



West Virginia Pay Equity

Statute

- Equal Pay for Equal Work, W. Va. Code § 21-5B-1 et seq. (private employers).
- Equal Pay for Equal Work for State Employees, W. Va. Code § 21-5E-1 et seq. (state employers).

Classes protected

- Sex

Key language on pay discrimination

- “No [private] employer shall: (a) in any manner discriminate between the sexes in the payment of wages for work of comparable character, the performance of which requires comparable skills; (b) pay wages to any employee at a rate less than that at which he pays wages to his employees of the opposite sex for work of a comparable character, the performance of which requires comparable skills.”
- “No [public] employer shall: (1) in any manner discriminate between the sexes in the payment of wages for work of comparable character, the performance of which requires comparable skills; or (2) pay wages to any employee at a rate less than the rate other employees of the opposite sex are paid for work of comparable character, the performance of which requires comparable skills.”

Exceptions for pay disparities (including affirmative defenses)

- Seniority system that does not discriminate on the basis of sex
- Merit system that does not discriminate on the basis of sex
- System that measures earnings by quantity or quality of production
- Based in good faith on factors other than sex

Anti-retaliation

- Prohibits retaliation against an employee who filed a complaint, testified or is about to testify or the employer believes that the employee may testify, in any investigation or proceedings under this article or a criminal action under this article.

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Pay Equity Team

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