

Equal Pay Act Summary

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Gender Discrimination in wage payment is illegal in MA as of July 2018.

Comparable work must be compensated the same. “Comparable work” means work requiring similar skill, effort and responsibility.

“Wages” means any form of remuneration

Some wage variations are allowed based upon the following:

- Seniority
- A merit system
- Productivity/sales/revenue
- Geographic location
- Education/training/experience in same area
- Regular travel

Remedies for Violations

- Employee can sue on own behalf or on behalf of a class of employees
- Recovery equals amount underpaid plus that amount as liquidated damages and attys fees/cost
- Attorney General can also bring a claim against employer

NB. Employee’s previous pay history is no defense

3 Year Statute of Limitations from time of alleged violation

Also Illegal:

- To require employees not to discuss or inquire about their wages or that of others - but employer can require that HR director seek prior written permission from an employee before disclosing wage info of that employee
- To seek pay history of prospective employee unless prospect discloses same

Affirmative Defenses:

- Completed self-evaluation of pay practices
- Demonstrating that reasonable progress has been made toward eliminating pay disparities

NB. A self-evaluation which is deficient in scope, but which still helps eliminate disparities in pay can eliminate liquidated damages

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