Massachusetts Equal Pay Act: Summary

For additional information and FAQs, see http://hr.mit.edu/mepa

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/responsiblity:
Pay History

I. For Internal Candidates: You may ask about their current pay at MIT, which canbe 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.