



## Equal Pay Act

### Requirements Under the Equal Pay Act

The Equal Pay Act (EPA) requires that employers provide men and women equal pay for equal work. When a job requires substantially the same effort, skills and responsibilities and is performed under similar working conditions, employers are prohibited from paying unequal wages to males and females working within the same establishment. While employers are permitted to pay different wages based upon other factors such as a bona fide seniority system, quantity or quality system, or merit system, pay differentials based on sex are prohibited under the law. The actual job content, rather than the job title, determines whether jobs are substantially equal and all forms of pay are covered under the EPA including salary, overtime, stock options, bonuses, profit sharing and other benefits.

### Defending Employers against EPA Class Action Lawsuits

While the proverbial glass ceiling has been shattered in many companies, class action lawsuits for equal pay between male and female employees consume a large portion of Kaufman Dolowich's Labor and Employment Law Practice. Our attorneys understand how costly and destructive employment class action litigation can be for an employer. When handling a nationwide suit that involves hundreds or even thousands of plaintiff employees, our attorneys take a proactive and aggressive stance. We assess the potential risks and exposure associated with claim and work closely with our clients to develop a plan of action that best protects their business and financial interests. Our objective is to get these cases dismissed at the earliest stage possible. We take a vigorous stance in defeating the formation of the class, arguing that the case is not suitable for class certification because the matter involves individual issues rather than common issues. Our class action lawyers also undertake a thorough evaluation of the merits of the case often determining that a motion for summary judgment may present the best option to derail the case.

When an Equal Pay Act class action cannot be settled or disposed early in the process, our legal team is equipped to manage and litigate the case. We represent employers of all sizes, from small, closely-held businesses to Fortune 500 companies. Our lawyers have extensive experience handling class action lawsuits nationwide and are committed to delivering innovative and successful case strategies. Our team of highly skilled trial lawyers is uniquely qualified to develop and present the strongest defense possible at trial and appeal.

At Kaufman Dolowich, we recognize that class action lawsuits not only involve the potential for high damages, they can also destroy a company's reputation and good standing in the business community. Our Labor and Employment Law attorneys are committed to delivering personalized service and attention at every stage of the class action process. We work with clients to understand their needs and concerns so that we can develop a plan of defense that is specifically tailored their specific goals and expectations.