



COMPARING MASSACHUSETTS' AND CONNECTICUT'S PAY EQUITY LAWS

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ISSUE

This report compares the main provisions of Massachusetts' 2016 Act to Establish Pay Equity with Connecticut's labor laws prohibiting gender wage discrimination.

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Both Connecticut and Massachusetts have laws that generally prohibit gender wage discrimination. In 2016, Massachusetts revised its law by enacting an Act to Establish Pay Equity ([2016 Mass. Acts Ch. 177](#)). The act's provisions do not become effective until July 1, 2018.

Table 1 shows how the act's major provisions compare to Connecticut's labor laws banning gender wage discrimination. (Connecticut's human rights laws also prohibit discriminatory employment practices, however these laws do not supersede the labor law prohibiting gender wage discrimination ([CGS § 46a-62](#)).)

Table 1: Comparison of Massachusetts' Act to Establish Pay Equity with Connecticut Labor Laws

<i>Massachusetts Act to Establish Pay Equity Provision</i> <i>(2016 Mass. Acts Ch. 177)</i>	<i>Comparable Connecticut Labor Law</i>
*Applicability: Employers must generally provide equal pay for "comparable work" that requires substantially similar skill, effort, and responsibility and is performed under similar working conditions (prior law did not define "comparable work").	Employers must generally provide equal pay for "equal work" that requires equal skill, effort, and responsibility, and is performed under similar working conditions (CGS § 31-75).
Wage & Salary History: Employers cannot ask for a prospective employee's wage or salary history before an employment offer with compensation has been negotiated, although the prospective employee may voluntarily provide it.	None.



Table 1 (continued)

Massachusetts Act to Establish Pay Equity Provision (2016 Mass. Acts Ch. 177)	Comparable Connecticut Labor Law
Sharing Wage & Salary Information: Employers cannot prohibit employees from sharing their wage or salary information among themselves or retaliate against employees for doing so.	Same (PA 15-196).
Statute of Limitations: Employees must bring an equal pay lawsuit within three years after a discriminatory compensation decision or practice is adopted, or when an individual is subject to such discrimination, including each time wages are paid (prior law required suit to be brought within one year).	Employees must bring an equal pay lawsuit within two years after a discriminatory compensation decision or practice is adopted or an individual is affected by the application of such a decision or practice, including each time wages are paid. Employees have three years if the violation was intentional or committed with reckless indifference (CGS § 31-76).
Self-Evaluation Affirmative Defense: Employers have an affirmative defense in an equal pay lawsuit if, within three years prior to the suit, the employer completed a good faith self-evaluation of its pay practices and can demonstrate that reasonable progress has been made towards eliminating gender-based wage differentials based for comparable work.	None.
Seniority Limits: While pay differentials based on seniority are allowed, time spent on leave due to pregnancy-related conditions or protected parental, family, and medical leave cannot reduce seniority.	None.
Wage & Salary History Defense: Employers cannot use an employee's previous wage or salary history as a defense in an equal pay lawsuit.	None.

*Both states generally allow pay differentials if they are based on (1) seniority; (2) merit; (3) a system that measures quantity or quality of production; or (4) job-related education, training, or experience. Massachusetts also allows differentials based on a job's geographic location or whether travel is a regular and necessary condition of a job.

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