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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 383 Session of  
2015

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INTRODUCED BY SNYDER, J. HARRIS, SCHLOSSBERG, DAVIS, O'BRIEN,  
MACKENZIE, MATZIE, COHEN, C. PARKER, SCHWEYER, THOMAS,  
BROWNLEE, YOUNGBLOOD, STURLA, W. KELLER, V. BROWN, CARROLL,  
READSHAW, MURT, FRANKEL, DONATUCCI, SAMUELSON, PASHINSKI,  
KORTZ, HARKINS, KINSEY, McCARTER, GIBBONS AND FREEMAN,  
FEBRUARY 9, 2015

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 9, 2015

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AN ACT

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

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

16 Section 1. Section 2(b) of the act of October 27, 1955  
17 (P.L.744, No.222), known as the Pennsylvania Human Relations  
18 Act, amended December 20, 1991 (P.L.414, No.51), is amended to  
19 read:

20 Section 2. Findings and Declaration of Policy.--

21 \* \* \*

1 (b) It is hereby declared to be the public policy of this  
2 Commonwealth to foster the employment of all individuals in  
3 accordance with their fullest capacities regardless of their  
4 race, color, religious creed, familial status, marital status,  
5 family caregiver status, ancestry, age, sex, national origin,  
6 handicap or disability, use of guide or support animals because  
7 of the blindness, deafness or physical handicap of the user or  
8 because the user is a handler or trainer of support or guide  
9 animals, and to safeguard their right to obtain and hold  
10 employment without such discrimination, to assure equal  
11 opportunities to all individuals and to safeguard their rights  
12 to public accommodation and to secure housing accommodation and  
13 commercial property regardless of race, color, familial status,  
14 religious creed, ancestry, age, sex, national origin, handicap  
15 or disability, use of guide or support animals because of  
16 blindness or deafness of the user or because the user is a  
17 handler or trainer of guide or support animals.

18 \* \* \*

19 Section 2. Section 4 of the act is amended by adding  
20 clauses to read:

21 Section 4. Definitions.--As used in this act unless a  
22 different meaning clearly appears from the context:

23 \* \* \*

24 (bb) The term "family caregiver status" means a person who  
25 provides medical or supervisory care to a person related to the  
26 caregiver by blood, legal custody or marriage.

27 (cc) The term "marital status" means whether a person is  
28 single, married, divorced, separated or widowed.

29 Section 3. Section 5(a), (b), (c), (f) and (g) of the act,  
30 amended December 20, 1991 (P.L.414, No.51), are amended to read:

1 Section 5. Unlawful Discriminatory Practices.--It shall be  
2 an unlawful discriminatory practice, unless based upon a bona  
3 fide occupational qualification, or in the case of a fraternal  
4 corporation or association, unless based upon membership in such  
5 association or corporation, or except where based upon  
6 applicable security regulations established by the United States  
7 or the Commonwealth of Pennsylvania:

8 (a) For any employer because of the race, color, religious  
9 creed, ancestry, familial status, marital status, family  
10 caregiver status, age, sex, national origin or non-job related  
11 handicap or disability or the use of a guide or support animal  
12 because of the blindness, deafness or physical handicap of any  
13 individual or independent contractor, to refuse to hire or  
14 employ or contract with, or to bar or to discharge from  
15 employment such individual or independent contractor, or to  
16 otherwise discriminate against such individual or independent  
17 contractor with respect to compensation, hire, tenure, terms,  
18 conditions or privileges of employment or contract, if the  
19 individual or independent contractor is the best able and most  
20 competent to perform the services required. The provision of  
21 this paragraph shall not apply, to (1) operation of the terms or  
22 conditions of any bona fide retirement or pension plan which  
23 have the effect of a minimum service requirement, (2) operation  
24 of the terms or conditions of any bona fide group or employe  
25 insurance plan, (3) age limitations placed upon entry into bona  
26 fide apprenticeship programs of two years or more approved by  
27 the State Apprenticeship and Training Council of the Department  
28 of Labor and Industry, established by the act of July 14, 1961  
29 (P.L.604, No.304), known as "The Apprenticeship and Training  
30 Act." Notwithstanding any provision of this clause, it shall not

1 be an unlawful employment practice for a religious corporation  
2 or association to hire or employ on the basis of sex in those  
3 certain instances where sex is a bona fide occupational  
4 qualification because of the religious beliefs, practices, or  
5 observances of the corporation, or association.

