

New Jersey Bills Seek to Strengthen Protections Against Employment Discrimination and Promote Equal Pay for Women

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On January 19, 2017, and on February 13, 2017, two bills (A4515 and S3014) were introduced in the New Jersey Legislature that would amend the **New Jersey Law Against Discrimination** to specifically prohibit employers from discriminating between employees on the basis of sex by paying “a rate of compensation, including benefits, which is less than the rate paid to employees of the other sex for substantially similar work, when viewed as a composite of skill, effort and responsibility.” The bills do provide, however, that an employer may pay its employees a different rate of compensation or provide “less favorable employment opportunities” if (1) the employer can establish that the decision to do so is based on a seniority or merit system that does not discriminate on the basis of sex, or (2) if it is based on other legitimate, bona fide factors other than sex such as training, education, experience, or the quantity or quality of production. The bills also would

prohibit employers from retaliating against an employee for disclosing information about rates of compensation, job titles, occupational categories, genders, races, ethnicities, military statuses, or national origins of employees and/or former employees.

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