

34:11-56.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:11-56.1

(Equal pay--  
women)

LAWS OF: 1952

CHAPTER: 9

Bill No: A118

Sponsor(s): Dwyer

Date Introduced: January 14, 1952

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes

Date of Passage: Assembly: February 11, 1952

Senate: March 31, 1952

Date of Approval: April 8, 1952

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

Referred to in statement:

Hon. Driscoll's annual message comment--attached

10 the purposes of this act may be served and any violation corrected without the  
11 institution of any prosecution, the commissioner shall not be obligated to in-  
12 stitute any prosecution for any such violation.

1 10. The provisions of this act shall be construed as severable and if any  
2 part be held unconstitutional, or for any other reason invalid, the remaining  
3 parts shall not be affected thereby.

1 11. This act shall take effect July first, one thousand nine hundred and  
2 fifty-two.

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#### STATEMENT

In his Annual Message to the Legislature this year Governor Driscoll urged that "Our constitutional guarantee of equality of women before the law should be implemented in our statute law." He pointed out that "Equal pay for equal work is a fundamental application of that guarantee."

This bill is designed to carry out the Governor's recommendation.

0112

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ASSEMBLY, No. 118

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1952

By Mrs. DWYER

Referred to Committee on Judiciary

AN Act prohibiting discrimination by certain employers in the rate or method of payment of wages to employees because of the sex of such employees; granting certain powers to the Commissioner of Labor and Industry and imposing certain duties upon the said commissioner in relation thereto; and providing penalties and punishment for violations.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. As used in this act:

2 a. "Employee" includes any person, either male or female, employed by  
2A an employer, but shall not include persons performing volunteer service for  
2B nonprofit organizations or corporations nor persons employed on a farm, or  
2C in domestic service in a private home, or in a hotel.

3 b. "Employer" includes any person acting directly or indirectly in the  
4 interest, or as agent, of an employer in relation to an employee and further  
5 includes one or more individuals, partnerships, corporations, associations,  
6 legal representatives, trustees, trustees in bankruptcy, or receivers, but such  
6A term shall not include nonprofit hospital associations or corporations.

7 c. "Employ" includes to suffer or permit to work.

8 d. "Occupation" includes any industry, trade, business or branch thereof,  
9 or any employment or class of employment.

10 e. "Commissioner" means the Commissioner of Labor and Industry of  
11 the State of New Jersey.

1 2. No employer shall discriminate in any way in the rate or method of  
2 payment of wages to any employee because of his or her sex. A differential  
3 in pay between employees based on a reasonable factor or factors other than  
4 sex shall not constitute discrimination within the meaning of this section.

1 3. The Commissioner of Labor and Industry shall have the power and it  
2 shall be his duty to carry out and enforce the provisions of this act.

1 4. The commissioner, or his authorized representative, shall have the  
2 power to enter the place of employment of any employer to inspect and  
3 copy payrolls and other employment records, to compare character of work  
4 and skills on which persons employed by the employer are engaged, to ques-  
5 tion such persons under subpoena, if necessary, and to obtain such other in-  
6 formation as is reasonably necessary to the administration and enforcement  
7 of this act.

1 5. The commissioner shall have the power to issue such regulations, not  
2 inconsistent with the purpose and provisions of this act, as he deems neces-  
3 sary or appropriate for the efficient administration thereof.

1 6. Any employer who willfully violates any provision of this act, or who  
2 discharges or in any other manner discriminates against any employee be-  
3 cause such employee has made any complaint to his or her employer, the com-  
4 missioner, or any other person, or instituted, or caused to be instituted any  
5 proceeding under or related to this act, or has testified or is about to testify  
6 in any such proceedings, shall be guilty of a misdemeanor and, upon convic-  
7 tion thereof, be punished by a fine of not less than fifty dollars (\$50.00), nor  
8 more than two hundred dollars (\$200.00), or by imprisonment for not less  
9 than ten days nor more than ninety days, or by both fine and imprisonment.

1 7. Any employer who willfully fails to furnish required records and in-  
2 formation to the commissioner upon request, or who falsifies such records or  
3 who hinders, delays, or otherwise interferes with the commissioner, or his  
4 authorized representative, in the performance of his duties in the enforce-

5 ment of this act, or refuses such official entry into any place of employment  
6 which he is authorized by this act to inspect, shall be guilty of a misdemeanor  
7 and, upon conviction be punished by a fine of not less than fifty dollars  
8 (\$50.00) nor more than two hundred dollars (\$200.00).

