

U.S.

■ EQUAL PAY ACT OF 1963

TERMS: In general, no employer who has any employee covered by the federal minimum wage (*see entry, U.S. — Wages & Hours — Minimum Wage*) may pay wages to workers at a rate less than the rate the employer pays workers of the opposite sex at the same establishment for substantially equal work, on jobs requiring equal skill, effort and responsibility and performed under similar working conditions.

Different pay scales, however, may be lawful when wages are determined according to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other system based on any factor other than sex.

ENFORCEMENT: *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000).* A worker who has not received the pay he or she is entitled to under the Equal Pay Act may file a complaint with any district, area or local office of the Commission.

As an alternative to enforcement action by the Commission, the worker has a right to take legal action against the employer in civil court, using a private attorney or a public legal services program. Any such action must be filed no later than 2 years after the discrimination occurred (within 3 years in the case of a willful violation).

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or participated in an investigation or other action under this law.

Arizona

■ ARIZONA EQUAL WAGE LAW

TERMS: With only limited exceptions, no employer may pay any worker a wage less than the rate paid to workers of the opposite sex at the same workplace.

ENFORCEMENT: *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515)*. The equal wage law gives a worker 6 months after a violation occurs to file a complaint. Using legal assistance of their own choice, workers also have the right to sue an employer directly to collect unpaid wages resulting from unlawful sex discrimination.

SPECIAL NOTE: A worker claiming unpaid wages on account of sex discrimination should provide the employer with a written notice of the claim as soon as possible, since an employer is not legally responsible for wages due for more than 30 days before the worker provides such notice. Furthermore, the burden of proof is on the worker to prove that the claimed difference in pay is based on sex and not on other factors.

SPECIAL NOTE: Since the Arizona Civil Rights Act, described in the preceding entry, also outlaws wage discrimination because of sex but generally offers wider protection than the equal wage law, the State Labor Department usually refers all such complaints to the *Civil Rights Division, Office of the Attorney General, Phoenix, Arizona 85007 (877-491-5742)*.

Arkansas

■ **EQUAL PAY LAW**

TERMS: All employers in the state must pay their employees equal compensation for equal services. Employers are prohibited from discriminating against any employee in wages or compensation solely on the basis of the employee's sex.

ENFORCEMENT: This provision is enforced by public prosecuting attorneys in criminal court.

California

■ WAGE AND HOUR LAWS (*EQUAL PAY PROVISION*)

TERMS: In general, it is unlawful for a farm operator or any other employer to pay any worker at a wage rate less than the rate paid to workers of the opposite sex at the same place of work, for a job requiring equal skill, effort and responsibility and performed under similar working conditions. Wage differences, however, that are based on seniority, merit, quantity or quality of production, or any other valid factor other than gender are generally not considered discriminatory.

ENFORCEMENT: *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118)*. Workers who require information concerning these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, or email DLSE2@dir.ca.gov.

The law also gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Connecticut

■ WAGE AND HOUR LAWS (*WAGE DISCRIMINATION*)

TERMS: No employer may discriminate in the amount of wages paid to an employee solely on the basis of sex. In general, any difference in pay based on sex is considered to be discrimination.

ENFORCEMENT: *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791)*. Workers who believe they have been subjected to sex discrimination in compensation may file a complaint with the Department, provided the complaint is filed within one year after the alleged violation occurred.

As an alternative to filing a claim with the state agency, a worker who has not been paid all the wages to which he or she is entitled because of illegal sex discrimination may collect the unpaid amount in a civil suit against the employer involved, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Delaware

■ WAGE PAYMENT AND COLLECTION ACT OF THE STATE (*EQUAL PAY PROVISION*)

TERMS: In general, it is illegal for a farm operator or any other employer in the state to pay a worker a wage that is less than the rate the employer pays to workers of the opposite sex for equal work, on a job which requires equal skill, effort and responsibility and is performed under similar working conditions.

Wage differences that are based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or any other factor other than sex are generally not against the law.

ENFORCEMENT: *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

Florida

■ GENERAL LABOR REGULATIONS (*WAGE DISCRIMINATION*)

TERMS: In general, no employer who has 2 or more employees in the state may pay wages to any worker at a rate less than the rate the same employer pays workers of the opposite sex for equal work, on jobs that require equal skill, effort and responsibility and are performed under similar working conditions.

This law applies *only* to employers and employees who are not covered by the federal minimum wage law, and thus protects farmworkers who work for a farm operator that did not use more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).

ENFORCEMENT: The rights provided under these provisions may be enforced only by legal action in civil court, through a private attorney or a public legal services program.

