



# **Un-Brotherly Love: The Commonwealth Seeks to Preempt Philadelphia's Wage Equity Ordinance Before It Takes Effect**

Insights

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The ink has yet to dry on Philadelphia's newly-passed Wage Equity Ordinance and the Pennsylvania Senate has already passed a Bill that would preempt Philadelphia's new law.

The Bill is an amendment to the Commonwealth's Equal Pay Act, and it does not prohibit employers from inquiring into prospective employee's wage histories – an inquiry which is prohibited under the new Philadelphia law. Further, the Bill contains a preemption clause which provides that “[t]he provisions of this act shall preempt and supersede any local ordinance or rule concerning the subject matter of this Act.” Criticism of the Bill has already come from Philadelphia's City Hall, which suggests that their office recognizes that this preemption language would squash Philadelphia's law before it ever takes effect in May.

Pennsylvania lawmakers in Harrisburg have expressed that wage equity is a statewide issue and that different parts of the Commonwealth should not have stronger or weaker protections than others. This news should come as a relief to employers that operate both within and outside of Philadelphia, as some of those employers were already struggling with how to address the different rules regarding prospective employees' salaries for their locations in Philadelphia compared to their locations outside of Philadelphia.

A link to Bill passed by the Pennsylvania Senate on February 8, 2017 can be found [here](#).