



Attorney General
of New York
Letitia James

Dear New Yorkers,

Unequal pay has undermined the fight for gender equality for generations. Women are often paid less for performing the same work, and jobs traditionally performed by women are undercompensated. As a result, many women find themselves in a cycle of unfair and inadequate pay throughout their working lives.

Pay inequity has detrimental effects on a woman's ability to provide for herself or her family, to purchase a home, or to save for retirement. In New York, women are paid on average 88 cents for every dollar paid to men. The pay gap is even more dramatic for women of color in our state. Black women are paid only 63 cents and Latina women only 56 cents for every dollar paid to white men. These dismaying statistics reflect a reality that must change.

I am committed to fighting for pay equity in the workplace. This brochure highlights your rights under new and existing laws aimed at breaking the barriers that contribute to unequal pay and holding employers accountable when they violate the law.

Sincerely,

Letitia James

Resources

New York State Office of the Attorney General Civil Rights Bureau

28 Liberty Street
New York, NY 10005

Taskforce for Workers' Equality:
(212) 416-8700
TaskForceforWorkersEquality@ag.ny.gov

ag.ny.gov

New York State Department of Labor, Division of Labor Standards

Bldg. 12, Rm. 266B,
State Office Campus
Albany, NY 12240

(888) 469-7365

labor.ny.gov/home

New York City Human Rights Commission

40 Rector Street, 10th Floor
New York, NY 10006

(718) 722-3131

www1.nyc.gov/site/cchr/about/
contact-us.page

The information contained in this brochure is for informational purposes only, and is not intended to provide or be relied upon as legal advice in any particular situation.

English



Equal Pay

Know Your Rights



**New York State Office
of the Attorney General
Letitia James**

Know Your Rights

You have the right to equal pay for “substantially similar” work.

Under state law, you have the right to equal pay for substantially similar work—regardless of your age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, genetic history, familial status, marital status, or domestic violence victim status. Whether work is substantially similar depends on the skill, effort, and responsibility the work requires, and whether the work is done under similar conditions.

Differences in pay are allowed based on seniority, merit, quantity, or quality of production, or a factor other than your protected class (i.e., your sex or race) such as education, training, or experience.

You have the right to discuss your pay with your co-workers.

Under state law, your employer cannot prohibit you from asking another employee about their pay, discussing your pay with another employee, or disclosing your pay to another employee. However, your employer may create reasonable limitations on when, where, and how those discussions take place. This protection helps to ensure transparency about pay so that you can more easily identify unlawful pay differences in your workplace.

You do not have to disclose your pay history.

Under state law, an employer or prospective employer cannot ask you, or your current or former employer, to provide your pay history as a condition to you being interviewed for a job, offered a job, or promoted in a job. This protection helps to ensure that even if you were not paid a fair wage in a previous position, that unfair wage will not limit your compensation in a new position.

You have the right to be free from intentional discrimination in compensation.

Federal, state, and local laws also prohibit intentional discrimination in compensation based on sex, race, religion, national origin, age, disability, and other protected classes. It is possible to have both an equal pay claim under the laws described above and a discrimination claim under federal, state, and/or local anti-discrimination law.

If you believe you have been discriminated against and would like to file a complaint, please consult an attorney and our office's brochure on Employment Discrimination for information about your options and critical deadlines:

ag.ny.gov/employee-discrimination

You are protected against retaliation.

It is illegal for your employer to retaliate against you for complaining about unequal pay or discrimination, discussing pay with your co-workers, or not providing your pay history.

Filing a Complaint

If you have experienced equal pay violations, an employer has asked about your salary history, or banned salary discussion at your workplace, or you have experienced related retaliation; you have several options in addition to filing your own lawsuit or complaining to your employer. You may:

- File a complaint with the New York State Office of the Attorney General

Taskforce for Workers' Equality:
(212) 416-8700 or

TaskForceforWorkersEquality@ag.ny.gov, or complete a complaint form available online at: **ag.ny.gov/labor-complaint**

PLEASE NOTE: making a complaint to the New York State Office of the Attorney General does not satisfy any other agency or court deadlines.

The New York State Office of the Attorney General investigates complaints and prosecutes cases alleging a pattern or policy of illegal behavior that affects many people. The Office does not represent individuals, nor does it litigate cases against New York State agencies. However, if you believe that other job applicants or employees are experiencing similar rights violations by the same employer, please notify us by filing a complaint.

- File a complaint with the New York State Dept of Labor, Division of Labor Standards:

(888)-4-NYSOL or (888) 469-7365

- File a complaint with the New York City Commission on Human Rights

(718) 722-3131 or **www1.nyc.gov/site/cchr/media/salary-history.page**

Because these issues are complicated, if you believe you have experienced any of the violations of law described in this brochure, you should consult an attorney as soon as possible before proceeding.