

Sixth Circuit: No Gender Bias in Wage Difference between Male and Female Counterparts

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In this case, the employee began working with the auto parts manufacturer when she was a student. After she graduated, she was hired as a test engineer with the same starting salary as the other engineering graduates.

Later, the employee was promoted to be an applications engineer. She claims that she was then promoted to an account manager position, however, the employer disputed this, and instead claimed that it merely gave her some of the responsibilities of an account manager, but that she was not ready to take on the full account manager responsibilities. The employee complained about her salary on several occasions and generally received raises in response.

She later filed suit, claiming wage discrimination under the Equal Pay Act and Michigan state law. The district court granted summary judgment in favor of the employer on the grounds that the employee failed to produce specific evidence of her job duties and those of her male counterparts to show she performed the same job. The employee appealed.

The Sixth Circuit Court of Appeals affirmed, finding that the wage differential was because the employee lacked the skill, experience, and qualifications of her male counterparts, and because, in some cases, the male counterparts had greater job responsibilities, such as major accounts and management. Though the employee argued that the differences in pay were legitimate only up to a point and that the employer should have borne the burden of justifying any excess, the court declined to accept this, finding that in this case, the differences in skill, experience, and education between the employee and the male co-workers was significant. As a result, no reasonable juror could conclude that the pay differential was based on the employee's gender.

While pay differences between employees is a reality for most businesses, it is important to ensure that there is a legitimate, gender-neutral reason for differentials between counterparts who perform the same or similar jobs. If you have questions, read about [Foco v. Freudenberg-Nok General Partnership, No. 12-2174 \(6th Cir. November 25, 2013\)](#).

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Topics

Title VII, Gender Discrimination, Equal Pay Act