

Pennsylvania Equal Pay Law

The Pennsylvania Equal Pay Law parallels the federal Equal Pay Act in many respects. Under the law, employers can't discriminate in pay rates because of an employee's gender. Every Pennsylvania employer, regardless of size, must comply with the law.

It differs in one important aspect from the federal law: It makes not paying the same rate of pay because of the employee's gender a criminal offense.

The test to determine if two employees are paid equally depends on whether the positions require equal skill, effort and responsibility and are performed under similar working conditions. Differences can be legally justified if the employer can show they are the result of any of these factors:

- A seniority system.
- A merit system.
- A system that measures earnings by quantity or quality of production.
- A differential based on any factor other than sex.

The law also makes it illegal to reduce the wages paid to one gender of employees in order to equalize the pay structure. Employers found guilty of violating the law must pay twice the amount of lost pay owed to the wronged employee or employees. The law specifically allows class-action lawsuits and prohibits retaliation against employees who bring charges under the law.

Employees can bring retaliation charges against employers or individual supervisors. Penalties for retaliation range from \$50 to \$200 per violation. Each day of retaliation is considered a separate offense. Should the guilty employer or supervisor refuse to pay the fine, the law authorizes a 30- to 60-day jail sentence per offense.

Similarly, failure to keep or produce pertinent payroll records when asked can prompt the same fines or jail time.

Excerpted from Pennsylvania's 13 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: [Pennsylvania Employment Law](#).