



General Assembly

**Amendment**

January Session, 2017

LCO No. 6157



Offered by:

REP. PORTER, 94<sup>th</sup> Dist.

REP. SLAP, 19<sup>th</sup> Dist.

SEN. GOMES, 23<sup>rd</sup> Dist.

To: House Bill No. 5591

File No. 66

Cal. No. 78

**"AN ACT CONCERNING PAY EQUITY IN THE WORKFORCE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 31-75 of the general statutes is repealed and the  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

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

9 (b) If an employee can demonstrate that his or her employer  
10 discriminates on the basis of sex by paying wages to employees at the  
11 employer's business at a rate less than the rate at which the employer  
12 pays wages to employees of the opposite sex at such business for equal  
13 work on a job, the performance of which requires equal skill, effort and

14 responsibility, and which are performed under [similar] comparable  
 15 working conditions, such employer must demonstrate that such  
 16 differential in pay is made pursuant to (1) a seniority system, provided  
 17 time spent on leave due to a pregnancy-related condition or protected  
 18 family and medical leave shall not reduce seniority; (2) a merit system;  
 19 (3) a system which measures earnings by quantity or quality of  
 20 production; or (4) a differential system based upon a bona fide factor  
 21 other than sex, such as education, training or experience. Said bona  
 22 fide factor defense shall apply only if the employer demonstrates that  
 23 such factor (A) is not based upon or derived from a sex-based  
 24 differential in compensation, and (B) is job-related and consistent with  
 25 business necessity. An employee's prior wage and salary history shall  
 26 not be considered a bona fide factor defense to such claim. Such  
 27 defense shall not exist where the employee demonstrates that an  
 28 alternative employment practice exists that would serve the same  
 29 business purpose without producing such differential and that the  
 30 employer has refused to adopt such alternative practice.

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

36 Sec. 2. Section 46a-62 of the general statutes is repealed. (*Effective*  
 37 *October 1, 2017*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	31-75
Sec. 2	<i>October 1, 2017</i>	Repealer section