Hawaii

■ WAGE AND HOUR LAW (*WAGE DISCRIMINATION*)

TERMS: In any workweek in which they employ 20 or more workers, employers are generally prohibited from discriminating in the payment of wages on the basis of race, religion or sex.

Exception — This protection *does not apply* to workers employed in the harvest of coffee.

ENFORCEMENT: *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777).*

As an alternative to filing a claim with the Department, a worker who has not received equal pay because of illegal wage discrimination under this law may take legal action against the employer directly, using a private attorney or a public legal services program.

SPECIAL NOTE: Although coffee harvest workers and employees of smaller farms and plantations are excluded from these provisions, they may be protected against wage discrimination under the state employment practice laws, described in the previous summary.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions. Likewise, an employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Idaho

■ STATE LABOR LAWS (*WAGE DISCRIMINATION*)

TERMS: With only limited exceptions, it is illegal for an employer to pay wages to any worker at a rate less than the employer pays workers of the opposite sex for essentially equal work on jobs which have equal requirements relating to skill, effort and responsibility. However, wage differences that are paid under a seniority system or merit increase system which does not discriminate on the basis of sex are generally allowable.

ENFORCEMENT: *Idaho Commission on Human Rights, Boise, Idaho 83735 (208-334-2664)*. Workers who have been paid less than the wage to which they are entitled under the anti-discrimination law may file a complaint with the Commission, which may bring legal action on the worker's behalf to collect the unpaid wages.

Instead of filing a claim with the state agency, the law also gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Illinois

■ EQUAL PAY ACT OF 2003

TERMS: In general, no employer in Illinois may discriminate between employees on the basis of sex, by paying wages to one worker at a rate less than the rate the employer pays to another worker of the opposite sex for the same or substantially similar work, on jobs that require equal skill, effort and responsibility and are performed under similar working conditions.

Different wage rates are generally acceptable, however, when payment is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other system that is based on any other factor other than sex.

ENFORCEMENT: *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2808).*

As an alternative to filing a complaint with the Department, a worker affected by wage discrimination under the Equal Pay Act may take legal action against the employer directly, using a private attorney or public legal service provider. Legal action to recover under-paid wages under the Act must be filed within 5 years from the date of the under-payment.

SPECIAL NOTE: It is unlawful for an employer to interfere with, fire, or in any other way discriminate against a worker for having filed a complaint, given information, testified or exercised any other right granted by this law.

Iowa

■ IOWA CIVIL RIGHTS ACT OF 1965 (*WAGE DISCRIMINATION*)

TERMS: It is illegal for an employer who regularly employs 4 or more workers to discriminate against an employee — because of the employee's age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability — by paying wages to the employee at a rate less than the rate paid to other employees in the same establishment for equal work on jobs that require equal skill, effort and responsibility and that are performed under similar working conditions.

Wage differences are not regarded as discriminatory if they are based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of the employee.

ENFORCEMENT: *Iowa Civil Rights Commission, Des Moines, Iowa 50319 (515-281-4121; toll-free 800-457-4416).*

Under certain circumstances, at least 60 days after a worker submits a complaint to the Commission, the worker may obtain a release from the Commission and sue the employer or other party directly, using a private attorney or a public legal services program. The worker has 90 days after a release is issued to file suit

Kentucky

■ WAGE DISCRIMINATION LAW

TERMS: Employers in Kentucky who employ 2 or more workers for 20 or more weeks during the current or preceding year are prohibited from paying wages to one employee at a rate less than the rate paid to an employee of the opposite sex for work requiring equal skill, effort and responsibility.

This provision does not, however, rule out wage differences paid under a seniority system or any other such plan, as long as it does not discriminate on the basis of sex.

ENFORCEMENT: *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-1524).*

As an alternative to filing a claim or complaint with the Department, the law gives workers affected by wage discrimination the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. Such a suit may not be filed any later than 6 months after the violation occurred.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Maine

■ WAGE PAYMENT LAWS (*EQUAL PAY*)

TERMS: Employers in Maine are prohibited from paying wages to any worker at a rate less than the rate at which workers of the opposite sex at the same place of employment are paid for essentially the same work, in jobs that require the same skill, effort and responsibility.

It is not illegal, though, to pay unequal wages when the wage differences are based on seniority, the time of day worked, or other factors not related to the workers' sex.

ENFORCEMENT: *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900).*

The equal pay provision in the wage payment laws also gives a worker affected by wage-related sex discrimination the right to sue the employer in civil court directly, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Maryland

■ EQUAL PAY FOR EQUAL WORK LAW

TERMS: With very limited exceptions, no employer may discriminate by paying wages or salaries to workers of one sex at a rate less than that paid workers of the opposite sex for essentially equal work, or work in the same operation, at the same workplace.

