

The Massachusetts Pay Transparency Law Imposes New Obligations on Employers

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Beginning on October 29, 2025, employers will have to comply with new disclosure obligations set forth in the Massachusetts Pay Transparency Law. Like similar pay transparency laws that have gone into effect in other states, the Massachusetts law requires Massachusetts employers of 25 or more employees to disclose wage ranges in job postings to applicants. This includes positions that can be performed remotely by an employee assigned to a Massachusetts worksite, as well as positions that can be performed by remote workers whose primary place of work is within Massachusetts. In addition, all employees, whether full-time, part-time, and/or seasonal, count toward the 25-employee threshold.

Moreover, an employer's obligation under the law is not limited to disclosures to applicants for new positions. Instead, employers must disclose compensation ranges to current employees who apply for new positions, promotions, and/or transfers. In addition, employers must disclose pay ranges to current employees upon request with respect to their current position. The "pay range" that must be disclosed is "the annual salary range or hourly wage range that the employer reasonably and in good faith expects to pay for such a position at that time."

The law also prohibits employers from retaliating against applicants or employees for exercising their rights under the law.

Failure to comply can be costly. The law includes penalties including a warning for the first offense, and escalating civil penalties for subsequent offenses, beginning with a fine of not more than \$500 for the second offense, not more than \$1,000 for the third offense, and additional penalties under M.G.L. Ch. 149, § 27C(b)(1-2) for subsequent offenses. Until October 29, 2027, employers will have 2 business days to cure defects upon receipt of a Notice to Cure letter issued by the Attorney General's Office.

Employers subject to the Massachusetts Pay Transparency Law should promptly evaluate compliance and potential risk. For example, employers who have not done so should promptly conduct a pay equity audit and remedy any identified pay discrepancies between employees who performed comparable work. In addition, employers should either create or evaluate pay ranges for all existing positions. Employers should also train human resources and talent acquisition professionals with respect to the disclosures mandated under the new law to avoid inadvertent violations. Finally, employers should ensure they have adequate EPL insurance coverage to respond to potential pay equity claims that may arise as a result of the new law.

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