

House Bill 720

By: Representatives Scott of the 76th, Kendrick of the 93rd, Jones of the 53rd, McClain of the 100th, and Beasley-Teague of the 65th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex
2 discrimination in employment, so as to make it unlawful to discharge or discriminate against
3 an employee for inquiring about, discussing, or disclosing certain wage rate information; to
4 prohibit certain contractual provisions as conditions for employment; to revise a criminal
5 penalty; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex
9 discrimination in employment, is amended by revising Code Section 34-5-3, relating to
10 prohibition of discriminatory wage differentials and penalty for discharge of or
11 discrimination against complainant, as follows:

12 "34-5-3.

13 (a) No employer having employees subject to any provisions of this chapter shall
14 discriminate, within any establishment in which such employees are employed, between
15 employees on the basis of sex by paying wages to employees in such establishment at a rate
16 less than the rate at which he or she pays wages to employees of the opposite sex in such
17 establishment for equal work in jobs which require equal skill, effort, and responsibility
18 and which are performed under similar working conditions, except where such payment
19 is made pursuant to (1) a seniority system, (2) a merit system, (3) a system which measures
20 earnings by quantity or quality of production, or (4) a differential based on any other factor
21 other than sex. An employer who is paying a wage rate differential in violation of this
22 subsection shall not, in order to comply with this subsection, reduce the wage rate of any
23 employee.

24 (b) It shall also be unlawful for any person to cause or attempt to cause an employer to
25 discriminate against any employee in violation of this chapter.

26 (c) It shall be unlawful for any person to discharge or in any other manner discriminate
27 against any employee covered by this chapter because such employee has made a
28 complaint to his or her employer or any other person or has instituted or caused to be
29 instituted any proceeding under or related to this chapter or has testified or is about to
30 testify in any such proceedings.

31 (d) It shall be unlawful for any person to discharge or in any other manner discriminate
32 against any employee covered by this chapter for inquiring about, discussing, or disclosing
33 his or her wage rate or the wage rate of any other employee.

34 (e) It shall be unlawful for any employer, as a condition of any employment, to require the
35 execution of a contract that prohibits or restricts the discussion or disclosure of any wage
36 rate or salary information.

37 (f) Any person who violates any provision of this Code section shall, upon conviction
38 thereof, be punished by a fine not to exceed ~~\$100.00~~ \$1,000.00."

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.