This does not prohibit different pay rates for jobs requiring different skills or abilities, or differing rates based on seniority or merit, as long as such systems do not discriminate on the basis of sex.

ENFORCEMENT: *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. A private lawsuit may not be filed any later than 3 years after the violation occurred.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: It is illegal for an employer to fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Michigan

■ WORKFORCE OPPORTUNITY WAGE ACT (EQUAL PAY)

TERMS: An agricultural employer who (a) has 2 or more workers, and (b) used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year — for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination — is generally prohibited from paying any worker less than he or she pays workers of the opposite sex for equal work, on jobs that require equal skill, effort and responsibility and are performed under similar working conditions.

Wage differences that are based on factors other than sex — including seniority, merit, and quantity or quality of production — are generally not considered discriminatory.

ENFORCEMENT: *Wage and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243).*

Instead of filing a complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. In either case, the complaint or suit must be filed within 3 years after the violation occurred.

SPECIAL NOTE: It is illegal for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

Minnesota

■ **EQUAL PAY FOR EQUAL WORK LAW**

TERMS: In general, it is illegal for an employer to pay wages to workers at a rate less than the rate at which the employer pays workers of the opposite sex for equal work, on jobs requiring equal skill, effort and responsibility and performed under similar working conditions.

ENFORCEMENT: This law is enforced by public prosecuting attorneys in criminal court. However, a worker who has been paid discriminatory wages based on sex may file suit in civil court to collect any unpaid wages and damages, using a private attorney or a public legal services program.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Missouri

■ EQUAL PAY LAW

TERMS: No employer may pay any female employee at a wage rate less than the rate paid to male employees for the same type of work. Pay variations between males and females are allowed, however, when the difference is based on length of time on the job, ability, skill, hours of work, or similar factors other than sex.

ENFORCEMENT: *Labor and Industrial Relations Commission, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-2461)*. Any female who believes the wages paid to her are less than the wages to which she is entitled under the equal pay law may file a complaint with the Commission, which is obligated to mediate the dispute.

As an alternative, the worker may take legal action against the employer in court, using a private attorney or a public legal services program. Such a lawsuit may not be filed more than 6 months after the date of the violation.

Montana

■ EQUAL PAY LAW

TERMS: It is unlawful for anyone in Montana to employ women in any occupation for a wage or salary less than the wage or salary paid to men for essentially the same amount or type of work, at the same place of employment.

ENFORCEMENT: *Human Rights Bureau, Montana Department of Labor and Industry, Helena, Montana 59624 (406-444-2884; toll-free 800-542-0807)*. A woman who has not received full wages as a result of sex discrimination on the job may file a claim with the Department.

Nebraska

■ EQUAL PAY LAW

TERMS: In general, employers with 15 or more workers on each working day in 20 or more weeks during the current or preceding year are forbidden from paying wages to workers of one sex at a rate less than the rate paid to workers of the opposite sex for essentially equal work.

Wage differences based on seniority, merit, quantity or quality of production, or any other factor other than gender are generally not regarded as discriminatory.

ENFORCEMENT: *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; 800-642-6112).*

As an alternative to filing a claim or complaint with the Commission, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Nevada

■ WAGE, HOUR, AND WAGE PAYMENT LAWS (*EQUAL PAY*)

TERMS: It is illegal for an employer to pay lower wages to one worker than the wages paid to a worker of the opposite sex who performs equal work, provided the job requires equal skill, effort and responsibility and is performed under similar working conditions. This does not, however, prohibit the payment of unequal wages where workers are paid according to length of time on the job, quality or quantity of production, or any similar factor other than the workers' sex.

ENFORCEMENT: *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).*

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: A person may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right under this law.

New Mexico

■ FAIR PAY FOR WOMEN ACT

TERMS: Employers with 4 or more employees are prohibited from discriminating on the basis of sex, by paying wages to workers of one sex at a rate less than the rate the employer pays to workers of the opposite sex in the same workplace for equal work, on jobs requiring equal skill, effort and responsibility and that are performed under similar working conditions. The only exceptions are where payment is based on a seniority system, a merit system, or a system that measures earnings by quantity or quality of production.

