

Connecticut Passes Two Employment-Related Bills: Pay Secrecy and Workplace Protections for Interns

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Bill Barring Pay Secrecy

On July 2, 2015, Governor Dannel P. Malloy signed Public Act 15-196, "[An Act Concerning Pay Equity and Fairness](#)" ("Pay Equity Act"), which makes it illegal for Connecticut employers to prohibit employees from sharing wage information. Governor Malloy sought passage of the Pay Equity Act to "change Connecticut's pay secrecy laws, a practice that ultimately perpetuates income discrimination and allows the gender wage gap to persist." The Pay Equity Act became effective on July 1, 2015.

What Is Prohibited?

Specifically, under the Pay Equity Act, an employer must not:

- prohibit an employee from disclosing or discussing the amount of his or her wages;
- prohibit an employee from disclosing or discussing the wages of a co-worker that have been disclosed voluntarily by that co-worker;
- prohibit an employee from inquiring about the wages of another employee of such employer;
- discharge, discipline, discriminate against, retaliate against, or otherwise penalize any employee who discloses or discusses the amount of his or her wages or the voluntarily disclosed wages of a co-worker; or
- discharge, discipline, discriminate against, retaliate against, or otherwise penalize any employee who inquires about the wages of a co-worker.

The Pay Equity Act specifically states that it will not be construed to require any employer or employee to disclose the wages of any employee.

Who Are “Employees” Protected by the Pay Equity Act?

The Pay Equity Act applies to all employees. An “employee” is defined as “any individual employed or permitted to work by an employer.” It should be noted that non-managerial and non-supervisory employees already have the rights afforded by the Pay Equity Act under the National Labor Relations Act. However, the Pay Equity Act applies to all employees and not just non-managerial and non-supervisory employees.

Enforcement

The Pay Secrecy Act allows for a private right of action, and no exhaustion of administrative remedies is required. An employer that violates the Pay Equity Act may be liable for compensatory and punitive damages, as well as attorney’s fees, costs, and other relief as the court deems just and proper.

Bill Protecting Interns from Discrimination and Harassment

On June 19, 2015, Governor Malloy signed Public Act No. 15-56, “[An Act Protecting Interns from Workplace Harassment and Discrimination](#)” (“Act”), which prohibits employers from discriminating against, or sexually harassing, unpaid interns. The Act will become effective on October 1, 2015.

Who Is Covered by the Act?

The Act applies to any business in Connecticut that provides a position for an intern.

Who Is an “Intern”?

The Act defines an “intern” as an individual who performs work for an employer for the purposes of training, provided that:

- the employer is not committed to hire the intern performing the work at the conclusion of the training period,
- the employer and the intern agree that the intern is not entitled to wages for the work performed, and
- the work performed:
 - supplements training given in an educational environment that may enhance the employability of the individual,
 - provides experience for the benefit of the individual,

- does not displace any employee of the employer,
- is performed under supervision of the employer or an employee of the employer, and
- provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

What Is Prohibited?

Under the Act, interns are given the same anti-discrimination and harassment protections that employees are guaranteed. Specifically, it provides that no employer or agent of an employer will:

- refuse to hire, discharge, or discriminate against an intern based on an intern's race, color, religious creed, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, present or past history or mental disability, intellectual disability, learning disability, or physical disability, including, but not limited to, blindness;
- advertise any internship opportunity in a manner that would (a) restrict such internship to, or (b) discriminate against, individuals of a certain race, color, religious creed, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, or physical disability, including, but not limited to, blindness;
- discharge, expel, or otherwise discriminate against an intern because such intern has opposed any discriminatory employment practice, or has filed a complaint, testified, or assisted in any proceeding about a discrimination complaint; or
- engage in any sexual harassment toward any intern or individual seeking an internship.

Enforcement

The Act will be added to the list of discriminatory practices in Connecticut General Statutes Section 46a-51. Therefore, interns, while technically not "employees," may file charges of discrimination with the Connecticut Commission on Human Rights and Opportunities under Section 46a-82.

What Employers Should Do Now

- Review handbooks, employment contracts, confidentiality agreements, policies, and other documents to ensure that they do not prohibit employees from disclosing, inquiring about, or discussing wages.

- Amend anti-harassment, anti-discrimination, and other policies to cover interns.
- Provide training to managers and interns on what is appropriate behavior in the workplace.
- Train recruiters and human resources professionals about the Act.

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