

**Alert | Health Emergency Preparedness Task Force:
COVID-19 – Reopening the Economy**



June 2020

Philadelphia City Council Passes Bill Prohibiting Employers from Retaliating Against Workers for Speaking Out About COVID-19 Safety Violations

In advance of Philadelphia entering the “green” phase and many businesses reopening, the Philadelphia City Council unanimously passed the [Essential Workers Protection Act \(Bill No. 200328\)](#) on June 25 and was signed by Mayor Jim Kenney on June 26, 2020.

For purposes of this Act, introduced by City Councilwoman Helen Gym, essential workers are employees who work in the health care, food service, public transportation, and hospitality industries. Philadelphia employers will be barred from retaliating against essential workers who voice concerns regarding working conditions that potentially expose them to Coronavirus Disease 2019 (COVID-19) or those conditions that would violate any mandatory public health orders issued by the Pennsylvania Department of Health or the Philadelphia Department of Public Health.

Specifically, the Essential Workers Protection Act prohibits retaliation of any kind, including, for example, a reduction in pay, an adverse change in working hours, termination, refusal to employ, or threats pertaining to an individual’s perceived immigration status for “both the disclosure of information related to employer non-compliance” and for “refusal to work under unsafe conditions caused by non-compliance” with emergency health orders and regulations related to COVID-19 and the public health.

The Essential Workers Protection Act's sponsors claim that Philadelphia is the first city in the United States to pass legislation providing a municipality the ability to implement compliance measures that ensure businesses abide by state and local public health guidelines. Philadelphia's newest agency, the Department of Labor, recently approved by ballot referendum earlier this month, will be tasked with enforcing the Act.

Employees who bring an action against their employer for a violation of the bill may seek civil penalties of \$100 to \$1,000 on behalf of the City of Philadelphia for each day in which a violation occurs, and, if the employee prevails, a court of competent jurisdiction is empowered to award reinstatement, full restitution, and reasonable attorney's fees and costs.

For more information and updates on the developing situation, visit [GT's Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#) or [GT's Reopening the Economy Team](#).

Authors

This GT Alert was prepared by:

- [Kelly Dobbs Bunting](#) | +1 215.988.7858 | buntingk@gtlaw.com
- [Kevin Greenberg](#) | +1 215.988.7818 | greenbergk@gtlaw.com
- [Sarah R. Goodman](#) | +1 215.988.7861 | goodmansa@gtlaw.com

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.~ Houston. Las Vegas. London.* Los Angeles. Mexico City.+ Miami. Milan.» Minneapolis. Nashville. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul.∞ Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.^ Tokyo.* Warsaw.- Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ~Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. »Greenberg Traurig's Milan office is operated by Greenberg Traurig Santa Maria, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. #Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2020 Greenberg Traurig, LLP. All rights reserved.*