

LABOR & EMPLOYMENT

ALERT

NEW JERSEY LAW AGAINST DISCRIMINATION AMENDED TO PROTECT EMPLOYEES INQUIRING ABOUT POTENTIAL PAY INEQUITIES FROM RETALIATION

By Eileen Powers

The New Jersey Law Against Discrimination (LAD) has long protected from retaliation employees who engage in protected activity, such as complaining about unlawful discrimination, formally filing a discrimination complaint or testifying in any proceeding resulting therefrom. Now, as a result of Assembly Bill A2648, which became effective upon being signed into law by Governor Chris Christie on August 29, 2013, employees who investigate potential discrimination in the form of pay inequity, even prior to filing any such complaint, may also be protected from retaliatory acts on the part of his or her employer.

Specifically, pursuant to this new amendment, it is a violation of the LAD to take reprisal against any employee who requests the following information from current or former employees provided that the purpose of the request is to investigate the possibility of, or take legal action regarding, potential discriminatory treatment with respect to pay, compensation, bonuses or benefits:

- Job title;
- Occupational category;
- Rate of compensation (including benefits);

- Race;
- Gender;
- Ethnicity;
- Military status; or
- National Origin

Notably, the law does not require responses from current or former employees to whom any protected inquiry is posed; nor does it require employer responses to any such inquiries. It merely prohibits retaliation against employees who ask in the first place.

To comply with this new LAD provision, New Jersey employers should educate management personnel on the terms of the amendment and modify any policies or handbooks as necessary.

If you have any questions about the newly amended LAD or how to comply with any of New Jersey's employment discrimination laws, please contact Eileen Powers at 609.895.3319 or epowers@foxrothschild.com or any other member of Fox Rothschild's Labor & Employment Department.