



House of Representatives

General Assembly

File No. 66

January Session, 2017

House Bill No. 5591

House of Representatives, March 16, 2017

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PAY EQUITY IN THE WORKFORCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-75 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) No employer shall discriminate in the amount of compensation
4 paid to any employee on the basis of sex. Any difference in pay based
5 on sex shall be deemed a discrimination within the meaning of this
6 section.

7 (b) If an employee can demonstrate that his or her employer
8 discriminates on the basis of sex by paying wages to employees at the
9 employer's business at a rate less than the rate at which the employer
10 pays wages to employees of the opposite sex at such business for equal
11 work on a job, the performance of which requires equal skill, effort and
12 responsibility, and which are performed under [similar] comparable
13 working conditions, such employer must demonstrate that such
14 differential in pay is made pursuant to (1) a seniority system; (2) a

15 merit system; (3) a system which measures earnings by quantity or
 16 quality of production; or (4) a differential system based upon a bona
 17 fide factor other than sex, such as education, training or experience.
 18 Said bona fide factor defense shall apply only if the employer
 19 demonstrates that such factor (A) is not based upon or derived from a
 20 sex-based differential in compensation, and (B) is job-related and
 21 consistent with business necessity. Such defense shall not exist where
 22 the employee demonstrates that an alternative employment practice
 23 exists that would serve the same business purpose without producing
 24 such differential and that the employer has refused to adopt such
 25 alternative practice.

26 (c) No employer shall discharge, expel or otherwise discriminate
 27 against any person because such person has opposed any
 28 discriminatory compensation practice or because such person has filed
 29 a complaint or testified or assisted in any proceeding pursuant to
 30 section 31-76.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	31-75

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which modifies wording in existing pay equity statute, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5591*****AN ACT CONCERNING PAY EQUITY IN THE WORKFORCE.*****SUMMARY**

The law generally prohibits gender wage discrimination by requiring employers to pay employees equal wages for jobs that (1) require equal skill, effort, and responsibility and (2) are performed under similar working conditions. This bill specifies that the second provision applies to jobs performed under “comparable,” rather than “similar,” working conditions. (It is unclear whether this change has any legal effect.)

By law, employers with pay differentials can defend themselves in a gender wage discrimination lawsuit by showing that the differentials are based on (1) seniority; (2) merit; (3) a system that measures production quantity or quality; or (4) bona fide factors such as job-related education, training, or experience.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Related Bill***

HB 5210, reported favorably by the Labor and Public Employees Committee, prohibits employers from asking about a prospective employee’s wage and salary history before negotiating his or her job offer and compensation. It also makes several changes to the defenses available to employers in a gender wage discrimination suit.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/02/2017)