



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

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Representative Smola supports pay equity bill

BOSTON – Representative Todd M. Smola (R-Warren, Ranking Member, Committee on Ways & Means) is supporting legislation designed to promote gender-neutral pay equity in the workplace.

House Bill 4509, *An Act to establish pay equity*, was engrossed by the House of Representatives on July 14 on a vote of 158-0. The bill seeks to ensure that men and women receive equal pay, regardless of their gender, when performing comparable work that is substantially similar in skill, effort and responsibility.

“The pay equity bill provides important protections to both workers and employers,” said Representative Smola. “I’m proud to support this effort to ensure that all Massachusetts residents earn equal pay for equal work.”

According to the National Partnership for Women & Families, women working full-time in Massachusetts earn 82 cents for every dollar a man makes. This is only slightly higher than the national average of 79 cents.

Under the pay equity bill, an employee who feels they have been discriminated against can pursue legal action without having to file a claim with the Massachusetts Commission Against Discrimination. The bill also allows the Attorney General to initiate legal action to recover unpaid wages on behalf of one or more employees.

Although the House bill prohibits wage discrimination on the basis of gender for comparable work, it does allow for variations in wages in certain circumstances. For example, wage variations are allowed if they are based on a seniority system; a merit system; or a system which measures the employee’s quality or quantity of production. Employers can also vary wages based on geographic location, taking into account costs

of living; the employee's education, training or experience; or travel expenses, if travel is required as a regular and necessary condition of the job.

House Bill 4509 provides employers with an affirmative defense against a claim of wage discrimination if the business has completed a self-evaluation of its pay practices within the previous three years and can demonstrate that it is making reasonable progress towards eliminating gender-based wage disparities. It also prohibits employers who are found to be in violation of the law from reducing an employee's wages to come into compliance.

In addition, the pay equity bill bars hiring managers from inquiring about a prospective employee's salary history, or to contact a former employer for this information, until after a formal job offer has been made.

The bill also calls for the creation of a special commission to investigate, analyze and study the factors, causes and impact of pay disparity based on race, color, religious creed, national origin, gender identity, sexual orientation, genetic information, ancestry, disability, and military status. The commission must report back to the Legislature with its findings no later than January 1, 2019.

House Bill 4509, which is drafted to take effect on July 1, 2018, has been endorsed by the Associated Industries of Massachusetts and the Massachusetts Business Roundtable. The Senate previously approved its own version of the pay equity bill in January. A six-member conference committee is expected to be appointed to try to work out the differences between the two bills before the end of formal sessions on July 31.

For additional information please contact Representative Smola at Todd.Smola@mahouse.gov or (617)722-2100.

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