



# New Hampshire Pay Equity

## Statute

- [Equal Pay, N.H. Rev. Stat. Ann. § 275:37](#)
- [New Hampshire Law Against Discrimination, 354-A:7 Unlawful Discriminatory Practices](#)

## Classes protected

- Sex, age, race, color, marital status, physical or mental disability, religious creed, national origin, sexual orientation

## Key language on pay discrimination

- “No employer or person seeking employees shall discriminate between employees on the basis of sex by paying employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions.”
- “It shall be an unlawful discriminatory practice [f]or an employer, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.”

## Exceptions for pay disparities (including affirmative defenses)

- A seniority system
- A merit or performance-based system
- A system which measures earnings by quantity or quality or production
- Expertise
- Shift differentials
- A demonstrable factor other than sex, such as education, training, or expertise

## Anti-retaliation

- Prohibits discharge or discrimination because an employee makes a charge, files a complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under this law or has testified or participated in any manner in an investigation, proceeding, hearing, or action

- Prohibits discharge or discrimination against an employee who inquired about, discussed, or disclosed his or her wages or those of another employee

### ***Pay Equity Team***

Learn more about our services and team.

### ***Related Insights***

View our related Pay Equity Insights for New Hampshire