

21 V.S.A. § 495, Unlawful Employment Practice

- a) It shall be an unlawful employment practice . . .
- (7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex by paying wages to employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.
- (A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:
- (i) A seniority system.
 - (ii) A merit system.
 - (iii) A system in which earnings are based on quantity or quality of production.
 - (iv) **A bona fide factor other than sex.**
An employer asserting that differential wages are paid pursuant to this subdivision shall demonstrate that the factor
 - [1] does not perpetuate a sex-based differential in compensation,
 - [2] is job-related with respect to the position in question, and
 - [3] is based upon a legitimate business consideration