



## Act To Establish Pay Equity

Governor Charlie Baker signed into law an Act to Establish Pay Equity that will take effect July 1, 2018. The new law updates the Massachusetts's Equal Pay Law, G.L. c 149, Section 105A which was passed in 1945 and requires comparable pay for comparable work. The following is a summary of what the employer and the employee should know about the new law.

### What The Employer Should Know:

- Comparable work is defined to mean work that is substantially similar and clarifies that a job title or job description alone shall not determine comparability;
- If a wage differential exists, do not reduce the pay of any employee in order to comply.

### What An Employee Should Know:

- No requirement to file a charge of discrimination with the MCAD as a prerequisite;
- There is a three-year statute of limitation.

### Damages:

- Damages for violating this section shall be the amount of unpaid wages plus an equal amount in liquidated damages as well as attorney's fees;
- The attorney general may also bring an action to collect unpaid wages.

### What An Employer Cannot Do:

- Require salary history during a job interview (job applicant can voluntarily disclose that information);
- Forbid workers from discussing their salaries with each other;
- Retaliate against an employee for exercising protected rights;
- Assert as a defense that the employee agreed to work for less than the wage.

### What The Employer Should Do:

- Post a notice in the workplaces notifying employees of their rights under G.L.C. 149 Section 105A;
- Remove from job applications any language requesting salary history;
- Consider completing a self-evaluation of the pay practices of the business. If the business can demonstrate that reasonable progress has been made towards eliminating compensation differentials based on gender for comparable work in accordance with the evaluation, it can be used as an affirmative defense.

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