

# The New Massachusetts Equal Pay Act

The Massachusetts Equal Pay Act, M.G.L. c. 149 § 105A, prohibits discrimination based on gender in the payment of wages. Your employer may not pay you less than it pays an employee of a different gender performing comparable work. “Comparable work” is work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

The law permits differences in pay for comparable work only when based upon one or more of the following



A seniority system



Production, sales, or revenue-based systems of pay



A merit system



The geographic location of the jobs



Job-related differences in education, training or experience



Difference in travel required by the jobs

## You Have Additional Rights

- If you are applying for a new job, the employer may not ask you how much you have been paid in the past until after making you a job offer that includes compensation.
- Employers may not refuse to consider you for a job based on how much you earned in your last job.
- Employers generally may not prohibit you from talking about either your own wages or your coworkers' wages.
- You cannot be retaliated against for exercising your rights under the law.

## Think Your Rights Have Been Violated?

### Attorney General's Office

File a complaint with the Civil Rights Division of the Attorney General's Office by calling us at (617) 963-2917 or by filing a complaint online at [www.mass.gov/ago/civilrightscomplaint](http://www.mass.gov/ago/civilrightscomplaint).

### Massachusetts Commission Against Discrimination

If you believe an employer has intentionally discriminated against you based on your gender, you may also be able to file a complaint with the Massachusetts Commission Against Discrimination. For more information, call (617) 994-6000 or visit [www.mass.gov/file-a-complaint-of-discrimination](http://www.mass.gov/file-a-complaint-of-discrimination).

### Help Finding a Lawyer

You also have the right to file a complaint in court. For help finding an attorney, contact the Massachusetts Bar Association's Lawyer Referral Service by calling (866) 627-7577 or visiting [www.massbar.org/public/lawyer-referral-service](http://www.massbar.org/public/lawyer-referral-service).

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