



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Paul Luzzi

### **H.B. 138**

132nd General Assembly  
(As Introduced)

**Reps.** K. Smith and Boyd, Clyde, Boggs, Ramos, Ashford, Lepore-Hagan, West, Howse, Sheehy, O'Brien, Reece

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### **BILL SUMMARY**

- Requires the Ohio Civil Rights Commission to establish and maintain a system for an individual to anonymously report wage discrimination by an employer in violation of the Ohio Civil Rights Law.
  - Requires the Commission to review all complaints received through the system in a timely manner.
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### **CONTENT AND OPERATION**

#### **Anonymous complaint system**

The bill requires the Ohio Civil Rights Commission to establish and maintain a system for an individual to report discrimination in the payment of wages by an employer in violation of the Ohio Civil Rights Law.<sup>1</sup> The system must allow an individual to make an anonymous complaint through a toll-free telephone number or the Commission's website. The Commission must review all complaints received through the system in a timely manner.<sup>2</sup>

#### **Background – wage discrimination claims under the Civil Rights Law**

The Ohio Civil Rights Law prohibits an employer from discriminating in the terms, conditions, or privileges of employment – including the payment of wages – because of a person's race, color, religion, sex, military status, national origin, disability,

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<sup>1</sup> R.C. Chapter 4112.

<sup>2</sup> R.C. 4112.041.

age, or ancestry.<sup>3</sup> Under the Law, "employer" includes the state, any political subdivision of the state, any person employing four or more persons within Ohio, and any person acting directly or indirectly in the interest of an employer.<sup>4</sup>

The Commission enforces the Civil Rights Law. As part of its enforcement duties, the Commission receives and investigates charges of discrimination in employment on the basis of a protected characteristic.<sup>5</sup>

Any person may file a charge with the Commission alleging that an employer has engaged or is engaging in unlawful wage discrimination. The charge must be in writing and under oath and must be filed with the Commission within six months after the alleged wage discrimination was committed. The Commission also may conduct an independent preliminary investigation relating to wage discrimination without a formal charge being filed.<sup>6</sup> A person may sue for damages, injunctive relief, or any other appropriate relief in addition to filing a charge regarding unlawful wage discrimination with the Commission.<sup>7</sup>

## **Background – Ohio's Equal Pay Law**

Current law prohibits, unless an exception applies, any employer from discriminating in the payment of wages on the basis of race, color, religion, sex, age, national origin, or ancestry by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar conditions. The Director of Commerce enforces this prohibition, and any employee discriminated against may sue to recover two times the amount of the difference between the wages actually received and the wages received by a person performing equal work for the employer, from the date of the commencement of the violation, and for costs, including attorney fees. The Director may take an assignment of the claim in trust for such employee and sue on the employee's behalf.<sup>8</sup>

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<sup>3</sup> R.C. 4112.02(A), not in the bill.

<sup>4</sup> R.C. 4112.01(A), not in the bill.

<sup>5</sup> R.C. 4112.04, not in the bill.

<sup>6</sup> R.C. 4112.05, not in the bill.

<sup>7</sup> R.C. 4112.99, not in the bill.

<sup>8</sup> R.C. 4111.17, not in the bill.



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## HISTORY

ACTION

DATE

Introduced

03-21-17

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