

S 797

Paycheck Fairness Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Apr 12, 2011

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Apr 12, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/797>

Sponsor

Name: Sen. Mikulski, Barbara A. [D-MD]

Party: Democratic • **State:** MD • **Chamber:** Senate

Cosponsors (36 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Apr 12, 2011
Sen. Boxer, Barbara [D-CA]	D · CA		Apr 12, 2011
Sen. Cantwell, Maria [D-WA]	D · WA		Apr 12, 2011
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Apr 12, 2011
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Apr 12, 2011
Sen. Coons, Christopher A. [D-DE]	D · DE		Apr 12, 2011
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 12, 2011
Sen. Franken, Al [D-MN]	D · MN		Apr 12, 2011
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Apr 12, 2011
Sen. Hagan, Kay R. [D-NC]	D · NC		Apr 12, 2011
Sen. Harkin, Tom [D-IA]	D · IA		Apr 12, 2011
Sen. Kerry, John F. [D-MA]	D · MA		Apr 12, 2011
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 12, 2011
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Apr 12, 2011
Sen. Leahy, Patrick J. [D-VT]	D · VT		Apr 12, 2011
Sen. Levin, Carl [D-MI]	D · MI		Apr 12, 2011
Sen. McCaskill, Claire [D-MO]	D · MO		Apr 12, 2011
Sen. Merkley, Jeff [D-OR]	D · OR		Apr 12, 2011
Sen. Murray, Patty [D-WA]	D · WA		Apr 12, 2011
Sen. Reed, Jack [D-RI]	D · RI		Apr 12, 2011
Sen. Reid, Harry [D-NV]	D · NV		Apr 12, 2011
Sen. Shaheen, Jeanne [D-NH]	D · NH		Apr 12, 2011
Sen. Stabenow, Debbie [D-MI]	D · MI		Apr 12, 2011
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Apr 12, 2011
Sen. Wyden, Ron [D-OR]	D · OR		Apr 12, 2011
Sen. Blumenthal, Richard [D-CT]	D · CT		Apr 13, 2011
Sen. Brown, Sherrod [D-OH]	D · OH		Apr 13, 2011
Sen. Begich, Mark [D-AK]	D · AK		May 2, 2011
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jun 7, 2011
Sen. Schumer, Charles E. [D-NY]	D · NY		Jun 15, 2011
Sen. Sanders, Bernard [I-VT]	I · VT		Jun 21, 2011
Sen. Feinstein, Dianne [D-CA]	D · CA		Jul 28, 2011
Sen. Udall, Tom [D-NM]	D · NM		Oct 13, 2011
Sen. Menendez, Robert [D-NJ]	D · NJ		Dec 1, 2011
Sen. Landrieu, Mary L. [D-LA]	D · LA		Apr 17, 2012
Sen. Bingaman, Jeff [D-NM]	D · NM		Jun 4, 2012

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Apr 12, 2011

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
112 S 3220	Identical bill	Jun 5, 2012: Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S3714)
112 S 3256	Related bill	Jun 4, 2012: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
112 HR 1519	Related bill	May 20, 2011: Referred to the Subcommittee on Workforce Protections.

Paycheck Fairness Act - Amends the portion of the Fair Labor Standards Act of 1938 (FLSA) known as the Equal Pay Act to revise remedies for, enforcement of, and exceptions to prohibitions against sex discrimination in the payment of wages.

Revises the exception to the prohibition for a wage rate differential based on any other factor other than sex. Limits such factors to bona fide factors, such as education, training, or experience.

States that the bona fide factor defense shall apply only if the employer demonstrates that such factor: (1) is not based upon or derived from a sex-based differential in compensation, (2) is job-related with respect to the position in question, and (3) is consistent with business necessity. Makes such defense inapplicable where the employee demonstrates that: (1) an alternative employment practice exists that would serve the same business purpose without producing such differential, and (2) the employer has refused to adopt such alternative practice.

Revises the prohibition against employer retaliation for employee complaints. Prohibits retaliation for inquiring about, discussing, or disclosing the wages of the employee or another employee in response to a complaint or charge, or in furtherance of a sex discrimination investigation, proceeding, hearing, or action, or an investigation conducted by the employer.

Makes employers who violate sex discrimination prohibitions liable in a civil action for either compensatory or (except for the federal government) punitive damages.

States that any action brought to enforce the prohibition against sex discrimination may be maintained as a class action in which individuals may be joined as party plaintiffs without their written consent.

Authorizes the Secretary of Labor (Secretary) to seek additional compensatory or punitive damages in a sex discrimination action.

Requires the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs to train EEOC employees and affected individuals and entities on matters involving wage discrimination.

Authorizes the Secretary to make grants to eligible entities for negotiation skills training programs for girls and women. Directs the Secretary and the Secretary of Education to issue regulations or policy guidance to integrate such training into certain programs under their Departments.

Directs the Secretary to conduct studies and provide information to employers, labor organizations, and the general public regarding the means available to eliminate pay disparities between men and women.

Establishes the Secretary of Labor's National Award for Pay Equity in the Workplace for an employer who has made a substantial effort to eliminate pay disparities between men and women.

Amends the Civil Rights Act of 1964 to require the EEOC to collect from employers pay information data regarding the sex, race, and national origin of employees for use in the enforcement of federal laws prohibiting pay discrimination.

Directs: (1) the Commissioner of Labor Statistics to continue to collect data on women workers in the Current Employment Statistics survey, (2) the Office of Federal Contract Compliance Programs to use specified types of methods in investigating compensation discrimination and in enforcing pay equity, and (3) the Secretary to make accurate

information on compensation discrimination readily available to the public.

Directs the Secretary and the Commissioner [*sic*] of the EEOC jointly to develop technical assistance material to assist small businesses to comply with the requirements of this Act.

Actions Timeline

- **Apr 12, 2011:** Introduced in Senate
- **Apr 12, 2011:** Sponsor introductory remarks on measure. (CR S2396)
- **Apr 12, 2011:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.