

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

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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.

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