

● EQUAL PAY LAW

STATUTORY CITATION: N.D. Cent. Code §§ 34-06.1-01 – 34-06.1-09

GENERAL SUMMARY: It is illegal for an employer to discriminate in the payment of wages in any occupation, by compensating an employee at a rate less than the rate paid to an employee of the opposite sex in the same establishment, for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility. Wage differentials, however, that are paid pursuant to an established seniority system, merit increase system or similar program that does not discriminate on the basis of sex generally are not regarded as unlawful.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law implicitly applies to agricultural employers and protects agricultural workers to the same extent as employers and workers in other industrial sectors.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Human Rights Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* With the consent of the employer or with a valid court order, representatives of the Department may enter any place of employment to inspect and copy payroll records, observe employment activities, question employees, and take other steps to determine compliance with the equal pay law. At the request of a worker paid less than the wage to which he or she is entitled under the law, the Department may bring legal action against the employer on the worker's behalf to collect the unpaid wages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Instead of submitting an equal pay complaint to the Department, a worker may elect to file suit against the offending employer directly, using an outside attorney. Court action must be undertaken no later than 2 years after the claim arises. In a suit brought by the worker for a willful violation, the employer is liable in the amount of the worker's unpaid wages, plus an additional equal amount as liquidated damages.