



RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING (DLT)

# Notice to All Employees - Information Employers Must Post

## *Pay Equity Act*

### **Pay Differentials for Comparable Work**

Pursuant to Rhode Island General Law § 28- 6-18, it is unlawful for an employer to pay a differential wage based on race, color, religion, sexual orientation, gender, gender identity or expression, disability, age, and country of ancestral origin for comparable work. A differential wage is permissible where one or more of the following factors is found to apply:

“A seniority system; provided, however, that time spent on leave due to a pregnancy related condition or parental, family and medical leave shall not reduce seniority.”

“A merit system.”

“A system that measures earnings by quantity or quality of production.”

“Geographic location when the locations correspond with different costs of living, provided, that no location within the state of Rhode Island will be considered to have a sufficiently different cost of living.”

“Reasonable shift differential, which is not based upon or derived from a differential in compensation based on [a protected] characteristic[].”

“Education, training, or experience to the extent such factors are job-related and consistent with a business necessity.”

“Work-related travel, if the travel is regular and a business necessity.”

“A bona fide factor other than [a protected] characteristic[] . . . which is not based upon or derived from a differential in compensation based on [a protected] characteristic[] . . . which is job-related with respect to the position in question; and which is consistent with business necessity.”

### **Enforcement**

Alleged violations of the Act may be complained of (1) in a civil action brought by an employee, or (2) by a complaint filed with the DLT Director.

### **Employer Wage Inquiry**

- + Pursuant to Rhode Island General Law § 28- 6-22, employers are prohibited from inquiring into or requiring the disclosure of a job applicant’s wage history, from relying upon a job applicant’s wage history when considering the individual’s candidacy, and from setting a minimum or maximum threshold of prior wage earnings as a condition of employment.
- + An employer may, for the limited purpose of “support[ing] a wage higher than the wage [initially] offered by the employer,” consider and seek to confirm a job applicant’s wage history if such wage history was voluntarily provided.
- + At the time of hire or internal transfer to a new position, and whenever requested by an employee, an employer must disclose to the hired, transferred, or inquiring individual, the wage range for the position the individual’s position.

### **Wage Discussion among Employees**

Pursuant to Rhode Island General Law § 28- 6-18, it is unlawful for an employer to prohibit employees from discussing wages or asking other employees about their wages. Employers may not request or require that employees or applicants waive the right to discuss wages.

### **Retaliation Prohibited**

Any discriminatory or disciplinary action taken against an employee for exercising these rights under the Act, or for opposing any practice made unlawful by the Act, is prohibited.

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RI General Laws §28-6-18 states that this notice must be posted and maintained in conspicuous places where workers are employed. Fines may be imposed for noncompliance.

*DLT is an equal opportunity employer/program, auxiliary aids and services are available on request to individuals with disabilities. TTY via RI Relay 7111*

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