

# CHAPTER 207

## Discrimination in Employment, Housing and Public Accommodation

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### **207.01 DEFINITIONS.**

(a) The following words and phrases appearing with initial capital letters when used in this chapter shall have the meanings given to them in this section.

(1) "Borough" means the Borough of Swarthmore, County of Delaware, Commonwealth of Pennsylvania.

(2) "Council" means the Borough Council of the Borough of Swarthmore.

(3) "Discrimination" means discriminatory acts taken by any person, including but not limited to Employers, on the basis of Gender Identity and Expression, or Sexual Orientation or any other basis prohibited by the Pennsylvania Human Relations Act.

(4) "Discriminatory acts" include any difference in treatment in hiring, referring for hire, promoting, training, in membership in employee or labor organizations, or with respect to compensation, hire, tenure, terms, conditions or privileges of employment; in rendering service in places of public accommodation; in the sale, lease, rental or financing of housing and/or any other acts defined as "Unlawful Discriminatory Practices" by the Pennsylvania Human Relations Act.

(5) "Employer" means any person who employs one or more employees (exclusive of parents, spouse or children employed solely for domestic, non-commercial purposes), including the Borough, its departments, boards and commissions, but excluding any fraternal, sectarian, charitable or educational group which is operated, supervised or controlled by or in connection with a religious organization or religious group, or any individuals who as part of their employment reside in the home of their employer.

(6) "Gender identity and expression" means self-perception, or perception by others, as male or female, and shall include an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex reassignment.

(7) "Ordinance" means this chapter which shall also be known as the Anti-Discrimination Ordinance.

(8) "Person" means any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Borough, its departments, boards and commissions, and other for profit and non-profit organizations.

(9) "Sexual Orientation" means actual or perceived homosexuality, heterosexuality and bisexuality.

(b) To the extent words and phrases appearing with initial capital letters are not expressly defined herein, such words and phrases shall have the definitions set forth in the Pennsylvania Human Relations Act.

(Ord. 1000. Passed 3-13-06.)

## **207.02 ESTABLISHMENT OF HUMAN RELATIONS COMMISSION.**

(a) Pursuant to Chapter 17 of the Pennsylvania Human Relations Act (43 P.S. § 962.1), there is hereby established a Human Relations Commission in and for the Borough (hereinafter referred to as the "Borough Human Relations Commission").

(b) The Borough Human Relations Commission shall consist of three members appointed by Borough Council. The initial members shall have a term of one year, two years and three years, respectively. Thereafter the term of each of the members of the Borough Human Relations Commission shall be for three years or until his or her successor is appointed and qualified, such terms being fixed so that no more than one shall be reappointed or replaced during any future calendar year. No member of the Borough Human Relations Commission shall hold any office in any political party. Members of the Borough Human Relations Commission shall serve without salary but may be paid expenses incurred in the performance of their duties.

(c) The Council hereby grants to the Borough Human Relations Commission all of the powers and duties now exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. Specifically, without limitation, the Borough Human Relations Commission shall have the ability to receive, investigate and pass upon complaints, and where a violation of this chapter is found to have occurred, to issue cease and desist orders and impose such other remedies as may be available under the Pennsylvania Human Relations Act.

(Ord. 1000. Passed 3-13-06.)

### **207.03 UNLAWFUL PRACTICES.**

(a) Discrimination in housing, employment or use of public accommodations on the basis of sexual orientation or gender identification is prohibited under this chapter.

(b) Discriminatory acts in response to the filing of a complaint under this chapter are prohibited.

(Ord. 1000. Passed 3-13-06.)

### **207.04 PROCEDURES.**

(a) The Borough Human Relations Commission shall follow the procedures for filing and disposition of complaints as are set forth under the Pennsylvania Human Relations Act.

(b) Statute of limitations. A complaint must be filed with the Borough Manager's office within six months following the alleged discrimination.

(Ord. 1000. Passed 3-13-06.)

### **207.05 PRIVATE RIGHT OF ACTION.**

Nothing in this chapter shall limit the right of an injured person to recover damages under any other applicable law or legal theory.

(Ord. 1000. Passed 3-13-06.)