
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1890 Session of
2014

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

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, 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

1 for equal work on jobs, the performance of which, requires equal
2 skill, effort, and responsibility, and which are performed under
3 similar working conditions, except where such payment is made
4 pursuant to (1) a seniority system; (2) a merit system; (3) a
5 system which measures earnings by quantity or quality of
6 production; or (4) a differential based on [any other factor]
7 bona fide factors other than sex, such as education, training or
8 experience: Provided, That any employer who is paying a wage
9 rate differential in violation of this subsection shall not in
10 order to comply with the provisions of this subsection, reduce
11 the wage rate of any employee.

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

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

26 (c) No employer or labor organization may discharge or in
27 any other manner discriminate against an employee who: (1) has
28 made a charge, filed a complaint, instituted or caused to be
29 instituted a proceeding under this act; (2) has participated in
30 any manner in an investigation, including an investigation

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

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

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