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H.751

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:

\* \* \*

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, national origin, sexual orientation, ~~or gender identity~~, color, religion, ancestry, place of birth, crime victim status, or age or against a qualified individual with a disability by paying wages to employees of one sex, race, national origin, sexual orientation, ~~or gender identity~~, color, religion, ancestry, place of birth, crime victim status, or age or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race, national origin, sexual orientation, ~~or gender identity~~, color, religion, ancestry, place of birth, crime victim status, or age or without the physical or mental condition of the qualified individual with a

1 disability for equal work that requires equal skill, effort, and responsibility and  
2 is performed under similar working conditions. An employer who is paying  
3 wages in violation of this section shall not reduce the wage rate of any other  
4 employee in order to comply with this subsection.

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

7 (i) A seniority system.

8 (ii) A merit system.

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

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

20 \* \* \*

