

115TH CONGRESS
1ST SESSION

H. R. 2418

To amend the Fair Labor Standards Act of 1938 to prohibit certain practices by employers relating to restrictions on discussion of employees' and prospective employees' salary and benefit history, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2017

Ms. NORTON (for herself, Mr. NADLER, Ms. DELAURO, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to prohibit certain practices by employers relating to restrictions on discussion of employees' and prospective employees' salary and benefit history, and for other purposes.

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 “Pay Equity for All
5 Act of 2017”.

1 **SEC. 2. PROHIBITIONS RELATING TO PROSPECTIVE EM-**
2 **PLOYEES' SALARY AND BENEFIT HISTORY.**

3 (a) IN GENERAL.—The Fair Labor Standards Act of
4 1938 (29 U.S.C. 201 et seq.) is amended by adding after
5 section 7 the following new section:

6 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**
7 **WAGE, SALARY AND BENEFIT HISTORY.**

8 “It shall be an unlawful practice for an employer to—

9 “(1) screen prospective employees based on
10 their previous wages or salary histories, including
11 benefits or other compensation, including by requir-
12 ing that a prospective employee’s previous wages or
13 salary histories, including benefits or other com-
14 pensation, satisfy minimum or maximum criteria, or
15 request or require as a condition of being inter-
16 viewed, or as a condition of continuing to be consid-
17 ered for an offer of employment or as a condition of
18 employment, that a prospective employee disclose
19 previous wages or salary histories, including benefits
20 or other compensation;

21 “(2) seek the previous wages or salary history,
22 including benefits or other compensation, of any pro-
23 spective employee from any current or former em-
24 ployer of such employee; or

1 “(3) discharge or in any other manner retaliate
2 against any employee or prospective employee be-
3 cause the employee—

4 “(A) opposed any act or practice made un-
5 lawful by this section or made or is about to
6 make a complaint relating to any act or prac-
7 tice made unlawful by this section; or

8 “(B) testified or is about to testify, assist,
9 or participate in any manner in an investigation
10 or proceeding relating to any act or practice
11 made unlawful by this section.”.

12 (b) PENALTIES.—Section 16 of such Act (29 U.S.C.
13 216) is amended by adding at the end the following new
14 subsection:

15 “(f)(1) Any person who violates the provisions of sec-
16 tion 8 shall—

17 “(A) be subject to a civil penalty of \$5,000
18 for a first offense, increased by an additional
19 \$1,000 for each subsequent offense, not to ex-
20 ceed \$10,000; and

21 “(B) be liable to each employee or prospec-
22 tive employee who was the subject of the viola-
23 tion for special damages not to exceed \$10,000
24 plus attorneys’ fees, and shall be subject to
25 such injunctive relief as may be appropriate.

1 “(2) An action to recover the liability described in
2 paragraph (1)(B) may be maintained against any em-
3 ployer (including a public agency) in any Federal or State
4 court of competent jurisdiction by any one or more em-
5 ployees or prospective employees for and in behalf of him-
6 self or themselves and other employees similarly situ-
7 ated.”.

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