

● EQUAL PAY LAW

STATUTORY CITATION: 43 Pa. Stat. §§ 336.1 – 336.10

GENERAL SUMMARY: In general, the Equal Pay Law forbids employers in Pennsylvania from paying wages to any worker at a rate less than the rate paid to employees of the opposite sex in the same establishment, for work under comparable conditions and on jobs whose performance requires comparable skills. Seniority or merit pay systems, however, which do not discriminate on the basis of sex are generally not regarded as unlawful.

The law applies only to employees who are not already protected by the wage discrimination provision in the federal Equal Pay Act (*see entry, U.S. — Civil Rights — Wage Discrimination*).

PROVISIONS APPLICABLE TO AGRICULTURE: A farm operator or other agricultural establishment in Pennsylvania that did not employ more than 500 worker-days of agricultural labor in any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) is subject to the prohibition against gender-related wage discrimination under the state Equal Pay Law.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. Representatives of the Department have authority to enter any employer's place of business to inspect and copy payroll and other employment records, to observe work operations, to question employees, and to obtain other information necessary to the enforcement of the Equal Pay Law. At the request of a worker paid less than full wages as a result of unlawful sex discrimination, the Department may bring required legal action on the worker's behalf to collect the claim. In addition to civil liability, violators are also subject to a criminal fine of from \$50 to \$200 or imprisonment for from 30 to 60 days.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker or group of workers with a claim for unpaid wages under the Equal Pay Law may bring suit in civil court in lieu of filing an administrative claim with the Department. An employer who willfully and knowingly violates these provisions is liable to the worker or workers affected in the amount of their unpaid wages and, in addition, an equal amount as liquidated damages, plus attorney's fees and court costs. Civil action must be commenced within 2 years from the date of the alleged violation.