



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Equal Pay Protections for Mississippi Workers

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws protecting workers from pay discrimination. The Equal Pay Act of 1963 (EPA) requires that men and women in the same workplace be given equal pay for equal work. Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), and the Genetic Information Nondiscrimination Act (GINA) prohibit pay discrimination based on race, color, religion, sex, national origin, age, disability, or genetic information. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pay or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA GINA or the Equal Pay Act.

Mississippi's new Equal Pay for Equal Work Act, effective July 1, 2022, only protects workers against sex discrimination in pay, is otherwise narrower than the federal protections available to workers in Mississippi and provides broad defenses to employers. The chart below compares Mississippi's new state law with federal equal pay laws.

	Mississippi Equal Pay for Equal Work Act	Federal Equal Pay Act and Title VII <sup>1</sup>
<b>Covered Bases</b>	Prohibits differences between people of the “opposite sex”	<u>EPA</u> – sex discrimination <u>Title VII</u> – Race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), and national origin discrimination
<b>Covered Employees</b>	To be protected, you must work a minimum of 40 hours per week.	No hour requirement; federal equal pay protections apply to full-time, part-time, seasonal, temporary, and former employees. Some equal pay protections also apply to applicants.
<b>Covered Employers</b>	5 or more employees	<u>EPA</u> - No employee size threshold <u>Title VII</u> - 15 or more employees
<b>Factors to Consider for Equal Pay for Equal Work</b>	Equal skill, education, effort and responsibility, and similar working conditions.	<u>EPA</u> – Equal skill, effort and responsibility, and similar working conditions. <u>Title VII</u> – Broader protections against pay discrimination than EPA.

<sup>1</sup> The ADEA, ADA, and GINA prohibit pay discrimination based on age, disability, and genetic information, respectively and have their own set of protections and remedies under the law.

<b>Employer defenses: Factors other than sex specified in the law</b>	1. Salary history or continuity of employment; 2. Competition with other employees for the employee's services; 3. The extent to which the employee attempted to negotiate for higher wages.	None of the Mississippi defenses are automatic under the federal law. According to the EEOC and some courts and depending on the facts of the case, salary history, market forces, and negotiations may not be defenses because they incorporate existing discrimination into salary decisions.
<b>Enforcement Mechanism</b>	Private action (lawsuit) in the circuit court in the county in Mississippi where the discrimination occurred.  The Mississippi law also states that an employee who seeks relief under the state law "must first waive any right to relief" under the federal Equal Pay Act.	<u>EPA</u> – File a charge with the EEOC or go directly to federal court. EEOC investigates charges of discrimination and offers mediation in appropriate cases.  <u>Title VII</u> - File a charge with the EEOC. EEOC investigates charges of discrimination and offers mediation in appropriate cases.  EEOC Charging Parties can allege a violation under the <u>EPA and Title VII</u> .
<b>Remedies</b>	Attorney's fees, prejudgment interest, backpay, costs.	<u>EPA</u> - Backpay, liquidated damages, attorney's fees, costs, and equitable relief, including employment, reinstatement, or promotion.  <u>Title VII</u> – Backpay, frontpay, lost benefits, compensatory damages (pain and suffering and out-of-pocket expenses), punitive damages, attorney's fees, and non-monetary relief, such as changes to employer practices

For more information about federal equal pay laws or to file a charge of pay discrimination with the EEOC, visit [www.eeoc.gov](http://www.eeoc.gov). Our services are free, and you do not need a lawyer to file a charge. You can also contact us at your local EEOC Office:

**Jackson Area Office:** Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 338  
Jackson, MS 39269

**Phone:** 1-800-669-4000    **Fax:** 601-714-2202    **TTY:** 1-800-669-6820  
**ASL Video Phone:** 844-234-5122

**Office Hours:** Monday through Friday, 8:00 a.m. to 4:30 p.m.