



TO: The Honorable Members of the PA House Labor & Industry Committee
FROM: Alex Halper, SVP, Government Affairs
DATE: March 25, 2024
RE: Oppose H.B. 98 – Drastic changes to Equal Pay law

On behalf of the PA Chamber I urge you to oppose H.B. 98, which proposes drastic changes to Pennsylvania's Equal Pay law, and is scheduled to be considered by the Committee on Wednesday.

Federal and state laws require employers to pay women and men equally for equal work. The PA Chamber supports this principle and strongly opposes any employer discriminating in the workplace, including related to wages.

H.B. 98, however, represents a paradigm shift in how employers are governed under the 65-year old law, including replacing the “equal work” standard with the far more subjective and vague “comparable work” standard, and adding new ambiguous definitions throughout the law.

The bill would also essentially gut the exceptions section of the Equal Pay Law. Anyone familiar with operating a business knows that pay disparities often do exist, and for reasons that have nothing to do with discrimination. The law has always recognized this reality and provided exceptions, including if the disparity is based on a factor other than sex. Say an employer gives a raise to an employee being recruited by a competitor, but not to her coworkers. Or another employer allows employees to choose between a bonus or extra PTO.

Under this proposal, employers in these or similar scenarios would be assumed to be committing discrimination. This legislation will expose honest, law-abiding employers to lawsuits and severe penalties, which may particularly harm small businesses.

The bill includes others concerning provisions, including restricting what employers may ask job applicants related to wages, significantly increasing penalties, providing new opportunities to sue employers, and allowing for uncapped punitive damages. In short, this legislation would harm Pennsylvania's business climate and make it more difficult to attract employers.

We urge you to oppose this bill. Please contact Alex Halper at 717 720-5471 or ahalper@pachamber.org with any questions or to discuss.