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H.149

Introduced by Representative Stevens of Waterbury
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:

* * *

(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, age, or crime victim status or against a qualified

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

12 (A) An employer may pay different wage rates under this subsection

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

14 (i) A seniority system.

15 (ii) A merit system.

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

18 (iv) A bona fide factor other than sex, race, national origin, sexual
19 orientation, ~~or~~ gender identity, color, religion, ancestry, place of birth, age,
20 crime victim status, or physical or mental condition. An employer asserting
21 that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall

1 demonstrate that the factor does not perpetuate a differential in compensation
2 based on sex, race, national origin, sexual orientation, ~~or~~ gender identity, color,
3 religion, ancestry, place of birth, age, crime victim status, or physical or mental
4 condition; is job-related with respect to the position in question; and is based
5 upon a legitimate business consideration.

6 * * *

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2025.