

HOUSE No. 3883

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to comparable work.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 105A of chapter 149 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in line 28, the number “one” and inserting in
3 place thereof the following number:- three.

4 SECTION 2: Said section 105A of chapter 149, as so appearing, is hereby further
5 amended by inserting before the last sentence the following:-

6 An employer shall not discharge, discriminate or retaliate against an employee because
7 such employee seeks to enforce the rights granted by this section. An employer may not prohibit
8 an employee from disclosing the employee’s own wages or from inquiring about another
9 employee’s wages if the purpose of the disclosure or inquiry is to enforce the rights granted by
10 this section. Nothing in this section creates an obligation to disclose wages.”

11 SECTION 3: (a) Notwithstanding any general or special law to the contrary, there shall
12 be in the executive office of labor and workforce development, the Massachusetts Pay Equity
13 Commission. The commission shall be responsible for: (1) the development of definitions of
14 comparable work job categories, using the criteria of comparable skill, effort, responsibility and
15 working conditions; (2) working with employers, employees and state agencies in order to
16 promote fair and transparent pay practices; and (3) identifying solutions aimed at addressing
17 challenges to gender pay disparities in the workplace.

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19 (b) In reviewing pay equity and comparable work categories, the commission shall
20 examine a variety of areas including, but not be limited to: (1) studying occupations that are
21 dominated by individuals of the same gender and any pay disparities they may result; (2)

22 meeting with occupational experts, academics, and researchers in order to identify traditional
23 gender roles and occupations, and comparable work categories; (3) developing definitions of
24 comparable skill, effort, responsibility and working conditions to be used when comparing job
25 categories; (4) reviewing the legitimate reasons for pay differentials including merit based
26 systems and systems that measure earnings by quantity or quality of production; (5) working
27 with business groups and educational institutions to develop and maintain equal pay best
28 practices; (6) encouraging employers to implement equal pay best practices; and (7) conducting
29 outreach and education to employees and employers regarding pay equity.

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31 (c) The commission shall consist of the following members: the secretary of the
32 executive office of labor and workforce development or a designee, who shall serve as co-
33 chairperson; the commissioner of the Massachusetts commission against discrimination or a
34 designee, who shall serve as co-chairperson; the director of the Massachusetts commission on the
35 status of women or a designee; the senate and house chairs from the caucus of women legislators
36 or designees; a representative from a chamber of commerce in the commonwealth; a
37 representative from the Massachusetts women's bar association; a representative from the
38 associated industries of Massachusetts; and a representative from the Massachusetts AFL-CIO.

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40 (d) The commission shall report its findings to the general court, along with draft
41 legislation necessary to carry its recommendations into effect, by filing the report with the clerks
42 of the house of representatives and the senate, the chairs of the joint committee on labor and
43 workforce development, and the chairs of the house and senate committees on ways and means,
44 on or before January 1, 2015.

45 SECTION 4: Section 1 shall take effect on January 1, 2015.