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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 578 Session of  
2017

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INTRODUCED BY WILLIAMS, LEACH, FARNESE, FONTANA, YUDICHAK,  
BREWSTER, STREET, HAYWOOD, COSTA, SCHWANK, HUGHES, BOSCOLA,  
BROWNE AND BLAKE, APRIL 5, 2017

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REFERRED TO LABOR AND INDUSTRY, APRIL 5, 2017

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AN ACT

1 Amending the act of December 17, 1959 (P.L.1913, No.694),  
2 entitled "An act prohibiting discrimination in rate of pay  
3 because of sex; conferring powers and imposing duties on the  
4 Department of Labor and Industry; and prescribing penalties,"  
5 further providing for wage rates.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 3 of the act of December 17, 1959  
9 (P.L.1913, No.694), known as the Equal Pay Law, is amended to  
10 read:

11 Section 3. Wage Rates.--(a) No employer having employes  
12 subject to any provisions of this section shall discriminate,  
13 within any establishment in which such employes are employed,  
14 between employes on the basis of sex by paying wages to employes  
15 in such establishment at a rate less than the rate at which he  
16 pays wages to employes of the opposite sex in such establishment  
17 for equal work on jobs, the performance of which, requires equal  
18 skill, effort, and responsibility, and which are performed under  
19 similar working conditions, except where such payment is made

1 pursuant to (1) a seniority system; (2) a merit system; (3) a  
2 system which measures earnings by quantity or quality of  
3 production; or (4) a differential based on [any other] a bona  
4 fide factor other than sex, such as education, training or  
5 experience: Provided, That any employer who is paying a wage  
6 rate differential in violation of this subsection shall not in  
7 order to comply with the provisions of this subsection, reduce  
8 the wage rate of any employe.

9 (a.1) The bona fide factor defense described under  
10 subsection (a) (4) shall apply only if the employer demonstrates  
11 that such factor (1) is not based upon or derived from a sex-  
12 based differential in compensation; (2) is job related with  
13 respect to the position in question; and (3) is consistent with  
14 business necessity. Such defense shall not apply where the  
15 employe demonstrates that an alternative employment practice  
16 exists that would serve the same business purpose without  
17 producing such differential and that the employer has refused to  
18 adopt the alternative practice.

19 (b) No labor organization, or its agents, representing  
20 employes of an employer having employes subject to any  
21 provisions of this section, shall cause or attempt to cause such  
22 an employer to discriminate against an employe in violation of  
23 subsection (a) of this section.

24 (c) No employer or labor organization may discharge or in  
25 any other manner discriminate against any employe who (1) has  
26 made a charge or filed any complaint, or instituted or caused to  
27 be instituted any proceeding under or related to this act,  
28 including an investigation conducted by the employer, or has  
29 testified or is planning to testify or has assisted or  
30 participated in any manner in any such investigation,

1 proceeding, hearing or action, or has served or is planning to  
2 serve on an industry committee; or (2) has inquired about,  
3 discussed or disclosed the wages of the employe or another  
4 employe.

5 (d) No employer or labor organization shall (1) require, as  
6 a condition of employment, that an employe refrain from  
7 disclosing the amount of the employe's wages; or (2) require an  
8 employe to sign a waiver or other document that purports to deny  
9 the employe the right to disclose the amount of the employe's  
10 wages.

11 Section 2. This act shall take effect in 30 days.