

Equal Pay Act – (1963)

The Equal Pay Act (EPA) prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions.

- Wages can include more than just hourly or annual pay. Wages includes bonuses, company cars, expense accounts, insurance etc.
- An employer cannot lower the wages of some employees to make wages equal.

Things to Consider:

Equal Wages: Must be paid in the same form. For example, an employer cannot pay a higher hourly wage to a male employee and then attempt to equalize the difference by periodically paying a bonus to a female employee.

The EPA speaks in terms of **equal work**, but the word "equal" does not require that the jobs be identical, only that they are substantially equal. In comparing two jobs for purposes of the EPA, consideration should be given to the actual job duties, not job titles or classifications. The EEOC looks at whether both jobs require the same skill, effort and responsibility.

Skill: Measured by factors such as the experience, ability, education and training required to perform a job. Possession of a skill not needed to meet the requirements of the job should not be considered. For example, a hotel clerk alleges that he is paid less than a female who performs substantially equal work. He has a high school diploma while his female co-worker has a college degree. However, performance of the two jobs requires the same education, ability, experience, and training.)

Therefore, the skill required to perform the two jobs is substantially equal. A college degree does not justify a higher salary because it is not needed to perform the job.

Effort: Amount of physical or mental exertion needed to perform job.

Responsibility is usually defined as the degree of accountability required in performing a job. Factors to be considered in determining the level of responsibility in a job include:

- Extent to which employee works without supervision,
- Extent to which employee exercises supervisory functions, and
- Impact of employee's exercise of his or her job functions on the employer's business.

Ordinarily, "**establishment**" means a physically separate place of business. However, given that many employees have virtual offices, the EEOC assesses whether the "establishment" is separate on a case-by-case basis.

Working conditions usually consist of two factors:

- Surroundings, and
- Hazards.