

Employment Practices Liability

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Connecticut Pay Equity Law Tightened in an Attempt to Tighten the Pay Equity Gap

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On May 22, 2018, Governor Malloy signed into law additional pay equity protections. In 2015, Conn. Gen. Stat. 31-40z was initially passed, which prohibits employers from: (1) prohibiting employees from disclosing or discussing his/her own wages or wages of another employee that have been disclosed voluntarily by that employee; (2) prohibiting employees from inquiring about wages of another employee; (3) requiring an employee to sign a waiver that denies the employee his right to disclose or discuss the amount of his/her wages or wages of another employee that have been disclosed voluntarily or that denies the employee his/her right to inquire about wages of another employee.

Moreover, the law, in original form, prohibited employers from discharging, disciplining, discriminating or retaliating against or otherwise penalize any employee who discloses or discusses the amount of his/her wages or wages of another employee who discloses the amount of another employee's wages who discloses them voluntarily, or who inquires about wages of another employee.

Conspicuously absent from that original legislation was any prohibition on an employer's ability to inquire about the wage and salary history during the interview process with a prospective employee. The new law, going into effect on January 1, 2019, also prohibits employers from

inquiring or directing a third party to inquire about a prospective employee's wage and salary history unless a prospective employee has voluntarily disclosed that information.

Connecticut joins a number of other jurisdictions, who have recently enacted similar laws, namely: Connecticut, California, Oregon, Maine, Delaware and New York City.

Robin Kallor is a partner at Rose Kallor, LLP. Rose Kallor, LLP regularly represents and advises private and public sector employers on matters pertaining to the employer-employee relationship, including discrimination and matters pertaining to the hiring process. If you have questions about this legal update, please contact us at 860-361-7999. If you wish to receive future updates on labor and employment related topics, please contact Carolyn Field, CIRMA Communications Supervisor at cfield@ccm-ct.org.

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