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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 356 Session of  
2021

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INTRODUCED BY ISAACSON, DEASY, GALLOWAY, HILL-EVANS, HOHENSTEIN,  
SCHWEYER AND WEBSTER, FEBRUARY 3, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 3, 2021

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AN ACT

1 Amending the act of December 12, 1986 (P.L.1559, No.169),  
2 entitled "An act providing protection for employees who  
3 report a violation or suspected violation of State, local or  
4 Federal law; providing protection for employees who  
5 participate in hearings, investigations, legislative  
6 inquiries or court actions; and prescribing remedies and  
7 penalties," further providing for remedies and for  
8 enforcement.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 4(a) and 5 of the act of December 12,  
12 1986 (P.L.1559, No.169), known as the Whistleblower Law, are  
13 amended to read:

14 Section 4. Remedies.

15 (a) Civil action.--A person who alleges a violation of this  
16 act may bring a civil action in a court of competent  
17 jurisdiction, with a right of trial by jury, for appropriate  
18 injunctive relief or damages, or both, within [180 days] two  
19 years after the occurrence of the alleged violation.

20 \* \* \*

21 Section 5. Enforcement.

1 (a) Relief that may be ordered.--The following shall apply:

2 (1) A court or jury, in rendering a judgment in an  
3 action brought under this act, shall order, as the court or  
4 jury considers appropriate, reinstatement of the employee,  
5 the payment of back wages, full reinstatement of fringe  
6 benefits and seniority rights, actual damages or any  
7 combination of these remedies.

8 (2) A court or jury shall also award the complainant all  
9 or a portion of the costs of litigation, including reasonable  
10 attorney fees and witness fees, if the complainant prevails  
11 in the civil action.

12 (b) Punitive damages.--The complainant may also recover  
13 punitive damages if the complainant demonstrates that the  
14 defendant engaged in an unlawful retaliatory or discriminatory  
15 practice in violation of section 3 with malice or reckless  
16 indifference to the rights of the complainant protected under  
17 this act.

18 Section 2. This act shall not be construed to affect an  
19 action or proceeding commenced or right accrued before the  
20 effective date of this section.

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