INTRODUCED BY MOLCHANY, SIMS, FRANKEL, COHEN, HAGGERTY, YOUNGBLOOD, GAINNEY, K. BOYLE, BRIGGS, BISHOP, THOMAS, O'BRIEN, PARKER, SCHLOSSBERG, DAVIDSON, P. COSTA, SWANGER, CALTAGIRONE, BIZZARRO, MUNDY, BRADFORD, ROZZI, HARHAI, MCCARTER, MAHONEY, DeLUCA, PAINTER, DERMODY, BROWNLEE, SCHREIBER, DAVIS, M. DALEY, DONATUCCI, KIM, SANTARSIERO, SNYDER, WATERS, WHITE, B. BOYLE, CLAY, DELISSIO, D. MILLER, DEAN, W. KELLER, NEILSON, NEUMAN, RAVENSTAHL, TOOHIL AND READSHAW, JANUARY 2, 2014

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, amended July 31,
10 1968 (P.L.869, No.262), is amended to 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
for equal work on jobs, the performance of which, requires equal
skill, effort, and responsibility, and which are performed under
similar working conditions, except where such payment is made
pursuant to (1) a seniority system; (2) a merit system; (3) a
system which measures earnings by quantity or quality of
production; or (4) a differential based on [any other factor]
bona fide factors other than sex, such as education, training or
experience: Provided, That any employer who is paying a wage
rate differential in violation of this subsection shall not in
order to comply with the provisions of this subsection, reduce
the wage rate of any employe.

(a.1) Subsection (a)(4) shall apply only if the employer
demonstrates that the bona fide factor: (1) is not based upon or
derived from a sex-based differential in compensation; (2) is
job-related with respect to the position in question; and (3) is
consistent with business necessity. The defense shall not apply
where the employe demonstrates that an alternative employment
practice exists that would serve the same business purpose
without producing the differential and that the employer has
refused to adopt the alternative practice.

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

(c) No employer or labor organization may discharge or in
any other manner discriminate against an employe who: (1) has
made a charge, filed a complaint, instituted or caused to be
instituted a proceeding under this act; (2) has participated in
any manner in an investigation, including an investigation.
conducted by the employer, a proceeding, hearing or action; (3) has served or is planning to serve on an industry committee; or (4) has inquired about, discussed or disclosed the wages of the employe or another employe.

(d) No employer or labor organization may: (1) require as a condition of employment that an employe refrain from disclosing the amount of the employe's wages; or (2) require an employe to sign a waiver or other document that denies the employe the right to disclose the amount of the employe's wages.

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