

EMPLOYMENT LAW SUMMARY

Pennsylvania Fair Employment Laws - Overview

In addition to federal fair employment laws, the **Pennsylvania Human Relations Act** (PHRA) makes it unlawful for employers in the state to engage in certain discriminatory employment practices.

This Employment Law Summary provides a general overview of the PHRA.

PHRA-COVERED ENTITIES

The PHRA applies to:

- Employers with **four or more employees**;
- Labor organizations; and
- Employment agencies.

For purposes of determining whether an employer has four or more employees, the PHRA excludes certain types of workers. The following individuals are **not** considered employees under the PHRA:

- Individuals employed in agriculture or domestic service;
- Any individual who resides in the personal residence of the employer; and
- Any individual employed by his or her parents, spouse or child.

PROTECTED TRAITS

The PHRA prohibits employers taking any adverse employment actions against individuals based on their:

- Race;
- Color;
- Age (40 and over);
- Sex;
- Ancestry;
- National origin;
- Religion;
- Disability; or
- Use, handling or training of guide or support animals for disability.

Another state law also protects members of the military, including those who are from outside of the state, from adverse employment actions based their military membership or because they are called or ordered to active duty.

PROHIBITED ACTS

The following actions are considered impermissible employment discrimination if based on any protect trait:

- Denying a person an equal opportunity to obtain employment, to be promoted or to be accorded any other rights to compensation, tenure, or other terms, conditions and privileges of employment;
- Denying a person membership rights and privileges in any labor organization;
- Denying a person equal opportunity to be referred for employment; and

- Refusing to contract or otherwise discriminating in contracts with any independent contractor who is licensed by the Pennsylvania Bureau of Professional and Occupational Affairs.

However, the PHRA makes an exception for religious or denominational institutions and charitable or educational organizations. Under this exception, those entities are allowed to give preference to persons of the same religion or denomination or to their members.

ENFORCEMENT

The PHRA is enforced by the [Pennsylvania Human Relations Commission](#) (PHRC). The PHRC conducts investigations and holds hearings to determine whether an employer is compliant. Employees may also submit complaints against employers and seek compensatory and punitive damages, injunctions and any other appropriate relief.

There is a 180-day time limit for an employee to file a discrimination complaint with the PHRC. This is measured from the day of the alleged discrimination.

POSTING REQUIREMENTS

Pennsylvania employers must post a notice of the PHRA's requirements in a conspicuous place or places on their premises. Copies of the required poster may be obtained from the PHRC by request.

MORE INFORMATION

For more information on the Pennsylvania employment discrimination laws, please consult your Heffernan Insurance Brokers representative.

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