act shall take effect on the first day of
25 November Anno Domini nineteen hundred and thirteen.]

26 Section 2. This act shall take effect in 60 days.