



## Massachusetts Equal Pay Act: Summary

For additional information and FAQs, see <http://hrweb.mit.edu/equal-pay>

### Overview

On August 21, 2016, Governor Charlie Baker signed *An Act to Establish Pay Equity*, to ensure equal pay for employees of different genders engaged in comparable work in Massachusetts. The law will go into effect on July 1, 2018.

### The Law's Provisions

#### *Pay History*

The Act prohibits employers from asking job applicants about salary history, with two exceptions:

- I. The candidate voluntarily discloses his or her pay; or
- II. The employer extends an offer of employment to the candidate with stated compensation.

#### *Pay Transparency*

The Act prohibits employers from requiring that employees refrain from discussing wage information.

- I. However, an employee whose position provides him/her with access to salary data can be prohibited from discussing pay information.

#### *Comparable Work*

The Act considers comparable work to be work that is “substantially similar in skill, effort, and responsibility, and is performed under similar working conditions.”

- I. The Act allows for wage fluctuations within comparable jobs based upon the following criteria: seniority; merit; commissions; geography; education, training or experience; travel.
  - a. Market conditions are not a justification for wage fluctuations. (See FAQs).

### HR Professionals, Managers & Supervisors roles/responsibility:

#### *Pay History*

- I. For Internal Candidates: You may ask about their current pay at MIT, which can be verified for final candidates by central HR.
- II. For External Candidates: You may not ask about pay history, but you may ask candidates what their pay “expectations” are.

#### *Pay Transparency*

- I. You may remind employees that they do not have to discuss pay if they don't want to.
- II. Ensure that employees with access to pay information do not discuss that information with other employees, outside of their primary job responsibilities.

#### *Comparable Work*

- I. In order to ensure pay equity, work with the HR professional in your DLC to determine equity within your organization, and with the Compensation Office to understand equity throughout the Institute.