ENFORCEMENT: A worker adversely affected by an alleged violation of this law may take action against the employer involved in civil court, using a private attorney or public legal service provider. A complaint in civil court must be filed no later than 2 years from the last date of the worker's employment.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

New York

■ WAGE PAYMENT LAWS (*EQUAL PAY*)

TERMS: With only limited exceptions, no farmworker or other employee may be paid a wage less than that at which a worker of the opposite sex in the same establishment is paid for equal work, on a job requiring equal skill, effort and responsibility and performed under similar working conditions.

It is generally not considered discriminatory, however, for an employer to pay different wage rates if they are based on a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or any other factor other than sex.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to collect wages unpaid because of illegal sex discrimination, using a private attorney or a public legal services program. Such a suit may not be filed any later than 6 years after the unpaid wages were due.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint, participated in an investigation, or opposed any practice forbidden under these provisions of the law. A worker subjected to any such retaliation may file a complaint with the state Department of Labor.

North Dakota

■ EQUAL PAY LAW

TERMS: With only limited exceptions, it is illegal for any employer to pay a worker at a wage rate less than the rate paid to a worker of the opposite sex at the same place of employment, for essentially equal work on jobs which have comparable requirements relating to skill, effort and responsibility.

However, wage differences that are based on an established seniority system, merit increase system, or similar program that does not discriminate on the basis of sex, generally are not regarded as unlawful.

ENFORCEMENT: *Human Rights Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce the equal pay provision, using a private attorney or a public legal services program. Legal action must commence no later than 2 years after the violation occurred.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

Ohio

■ **MINIMUM FAIR WAGE STANDARDS LAW (*WAGE DISCRIMINATION*)**

TERMS: Employers in Ohio are generally prohibited from discriminating in the payment of wages on the basis of race, color, religion, sex, age, national origin, or ancestry, by paying wages to any worker at a rate less than the rate paid to another worker at the same establishment for equal work, on jobs requiring equal skill, effort and responsibility and performed under similar conditions.

This does not, however, rule out wage differences that are paid under a seniority system, a merit system, a system that measures earnings by the quantity or quality of production, or any similar pay arrangement in which wage levels are determined by factors other than race, color, religion, sex, age, national origin, or ancestry.

ENFORCEMENT: *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. Court action, however, must be started within one year after a violation.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Oklahoma

■ EQUAL PAY LAW

TERMS: In general, it is unlawful for an employer to knowingly pay wages to a female employee at a rate less than the rate paid to a male employee for comparable work for the same employer, on jobs which have comparable requirements relating to skill, effort and responsibility. There are exceptions for wage differences based on seniority, merit, quantity or quality of production, or any other factor other than sex.

ENFORCEMENT: *Wage and Hour Unit, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105 (405-521-6598).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Oregon

■ EQUAL PAY LAW

TERMS: In general, no private employer in Oregon may pay wages to any worker that are lower than the wages the same employer pays to workers of the opposite sex for essentially equal work requiring essentially equal skills. This rule does not apply where wage rates are based on a seniority or merit system which does not discriminate on the basis of sex, or where a wage difference is based in good faith on factors other than sex.

ENFORCEMENT: *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).*

As an alternative to filing a complaint with this agency, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Pennsylvania

■ EQUAL PAY LAW

TERMS: In general, it is illegal for an employer in Pennsylvania to pay wages to one worker at a rate less than the rate paid to workers of the opposite sex at the same establishment, for essentially equal work requiring essentially equal skill.

Exception — This law applies only to workers who are not already protected by the federal Equal Pay Act (*see entry, U.S. — Civil Rights — Wage Discrimination*). For that reason, the law against sex discrimination in the payment of wages *does not apply* to farm operators and other agricultural employers in Pennsylvania who used more than 500 worker-days of agricultural labor in any calendar quarter of the previous year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination occurring from January through March, April through June, July through September, or October through December).

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. Any such action must be commenced no later than 2 years after the discrimination took place.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any worker as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: A person may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

■ SEASONAL FARM LABOR ACT (*EQUAL PAY*)

TERMS: With only limited exceptions, no employer of seasonal farm labor may pay wages to such workers at a rate less than the rate the employer pays to workers of the opposite sex for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions.

The term "seasonal farm labor" refers mainly to workers employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of farm crops before processing. It also includes workers who live in housing owned, rented or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons.

Workers who commute daily from their permanent residence to the worksite are not regarded as seasonal farmworkers, unless transportation is furnished to such individuals by a farm labor contractor.

