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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:

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(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 disability 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 (a) when the differential wages are made pursuant to:

- (i) A seniority system.
- (ii) A merit system.

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

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

12 * * *

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

15 * * *

16 Sec. 2. EFFECTIVE DATE

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