



Employers Take Note of New Discrimination Laws

Publication

4.14.09

Two new pay laws were introduced in Congress this year that will affect employers across the country. One has already been signed into law. The other has passed the House of Representatives and is making its way to the Senate. Both may lead to confusion for employers.

Ledbetter Fair Pay Act

In January, President Obama signed into law the Ledbetter Fair Pay Act, which amends Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the American with Disabilities Act and the Rehabilitation Act.

Essentially the new act redefines the limitation on when charges can be filed in cases alleging discriminatory employment compensation. In other words, every time an employee receives an allegedly discriminatory paycheck, the limitations period starts anew.

The Paycheck Fairness Act

The Paycheck Fairness Act was passed by the House of Representatives on Jan. 9. This expands damages under the Equal Pay Act and amends its provisions. It also calls for a study of data collected by the Equal Employment Opportunity Commission (EEOC) and proposes voluntary guidelines to show employers how to evaluate jobs with the goal of eliminating unfair disparities. Unlike the Ledbetter Act, the scope of the Paycheck Fairness Act is essentially confined to sex discrimination.

Effect on Employers

The Ledbetter Fair Pay Act and the Paycheck Fairness Act, if signed into law, do not require that all employees be paid equally, nor do they redefine unlawful discrimination in compensation decisions by employers. However, the Ledbetter Fair Pay Act makes it easier for employees to proceed with claims against their employers and the Paycheck Fairness Act makes those claims more attractive to pursue.

This article appeared in the April 14, 2009 issue of *The Mecklenburg Times*.