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Law Requiring Posting of Updated Gender-Equity Notice Is Now In Effect in New Jersey

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Although gender bias has long been prohibited under Title VII of the Civil Rights Act of 1964 and the New Jersey Law Against Discrimination, a new law that took effect earlier this month requires that newly-designed notices regarding a worker's right to be free from gender bias in their wages be posted by employers in New Jersey.

The new law requires employers with 50 or more employees to "conspicuously" post and distribute notices in the workplace that advise employees of their right to be free from gender inequity with respect to compensation, benefits or "privileges" of employment. The notice, designed by the Department of Labor and Workforce Development, advises employees that there are strict time limits within which employment discrimination charges must be filed and instructs employees where to obtain information on how to file such charges.

The law requires that beginning January 6, 2014, employers "conspicuously" post the prescribed notice in an area accessible to all employees at each of the employer's workplaces. Employers must also provide all existing employees with a written copy of the gender equity notice no later than February 5, 2014. Employees hired after January 6, 2014 must be provided with the notice at the time of the employee's hiring or in response to the employee's first request.

The requirement to provide written notice to each employee can be satisfied by email delivery, by provision of printed materials, or by posting the gender equity notice on a website accessible to and for the exclusive use of all employees, as long as the employer provides notice to the employees of its posting. The written notices must contain an acknowledgement, to be returned to the employer within 30 days, that the worker has received and read the notification and understands its terms.

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The notices are available in both English and Spanish from the New Jersey Department of Labor and Workforce Development and can be accessed online at this link: http://lwd.state.nj.us/labor/forms_pdfs/EmployerPosterPacket/genderequityposter.pdf

This law and others like it are attempts to address the persistent “gender gap” in compensation between men and women. According to the U.S. Census Bureau, in 2011 women earned less than 80% of their male counterparts for equivalent work. When signing this law, Governor Christie noted that “Everyone in the workplace – whether the employer or employee – needs to be on notice that, as with all forms of bias, compensation discrimination due to gender is illegal and has no place in our modern workforce.” Whether this heightened notice requirement will have an actual impact on gender inequity in compensation remains to be seen.

If you have questions regarding this law, its applicability to your business, or other related matters, please contact the authors of this Alert, **Emily A. Kaller** and **Stephanie G. Reckord**, members of our Litigation Department.