

KNOW YOUR RIGHTS:

Equal Pay in New York

Employers are not legally allowed to pay a worker less because of her sex; unfortunately, some employers still do.

That is why New York has strengthened its equal pay law in several ways.*

What does this law do?

The law tightens exceptions in the previous version of the labor law, which allowed employers to cite nearly any factor other than sex—legitimate or otherwise—to justify pay differentials. Under the new law, if your employer pays you differently than someone of the opposite sex, then that differential has to be “job-related” and “consistent with business necessity.”

The law also now states that **an employer cannot prohibit you from inquiring about, discussing, or disclosing your wages** or the wages of a co-worker at work. This important new protection promotes transparency to shine a light on unfair pay practices.

If you can prove your employer paid you differently in a “willful” violation of the law, then you can get up to three times the amount of money from your employer that you lost from being underpaid.

Am I covered?

Nearly all employees in New York are covered by this law, with the exception of those who work for a government agency.

What does pay discrimination look like?

If you find out that a male co-worker with similar responsibilities is getting a bigger paycheck than you, it could be illegal discrimination.

This can take many forms, including:

- Missing out on a bonus or pay increase that male employees receive
- Being passed over for a promotion and accompanying raise for which you are qualified, in favor of a male co-worker who is less qualified
- Receiving fewer benefits than your male co-workers
- Being disciplined or otherwise penalized because you asked a co-worker about his paycheck

*The new law takes effect January 19, 2016, provided certain administrative agencies take proper action—check babygate.abetterbalance.org for updates.



What should I do if I suspect pay discrimination?

Call A Better Balance for free legal counseling at (212) 430-5982 or contact another attorney if you think your rights have been violated. You may also contact the New York State Department of Labor Division of Labor Standards at (888) 4-NYS-DOL—the Commissioner of Labor can enforce claims of workers based on violations of this Equal Pay Law.

*a better
balance*

the work and family legal center

abetterbalance.org 212.430.5982