

Amendments to Vermont Equal Pay Law Afford Additional Protections to Employees

May 28, 2013

Vermont Governor Peter Shumlin on May 14, 2013, approved [amendments](#) to the state's equal pay law to promote gender pay equity and foster more "family friendly" workplaces by protecting employees who share wage information with their co-workers and by requiring employers to consider requests for flexible work arrangements. The Vermont equal pay law applies to all public and private employers in the state, including employment agencies and labor unions.

Under Vermont law, a wage differential is lawful if it is based on:

- A seniority system.
- A merit system.
- A system in which earnings are based on quantity or quality of production.
- A bona fide factor other than sex.

Under the amendments (House Bill 99), beginning **July 1, 2013**, an employer relying on a bona fide factor other than sex for a wage differential must show the factor:

- does not perpetuate a sex-based differential in compensation,
- is job-related with respect to the position in question, and
- is based upon a legitimate business consideration.

It is unlawful for an employer under Vermont law to:

- Require an employee to refrain from disclosing or discussing the amount of his or her wages, and
- Require an employee to sign a waiver of his or her right to discuss wages.

Beginning **July 1, 2013**, an employer may not prohibit an employee from asking about or discussing the wages of other employees or to sign a waiver of his or her right to inquire about or

discuss the wages of other employees. Unless otherwise required by law, an employer may prohibit a human resources manager from disclosing the wages of other employees.

The new law, beginning January 1, 2014, will protect employees who request flexible working arrangements. Employers will be required to consider requests for a flexible work arrangement at least twice each calendar year and respond to such requests in writing. A “flexible working arrangement” means intermediate or long-term changes in the employee’s regular working arrangements, including changes in the number of days or hours worked, changes in the time the employee arrives at or departs from work, work from home, or job-sharing; it does not include vacation, routine scheduling of shifts, or another form of employee leave.

Perhaps portending other changes, the new law requires a new Paid Family Leave Study Committee to “study the issue of paid family leave in Vermont and to make recommendations regarding whether and how paid family leave may benefit Vermont citizens.”

If you have any questions about Vermont’s new law or how to ensure compliance, please contact the Jackson Lewis attorney with whom you regularly work.

For more information, contact:

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