
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 550 Session of
2015

INTRODUCED BY LEACH, BREWSTER, TARTAGLIONE, FONTANA, SCHWANK AND
HUGHES, MARCH 11, 2015

REFERRED TO LABOR AND INDUSTRY, MARCH 11, 2015

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 right to freedom from discrimination in
13 employment, housing and public accommodation, for definitions
14 and for unlawful discriminatory practices.

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

17 Section 1. Sections 2 and 3 of the act of October 27, 1955
18 (P.L.744, No.222), known as the Pennsylvania Human Relations
19 Act, amended December 20, 1991 (P.L.414, No.51), are amended to
20 read:

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

22 (a) The practice or policy of discrimination against
23 individuals or groups by reason of their race, color, familial
24 status, marital status, religious creed, ancestry, age, sex,

1 national origin, handicap or disability, use of guide or support
2 animals because of the blindness, deafness or physical handicap
3 of the user or because the user is a handler or trainer of
4 support or guide animals is a matter of concern of the
5 Commonwealth. Such discrimination foments domestic strife and
6 unrest, threatens the rights and privileges of the inhabitants
7 of the Commonwealth, and undermines the foundations of a free
8 democratic state. The denial of equal employment, housing and
9 public accommodation opportunities because of such
10 discrimination, and the consequent failure to utilize the
11 productive capacities of individuals to their fullest extent,
12 deprives large segments of the population of the Commonwealth of
13 earnings necessary to maintain decent standards of living,
14 necessitates their resort to public relief and intensifies group
15 conflicts, thereby resulting in grave injury to the public
16 health and welfare, compels many individuals to live in
17 dwellings which are substandard, unhealthful and overcrowded,
18 resulting in racial segregation in public schools and other
19 community facilities, juvenile delinquency and other evils,
20 thereby threatening the peace, health, safety and general
21 welfare of the Commonwealth and its inhabitants.

22 (b) It is hereby declared to be the public policy of this
23 Commonwealth to foster the employment of all individuals in
24 accordance with their fullest capacities regardless of their
25 race, color, familial status, marital status, religious creed,
26 ancestry, age, sex, national origin, handicap or disability, use
27 of guide or support animals because of the blindness, deafness
28 or physical handicap of the user or because the user is a
29 handler or trainer of support or guide animals, and to safeguard
30 their right to obtain and hold employment without such

1 discrimination, to assure equal opportunities to all individuals
2 and to safeguard their rights to public accommodation and to
3 secure housing accommodation and commercial property regardless
4 of race, color, familial status, marital status, religious
5 creed, ancestry, age, sex, national origin, handicap or
6 disability, use of guide or support animals because of blindness
7 or deafness of the user or because the user is a handler or
8 trainer of guide or support animals.

9 (c) This act shall be deemed an exercise of the police power
10 of the Commonwealth for the protection of the public welfare,
11 prosperity, health and peace of the people of the Commonwealth
12 of Pennsylvania.

13 Section 3. Right to Freedom from Discrimination in
14 Employment, Housing and Public Accommodation.--The opportunity
15 for an individual to obtain employment for which he is
16 qualified, and to obtain all the accommodations, advantages,
17 facilities and privileges of any public accommodation and of any
18 housing accommodation and commercial property without
19 discrimination because of race, color, familial status, marital
20 status, religious creed, ancestry, handicap or disability, age,
21 sex, national origin, the use of a guide or support animal
22 because of the blindness, deafness or physical handicap of the
23 user or because the user is a handler or trainer of support or
24 guide animals is hereby recognized as and declared to be a civil
25 right which shall be enforceable as set forth in this act.

26 Section 2. Section 4(t) of the act, amended December 20,
27 1991 (P.L.414, No.51), is amended and the section is amended by
28 adding a clause to read:

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

1 * * *

2 (t) The term "familial status" means one or more individuals
3 who have not attained the age of eighteen years being domiciled
4 with:

5 (1) a parent or other person having legal custody of such
6 individual or individuals; or

7 (2) the designee of such parent or other person having such
8 custody, with the written permission of such parent or other
9 person.

10 The term includes an individual who is a provider of care, or is
11 perceived to be a provider of care, for a family member, whether
12 in the past, present or future. The term "family member" shall
13 include the employe's spouse, domestic partner, children,
14 including through adoption or other legal custodial
15 relationship, household members, parents and all other persons
16 related to the employe and the employe's spouse and children by
17 marriage, blood or consanguinity.

18 The protections afforded against discrimination on the basis of
19 familial status shall apply to any person who is pregnant or is
20 in the process of securing legal custody of any individual who
21 has not attained the age of 18 years.

22 * * *

23 (bb) The term "marital status" means whether a person is
24 single, married, divorced, separated or widowed.

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

27 Section 5. Unlawful Discriminatory Practices.--It shall be
28 an unlawful discriminatory practice, unless based upon a bona
29 fide occupational qualification, or in the case of a fraternal
30 corporation or association, unless based upon membership in such

1 association or corporation, or except where based upon
2 applicable security regulations established by the United States
3 or the Commonwealth of Pennsylvania:

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

1 observances of the corporation, or association.

2 (b) For any employer, employment agency or labor
3 organization, prior to the employment, contracting with an
4 independent contractor or admission to membership, to:

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

17 (2) Print or publish or cause to be printed or published any
18 notice or advertisement relating to employment or membership
19 indicating any preference, limitation, specification or
20 discrimination based upon race, color, familial status, marital
21 status, religious creed, ancestry, age, sex, national origin,
22 non-job related handicap or disability or the use of a guide or
23 support animal because of the blindness, deafness or physical
24 handicap of the user.

25 (3) Deny or limit, through a quota system, employment or
26 membership because of race, color, familial status, marital
27 status, religious creed, ancestry, age, sex, national origin,
28 non-job related handicap or disability, the use of a guide or
29 support animal because of the blindness, deafness or physical
30 handicap of the user or place of birth.

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

9 (5) Deny employment because of a prior handicap or
10 disability.

11 Nothing in clause (b) of this section shall bar any
12 institution or organization for handicapped or disabled persons
13 from limiting or giving preference in employment or membership
14 to handicapped or disabled persons.

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

24 * * *

25 (f) For any employment agency to fail or refuse to classify
26 properly, refer for employment or otherwise to discriminate
27 against any individual because of his race, color, familial
28 status, marital status, religious creed, ancestry, age, sex,
29 national origin, non-job related handicap or disability or the
30 use of a guide or support animal because of the blindness,

1 deafness or physical handicap of the user.

2 (g) For any individual seeking employment to publish or
3 cause to be published any advertisement which in any manner
4 expresses a limitation or preference as to the race, color,
5 familial status, marital status, religious creed, ancestry, age,
6 sex, national origin, non-job related handicap or disability or
7 the use of a guide or support animal because of the blindness,
8 deafness or physical handicap of any prospective employer.

9 * * *

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