ENFORCEMENT: *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Puerto Rico

■ SEX DISCRIMINATION IN EMPLOYMENT LAW

TERMS: Men and women in Puerto Rico are guaranteed an equal right to employment, in all industries and occupations. With few exceptions, it is unlawful for an employer to commit any of the following discriminatory acts:

- (1) To suspend, fire or refuse to hire a person, or to discriminate against a person with respect to wages, employment terms or working conditions, on account of the person's sex.
- (2) To limit, segregate or classify employees or job applicants in any way that could deprive anyone of a job opportunity, or negatively affect employment status, on account of the individual's sex.
- (3) To circulate a job notice or employment advertisement that indicates any preference or specification as to sex.
- (4) To offer or provide employment benefits to workers of one sex (or to their spouses and dependents) under conditions different from those that apply to benefits offered or provided to workers of the opposite sex (or to their spouses and dependents).

Similar discriminatory acts by employment agencies and labor unions are also illegal.

ENFORCEMENT: *Antidiscrimination Unit, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*. A person who has been subjected to prohibited employment discrimination based on sex may file a complaint with the Department.

As an alternative to filing a complaint with the Department, a worker who has been subjected to employment discrimination based on sex may take legal action against the employer directly, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Rhode Island

■ EQUAL PAY LAW

TERMS: In general, it is illegal for an employer to discriminate between the sexes in the payment of wages — or to pay a female at a wage rate less than the rate received by males — in the same establishment, for equal work or work on the same operations.

Variation in pay rates is not prohibited, however, when the wage difference is based on seniority, experience, training, skill, ability, difference in duties, difference in shift, or any other reasonable distinction other than sex.

ENFORCEMENT: *Labor Standards Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8550).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

South Dakota

■ EQUAL PAY LAW

TERMS: No farm operator or any other employer may pay a worker lower wages than the employer pays a worker of the opposite sex for essentially equal work, on jobs which require the same skill, responsibility and effort (other than physical strength).

Wage differences based on workers' length of service, job classification, or other factors not related to sex, are generally not regarded as unlawful.

ENFORCEMENT: *Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681).*

As an alternative to filing a claim or complaint with the Division, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. A suit under the equal pay law must be filed no later than 2 years after the violation occurs.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Tennessee

■ WAGE REGULATIONS (*SEX DISCRIMINATION*)

TERMS: Under most circumstances, it is illegal for an employer to pay a worker a salary or wage rate less than the rate paid to a worker of the opposite sex for essentially equal work, on jobs requiring similar skill, effort and responsibility and performed under similar working conditions. Employers are not, however, prohibited from using wage scales that are based on seniority or merit, that measure earnings by quality or quantity of production, or that set wages using factors other than sex.

This protection applies to all farmworkers who are not already protected by the federal equal pay provisions (*see entry, U.S. — Civil Rights — Wage Discrimination*).

ENFORCEMENT: *Labor Standards Unit, Regulations and Compliance Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-781-5343; toll-free 844-224-5818).*

As an alternative to filing a claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program. Any such lawsuit must be filed no later than 2 years after the act of discrimination took place.

SPECIAL NOTE: It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Virginia

■ EQUAL PAY LAW

TERMS: In general, it is illegal for an employer to pay wages to any worker at a rate less than the rate the employer pays workers of the opposite sex for equal work, on jobs which require equal skill, effort and responsibility and are performed under similar working conditions.

Exception — This law *does not apply* to large farming operations that come under the federal equal pay law (*see entry, U.S. — Civil Rights — Wage Discrimination*).

ENFORCEMENT: *Labor and Employment Law Division, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-371-3104)*. The Division may investigate complaints under this law but has no authority to order an employer to comply when a violation is found.

If a complaint to the Division does not resolve the problem, a worker who has not received full pay because of illegal sex discrimination may sue the employer directly, using a private attorney or public legal services program. Such a suit normally may not be filed any later than 2 years after the unpaid wages were originally due.

Washington

■ **INDUSTRIAL WELFARE LAWS (*EQUAL PAY*)**

TERMS: With very limited exceptions, it is illegal for an employer to pay females a lower wage or salary than that paid to males employed in essentially equal work.

Different pay based in good faith on factors other than gender generally does not constitute discrimination.

ENFORCEMENT: This provision is enforced by public prosecuting attorneys in criminal court.

A worker who has received less than full pay because of unlawful sex discrimination may sue the employer in civil court to collect the unpaid wages, using a private attorney or a public legal services program.

Wyoming

■ EQUAL PAY LAW

TERMS: A farm operator or any other employer in Wyoming is prohibited from paying wages to workers at a rate less than the rate the employer pays to workers of the opposite sex for equal work, on jobs requiring equal skill, effort and responsibility and that are performed under similar working conditions.

Wage differences under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other system based on a factor other than gender, are generally not considered discriminatory.

ENFORCEMENT: *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261).*

As an alternative to filing a wage claim or complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.