



**POSITION STATEMENT OF THE CONNECTICUT TRIAL LAWYERS
ASSOCIATION IN SUPPORT OF S.B. 362
CONNECTICUT'S EQUAL PAY ACT**

The Connecticut Trial Lawyers strongly support passage of S.B. 362, which represents an enhancement of Connecticut's current Equal Pay Act.

Women make up nearly 48% of Connecticut's workforce. Yet, despite great strides, women still only earn 78 cents for every dollar earned by men.¹ Today, in these difficult times, there are more women than ever who are either the primary or sole providers for their households. Ending paycheck disparity is not just a women's issue, it is a family issue. This bill will help to accomplish the goal of pay equality for women.

The provisions of the bill are derived in large part from the federal legislation known as the Lilly Ledbetter Act which has recently been enacted, and the Paycheck Fairness Act which is still pending. Unlike Connecticut's currently existing Equal Pay Act, it clearly sets forth the standards, such as seniority, merit rating systems, and incentive-based compensation that allow for legitimate pay differentiation. Thus, the Act should make it easier for employers to justify legitimate pay differentials and establish pay scales that are in compliance with the law. However, the proposed bill also facilitates enforcement when an employee makes a showing of paycheck discrimination based on gender because it places the burden on the employer to demonstrate a legitimate basis for pay differentiation.

¹ U.S. Department of Labor, U.S. Bureau of Labor Statistics, Report 1008 (2008); Commission on Human Rights and Opportunities, Connecticut Occupational Statistics (2000).

The Act also affords a more practical remedy for victims of wage discrimination. It clarifies that they may either seek a remedy through the Department of Labor or by initiating a civil action. It also clarifies the remedies that are available through a civil action, making it a more viable alternative for victims of wage discrimination. The Act recognizes that wage discrimination is a continuing violation, and does not penalize victims who have no knowledge of the violation by barring their claims for ongoing wage discrimination. The Act also recognizes that many persons do not come forward out of fear of retaliation and protects those who do come forward by providing a real and practical remedy for persons who have suffered retaliation for asserting claims of wage discrimination or opposing wage discrimination. The bill is also cost effective because it does not require exhaustion through either the Commission on Human Rights or the Department of Labor.

Finally, Connecticut's Equal Pay Act is necessary because it will cover many employees who are not covered by the federal Equal Pay Act and will be more economically accessible to lower wage earners than a federal remedy. Connecticut's Act will provide a more viable remedy for many employees.

Wage discrimination based upon gender impacts persons and families least able to cope with wage disparities in difficult economic times. This bill is a necessary and important component of any larger effort to deal with the current economic climate. We urge its passage.