



PREVENTION CORNER



The Equal Pay Act (EPA) is a labor law that prohibits sex-based pay discrimination.

The Equal Pay Act of 1963 is a federal law that is an amendment to the Fair Labor Standards Act of 1938.

The EPA:

- Mandates equal pay for equal work
- Applies to all forms of compensation

According to the EEOC, the EPA provides that employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort, and responsibility, and that are performed under similar working conditions within the same establishment.

Skill: Measured by factors such as experience, ability, education, and training required to perform the job.

Effort: The amount of physical or mental exertion needed to perform the job.

Responsibility: The degree of accountability required in performing the job.

Working Conditions: Two factors

1. Physical surroundings like temperature, fumes, and ventilation
2. Hazards

Establishment: Under the EPA applies to jobs within an establishment. This generally means being employed in the same office or worksite.

Source: [Equal Pay for Equal Work | U.S. Department of Labor \(dol.gov\)](#); [Equal Pay/Compensation Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); [Facts About Equal Pay and Compensation Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

Other Equal Pay Laws: Title VII, ADEA, & ADA

Equal Pay/Compensation and Sex-Based Discrimination

Title VII of the Civil Rights Act of 1964 also makes it illegal to discriminate based on sex in pay and benefits. Title VII prohibits discrimination in compensation and other terms and conditions of employment.

According to the Equal Employment Opportunity Commission, employees are also protected under several federal laws to include, Title VII, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA).

These laws prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

Who is covered by this law?

Title VII covers all private employers, state and local governments, and educational institutions that employ 15 or more individuals.

These laws also cover private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training.

Source: [Equal Pay/Compensation Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#); [Facts About Equal Pay and Compensation Discrimination | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)



If I'm being paid less than someone of the opposite sex who is doing the same job as me at the same location, does that mean that my employer is violating the EPA?

Not necessarily. Under limited circumstances, an employer is permitted to pay someone of the opposite sex more, even though he or she is performing the same job. To justify the higher pay, the employer would have to show that the higher pay is based on one of the following:

- a seniority system that rewards employees based on length of employment;
- a merit system that rewards employees for exceptional job performance;
- an incentive system that pays employees based on the quality of their work or the amount of work they perform; or
- another factor related to job performance or business operations, such as paying a shift differential to workers on less popular shifts.

Source: [What You Should Know: Questions and Answers About the Equal Pay Act | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

U.S. Equal Employment Opportunity Commission

News & Notes

Press Release

11-30-2022

Jerry's Chevrolet and Jerry's Motor Cars will Pay \$62,500 to Settle EEOC Equal Pay and Retaliation Suit



Auto Dealerships Paid Female Dispatcher Less than Male Counterpart and Fired Her When She Requested Equal Pay, Federal Agency Charges

BALTIMORE – Jerry's Chevrolet Inc., and Jerry's Motor Cars Inc., leading Baltimore County auto dealerships, will pay \$62,500 and furnish other relief to settle a pay discrimination and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

- According to the EEOC's suit, a female employee worked as a dispatcher but was paid less than a male dispatcher, both performing equal work.
- When the female employee complained to human resources about the wage disparity, that department told her that someone would look into the matter. Instead, a week later she was fired.
- The company claimed that a profanity she had uttered during a break was the reason for her termination, although months earlier, a male employee who had engaged in far more offensive conduct had received only a written warning.

The Equal Pay Act and Title VII of the Civil Rights Act of 1964 prohibit discrimination based on pay and prohibit retaliation against employees who request pay equal to employees of the opposite sex.

Read the entire article at: [Jerry's Chevrolet and Jerry's Motor Cars will Pay \\$62,500 to Settle EEOC Equal Pay and Retaliation Suit | U.S. Equal Employment Opportunity Commission](#)

Source: [Jerry's Chevrolet and Jerry's Motor Cars will Pay \\$62,500 to Settle EEOC Equal Pay and Retaliation Suit | U.S. Equal Employment Opportunity Commission](#)

ASK SCHAC

Answers to your questions about Pregnancy Discrimination and Lactation Support Laws.

Do I have equal access to benefits if I am temporarily not able to do my job because of a pregnancy related medical condition?

Equal Access to Benefits

Yes. According to the U.S. EEOC, an employer is required under the Pregnancy Discrimination Act (PDA) to treat an employee temporarily unable to perform the functions of her job because of her pregnancy or a related medical condition in the same manner as it treats other employees similar in their ability or inability to work, whether by providing modified tasks, alternative assignments, or fringe benefits such as disability leave.

Source: [Questions and Answers about the EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues | U.S. Equal Employment Opportunity Commission](#)

Women Health Problems During Pregnancy Period



PREVENTION CORNER

Resource & Tools

Lilly Ledbetter Fair Pay Act of 2009

On January 29, 2009, President Obama signed the first piece of legislation of his Administration: the Lilly Ledbetter Fair Pay Act of 2009 ("Act").

This law overturned the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007), which severely restricted the time period for filing complaints of employment discrimination concerning compensation.

The Act states that each paycheck that contains discriminatory compensation is a separate violation regardless of when the discrimination began.

Differences in pay that occur because of sex violate the EPA and/or Title VII of the Civil Rights Act of 1964, as amended.

Source: [Equal Pay Act of 1963 and Lilly Ledbetter Fair Pay Act of 2009 | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)

EEO laws are designed to protect the rights of ALL individuals.

****Please Note: This newsletter is not intended to be used as legal advice.**



**If you feel like you have experienced discrimination,
contact us for help.**

(800) 521-0725, Relay 711 or 803-737-7800

**South Carolina Human Affairs Commission
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<https://schac.sc.gov/>



The mission of the South Carolina Human Affairs Commission is to Prevent and Eliminate Unlawful Discrimination in Employment, Housing, and Public Accommodations.

The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (*including the SC Pregnancy Accommodations Act and the SC Lactation Support Act.*), the SC Fair Housing Law, and the SC Equal Enjoyment and Privileges to Public Accommodations Law.