
Pay them now or pay up later - Companies cautioned about the potential cost of salary inequity

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Gabrielle Saulsbery

Adam Gersh was tapped by *NJBiz* reporter Gabrielle Saulsbery in response to a legal alert he issued on “Substantially Similar Work” requires equal pay. The article, entitled “Pay them now or pay up later,” is geared towards business owners of all sizes in New Jersey discussing the importance of auditing their salary scales due to the new law aimed at ending pay inequality in the garden state. Otherwise, it could get costly with up to triple the cost of six years in pay back plus the salary adjustment.

The New Jersey Law Against Discrimination has been in effect since 1945, and on some level already protects against pay inequity, according to Adam Gersh, a member of the Labor and Employment and Litigation Practice Groups at Flaster Greenberg.

“You can’t discriminate in the terms and conditions of employment. That was true without the pay equity law. But what the pay equity law does that’s important and worth noting is that it puts teeth into that rule,” said Gersh.

What Gersh is talking about is the six-year lookback period on which plaintiffs can make their case, the triple damages they’re entitled to receive and anti-retaliation provisions that explicitly disallow employers from preventing employee discussion on wage information. The six-year lookback and triple damages are what lawyers like Gersh say will incite litigation.

Click here to read the article in its entirety.