



Maryland Pay Equity

Statute

- Equal Pay for Equal Work Act, Md. Labor and Employment Code Ann. § 3-301 et seq.
- Equal Pay for Equal Work, Wage Range Transparency, H.B. 649
- Equal Pay Remedies and Enforcement Act, Ann. § 3-308
- An Act Concerning Labor and Employment (HB 123) – Wage History and Wage Range

Classes protected

- Race, religious beliefs, sex, gender identity, or sexual orientation

Key language on pay discrimination

- An employer may not discriminate between employees in any occupation by paying a wage to employees at a rate less than the rate paid to other employees if the employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type of the pay difference is based on the race, religious beliefs, sex, gender identity, or sexual orientation of the employees.

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- Different required abilities or skills
- Regular performance of different duties or services
- Work performed on different shifts or at different times of day
- System which measures earnings by quantity or quality of production
- Bona fide factor other than sex, such as education, training, or experience that is job-related and consistent with business necessity

Prohibition on Salary History Inquiry

- Employers may not seek pay history, but they may confirm wage history voluntarily provided by an applicant after an initial offer of employment, including an offer of compensation, is made.
- Employers may not refuse to interview, hire or employ, or otherwise retaliate against an applicant because the applicant did not provide wage history.

- In Montgomery County, government agencies cannot use salary history as a factor in hiring or setting an individual's pay, except agencies may rely on salary history voluntarily disclosed by an applicant to offer the applicant a higher wage than initially offered if this does not result in unequal pay for equal work based on gender.

Anti-retaliation

- Employer may not take adverse employment action against an employee for: (1) inquiring about the employee's wages or another employee's wages; (2) disclosing the employee's own wages; (3) discussing another employee's wages if those wages have been disclosed voluntarily; (4) asking the employer to provide a reason for the employee's wages; or (5) aiding or encouraging another employee's rights under this section.
- Employers may not retaliate against any employee for making a complaint or exercising rights under the Equal Pay for Equal Work Law.
- Employers may not discriminate or retaliate against an applicant who does not provide a wage history or asks for a wage range from the employer.

Wage Disclosure Requirements

- Maryland employers (any person engaged in a business, industry, profession, or trade in Maryland) must include salary and benefits information in both internal and external job postings and keep records of compliance for a minimum of three years.
- An employer must provide a wage range for a position upon request by the applicant.

Pay Transparency

- Employer may not require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages.

Other key provisions

- Employers may not reduce the wages of other employees to comply with equal pay law.

Key Contacts

- Eleanor Miller

Pay Equity Team

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