

MAINE STATE LEGISLATURE

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GOVERNOR

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DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
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AUGUSTA, MAINE
04333-0045

LAURA A. FORTMAN
COMMISSIONER

MICHAEL ROLAND
DIRECTOR

2021 EQUAL PAY REPORT

April 6, 2021

The Honorable Joseph Rafferty, Senate Chair
The Honorable Michael Sylvester, House Chair
Members of the Joint Committee on Labor and Housing
130th Maine Legislature
100 State House Station
Augusta, ME 04333-0100

Dear Senator Rafferty, Representative Sylvester, and Members of the Joint Committee on Labor and Housing:

I herein present to the Committee, the Department of Labor's annual report on Compliance with the Equal Pay Law (26 MRS §628).

Maine's Equal Pay Law can be traced back to the 94th Maine Legislature and a bill introduced in 1949 by Senator Haskell of Penobscot County. Her revision of the labor statutes prohibited employers from paying male and female workers different "salary or wage rates" for "equal work." The statute was revised in 1965 and language pertaining to "equal work" was amended to "comparable work." The legislation further defined comparable work as "jobs which have comparable requirements relating to skill, effort and responsibility."

In 2020, the Department received no complaints relating to Maine's Equal Pay statute or alleged violation thereof. However, individuals do not necessarily have to file a complaint with the Maine Department of Labor. There are other options available. They could pursue their own private right of action against the employer in court or they could file a complaint with the US Equal Employment Opportunity Commission or the Maine Human Rights Commission.

The Department received more than 5,400 emails and phone calls related to Maine's labor laws in 2020. Five of those inquiries involved questions about Maine's Equal Pay law, none of which resulted in an alleged violation of the statute.

Between 2014 and 2018, the Department's Wage & Hour Division received one Equal Pay complaint each year and two Equal Pay complaints in 2019. The Wage & Hour Division investigated all seven complaints and did not find any violations.

2020 was a peculiar year due to the Novel Coronavirus pandemic and the effect it had on businesses, workers, and the way the Division conducted its work. The Wage & Hour Division was unable to perform random onsite business inspections because of the health risks involved. Even though the Division has yet to find a violation of the Equal Pay law during an onsite inspection, it is a tool that we can use that has the potential to uncover violations. We expect that when it is safe to do so, the Division's inspectors will once again return to the field and begin onsite inspections.

The Maine Department of Labor and the Maine Human Rights Commission continue to work to decrease pay disparities related to sex in Maine. As a compliance assistance tool, the Department provides a labor poster titled "Maine Equal Pay" that highlights an individual's rights under the Equal Pay Law. Additional information on this law can be found on the Department's website, including a self-audit tool kit for employers, an Equal Pay complaint form for employees, and the Department's rules relating to Equal Pay. The link to the information on the Department's website is provided below.

http://www.maine.gov/labor/labor_laws/wagehour.html

In addition to these tools, the Department offers compliance workshops throughout the year that offer detailed explanations of Maine's labor laws, including Maine's Equal Pay law.

Respectfully,

A handwritten signature in black ink that reads "Scott R. Cotnoir". The signature is written in a cursive style with a large initial 'S'.

Scott Cotnoir, Director
Wage & Hour Division