



PHRC and COVID-19 Public Accommodations Including Educational Institutions

The Pennsylvania Human Relations Commission Enforces Laws That Protect Certain Rights Pertaining To Where You Live, Work, Learn, And Obtain Services Offered To The Public

The PHRC enforces the Pennsylvania Human Relations Act ("PHRA") which prohibits discrimination in employment, housing, commercial property, public accommodations, and educational institutions. The PHRC also enforces the Pennsylvania Fair Educational Opportunities Act ("PFEOA") which also prohibits discrimination in certain educational institutions. In public accommodations, individuals are protected from discrimination because of:

- National Origin
- Ancestry
- Race
- Sex
- Color
- Religion
- Disability
- Use of a Guide or Support Animal Because of the Blindness, Deafness or Physical Disability of the User
- Handler or Trainer of Support or Guide Animals
- Disability of an individual with whom the person is known to have a relationship or association.

Laws Enforced By The PHRC Do Not Conflict With Requirements Of The Center For Disease Control Or Other Federal, State, Or Local Authorities

The PHRA, PFEOA, and implementing regulations continue to apply to entities subject to these laws, but they do not interfere with or prevent proprietors of public accommodations from following the guidelines and suggestions made by the CDC or state/local public health authorities about steps proprietors of public accommodations should take regarding COVID-19. Proprietors of public accommodations should remember that guidance from public health authorities is likely to change as the COVID-

Updated on April 1, 2020



19 pandemic evolves. Therefore, proprietors of public accommodations should continue to follow the most current information on maintaining safety and providing reasonable accommodations to persons with a disability.

What Is A Public Accommodation?

The PHRA defines a public accommodation as any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including government services. The PHRA also provides that the construction, operation or availability of a public accommodation, resort or amusement must be accessible.

What Are Some Examples Of Public Accommodations?

Public accommodations include, but are not limited to, the following examples:

- Grocery, Retail, and Drug Stores
- Hospitals and Healthcare Providers
- Banks
- Primary, Secondary, and High Schools
- Colleges and Universities
- Restaurants
- Government Buildings and Services
- Gyms

For the purposes of coverage under the PHRA distinctly private entities (i.e. certain membership clubs) are not considered public accommodations.

What Prohibitions Against Discrimination In Public Accommodations Apply To COVID-19?

It is unlawful for any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation, resort or amusement to:

Refuse, withhold from, or deny to any person, because of an individual's protected class, either directly or indirectly, any of the accommodations,

Updated on April 1, 2020



advantages, facilities or privileges of such public accommodation, resort or amusement.

Examples Of Unlawful Activity:

Refusing service to Asian or Asian American patrons because of a belief that they are associated with the COVID-19 pandemic.

Refusing to provide service to an individual with a disability out of fear they are more susceptible to COVID-19.

Can I Inform The Public That My Business Will Not Serve Certain People?

No. It is unlawful to publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of an individual's protected class.

Example Of Unlawful Activity:

Posting a notice in a store window conveying that Asian or Asian American patrons are not welcome or wanted in the store.

Do I Have Any Obligation To Inform Patrons Of My Public Accommodations About Their Rights?

Yes. Every public accommodation must post and exhibit prominently in the public accommodation's place of business any fair practices notice prepared and distributed by the Pennsylvania Human Relations Commission.

These posters may be downloaded and printed from:

<https://www.phrc.pa.gov/About-Us/Publications/Pages/Required-Posters>

Updated on April 1, 2020



How Can The PHRC Assist Me?

If you feel that you have been a victim of unlawful discrimination you can file a complaint with the Pennsylvania Human Relations Commission. A copy of the current complaint forms may be found at:

<https://www.phrc.pa.gov/File-A-Complaint>

The form may be mailed to the PHRC at 333 Market Street, 8th Floor, Harrisburg, PA 17101-2210, or emailed to PHRC@pa.gov. For individuals who need emergency assistance or guidance, please call us at (717) 787-4410 between the hours of 9:00 am – 4:00 pm.