



**FCRA WAGE PROJECT
CHAPTER 3: EQUAL PAY CLAIMS
[ALL-IN-ONE DOCUMENT]**

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E: TextBookDiscrimination@gmail.com
W: www.TextBookDiscrimination.com

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TABLE OF CONTENTS | CHAPTER 3 | EQUAL PAY CLAIMS

#	Item	Title	Page
C00	3-0	Chapter Intro - Equal Pay Claims	4
C01	3-A	How Do I Prove That I am Not Receiving Equal...	5
C02	3-B	What Does Pay Discrimination Look Like?	6
C03	3-C	What Laws Protect Me from Receiving Unequal...	7
C04	3-D	How Do I Prove That my Work Requires Equal...	8
C05	3-E	Must I Prove That my Employer Intentionally...	9
C06	3-F	Does It Matter When the Discrimination Occurred?	10
C07	3-G	What Options do I Have if I my Employer Has...	11
C08	3-H	What Could my Employer do to Deny my...	12
-	n/a	Appendix	13



FCRA WAGE PROJECT

CHAPTER: 3 EQUAL PAY CLAIMS

AUTHOR: *unknown*

ITEMS: A through H



3-0 | CHAPTER INTRO - EQUAL PAY CLAIMS

I don't think I'm being paid fairly compared to men doing the same job.

- a. How do I prove that I am not receiving equal pay for equal work?
- b. What Does pay discrimination look like?
- c. What laws protect me from receiving unequal pay for equal work?
- d. How do I prove that my work requires equal skill, effort, and responsibility as my coworker or that I have a "like or comparable" position?
- e. Must I prove that my employer intentionally paid me less because I am a female?
- f. What could my employer do to deny my allegations, and how do I respond to its denials?
- g. Does it matter when the discrimination occurred? (new window to WDTLS)
- h. What options do I have if I my employer has fewer than fifteen employees? (new window to WDTLS)
- i. If I prove my Equal Pay claim, what kind of remedies am I entitled to? (new window to Remedies)

(unknown authors)



3-A | HOW DO I PROVE THAT I AM NOT RECEIVING EQUAL PAY FOR EQUAL WORK?

To demonstrate that you are being paid unequally, you must show that:

1. Your employer pays different wages to employees of opposite sexes;
2. For equal work on jobs the performance of which requires equal skill, effort, and responsibility; and
3. are performed under similar working conditions.^{[18](#)}

(unknown authors)

Footnotes

¹⁸ See Meeks v. Computer Associates International, 15 F.3d 1013, 1018 (11th Cir. 1994)



3-B | WHAT DOES PAY DISCRIMINATION LOOK LIKE?

An example of this would be: a man working at a position similar to yours is getting paid more per hour than you, even though he has the same level of education or experience.

(unknown authors)



3-C | WHAT LAWS PROTECT ME FROM RECEIVING UNEQUAL PAY FOR EQUAL WORK?

The Florida Civil Rights Act of 1992 (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm) and the Florida Labor Code prohibit an employer from paying you less on the basis of sex.¹⁹ Title VII and the Equal Pay Act also protect you (see Federal Law section).

(unknown authors)

Footnotes

¹⁹ Fla. Stat. Ann. §760.10(1)(a) and §448.07 (West 2004)



3-D | HOW DO I PROVE THAT MY WORK REQUIRES EQUAL SKILL, EFFORT, AND RESPONSIBILITY AS MY COWORKER OR THAT I HAVE "LIKE OR COMPARABLE" POSITION?

Among the factors examined are how much other workers doing the same or similar work as yourself, with similar daily duties, at the same (or in some cases multiple) locations, are being paid.^{[20](#)}

(unknown authors)

Footnotes

²⁰ Meeks, 15 F.3d at 1017.



3-E | MUST I PROVE THAT MY EMPLOYER INTENTIONALLY PAID ME LESS BECAUSE I AM A FEMALE?

Under Title VII and the FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm), you must prove that your employer had discriminatory intent, but under laws such as the Equal Pay Act (covered on the Federal Law page), you need only demonstrate that you were paid less for no factor other than sex.^{[21](#)}

(unknown authors)

Footnotes

²¹ Meeks, 15 F.3d at 1019.



3-F | DOES IT MATTER WHEN THE DISCRIMINATION OCCURRED?

You must file a complaint within 365 days of the alleged violation.²² If you are filing a complaint under the Florida Labor Code

(http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0448/SEC07.HTM&Title=-%3E2004-%3ECh0448-%3ESection%2007#0448.07), you must do so within six months.²³

(unknown authors)

Footnotes

²² Fla. Stat. Ann. §760.11(1).

²³ Fla. Stat. Ann. §448.07(3).



3-G | WHAT OPTIONS DO I HAVE IF I MY EMPLOYER HAS FEWER THAN FIFTEEN EMPLOYEES?

The FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm) only covers those employers who have fifteen or more employees,²⁴ but the Florida Labor Code (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0448/SEC07.HTM&Title=-%3E2004-%3ECh0448-%3ESection%2007#0448.07) applies to all employers with two or more employees,²⁵ provided that the employer is not subject to the exceptions within the Fair Labor Standards Act.²⁶ Some cities have ordinances which cover employers with fewer workers, (See the Local Ordinances section), and you are also protected by the federal laws on equal pay. (link to the Federal section) (link to Ideas For Change)

(unknown authors)

Footnotes

²⁴ Fla. Stat. Ann. §760.02(7).

²⁵ Fla. Stat. Ann. §448.07(1)(b).

²⁶ 29 U.S.C. §§201 et seq.



3-H | WHAT COULD MY EMPLOYER DO TO DENY MY ALLEGATIONS, AND HOW DO I RESPOND TO ITS DENIALS?

Once you demonstrate that you have been paid unequally, your employer must demonstrate that the pay differential was justified because it was done under one of the following:

1. a seniority system (such as a benefit plan for insurance, pension, or retirement savings);^{[27](#)}
2. a merit system;
3. a system which measures earnings by quantity or quality of production; or
4. any other reasonable factor other than sex.^{[28](#)}

(unknown authors)

Footnotes

²⁷ Fla. Stat. Ann. §760.10(7)(b).

²⁸ Meeks, 15 F.3d at 1018; see also Fla. Stat. Ann. §448.07 (2)



APPENDIX



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