RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that:

1. Requires equal pay rates for employees of a different sex (which includes sexual orientation, gender identity, and gender expression), race or ethnicity and for employees with disabilities who perform substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions;

2. Requires that a “bona fide factor other than sex” relied upon by an employer for pay disparities be job-related and consistent with business necessity;

3. Requires that any reasonable legitimate factor(s) relied upon by an employer for pay disparities account for the entire pay differential;

4. Requires employers to supply pay scales upon the request of an applicant;

5. Prohibits employers from seeking or relying upon an applicant’s salary history information;

6. Ensures the right of employees to discuss or inquire about their own or their co-workers’ wages;

7. Prohibits retaliation against employees who are claimants of, or witnesses to, an equal pay violation.

Deletions struck through; additions underlined