

**HOUSE . . . . . No. 3883**

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**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.