

● **MINIMUM FAIR WAGE STANDARDS LAW (*WAGE DISCRIMINATION*)**

STATUTORY CITATION: Ohio Rev. Code § 4111.17

GENERAL SUMMARY: No employer in Ohio may discriminate in the payment of wages on the basis of race, color, religion, sex, age, national origin, or ancestry, by paying wages to any employee at a rate less than the rate paid another employee at the same establishment for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar conditions. This provision does not, however, preclude wage differentials paid pursuant to a seniority system, a merit system, a system which measures earnings by the quantity or quality of production, or any similar pay arrangement in which wage levels are determined by factors other than race, color, religion, sex, age, national origin, or ancestry.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage discrimination provision generally applies to all Ohio employers, agricultural and non-agricultural alike.

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 — *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223)*. Any worker who has received less than equal wages as a result of an apparent violation of the wage discrimination provision may file a claim with the Department, which is authorized to accept assignment of the claim and sue on the worker's behalf to collect it.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement, an employee discriminated against in violation of this provision may sue in civil court to recover *two times* the amount of the difference between the wages actually received by the claimant and the wages received by a person performing equal work for the employer, from the date of commencement of the violation. A judgment in the worker's favor may also include court costs and attorney's fees. Whether filed by the worker or by the Department of Commerce, civil action must be initiated within one year after the date of violation.