



TO: The Honorable Members of the PA House of Representatives  
FROM: Alex Halper, Vice President, Government Affairs  
DATE: May 2, 2023  
RE: Questions regarding H.B. 300

On behalf of the PA Chamber, I write with feedback on H.B. 300, which we understand the House may consider this week.

Public discussion around this bill and its cosponsor memo focus on amending the Pennsylvania Human Relations Act to add sexual orientation, gender identity or expression as classes to be protected from discrimination. We support the intent of this reform.

We note, however, that H.B. 300 amends the PHRA more broadly, including by expanding protections to include individuals that are “actual *or perceived*” members of any protected class. “Perceived” is not included in the federal Civil Rights Act of 1964 and we believe its proposed inclusion in the PHRA is worth discussion and careful consideration. For example:

- How will claim patterns and adjudication be impacted when claimants need not actually be a member of a protected class in order to file a claim?
- How is “perceived” defined?
- Perceived by whom?
- Claims based on allegations of intentional discrimination/disparate treatment may seem fairly straightforward; but what about claims based on allegations of unintentional discrimination or an allegation that an individual was disproportionately impacted by a facially-neutral workplace policy or practice because they fall under (or are *perceived* to fall under) a particular class?

Committee members, the regulated community and general public deserve an opportunity to ask and discuss these questions, and any others, before this legislation advances.

We further urge lawmakers to consider additional reforms to improve administration of the PA Human Relations Commission. According to the PHRC’s 2022 Annual Report, the average case age is 457 days. All parties deserve timely and efficient adjudication of the claims and the current performance of the PHRC is unacceptable.

Thank you for considering our views on this matter. Please contact Alex Halper at [ahalper@pachamber.org](mailto:ahalper@pachamber.org) or 717-645-8730 with questions or to discuss.