1 8. If any employee, because of his or her employer's violation of  
2 the provisions of section two of this act, is discriminated against in the  
3-4 payment of wages, such employee may recover in a civil action the full  
5 amount of the salary or wages due from the employer plus an addi-  
6 tional equal amount as liquidated damages, together with costs and  
7 such reasonable attorney's fees as may be allowed by the court, and  
8 any agreement between such employee and employer to work for less  
9 than such salary or wages shall be no defense to the action. At the request  
10 of any employee paid less than the wage to which she may be entitled under  
11 this act, the commissioner may take an assignment of such wage claim in trust  
12 for the assigning employee and may bring any legal action necessary to col-  
13 lect such claim, including the liquidated damages provided by this section  
14 without cost to the employee. The court in such action shall, in addition to  
15 any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attor-  
16 ney's fee to be paid by the defendant, and costs of the action. The commis-  
17 sioner shall not be required to pay the filing fee, or other costs, in connection  
18 with such action. The commissioner shall have power to join various claim-  
19 ants against the employer in one cause of action.

1 9. If complaint shall be made to the commissioner, or if he shall have  
2 reason to believe that any provision of this act has been violated, he may  
3 cause notice of such alleged violation to be given to the alleged violator, giv-  
4 ing the party so notified the opportunity to answer such complaint. The  
5 alleged violator shall be given an opportunity, at his request, to be heard  
6 with regard to such alleged violation, under such rules and regulations as  
7 may be prescribed by the commissioner provided that the complaining party  
8 and all interested persons shall be notified of such hearing and given an op-  
9 portunity to be present. If, as the result of such hearing, it shall appear that

10 the purposes of this act may be served and any violation corrected without the  
11 institution of any prosecution, the commissioner shall not be obligated to in-  
12 stitute any prosecution for any such violation.

1     10. The provisions of this act shall be construed as severable and if any  
2 part be held unconstitutional, or for any other reason invalid, the remaining  
3 parts shall not be affected thereby.

1     11. This act shall take effect July first, one thousand nine hundred and  
2 fifty-two.

## Governor Driscoll's Annual Message 1952

traditional type of discipline heretofore imposed. I cite these two illustrations to show what can be done, and, in fact, what is being done, when proper facilities are available.

Even though the construction of new institutions may be unavoidably delayed by the war and the defense program, our reorganized and greatly strengthened Department of the Treasury has demonstrated a capacity to handle the financing of the State Government, including capital improvements, in a wise and prudent manner that has been productive of substantial earnings. These practices are typical of those that have helped us to maintain the lowest per capita State tax collection in the nation.

The 1951 Legislature wisely established a fourth category in the assistance program—aid to the permanently and totally disabled, administered by our county welfare boards and the State Department of Institutions and Agencies. At the same time it adopted legislation under which a distinguished commission has been hard at work studying methods of administering welfare at all levels of government. The commission has undertaken a complicated and difficult task. The first report indicates that it is making real progress. I recommend that the commission be continued for another year.

### Economic Welfare

Turning to the broad question of economic welfare, the men and women who produce the goods in our industries command our attention. Along with our favorable geographical location, the presence of these citizens is one of the chief reasons why new industries are moving to New Jersey in increasing numbers. In our State, fortunately, industry has found the advantages of geography, modern transportation, a skilled and responsible labor force, and an environment in which industry may grow and expand.

It has been our purpose, so far as possible, to protect our working people from the vicissitudes of an industrial age

that are beyond their control. Our unemployment compensation and sickness insurance law should be strengthened. The present maximum payments should be increased and coverage extended to permit these programs to accomplish their objectives and to overcome the erosion of inflation.

It is likewise my hope that you will favorably consider a State labor relations law, as well as the improvement and extension of our minimum wage law. Our constitutional guarantee of equality of women before the law should be implemented in our statute law. Equal pay for equal work is a fundamental application of that guarantee.

#### Education

The citizens of tomorrow are but a few short years away from the citizens of today. But our system of public education, upon which we depend heavily to bridge those years, may still leave something to be desired. When the State School Aid Commission, which is presently studying the problems of finance, has reached agreement and filed its report, I propose to submit a separate message to the Legislature devoted exclusively to the subject of education. Meanwhile, State school aid, apportioned pursuant to the Armstrong formula (Chapter 66, P. L. 1948), should be stabilized. This will increase State aid and place an additional burden upon our general revenues.

We know that it is the desire of teachers that they excel in their profession. It is our common hope that they may be assured a broad, liberal education, if possible even superior to that provided other professional men and women, as a strong foundation for good citizenship and straightforward thinking. At this session of the Legislature, therefore, the Executive Branch of the government should be authorized to proceed with the second phase of the program for the improvement and reorganization of the facilities of our State Teachers Colleges. Our studies of the various proposals for a much-needed medical school and the methods of financing it should be continued.

At my request, cooperation with the State in carrying out a program of an adequate administrative building should be located on the campus in Trenton. This is an important activity for the first time in the State's history. The State Library Service, a much needed measure, should be authorized. The State executives will be authorized to meet at the college for meeting the program with the State taking would be a program for

As we seek to meet the need for water park facilities and an adequate system of water, we act promptly to meet the need as well as inland.

The long-standing conservation and water supplies of our State. Many, however, take advantage of the national water reserves. We plan with im-

The 1951 Legislature the plan proposed for the Delaware River