6 (b) For any employer, employment agency or labor  
7 organization, prior to the employment, contracting with an  
8 independent contractor or admission to membership, to:

9 (1) Elicit any information or make or keep a record of or  
10 use any form of application or application blank containing  
11 questions or entries concerning the race, color, religious  
12 creed, ancestry, familial status, marital status, family  
13 caregiver status, age, sex, national origin, past handicap or  
14 disability or the use of a guide or support animal because of  
15 the blindness, deafness or physical handicap of any applicant  
16 for employment or membership. Prior to an offer of employment,  
17 an employer may not inquire as to whether an individual has a  
18 handicap or disability or as to the severity of such handicap or  
19 disability. Prior to an offer of employment, an employer may not  
20 inquire as to whether an individual intends to have a child. An  
21 employer may inquire as to the individual's ability to perform  
22 the essential functions of the employment.

23 (2) Print or publish or cause to be printed or published any  
24 notice or advertisement relating to employment or membership  
25 indicating any preference, limitation, specification or  
26 discrimination based upon race, color, religious creed,  
27 ancestry, age, sex, national origin, non-job related handicap or  
28 disability or the use of a guide or support animal because of  
29 the blindness, deafness or physical handicap of the user.

30 (3) Deny or limit, through a quota system, employment or

1 membership because of race, color, religious creed, ancestry,  
2 familial status, marital status, family caregiver status, age,  
3 sex, national origin, non-job related handicap or disability,  
4 the use of a guide or support animal because of the blindness,  
5 deafness or physical handicap of the user or place of birth.

6 (4) Substantially confine or limit recruitment or hiring of  
7 individuals, with intent to circumvent the spirit and purpose of  
8 this act, to any employment agency, employment service, labor  
9 organization, training school or training center or any other  
10 employe-referring source which services individuals who are  
11 predominantly of the same race, color, religious creed,  
12 ancestry, familial status, marital status, family caregiver  
13 status, age, sex, national origin or non-job related handicap or  
14 disability.

15 (5) Deny employment because of a prior handicap or  
16 disability.

17 Nothing in clause (b) of this section shall bar any  
18 institution or organization for handicapped or disabled persons  
19 from limiting or giving preference in employment or membership  
20 to handicapped or disabled persons.

21 (c) For any labor organization because of the race, color,  
22 religious creed, ancestry, familial status, marital status,  
23 family caregiver status, age, sex, national origin, non-job  
24 related handicap or disability or the use of a guide or support  
25 animal because of the blindness, deafness or physical handicap  
26 of any individual to deny full and equal membership rights to  
27 any individual or otherwise to discriminate against such  
28 individuals with respect to hire, tenure, terms, conditions or  
29 privileges of employment or any other matter, directly or  
30 indirectly, related to employment.

1 \* \* \*

2 (f) For any employment agency to fail or refuse to classify  
3 properly, refer for employment or otherwise to discriminate  
4 against any individual because of his race, color, religious  
5 creed, ancestry, familial status, marital status, family  
6 caregiver status, age, sex, national origin, non-job related  
7 handicap or disability or the use of a guide or support animal  
8 because of the blindness, deafness or physical handicap of the  
9 user.

10 (g) For any individual seeking employment to publish or  
11 cause to be published any advertisement which in any manner  
12 expresses a limitation or preference as to the race, color,  
13 religious creed, ancestry, familial status, marital status,  
14 family caregiver status, age, sex, national origin, non-job  
15 related handicap or disability or the use of a guide or support  
16 animal because of the blindness, deafness or physical handicap  
17 of any prospective employer.

18 \* \* \*

19 Section 4. This act shall take effect in 60 days.