



North Dakota Pay Equity

Statute

- Equal Pay for Men and Women, N.D. Cent. Code § 34-06.1-01 et seq.
- North Dakota Human Rights Act, 14-02.4-03 et seq.

Classes protected

- Sex, race, color, religion, national origin, age, mental or physical disability, marital status, status with regard to public assistance

Key language on pay discrimination

- “An employer may not discriminate between employees in the same establishment on the basis of gender, by paying wages to any employee in any occupation in this state at a rate less than the rate at which the employer pays any employee of the opposite gender for comparable work on jobs that have comparable requirements relating to skill, effort, and responsibility.”
- It is a discriminatory practice for an employer to fail or refuse to hire an individual; to discharge an employee; or to accord adverse or unequal treatment to an individual or employee with respect to ... compensation....” on the basis of race, color, religion, sex, national origin, age, mental or physical disability, marital status, status with regard to public assistance, or “participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests to the employer”

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- System that measures earnings by quantity or quality of production
- Merit system
- Bona fide factors other than gender, such as education, training, or experience and which do not discriminate on the basis of gender
- Quantity or quality of production
- Geographic location

Anti-retaliation

- May not discharge or discriminate against an employee for exercising her rights under this law.

Pay Equity Team

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