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## US CONGRESS RECONSIDERS PROPOSED PAY EQUITY MEASURES

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The Paycheck Fairness Act ([HR 7](#)), recently introduced in the US Congress, features measures to hold employers accountable for discriminatory pay practices and end pay secrecy. The legislation, meant to update the Equal Pay Act (EPA), was first introduced in 1997 and several times since.

### HIGHLIGHTS OF THE BILL

Highlights include the following:

- Employers would be prohibited from asking prospective employees about their salary history.
- Employers would have limited defenses against unequal pay claims. To defend a claim, an employer would have to show that the pay disparity is based on a bona fide factor other than sex that:
  - Is job-related
  - Is a business necessity
  - Accounts for the entire compensation difference
- Individuals filing claims under the EPA would be entitled to the same remedies as those available to claimants who file pay discrimination claims under other laws.
- Employees could discuss pay issues with coworkers and would be protected against employer retaliation, including when the information results in the identification of pay disparities.
- Women and girls would have access to a training program on negotiation skills.
- The Office of Federal Contract Compliance Programs would conduct an annual pay data survey among employers using “the full range of investigatory tools at the Office's disposal, including pay grade methodology.” The Equal Employment Opportunity Commission would issue regulations to collect compensation and other employment-related data (including hiring, termination and promotion data) disaggregated by sex, race and national origin. The Department of Labor would be responsible for distributing wage discrimination information.
- Employers would face stiff penalties for violations.

## RELATED RESOURCES

- [Paycheck Fairness Act, HR 7](#) (US Congress, 30 Jan 2019)

*Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.*