
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2104 Session of
2024

INTRODUCED BY MADDEN, SCOTT, PROBST, GIRAL, HANBIDGE, KINSEY,
SCHLOSSBERG, SANCHEZ, NEILSON, HILL-EVANS, MADSEN, CERRATO,
WAXMAN AND DALEY, MARCH 14, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 14, 2024

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 commission;
12 providing for policies and procedures; and establishing the
13 Human Relations Training Fund.

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

16 Section 1. Section 7(f) of the act of October 27, 1955
17 (P.L.744, No.222), known as the Pennsylvania Human Relations
18 Act, is 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 Section 2. The act is amended by adding a section to read:

4 Section 7.1. Policies and Procedures.--(a) An employer
5 shall adopt written policies and procedures for preventing
6 harassment, discrimination and retaliation against employes. The
7 policies and procedures shall include, at a minimum, all of the
8 following:

9 (1) An explanation that harassment, discrimination and
10 retaliation are unlawful acts under Federal and State law.

11 (2) An explanation that sexual harassment is a form of
12 unlawful discrimination under Federal and State law.

13 (3) A complaint procedure to report and address harassment,
14 discrimination and retaliation claims, including a provision
15 allowing employes to report the claims to persons other than
16 their supervisor.

17 (4) The specific responsibilities of a supervisor in the
18 identification, prevention and reporting of harassment,
19 discrimination and retaliation.

20 (5) An explanation of the procedures for maintaining
21 confidentiality surrounding the reporting of harassment,
22 discrimination and retaliation claims.

23 (6) A procedure for the timely, thorough and prompt
24 investigation of claims of harassment, discrimination and
25 retaliation filed by an employe.

26 (b) An employer shall make the policies and procedures under
27 this section available and easily accessible to all employes.

28 (c) An employer shall review and update the policies for
29 harassment, discrimination and retaliation as needed to remain
30 in compliance with Federal and State law.

1 (d) An employer shall keep records of the current policies
2 and procedures under this section and make them available for
3 inspection by the Commission upon request. If applicable,
4 employers shall also keep a record of the immediately preceding
5 policies and procedures for a period of three years after the
6 effective date of the current policies and procedures and make
7 them available for inspection by the Commission upon request.

8 (e) The Commission shall develop standard policies and
9 procedures that may be used by employers to satisfy the
10 requirements under clause (a). The policies and procedures shall
11 be made publicly available at no cost on the publicly accessible
12 Internet website of the Commission.

13 (f) Within forty-five days of any changes to Federal or
14 State harassment, discrimination or retaliation laws that would
15 impact the standard policies and procedures under clause (e),
16 the Commission shall publish the changes on its publicly
17 accessible Internet website and shall transmit notice of the
18 changes to the Legislative Reference Bureau for publication in
19 the next available issue of the Pennsylvania Bulletin. The
20 Commission may establish an electronic notification system to
21 alert employers of changes to the standard policies and
22 procedures.

23 (g) A person claiming a violation of this section may make a
24 complaint with the Commission. The complaint must state the name
25 and address of the employer alleged to have violated this
26 section. If, after investigation by the Commission, the
27 Commission determines that the employer violated this section,
28 the Commission shall endeavor to cause compliance with this
29 section and may issue a citation and impose a fine as provided
30 in clause (h).

1 (h) The Commission may issue citations and impose fines on
2 an employer for a violation of this section as follows:

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

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

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

13 (i) The Human Relations Training Fund is established as a
14 separate fund in the State Treasury. The following apply:

15 (1) A fine imposed and collected by the Commission under
16 clause (h) or a civil penalty assessed under section 9(f)(2)
17 shall be deposited into the Human Relations Training Fund.

18 (2) The money in the Human Relations Training Fund is
19 appropriated on a continuing basis to the Commission to be used
20 for training, education and outreach.

21 Section 3. This act shall take effect in 120 days.