

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.751

Introduced by Representatives Chesnut-Tangerman of Middletown Springs,  
Burrows of West Windsor, Elder of Starksboro, Headrick of  
Burlington, Howard of Rutland City, LaBounty of Lyndon,  
LaMont of Morristown, Mulvaney-Stanak of Burlington,  
Roberts of Halifax, Small of Winooski, and White of Bethel

Referred to Committee on

Date:

Subject: Labor; fair employment practices; equal pay

Statement of purpose of bill as introduced: This bill proposes to extend equal  
pay protections to individuals in all protected classes.

An act relating to expanding equal pay protections

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide  
occupational qualification requires persons of a particular race, color, religion,  
national origin, sex, sexual orientation, gender identity, ancestry, place of birth,  
age, crime victim status, or physical or mental condition:

\* \* \*

1           (7) For any employer, employment agency, labor organization, or  
2 person seeking employees to discriminate between employees on the basis of  
3 sex, race, national origin, sexual orientation, ~~or~~ gender identity, color, religion,  
4 ancestry, place of birth, crime victim status, or age or against a qualified  
5 individual with a disability by paying wages to employees of one sex, race,  
6 national origin, sexual orientation, ~~or~~ gender identity, color, religion, ancestry,  
7 place of birth, crime victim status, or age or an employee who is a qualified  
8 individual with a disability at a rate less than the rate paid to employees of the  
9 other sex or a different race, national origin, sexual orientation, ~~or~~ gender  
10 identity, color, religion, ancestry, place of birth, crime victim status, or age or  
11 without the physical or mental condition of the qualified individual with a  
12 disability for equal work that requires equal skill, effort, and responsibility and  
13 is performed under similar working conditions. An employer who is paying  
14 wages in violation of this section shall not reduce the wage rate of any other  
15 employee in order to comply with this subsection.

16           (A) An employer may pay different wage rates under this  
17 subsection (a) when the differential wages are made pursuant to:

18                   (i) A seniority system.

19                   (ii) A merit system.

20                   (iii) A system in which earnings are based on quantity or quality  
21 of production.

1 (iv) A bona fide factor other than sex, race, national origin, sexual  
2 orientation, gender identity, color, religion, ancestry, place of birth, crime  
3 victim status, age or physical or mental condition. An employer asserting that  
4 differential wages are paid pursuant to this subdivision (7)(A)(iv) shall  
5 demonstrate that the factor does not perpetuate a differential in compensation  
6 based on sex, race, national origin, sexual orientation, gender identity, color,  
7 religion, ancestry, place of birth, crime victim status, age, or physical or mental  
8 condition; is job-related with respect to the position in question; and is based  
9 upon a legitimate business consideration.

10 \* \* \*

11 (c) The provisions of this section prohibiting discrimination on the basis of  
12 age shall apply for the benefit of persons 18 years of age or older.

13 \* \* \*

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2024.