

The New Pay Equity Law in Massachusetts: A Brief Summary

Effective Date

An Act to Establish Pay Equity (Chapter 177 of the Acts of 2016) goes into effect July 1, 2018, and amends G.L. c.149, §105A.

Key Provisions

Salary History

Massachusetts is the first state to prohibit potential employers from asking about applicants' salary history before making a job offer. Employees are free to share their salaries with potential employers at any time if they so choose but they cannot be compelled to do so.

Comparable Work

The law broadens the definition of "comparable work" in the context of pay discrimination by prohibiting employers from discriminating "on the basis of gender in the payment of wages" and from "pay[ing] any person in its employ a salary or wage rate less than the rates paid to employees of a different gender for comparable work." The law recognizes six justifications for pay disparities for workers performing comparable work.

Compensation Transparency

The law also increases compensation transparency by protecting employees' freedom to disclose their salary or wages to coworkers. Employers may not fire or otherwise retaliate against employees who discuss their own compensation level with others.

Affirmative Defense

The law also provides for an affirmative defense for employers that conduct internal wage audits and seek to remedy any disparities.

Enforcement

The law may be enforced by the Attorney General or one or more employees in a court of competent jurisdiction. Therefore, an employee does not need to first file a complaint with the Massachusetts Commission Against Discrimination.

Source: <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter177>