



Pay Equity Act

Rhode Island Department of Labor and Training
September 2021

Introduction

On July 6, 2021, Governor McKee signed into law the Pay Equity Act, a comprehensive suite of legislation aimed at promoting pay equity for all employees, regardless of gender, race, ethnicity, or other personal characteristics. The Act takes effect on January 1, 2023 and is primarily administered by the Department of Labor and Training (the Department or DLT).

The following presentation will describe the duties the Department is charged with by law under the Act, including the promulgation of regulations. The Department seeks interested stakeholder comment on all facets of its role in administering the Act.

General Information



DLT is charged with the Act's enforcement and administration.



DLT both serves as an administrative forum for hearings on claims of violations of the Act and has proactive authority to investigate.



The Act lists a number of rights that DLT is required to protect.

Overview of Sections

28-6-18 – Wage Discrimination Prohibited

- Prohibits wage discrimination on the basis of protected class (race, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin).
- Prohibits wage history inquiries by employers and barring of wage discussions among employees.
- Requires DLT to create informational materials regarding the Act that employers must post.

28-6-19 – DLT Enforcement

- Sets DLT proactive enforcement power as the same as in wage and hour laws.
- Authorizes DLT to bring claims on behalf of employees.
- Provides employees right to file complaint with DLT.
- Sets two (2) year statute of limitations.
- Requires cooperation with Commission for Human Rights when jurisdiction is joint.
- Sets appeal of DLT decisions as de novo trial at superior court.

28-6-20 – Private Right of Action

- Sets private right of action for employees to bring suit under the Act.
- Sets damages, including special or compensatory damages up to \$10,000 and punitive damages where malice or reckless indifference is found.

28-6-21 – Civil Penalties

- Creates scale of additional civil penalty to be paid to DLT for violations of the Act.
- Provides DLT with flexibility in determining where on scale to assess the penalty.
- Delays effect of this section until January 1, 2025.

28-6-22 – Wage Histories

- Prohibits use of and inquiry into wage history in setting wages.
- Urges employers to provide wage ranges for positions to applicants and employees.
- Authorizes DLT to provide regulations or guidance on how to inform applicants and employees of position wage ranges.

28-6-23 – Regulations/Guidance

- Charges DLT with enforcement and implementation of Act.
- Authorizes DLT to promulgate guidance or regulations related to the implementation of the Act.

28-6-24 – Employer Self-Evaluation

- Sets forth a self-evaluation process that employers can use as a shield from liability:
 - From January 1, 2023 to June 30, 2026, if an employer can establish, to the satisfaction of the deciding body (here the Act only refers to a court, but it is reasonable to infer DLT has the same role in an administrative hearing), that employer has conducted a good-faith self-evaluation and corrected illegal wage disparities, this shall serve as a complete defense.
 - After June 30, 2026, any employer who establishes the above and who both corrects the disparities and pays owed back wages shall have a complete defense.
 - After June 30, 2026, any employer who establishes the above and corrects the disparities but does not pay owed back wages shall be shielded from compensatory or special damages and civil penalties.
- Charges DLT with creating a template for employer self-evaluation.

Effective Date

- January 1, 2023

Next Steps

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- DLT will accept public comment through **Friday, October 15, 2021**. All public input should be submitted to:

Rhode Island Department of Labor and Training
c/o: Angelika Pellegrino
1511 Pontiac Avenue
Cranston, Rhode Island 02920
- On or before December 7, 2021, regulations will be posted on the Secretary of State's website.
- Information about future input sessions can be found at dlt.ri.gov/payequityact.
- Questions should be directed to Angelika Pellegrino at Angelika.Pellegrino@dlt.ri.gov.