



New Jersey Law Pulls Back The Curtain On Salary Secrecy in the Workplace

Employers in New Jersey are now prohibited from taking any job action against employees who request information about job titles, wages or benefits from other employees or former employees in connection with an actual or potential claim of discrimination.

In an effort to address pay equity, on August 29, 2013, the New Jersey State Governor signed a bill into law that prohibits New Jersey employers from retaliating against employees who share information about their jobs with fellow workers. The state's new law mirrors the federal Paycheck Fairness Act, which is also designed to prevent retaliation against employees who share salary information. The rationale for these laws is that open discussion of the terms and conditions of employment should minimize discriminatory employment practices.

The new law, which takes effect immediately, provides that "It shall be an unlawful employment practice ... [f]or any employer to take reprisals against any employee for requesting from any other employee or former employee of the employer information regarding the job title, occupational category, and rate of compensation, including benefits, of any employee or former employee of the employer, or the gender, race, ethnicity, military status, or national origin of any employee or former employee of the employer, regardless of whether the request was responded to, if the purpose of the request for the information was to assist in investigating the possibility of the occurrence of, or in taking of legal action regarding, potential discriminatory treatment concerning pay, compensation, bonuses, other compensation, or benefits."

This law originally received full legislative approval earlier this year. The New Jersey State Governor, however, conditionally vetoed the bill and instead proposed a technical change that would remove the amendment from New Jersey's whistleblower protection law, the Conscientious Employee Protection Act, and instead incorporate it into New Jersey's Law Against Discrimination.

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Accordingly, companies that prohibit, limit or take any action based on salary discussions by and between its employees are encouraged to immediately modify their policies to comply with this new legislation.

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