New Legislation Allows Philadelphia to Shut Down Local Businesses Who Violate Its Anti-Discrimination Laws

Insights

6.27.17

The City of Philadelphia will now have the authority to shut down a business within the city for an undefined "period of time" if the business severely or repeatedly violates Philadelphia's anti-discrimination laws, under a bill signed by Mayor Kenney on June 22, 2017.

Bill No. 170334 amends the City's Fair Practices Ordinance, which covers unlawful employment practices. The Fair Practices Ordinance prohibits discrimination based on certain protected classes, such as age, ancestry, color, disability, ethnicity, gender identity, sexual orientation, national origin, race, religion, and sex and is enforced by the Philadelphia Commission on Human Relations ("PCHR"), the City's primary civil rights and anti-discrimination agency.

The new ordinance, which became effective immediately, explicitly allows PCHR to use its enforcement authority to order a business to cease operations for a period of time if the business is found to have "engaged in severe or repeated violations" of the City's Fair Practices Ordinance and has not made "effective efforts" to remediate the violations.

The ordinance is unclear regarding what types of violations will be considered "serious" and is unclear regarding or the number of "repeated" violations that would lead to an order that business operations cease. The ordinance also does not give any guidance regarding what lengths of time businesses would be ordered to close by the PCHR. The PCHR will now promulgate regulations to enforce this ordinance, which will hopefully help clarify some of these questions.

This legislation is a significant move by the City and represents very serious potential consequences for local business-owners.

We will provide updates regarding the PCHR's regulations as well as regarding the ramifications of this ordinance as it takes effect. In the meantime, please contact your local Fisher Phillips attorney with any questions you may have regarding this issue.