

SURVIVOR STATE EMPLOYMENT GUIDE

PENNSYLVANIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employment handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Pennsylvania law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking.

However, under Pennsylvania law ([18 Pa. Stat. Ann. § 4957](#)), an employer cannot deprive an employee of their job, seniority or benefits or threaten or coerce an employee because they attend court as a victim of a crime or witness to a crime against a family member.

Note that federal law, local law (for e.g., [Pittsburgh's Pittsburgh, Pa., Code of Ordinances ch. 651](#)) and/or employers' internal policies may provide other applicable protections. employers' internal policies.

REASONABLE ACCOMMODATIONS

At the time of publication, Pennsylvania had not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Pennsylvania state law does not require employers to provide paid or unpaid sick leave or leave to address domestic violence, sexual assault or stalking.

However, under Pennsylvania law ([18 Pa. Stat. Ann. § 4957](#)), an employer cannot deprive an employee of their employment, seniority position or benefits, or threaten or coerce an employee because they attend court as a victim of, or a witness to, a crime. The time off for court attendance does not have to be paid time off.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition (such as [Philadelphia's Philadelphia, Pa., Code ch. 9-3200](#) and [Philadelphia, Pa., Code ch. 9-4100](#).)

UNEMPLOYMENT INSURANCE

Pennsylvania law does not explicitly provide that victims of domestic violence, sexual assault, or stalking are eligible for unemployment insurance if they voluntarily separate from their employment as a result of the domestic violence, sexual assault or stalking. However, under Pennsylvania law (**PA Stat. Ann. § 802**), an individual who leaves their job for reasons of “necessitous and compelling nature” and can prove that they made every reasonable effort to stay in their employment, may be deemed eligible for unemployment benefits.

- *Do I have to show proof of domestic violence?* In order to establish that quitting work as a result of domestic violence, sexual assault or stalking was necessary and compelling, an individual has the burden to establish the nature of the reasons for quitting and that they made every reasonable effort to stay in their job.