



Massachusetts Pay Equity

Statute

- [Massachusetts Equal Pay Act, Massachusetts Gen. Laws Ch. 149 § 105A](#)
- [An Act Relative to Salary Range Transparency, Massachusetts Gen. Laws Ch. 141](#)

Classes protected

- Sex

Key language on pay discrimination

- No employer shall discriminate in any way in the payment of wages as between the sexes, or pay any person in his employ salary or wage rates less than the rates paid to employees of the opposite sex for work of like or comparable character or work on like or comparable operations.
- Comparable work is work that is substantially similar in that it requires substantially similar skill, effort and responsibility and is performed under similar working conditions.

Exceptions for pay disparities (including affirmative defenses)

- Seniority (not including time spent on protected leave)
- Merit system
- System which measures earnings by quantity or quality of production or sales
- Geographic location
- Education, training or experience
- Travel, if the travel is a regular and necessary condition of the job

Prohibition on salary history inquiry

- May not request salary history from prospective employee or a current/former employer or require prior wages meet a certain criteria.

Anti-retaliation

- Equal Pay Statute: employers may not discharge or retaliate against any employee for exercising rights under this statute.
- Pay Transparency and Data Reporting Law: employers are prohibited from retaliating against an employee or applicant who exercises their rights under this law. However, the bill does not create a private right of action and is enforceable only by the Attorney General.

- In enforcing the law, the Attorney General's Office can seek injunctive or declaratory relief and impose fines for non-compliance. A first offense is subject only to a warning, while second violations can result in penalties of up to \$500, third violations in penalties up to \$1,000, and further violations in penalties between \$7,500 and \$25,000.

Wage Disclosure Requirement

- Beginning October 29, 2025, businesses with 25 or more employees in Massachusetts will be required to:
 - (1) Include the pay range for a position on all job postings;
 - (2) Disclose the pay range for a position to existing employees who receive a promotion or a transfer to a new position with different responsibilities; and
 - (3) Provide pay range information for a particular position to an employee who holds the position or to an applicant upon receipt of a request.
- The law defines "pay range" as the annual salary range or hourly wage range that the employer reasonably and in good faith expects to pay for such position at the time of posting or request. Employers are not required to include bonus or commission information in posts.

Pay Transparency

- May not prohibit employees from inquiring about, discussing, or disclosing information about their own wages or those of another.

Safe Harbor for Pay Evaluations

- Affirmative defense available for employers that conduct self-evaluation and take steps to remedy pay disparities. This defense is available if the employer, within the previous three years and prior to commencement of a lawsuit: (i) has completed a good faith self-evaluation of its practices that is reasonable in detail and scope, and (ii) can demonstrate reasonable progress in eliminating gender-based compensation differentials.

Other Key Provisions

- Employers with at least 100 employees who are subject to either EEO-1, EEO-3, EEO-4, or EEO-5 reporting requirements will need to file a wage data report with the Commonwealth.

Key contact

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Pay Equity Team

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