

114TH CONGRESS
1ST SESSION

S. 875

To amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2015

Mrs. FISCHER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Advance-
5 ment Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In 1963, Congress passed on a bipartisan
9 basis the Equal Pay Act of 1963 to prohibit dis-
10 crimination on account of sex in the payment of

1 wages for equal work performed by employees for
2 employers engaged in commerce or in the production
3 of goods for commerce.

4 (2) Following the passage of such Act, in 1964,
5 Congress passed on a bipartisan basis the Civil
6 Rights Act of 1964.

7 (3) Since the passage of both the Equal Pay
8 Act of 1963 and the Civil Rights Act of 1964,
9 women have made significant strides, both in the
10 workforce and in their educational pursuits.

11 (4) Currently, according to a Prudential Re-
12 search Study, 60 percent of women are the primary
13 earners in their households and the Bureau of Labor
14 Statistics has found that 47 percent of women are
15 members of the workforce.

16 (5) According to the Department of Education,
17 women receive 57 percent of all college degrees, a 33
18 percent increase from 1970.

19 (6) Women hold the majority of positions in the
20 5 fastest growing fields, and women are more likely
21 than men to work in professional and related occu-
22 pations.

23 (7) Despite this significant progress, surveys
24 suggest there is a concern among American women
25 that gender-based pay discrimination still exists.

1 (8) Over the last 15 years, the Equal Employ-
2 ment Opportunity Commission has received on aver-
3 age 2,400 complaints annually alleging gender-based
4 pay discrimination. This represents two to three per-
5 cent of charges filed with the Commission during the
6 same time period. Even though the Commission de-
7 termines that no discrimination occurred in a major-
8 ity of these complaints, the extent to which these al-
9 legations continue underscores there is still progress
10 to be made.

11 (9) A number of factors contribute to dif-
12 ferences in total compensation, including variations
13 in occupation, education, hours worked, institutional
14 knowledge, and other business reasons and personal
15 choices that shape career paths and earning poten-
16 tial.

17 **SEC. 3. PROHIBITION ON WAGE DISCRIMINATION.**

18 Pursuant to Federal law in effect on the date of en-
19 actment of this Act:

20 (1) IN GENERAL.—No employer shall discrimi-
21 nate, within any establishment in which employees
22 are employed by the employer, between employees on
23 the basis of sex by paying wages to employees in
24 such establishment at a rate less than the rate at
25 which the employer pays wages to employees of the

1 opposite sex in such establishment for equal work on
2 jobs the performance of which requires equal skill,
3 effort, and responsibility, and which are performed
4 under similar working conditions, except where such
5 payment is made pursuant to—

6 (A) a seniority system;

7 (B) a merit system;

8 (C) a system which measures earnings by
9 quantity or quality of production; or

10 (D) a differential based on any other fac-
11 tor other than sex.

12 (2) LIMITATION.—An employer who is paying a
13 wage rate differential in violation of this section
14 shall not, in order to comply with the provisions of
15 this section, reduce the wage rate of any employee.

16 (3) NOTICE.—Every employer, employment
17 agency, and labor organization, as the case may be,
18 shall post and keep posted in conspicuous places
19 upon its premises where notices to employees, appli-
20 cants for employment, and members are customarily
21 posted, a notice to be prepared or approved by the
22 Equal Employment Opportunity Commission that
23 sets forth excerpts from, or summaries of, the perti-
24 nent provisions of this Act (including the amend-
25 ments made by this Act) and of title VII of the Civil

1 Rights Act of 1964 (42 U.S.C. 2000e et seq.), and
2 information pertinent to the filing of a complaint.

3 **SEC. 4. ENHANCED ENFORCEMENT OF EQUAL PAY ACT RE-**
4 **QUIREMENTS.**

5 Section 15(a) of the Fair Labor Standards Act of
6 1938 (29 U.S.C. 215(a)) is amended—

7 (1) in paragraph (5), by striking the period and
8 inserting “; or”; and

9 (2) by adding at the end the following:

10 “(6) to discharge or in any other manner retali-
11 ate against any employee because such employee has
12 inquired about, discussed, or disclosed comparative
13 compensation information for the purpose of deter-
14 mining whether the employer is compensating an
15 employee in a manner that provides equal pay for
16 equal work, except that this paragraph shall not
17 apply to instances in which an employee who has ac-
18 cess to the wage information of other employees as
19 a part of such employee’s job functions discloses the
20 wages of such other employees to an individual who
21 does not otherwise have access to such information,
22 unless such disclosure is in response to a charge or
23 complaint or in furtherance of an investigation, pro-
24 ceeding, hearing, or action under section 6(d), in-
25 cluding an investigation conducted by the employee.

1 Nothing in paragraph (6) shall be construed to limit the
2 rights of an employee provided under any other provision
3 of law.”.

