

EQUAL PAY LAW



DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

BUREAU OF LABOR LAW COMPLIANCE

"EQUAL PAY LAW"
Act of 1959, P.L. 1913, No. 694

AN ACT

Prohibiting discrimination in rate of pay because of sex; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties.

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

Section 1. Short Title.

This act shall be known and may be cited as the "Equal Pay Law."

Section 2. Definitions.

(a) The term "employee," as used in this act, shall mean any person employed for hire in any lawful business, industry, trade or profession, or in any other lawful enterprise in which individuals are gainfully employed; including individuals employed by the Commonwealth or any of its political subdivisions, including public bodies: Provided, however, That the term "employee" as used in this act shall not apply to any person or persons who is or are subject to section 6 of the Federal Fair Labor Standards Act (Act of June 25, 1938, as amended).

(b) "Employer" includes any person acting, directly or indirectly, in the interest of any employer in relation to an employe.

(c) "Employ" includes to suffer or permit to work.

(d) "Secretary" shall mean the Secretary of Labor and Industry.

(e) The term "labor organization" means any organization of any kind, or any agency or employe representation committee or plan, in which employes participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(f) Wherever the masculine is used, the feminine and neuter shall be included.

(2 amended July 31, 1968, P.L. 869, No. 262)

Section 3. Wage Rates.

(a) No employer having employes subject to any provisions of this section shall discriminate, within any establishment in which such employes are employed, between employes on the basis of sex by paying wages to employes in such establishment at a rate less than the rate at which he 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 other than sex: 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.

(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.

(3 amended July 31, 1968, P.L. 869, No. 262)

Section 4. Powers of Secretary.

(a) The secretary shall have the power, and it shall be his duty, to carry out and administer the provisions of this act.

(b) For this purpose, the secretary or his authorized representative shall have the power to enter the establishment of any employer to inspect and copy payrolls and other employment records, to compare character of work and operations on which persons employed by him are engaged, to question such persons and to obtain such other information as is reasonably necessary to the administration and enforcement of this act.

(c) The secretary shall have the power to issue such rules and regulations consistent with the purpose and provisions of this act as he deems necessary to make effective the provisions of this act.

Section 5. Collection of Unpaid Wages.

(a) An employer who wilfully and knowingly violates the provisions of section 3 of this act shall be liable to the employe or employes affected in the amount of their unpaid wages and in addition, an equal amount as liquidated damages. Action to recover such wages and damages may be maintained in any court of competent jurisdiction by any one or more employes for and in behalf of himself or themselves and other employes similarly situated. Any agreement between the employer and an employe to work for less than the wage to which such employe is entitled under this act shall be no defense to such action. The court in such action shall, in addition to any wages and damages, allow a reasonable attorney's fee and costs of the action to the plaintiff. At the request of any employe paid less than the wage to which he is entitled under this act, the Secretary of Labor and Industry may take an assignment of such wage claim for collection and shall bring any legal action necessary to collect such claim. The secretary shall not be required to pay the filing fee or other costs in connection with such action. The secretary shall have power to join various claimants against the employer in one cause of action.

(b) Any action pursuant to the provisions of this act must be brought within two years from the date upon which the violation complained of occurs.

(5 amended July 31, 1968, P.L. 869, No. 262)

Section 6. Records and Reporting.

Every employer subject to this act shall make, keep and maintain such records of the wages and wage rates, job classifications and other terms and conditions of employment of the persons employed by him, and shall preserve such records for such period and shall make such reports therefrom, as the secretary shall prescribe.

Section 7. Abstracts.

The Department of Labor and Industry shall prepare an abstract of the provisions of this act; copies of the abstract shall be printed in accordance with the laws of the Commonwealth regulating printing and publishing, and the Department of Labor and Industry shall supply the same to all persons required to post them. Employers subject to the provisions of this act shall keep an abstract posted in a conspicuous place.

Section 8. Penalties.

(a) Any employer who wilfully and knowingly violates any provisions of this act, or who discharges

or in any other manner discriminates against any employe because such employe has made any complaint to his employer, the secretary or any other person who instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceedings, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and, upon default in such fine and costs, shall undergo imprisonment for not less than thirty days nor more than sixty days. Each day such a violation continues shall constitute a separate offense.

(b) Any employer who fails to keep the records required under this act or to furnish such records to the secretary upon request, or who falsifies such records or who hinders, delays or otherwise interferes with the secretary or his authorized representatives in the performance of his duties in the enforcement of this act, or refuses such official entry into any establishment which he is authorized by this act to inspect, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and, upon default in such fine and costs, shall undergo imprisonment for not less than thirty days nor more than sixty days. Each day such a violation continues shall constitute a separate offense.

Section 9. The act of July 7, 1947 (P.L. 1401), entitled "An act prohibiting discrimination in rate of pay because of sex; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties," is repealed.

All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 10. Effective Date.

This act shall become effective ninety days after the date of its final enactment.