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## EQUAL PAY AUDIT

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### Employers And Employees: Use This Tool To Protect Your Workplace Against Pay Equity Violations

**1. Job Descriptions:** Are there clear and concise job descriptions with performance standards? Job descriptions should encompass these areas:

Skill – What skills are required to perform the job? Skills can be measured by factors such as experience, ability, education, and training.

Effort – The physical and/or mental effort needed to perform the job.

Responsibility – The degree of accountability required in performing a job.

Working Conditions – Do the working conditions require extra skill, effort, or responsibility?

Remember that job titles are not as important as job content when it comes to determining whether the jobs are equal.

**2. Compensation:** Evaluate the compensation system.

- ✓ What is the relationship between wage rates and job description?
- ✓ Is there a performance rating system, with measurable criteria, that differentiates between levels of performance?
- ✓ Is there openness with employees about compensation?
- ✓ Are job openings and salary ranges posted in the workplace?

**3. Evaluation:** Is there an employee evaluation system based on stated goals and performance standards?

- ✓ How is the evaluation system applied?
- ✓ Is everyone included?
- ✓ Is there a regular schedule for evaluations?

**4. Awards:** Is there an awards, benefits, and merit system?

- ✓ Is it based on stated principles?
- ✓ How is it applied? How often? Who is eligible?

**5. Training:** Are managers/supervisors trained in assessment of work performance and company policy on wages?

**6. Opportunities:** Are there opportunities for advancement and professional development?

- ✓ How are employees selected for training, development, and promotion opportunities?
  - ✓ Are merit raises or bonuses based on objective criteria?
  - ✓ Are all employees given equal opportunity to earn merit raises or bonuses?
  - ✓ When employees advance, how does their pay compare with others doing the same work?
- From Ten Steps to An Equal Pay Self-Audit for Employers, U.S. Department of Labor, Women's Bureau*



## RESOURCES

[www.atg.state.vt.us](http://www.atg.state.vt.us)

VT Attorney General's Office of Civil Rights

[www.women.state.vt.us](http://www.women.state.vt.us)

VT Commission on Women

[www.vermontbpw.org](http://www.vermontbpw.org)

VT Federation of Business and Professional Women

[www.eeoc.gov](http://www.eeoc.gov)

Federal Equal Employment Opportunity Commission

[www.dol.gov](http://www.dol.gov)

Federal Department of Labor Women's Bureau

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# EQUAL PAY: YOUR RIGHTS AND OBLIGATIONS AS A VERMONT EMPLOYEE OR EMPLOYER

Vermont employees have the right to equal pay for equal work. If you run a business or work in Vermont, this information will help you understand Vermont's Equal Pay Act.



## UNDERSTAND THE LAW

This pamphlet was a collaborative effort of Vermont's Commission on Women, Attorney General's Office of Civil Rights, and Federation of Business and Professional Women.

# VERMONT'S EQUAL PAY ACT

In 2002 Vermont adopted an equal pay law, the Equal Pay Act.

**Who does it apply to?** Any employer, employment agency, labor organization, or any person seeking Vermont employees.

**What does it mean?** It is illegal to pay wages to employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility under similar working conditions.

**July 1, 2005 Vermont's Wage Disclosure Law takes effect.**

**What does it mean?** Employees can disclose and discuss their wages without fear of discipline, discharge, or retaliation.

## EMPLOYEES



**How Does The Equal Pay Law Work for You?**

Vermont employees have the right to equal pay for equal work.

Equal work means work that requires equal, but not identical, skill, effort, and responsibility, and is performed under similar working conditions.

Employees can be paid different wages when the difference is a result of:

- A seniority system;
- A merit system;
- A system in which earnings are based on quantity or quality of production;
- Any non-discriminatory factor other than sex.

Vermont employees have the right to disclose and discuss their wages.

Employers cannot require employees to sign a wage non-disclosure agreement or make employees agree not to disclose their wages as a condition of employment. Employees are protected from discipline, discharge, or any retaliatory act for disclosing their own wage.

### What To Do If You Suspect Pay Discrimination:

**Write Down What Happened.** Were you offered a lower starting salary, or did you discover that you are being paid less than a co-worker? Were you disciplined or discharged because you disclosed your wage to a co-worker?

**Find Out How Others Have Been Treated At Your Workplace.** Share information with co-workers on ways to improve pay, benefits, promotion opportunities, work schedules and other working conditions.

**Talk to Your Employer.** Check your employee handbook for procedures for filing a grievance or resolving a problem. Put your complaint in writing.

**Decide Whether to File A Charge.** The Vermont Attorney General has the authority to investigate complaints of wage discrimination and to seek civil penalties and damages from employers who violate the equal pay law. Damages are usually double the individual's unpaid wages.

**It is unlawful for an employer to retaliate against you for filing a complaint with the Attorney General's Office.**

To file a complaint of wage discrimination, contact the Attorney General's Civil Rights Intake Unit at: (888) 746-9195 (toll free Vermont only) or (802) 828-3657. The office is located in the Pavilion Building, 109 State Street, Montpelier, VT 05609.

## EMPLOYERS



**How Does The Equal Pay Act Apply to Your Business?**

The Equal Pay Act means that Vermont employers are prohibited from discriminating against employees on the basis of sex.

Employers must pay equal wages to all employees, regardless of their sex, who are performing equal work under similar working conditions. Equal work is work that requires substantially equal, but not identical, skill, effort, and responsibility.

**An employer may pay different wage rates when the difference is a result of:**

- A seniority system;
- A merit system;
- A system in which earnings are based on quantity or quality of production;
- Any non-discriminatory factor other than sex.

Employers cannot remedy pay inequities by reducing the wage rate of any employee in order to comply with the equal pay law.

Employers cannot retaliate against employees who file complaints with the Attorney General's Office.

**As of July 1, 2005 an employer may not:**

- Require as a condition of employment that employees not disclose their wages;
- Require employees to sign a waiver or other document releasing their right to disclose or discuss their wages;
- Discipline, discharge, or discriminate against employees who disclose or discuss their wages.

Employers can discharge employees for good cause shown.

**LEARN MORE ABOUT EQUAL PAY IN YOUR WORKPLACE: TAKE THE EQUAL PAY AUDIT (SEE THE BACK FOR DETAILS)**