

Pay Equity Legislation Aims to Eliminate Wage Disparities Between Genders in Massachusetts

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In a hearing before the Joint Committee on Labor and Workforce Development on Tuesday, July 21, roughly two dozen lawmakers and a wide range of business officials, advocacy groups, non-profit leaders, and academics testified in support of a pay equity bill aimed at eliminating the wage gap between genders in Massachusetts.

The Act to Establish Pay Equity (H. 1733 and S. 983) demands equal pay for comparable work done by men and women, establishes pay transparency, and requires fairness in hiring practices around wages. It is sponsored by 122 lawmakers and supported by Attorney General Maura Healey, Treasurer Deb Goldberg, and Auditor Suzanne Bump.

Although Massachusetts passed a law in 1945 requiring men and women to receive equal pay for comparable work, becoming the first state in the nation to do so, bill proponents argued before the Committee that this legislation has failed to prevent wage disparities between genders. They cited statistics showing that women working full-time in Massachusetts earn approximately 81 percent of what men who work full-time earn for comparable work. This pay gap is highest among black and Hispanic women. Without changes, bill proponents argued that Massachusetts' wage gap will persist until 2058.

To create pay equity between genders, the legislation:

- Prevents employers from discriminating on the basis of gender in the payment of wages, benefits, or compensation for "comparable" work. Determining whether work is comparable is based on whether the positions entail comparable skill, effort, responsibility, and working conditions between employees of the opposite gender;
- Extends the time an employee has to sue for pay discrimination from one to three years;
- Makes it unlawful for employers to require employees to refrain from disclosing or sharing information about his or her wages, compensation or benefits or from inquiring about any other employee's wages, benefits or compensation;
- Requires employers to publish the minimum salary a job pays and prevents them from seeking salary history information from potential employees for an interview or as a condition of employment;
- Allows courts to require employers to pay for attorneys' fees incurred by employees bringing actions against employers in violation of this Act; and
- Enables employers who can prove they have made progress in removing wage inequities based on gender to defend themselves from allegations of committing gender discrimination in violation of the Act.

The legislation received unanimous support from those testifying and was well-received by members of the Committee and its Chairmen, Senator Daniel Wolf (D-Harwich) and Representative John Scibak (D-South Hadley).

The bills remain before the Joint Committee on Labor and Workforce Development. If ultimately approved by the legislature, the Act will be presented to Governor Charlie Baker, who has not yet taken a stance on the bill. According to a Baker spokeswoman, "The administration will continue to ensure the enforcement of federal and state laws prohibiting gender discrimination in employment and salary and will review legislative proposals to change those measures should they reach the Governor's desk."

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