

112TH CONGRESS
2D SESSION

S. 3256

To amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2012

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Pay Discrimina-
5 tion Through Information Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) People in the United States understand that
9 intentional workplace discrimination is wrong.

1 (2) Equal pay for equal work is a principle and
2 practice that should be observed by all employers.

3 (3) Women constitute a significant portion of
4 the workforce of the United States.

5 (4) An increasing number of families in the
6 United States depend on the income of a working
7 woman.

8 (5) Many women are pursuing or have attained
9 postsecondary degrees or specialized training to
10 make them strong candidates for good jobs that will
11 provide for their families.

12 (6) Employers that intentionally discriminate
13 on the basis of sex should be held accountable for
14 their wrongdoing.

15 **SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**
16 **QUIREMENTS.**

17 Section 15 of the Fair Labor Standards Act of 1938
18 (29 U.S.C. 215) is amended—

19 (1) in subsection (a)(3), by striking “employee
20 has filed” and all that follows through “committee;”
21 and inserting “employee—

22 “(A) has made a charge or filed any com-
23 plaint or instituted or caused to be instituted
24 any investigation, proceeding, hearing, or action
25 under or related to this Act, including an inves-

1 tigation conducted by the employer, or has tes-
2 tified or is planning to testify or has assisted or
3 participated in any manner in any such inves-
4 tigation, proceeding, hearing, or action, or has
5 served or is planning to serve on an industry
6 committee; or

7 “(B) has inquired about, discussed, or dis-
8 closed the wages of the employee or another
9 employee;” and

10 (2) by adding at the end the following:

11 “(c) Subsection (a)(3)(B) shall not apply to instances
12 in which an employee who has access to the wage informa-
13 tion of other employees as a part of such employee’s essen-
14 tial job functions discloses the wages of such other employ-
15 ees to an individual who does not otherwise have access
16 to such information, unless such disclosure is in response
17 to a charge or complaint or in furtherance of an investiga-
18 tion, proceeding, hearing, or action under section 6(d), in-
19 cluding an investigation conducted by the employer. Noth-
20 ing in this subsection shall be construed to limit the rights
21 of an employee provided under any other provision of
22 law.”.

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