

Connecticut's Equal Pay and Pay Equity Laws

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Issue

This report describes Connecticut's equal pay and pay equity laws.

Summary

Connecticut labor law generally requires employers to pay their employees the same wage rate, regardless of their sex, for performing equal work that requires equal skill, effort, and responsibility under similar working conditions. A failure to do so based on an employee's sex is discrimination, but wage rates may vary from this requirement if they are based on certain types of pay systems, such as a seniority system, or a bona fide factor such as education. The law may be enforced by the labor commissioner or by aggrieved employees through a lawsuit ([CGS §§ 31-75 & 31-76](#)).

The state's anti-discrimination law similarly makes it a discriminatory employment practice to discriminate against an employee in compensation because of the employee's sex, except in the case of a bona fide occupational qualification or need. Aggrieved employees may enforce their rights under this law by filing a complaint with the Commission on Human Rights and Opportunities ([CGS § 46a-60](#)).

In recent years, the legislature has enacted two laws ([PA 15-196](#) and [PA 18-8](#)) which aim to further address the gender "pay gap." These acts address two underlying issues that some argue could impede greater pay equity between men and women: (1) co-workers' limited ability to share information about their wages with each other and (2) how employees' prior earnings histories may depress their starting pay at a new job.

Equal Pay for Equal Work

Connecticut's "equal pay for equal work" law prohibits employers from discriminating in the amount of compensation they pay to an employee on the basis of sex ([CGS § 31-75](#)). More specifically, such discrimination involves an employer paying employees of one sex a lower wage rate than it pays to employees of the opposite sex for equal work that (1) is performed under similar working conditions and (2) requires equal skill, effort, and responsibility.

The law deems as discrimination such a pay differential based on sex. However, an employer can defend itself by showing that the pay differential is based on a:

1. seniority system;
2. merit system;
3. system that measures earnings by quantity or quality of production; or
4. differential system based upon a bona fide factor other than sex, such as education, training, or experience.

The bona fide factor defense only applies if the employer also shows that the factor is (1) job-related and consistent with business necessity and (2) not based or derived from a sex-based differential in compensation. In addition, an employee can overcome the defense by showing that the employer refused to adopt an existing alternative practice that would serve the same business purpose without producing the wage differential.

The law also prohibits employers from discharging, expelling, or discriminating against anyone because he or she opposed a discriminatory compensation practice or filed a complaint, testified, or assisted in a related enforcement proceeding.

Enforcement

The law requires the labor commissioner to enforce the equal pay law either upon complaint or the commissioner's own motion ([CGS § 31-76](#)). To do so, he or his authorized representative may enter employment places, inspect payrolls, investigate work and operations on which employees are engaged, question employees, and take other reasonably necessary actions to determine an employer's compliance with the equal pay law. If requested by an employee who received less than the required equal pay, the commissioner may also take an assignment of a wage claim in trust and bring any legal action needed to collect the claim.

Unless, and except to the extent that, a wage claim has been assigned to the labor commissioner as described above, affected employees may also bring an action to redress a violation of the equal pay law in any court of competent jurisdiction.

In any action brought by the commissioner or affected employees, an employer who violates the equal pay law may be found liable to the affected employees for (1) the difference between the wages paid and the maximum wage paid to any other employee for equal work, (2) compensatory damages, and (3) if the violation is found to be intentional or committed with reckless indifference to the employees' rights, punitive damages. In actions brought by employees, employers may also be found liable for attorney's fees and costs, and any legal and equitable relief that the court deems proper. In either type of case, an employee's agreement to work for less than the required wage is not a defense.

Under the law, discrimination in compensation occurs when (1) a discriminatory compensation decision or practice is adopted, (2) an individual is subject to a discriminatory compensation decision or practice, or (3) an individual is affected by the application of a discriminatory compensation decision or practice. And the discrimination is deemed to be a continuing violation each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or practice.

An action for a violation of the equal pay law must typically be brought within two years after the violation or discrimination in compensation occurs. However, an action may be brought within three years if the violation was intentional or committed with reckless indifference.

Anti-discrimination Law

Connecticut's anti-discrimination law similarly makes it a discriminatory employment practice for an employer with at least three employees to discriminate against an employee in compensation because of the employee's sex, except in the case of a bona fide occupational qualification or need ([CGS § 46a-60\(b\)\(1\)](#)). Aggrieved employees may file a discrimination complaint with the Commission on Human Rights and Opportunities (CHRO), which investigates and enforces the state's anti-discrimination laws. Additional information about the CHRO complaint process is available [here](#).

Although the state's anti-discrimination law overlaps with its equal pay law, it does not void or supersede the equal pay law's provisions ([CGS § 46a-62](#)).

Additional “Pay Equity” Laws

Since 2015, the legislature has sought to address two underlying issues that could impede greater pay equity: employer policies that prohibit co-workers from discussing their wages with each other, and employer use of a new employee’s prior earnings history to depress the new employee’s starting salary. Summaries of these laws are below (both acts are codified in [CGS § 31-40z](#)).

PA 15-196: An Act Concerning Pay Equity and Fairness

This [act](#) prohibits employers from (1) prohibiting their employees from sharing information about their wages; (2) requiring employees to waive their right to such sharing; and (3) discharging, disciplining, discriminating or retaliating against, or otherwise penalizing employees for such sharing. More specifically, the protected wage information sharing involves co-workers (1) disclosing or discussing the amount of their own wages or another co-worker's voluntarily disclosed wages or (2) asking about a co-worker's wages. The act specifies that it does not require an employer or employee to disclose any employee's wages.

The act allows employees to bring a lawsuit to redress a violation of its provisions within two years after an alleged violation. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

PA 18-8: An Act Concerning Pay Equity

This [act](#) generally prohibits employers from asking about a prospective employee's wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes disclosure or verification of salary history for employment purposes. The act also explicitly allows an employer to ask about other elements of a prospective employee's compensation structure (e.g., stock options), as long as the employer does not ask about their value.

The act allows prospective employees to bring a lawsuit within two years after an alleged violation. Employers may be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

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