Pennsylvania Pay Equity

Statute

- Equal Pay Law, Pa. Stat. Ann. Title 43 § 336.1 et seq

Classes protected

- Sex

Key language on pay discrimination

- "No employer having employees subject to any provisions of this section shall discriminate between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex for comparable work[.]"

Exceptions for pay disparities (including affirmative defenses)

- Bona fide seniority system

- Bona fide merit system

- Bona fide system which measures earnings by quantity or quality of production or sales

- Bona fide factor other than sex, including education, training, or experience

- Bona fide factor applies only if the employer demonstrates that it is not based upon or derived from a sex-based differential, is job-related, and is consistent with business necessity

Prohibition on salary history inquiry

- Unlawful for state agencies to request salary history

- Pittsburgh prohibits the city from asking about a job applicant's salary history and relying on wage history in the employment process, unless the applicant volunteered the information

- Philadelphia employers are prohibited from inquiring about a prospective employee's wage history, requiring disclosure of wage history, conditioning employment or consideration for an interview on disclosure of wage history, retaliating against a prospective employee for failing to comply with any wage history inquiry, and relying on wage history in determining a prospective employee's wages unless "knowingly and willingly" disclosed

Anti-retaliation

- Prohibits retaliation

<u>Wage Disclosure Requirements (public employers)</u>

- All job postings by state agencies must clearly disclose a position's pay scale and pay range.

Key Contact

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Pay Equity Team

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