To accompany the petition of Roy F. Williams, executive vice president, Associated Industries of Massachusetts, for legislation relative to variations in rates of pay for reasons other than difference in sex.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT RELATIVE TO VARIATIONS IN RATES OF PAY FOR CERTAIN REASONS OTHER THAN DIFFERENCE IN SEX.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section one hundred and five A, inserted by section three of chapter five hundred and eighty-four of the acts of nineteen hundred and forty-five, and inserting in place thereof the following section: —

Section 105A. No employer shall discriminate in any way in the payment of wages as between the sexes, or pay any female in his employ salary or wage rates less than the rates paid to male employees for work of comparable character or work on comparable operations; provided, that nothing herein contained shall prohibit a variation in rates of pay based upon either difference in seniority, experience, training,
15 skill or ability, or difference in duties or services per-
16 formed whether regularly or occasionally or difference
17 in availability for other operations or any other rea-
18 sonable differentiation except difference in sex. Any
19 employer who violates any provision of this section
20 shall be liable to the employee or employees af-
21 fected in the amount of their unpaid wages, and in
22 an additional equal amount of liquidated damages.
23 Action to recover such liability may be maintained in
24 any court of competent jurisdiction by any one or
25 more employees for and in behalf of himself or them-
26 selves and other employees similarly situated, if ap-
27 proved by the commissioner, and any agreement be-
28 tween the employer and any such employee to work
29 for less than the wage to which such employee is en-
30 titled under this section shall be no defense to such
31 action. At the request of any employee paid less than
32 the wage to which he is entitled under this section,
33 the commissioner may take an assignment of such
34 wage claim in trust for the assigning employee and
35 may bring legal action necessary to collect such claim,
36 and the employer shall be required to pay an addi-
37 tional equal amount of liquidated damages. The
38 commissioner shall not be required to pay any filing
39 fee, or other costs, in connection with such action.
40 The commissioner may join various claimants against
41 the employer in one cause of action. Any action based
41 upon or arising under sections one hundred and five A
43 to one hundred and five C, inclusive, shall be insti-
44 tuted within six months after date of the alleged vio-
45 lation.