



Melissa McDuffey

Equal Pay Updates

Q: Equal Pay Day was observed on Apr. 2 this year. What is the purpose of this day?

A: Researchers estimate that women in the United States are paid, on average, about 20% less than their male counterparts in the same jobs. Although this estimated wage gap has improved in recent years, most sources acknowledge the wage gap still has room for improvement. In 1996 the National Committee on Pay Equity (NCPE) created Equal Pay Day to raise public awareness of the continued wage gap. Equal Pay Day is always in April to illustrate how far into the year a woman must work to earn the same money her male counterpart made in the previous year. Likewise, Equal Pay Day is always on a Tuesday as a symbol for how far into the next work week a woman must work to earn what her male counterpart made in the previous week.

Q: Equal pay has been a popular topic of legislation across the U.S. what changes have recently been made at the state level?

A: In addition to federal legislation, nearly every state also has its own pay-equity laws in place. The specific state laws and their implications differ from state to state. For example, some state laws are similar to the federal Equal Pay Act and prohibit paying different wages for men and women for comparable jobs unless the difference in pay is based on a specific non-discriminatory factor. Other state laws aim to protect more than just gender and include protections for individuals on the basis of their race or other identified factors. Other state laws seek to regulate the information employers are able to gather from applicants and employees, such as their wage history at previous jobs.

Q: What do employers need to know and do to be in compliance with equal pay laws?

A: Employers should audit employees' wages on at least an annual basis to ensure women and men are being paid equally for comparable work. If it is determined that there is a wage disparity, employers should ensure that the difference is due to non-discriminatory factors such as a seniority system, a merit system, a system that measures compensation by quantity or quality of production, or another specific identifiable factor that is not based on sex. Some courts have held that past wage history is not a "factor other than sex" and, therefore, an employer may be liable for wage disparities that resulted from setting compensation based on the employee's past wage history. Finally, if an unexplained disparity is found, the employer can only equalize wages by raising the woman's wages—not by lowering the man's wages.

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