
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 995 Session of
2023

INTRODUCED BY CAPPELLETTI, DILLON, HUGHES, HAYWOOD, FONTANA,
TARTAGLIONE, SAVAL, COSTA, KANE, SCHWANK, BREWSTER AND
COLLETT, DECEMBER 8, 2023

REFERRED TO LABOR AND INDUSTRY, DECEMBER 8, 2023

AN ACT

1 Promoting family health and economic security by eliminating
2 discrimination and ensuring reasonable workplace
3 accommodations for workers whose ability to perform the
4 functions of a job are limited by pregnancy, childbirth or a
5 related medical condition; and imposing duties on the
6 Pennsylvania Human Relations Commission.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pregnant
11 Workers Fairness Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Commission." The Pennsylvania Human Relations Commission.

17 "Covered entity." The Commonwealth, a political subdivision
18 or board, department or commission of the Commonwealth, a school
19 district and a person employing one or more persons within this

1 Commonwealth.

2 "Person." One or more individuals, partnerships,
3 associations, organizations, corporations, legal
4 representatives, trustees in bankruptcy or receivers. The term
5 includes any owner, lessor, assignor, builder, manager, broker,
6 salesman, agent, employee, independent contractor and lending
7 institution and the Commonwealth and all political subdivisions,
8 authorities, boards and commissions thereof.

9 "Reasonable accommodation." A modification to the work
10 environment to enable an employee to continue working despite
11 limitations due to pregnancy, childbirth or related medical
12 conditions that do not present an undue hardship on the
13 employer. A reasonable accommodation may include:

14 (1) Providing a chair, assistance with heavy lifting,
15 access to drinking water or uncompensated break time.

16 (2) Temporary job restructuring, part-time or modified
17 work schedules, reassignment to a vacant position,
18 acquisition or modification of equipment or devices,
19 appropriate adjustment or modifications of examinations and
20 other similar accommodations.

21 Section 3. Reasonable accommodations related to pregnancy,
22 childbirth or related medical conditions.

23 (a) General rule.--It shall be an unlawful employment
24 practice for a covered entity to:

25 (1) Refuse an employee's or prospective employee's
26 request for reasonable accommodations for limitations related
27 to pregnancy, childbirth or related medical conditions,
28 unless the covered entity can demonstrate that the
29 accommodation would impose an undue hardship on the covered
30 entity's operations.

1 (2) Deny employment opportunities to an employee or
2 prospective employee if the denial is based on the employee's
3 or prospective employee's need for an accommodation related
4 to pregnancy, childbirth or related medical conditions.

5 (3) Require an employee or prospective employee to
6 accept an accommodation that changes the terms, privileges or
7 conditions of their employment, including reductions in pay
8 or hours or changes in shifts or location, unless requested
9 or agreed to by the employee or prospective employee.

10 (4) Require an employee to take leave under any policy
11 of the covered entity or law if other reasonable
12 accommodations can be provided to address the employee's
13 limitations related to pregnancy, childbirth or related
14 medical conditions that would enable the employee to continue
15 working.

16 (b) Undue hardship.--The covered entity shall have the
17 burden of proving undue hardship under subsection (a) (1). The
18 factors to be considered in determining whether a requested
19 accommodation presents an undue hardship to the covered entity
20 include:

21 (1) The overall size and nature of the covered entity,
22 its structure, the composition of its workforce and the
23 number and type of facilities.

24 (2) The extent, nature and cost of the requested
25 reasonable accommodation.

26 (c) Nondiscrimination.--A person may not discriminate or
27 retaliate against an individual because the individual has
28 opposed any act or practice made unlawful by this act or because
29 the individual made a charge, testified, assisted or
30 participated in any manner in an investigation, proceeding or

1 hearing under this act.

2 Section 4. Remedies and enforcement.

3 A person claiming discrimination in violation of section 3
4 may take either of the following actions:

5 (1) If otherwise permitted by the laws or rules of this
6 Commonwealth, bring an action for preliminary injunctive
7 relief in an appropriate court. Any order or relief shall be
8 granted in accordance with Pa.R.C.P. No. 1531 (relating to
9 Special Relief. Injunctions.).

10 (2) Make, sign and file with the commission a verified
11 complaint in writing pursuant to the procedures specified in
12 the act of October 27, 1955 (P.L.744, No.222), known as the
13 Pennsylvania Human Relations Act, with all appeals,
14 enforcement mechanisms, judicial review and remedies,
15 including damages and attorney fees, available under that
16 act.

17 Section 5. Notice.

18 The commission shall develop and publish a written notice
19 regarding employees' rights under this act. Employers shall
20 display the notice in plain view in the workplace.

21 Section 6. Rulemaking.

22 Not later than two years after the effective date of this
23 section, the commission shall issue regulations in an accessible
24 format to effectuate the policies and provisions of this act.

25 Section 7. Effective date.

26 This act shall take effect in 60 days.