

HOW DOES THE FAIR PAY ACT APPLY TO UNIONS AND THEIR MEMBERS?

- The Fair Pay Act covers employees in all industries in California;
- There is no exception under the Fair Pay Act for employees covered by Collective Bargaining Agreements, and there is no minimum number of employees needed for this law to apply;
- Unions and employers can, however, negotiate bona fide merit or seniority based systems that can be the basis for wage differentials under the law;
- In light of the recent amendments to California law, unions may wish to review provisions in the collective bargaining agreement that relate to employee compensation – such as hiring and selection criteria, job classifications and definitions, pay scales, promotion and pay raise provisions, etc. – to ensure that these provisions comply with the law;
- Unions and their members may wish to evaluate historical inequities in pay (e.g. between substantially similar female- and male-dominated positions) to determine potential compliance issues, especially when negotiating an initial contract.

WHAT CAN A UNION REPRESENTATIVE TELL EMPLOYEES OR UNION MEMBERS WHO BELIEVE THEY ARE NOT BEING PAID FAIRLY?

- A union representative can educate members about the existence of the Fair Pay Act, and their rights under the law and that the Union has the ability to get information from the employer that could help to evaluate and address the issue;
- Depending on the terms of the Collective Bargaining Agreement, union represented employees may have a remedy through the negotiated grievance and arbitration procedure, or the individual employee may need to seek representation from an outside attorney or file a claim with the California Labor Commissioner. (Link to “Employee Rights”).
- A union representative may tell employees who are not already represented by the union that they have the same rights under state law but also that issues of pay equity can be, and often are, addressed in the collective bargaining process.