
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 241 Session of
2017

INTRODUCED BY MCGARRIGLE, KILLION, CORMAN, SCARNATI, LAUGHLIN,
TOMLINSON, BROWNE, BARTOLOTTA AND RESCHENTHALER,
JANUARY 31, 2017

REFERRED TO LABOR AND INDUSTRY, JANUARY 31, 2017

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; (3.1) the level or amount of education, training or
4 experience; or (4) a differential based on any other factor
5 other than sex: 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 (b) No labor organization, or its agents, representing
10 employes of an employer having employes subject to any
11 provisions of this section, shall cause or attempt to cause such
12 an employer to discriminate against an employe in violation of
13 subsection (a) of this section.

14 (c) No employer or labor organization may discharge or in
15 any other manner discriminate against any employe for the sole
16 reason that the employe (1) has made a charge or filed any
17 complaint, or instituted or caused to be instituted any
18 proceeding under or related to this act, including an
19 investigation conducted by the employer, or has testified or is
20 planning to testify or has assisted or participated in any
21 manner in any such investigation, proceeding, hearing or action;
22 or (2) has reasonably inquired about, discussed or disclosed the
23 wages of the employe or another employe.

24 (d) No employer or labor organization shall (1) require, as
25 a condition of employment, that an employe refrain from
26 disclosing the amount of the employe's wages; or (2) require an
27 employe to sign a waiver or other document that purports to deny
28 the employe the right to disclose the amount of the employe's
29 wages.

30 (e) No employer or labor organization may be required to

1 disclose employe wages except as expressly provided by this
2 section.

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