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House Passes Landmark Bill to Dismantle the Gender Wage Gap
Legislation will be the strongest pay equity statute in the nation

(BOSTON) – Representative Kate Hogan joined her colleagues in the House of Representatives in unanimously passing legislation to ensure that men and women receive equitable compensation for comparable work. The bill prohibits discrimination on the basis of gender in the payment of wages for comparable work unless the variation is based upon a mitigating factor including seniority (provided that paternal, family, and medical leave don't reduce seniority); a system that measures earnings by quantity or quality of production, sales, or revenue; or education, training, or experience.

Notably, the bill would prevent employers from requesting salary history in hiring, a measure designed to end the self-perpetuating cycle of wage disparity. Massachusetts would be the first state in the nation to adopt such a provision. However, prospective employees would not be barred from voluntarily disclosing their past salaries.

“It has taken legislators in Massachusetts 20 years to craft a pay equity bill that addresses wage discrimination and we have done so with strong support from our business community,” said Representative Kate Hogan. “I am proud to vote for this landmark legislation that codifies the principle that men and women receive equal pay for equal work.”

In drafting this bill, the House of Representatives focused on building consensus to ensure that the legislation would be workable, effective, and sustainable. Key to those efforts were defining “comparable work” and maintaining flexibility for performance-based compensation. The bill incentivizes companies to correct compensation disparities internally before going to court by creating three-year affirmative defense from liability. Within that time period employers must complete a self-evaluation of its pay practices and demonstrate reasonable progress in eliminating pay disparities.

The legislation also:

- Prohibits employers from reducing salaries in order to comply with the law.
- Prohibits an employer from preventing employees from talking about their salaries.

The legislation would take effect on July 1, 2018.

The Senate voted to pass pay equity legislation in January. The House and Senate bills are similar; minor differences are expected to be reconciled before the end of session on July 31.

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