



Legislation Details (With Text)

File #: 2021-2185 **Version:** 1

Type: Ordinance **Status:** Passed Finally

File created: 11/12/2021 **In control:** Committee on Human Resources

On agenda: 11/16/2021 **Final action:** 11/30/2021

Enactment date: 11/30/2021 **Enactment #:** 52

Effective date: 12/6/2021

Title: Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 651 Findings and Policy, and Chapter 659 Unlawful Practices.

Sponsors: Erika Strassburger, Bobby Wilson, Reverend Ricky V. Burgess, Bruce A. Kraus

Indexes: PGH. CODE ORDINANCES TITLE 06 - CONDUCT

Code sections:

Attachments: 1. 2021-2185 ATTACHMENT DV Employer Guidance_CNF edits

Date	Ver.	Action By	Action	Result
12/6/2021	1	Mayor	Signed by the Mayor	
11/30/2021	1	City Council	Passed Finally	Pass
11/22/2021	1	Standing Committee	Affirmatively Recommended	Pass
11/16/2021	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code, Title Six Conduct, Article V Discrimination, Chapter 651 Findings and Policy, and Chapter 659 Unlawful Practices.

WHEREAS, individuals who are victims of domestic violence have faced discrimination in employment based on the perception they will cause a threat to public welfare or create a breach of peace; and

WHEREAS, it is in the interest of the City to protect all residents from employment discrimination based on actual or perceived status as a victim of domestic violence and to demonstrate support for such individuals by allowing them to come forward without fear of retribution or retaliation.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Amending and supplementing the Pittsburgh Code, Title Six Conduct, Article V Discrimination, Chapter 651 Findings and Policy, and Chapter 659 Unlawful Practices is hereby amended as follows:

§ 651.01 - LEGISLATIVE FINDINGS.

(a) The population of the City consists of people of every race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **status as a victim of domestic violence**, handicap and disability, many of whom are discriminated against in employment opportunities, places of public accommodation, resort, recreation, and amusement and housing facilities.

(b) Discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual

orientation, familial status, **status as a victim of domestic violence**, handicap and disability is contrary to laws and policies of the City of Pittsburgh.

§ 651.02 - DECLARATION OF POLICY.

(b) It shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, **status as a victim of domestic violence**, age, nonjob-related handicap, or disability in employment; and

§ 651.04 - DEFINITIONS.

As used in this Article, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

(b) **DISCRIMINATE OR DISCRIMINATION.** Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, familial status, age, **status as a victim of domestic violence**, handicap or disability, or use of support animals, as specified.

(kk) **DOMESTIC VIOLENCE.** The occurrence of one (1) or more of the following acts between family or household members, **current or former dating partners**, sexual or intimate partners, or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, **emotional distress, substantial emotional distress**, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, or incest, with or without a deadly weapon.
2. Placing another in reasonable fear of imminent serious bodily injury **including but not limited to making threats of harm or intimidation**.
3. The infliction of false imprisonment pursuant to 18 Pa. C.S. § 2903 (relating to false imprisonment).
4. Physically or sexually abusing minor children, including sexual abuse as defined at 23 Pa. C.S. § 6303.
5. Stalking

(mm) **VICTIM OF DOMESTIC VIOLENCE.** An individual who has been subjected to Domestic Violence. **The term Survivor of Domestic Violence may be used interchangeably with Victim of Domestic Violence.**

§ 659.02 - UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, the Commonwealth or any political subdivisions thereof, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 653.05 (d):

- (a) For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.
- (b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.
- (c) For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.
- (d) For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.
- (e) For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.
- (f) For any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person because of race, color religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.

(g) For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.

(h) For any labor organization to discriminate against any person in any way which would deprive or limit their employment opportunities or otherwise adversely affect their status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, place of birth, pregnancy, childbirth, or related medical conditions and events, sex, sexual orientation, gender identity, gender expression, age, nonjob-related handicap or disability, **status as a victim of domestic violence**, or hairstyles and protective and cultural hair textures and hairstyles.

(i) For any employer, employment agency or labor organization to discriminate against any person because the individual has opposed any practice forbidden by this Article or because the individual has made a complaint or testifies or assisted in any manner in any investigation or proceeding under this Article.

(j) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this Article, or to obstruct or prevent any person from enforcing or complying with the provisions of this Article or any rule, regulation or order of the Human Relations Commission, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

(k.) Nothing in this Section shall limit the authority of any court to restrict the travel of an abuser into an abused person's place of employment under the Pennsylvania Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa. C.S. § 6101 et seq.).