



Office of  
**Representative Hannah E. Kane**  
Commonwealth of Massachusetts

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## **Representative Kane supports passage of salary transparency legislation**

*Bill requires most employers to disclose pay ranges on job postings;  
Representative Kane helped negotiate final bill*

**BOSTON** – State Representative Hannah Kane (R-Shrewsbury) recently backed legislation requiring most private and public employers, including government entities, to disclose the salary range for job postings in an effort to help close the gender and racial wage gap.

House Bill 4890, *An Act relative to salary range transparency*, was enacted by the House and Senate on July 24 and is now on Governor Maura Healey’s desk for her review and signature. The final bill represents a compromise reached by a six-member conference committee whose members worked to reconcile the differences between two earlier versions of the bill that passed the House and Senate last fall.

Representative Kane said the transparency bill requires companies with 25 or more employees to disclose pay ranges for jobs to new applicants, as well as for existing employees who are up for a promotion or a job transfer. Employers must also provide the salary range information if an employee requests it.

In addition, House Bill 4890 requires companies with 100 or more employees that are subject to the federal filing requirements of a wage data report to now submit copies of this data to the Secretary of State’s office so it can be forwarded to the Executive Office of Labor and Workforce Development (EOLWD). EOLWD will use this information to publish aggregated data to help the state track gender and racial disparities within various business sectors.

Representative Kane noted that several other states have already passed similar pay disclosure laws, including California, Connecticut, New Jersey, New York and Rhode Island.

According to Representative Kane, the Attorney General will oversee the enforcement of penalties against any business that fails to comply with the salary range disclosure requirement and will also be required to conduct a public awareness campaign to educate businesses about the new requirements. House Bill 4890 provides for a written warning for a first offense, a fine of up to \$500 for a second offense, and a fine not to exceed \$1,000 for a third offense. Subsequent offenses will be subject to expanded civil penalties of up to \$25,000 for each violation.

The salary transparency bill has been a legislative priority of the Massachusetts Caucus of Women Legislators (MCWL), which says the bill will help to elevate economic opportunity and eliminate barriers for women in the workforce. The MCWL, which is a bipartisan and bicameral caucus that represents 31% of the legislature, is co-chaired by Senator Joan Lovely (D-Salem) and Representative Kane. Representative Kane also served on the conference committee responsible for resolving differences between the House and Senate versions of the bill

passed last fall. When House Bill 4890 was brought before the House, Representative Kane spoke in support of the bill, saying that knowing the salary range for a position allows women, and particularly women of color, to negotiate for better pay. Representative Kane also noted that applicants can better select which jobs to apply for when they know the salary range, saving businesses from reaching the final stage in the interview process, only to have an applicant turn down the job when informed of the salary.

Representative Kane said House Bill 4890 will help to correct a shortcoming in the state's 2016 pay equity law, which requires men and women to receive equal pay for comparable work. Although the law prohibits employers from inquiring about a job applicant's salary history, it does not prevent companies from asking about a prospective hire's salary expectations without having to disclose how much the position actually pays.

The bill also updates the state's pension anti-spiking law to prevent wage adjustments from triggering the anti-spiking provision. Representative Kane said the new language ensures that the pension anti-spiking law is not triggered from a bona fide increase in salary related to the pay equity law or from an employer's systemic or scheduled wage adjustments. The bill also clarifies that a person's post-retirement earnings capacity shall be determined based on their highest salary, either for the position they retired from or upon which their pension allowance was based.

The salary transparency bill has drawn support from a wide range of business and advocacy organizations, including the Associated Industries of Massachusetts, Wage Equity Now, the Black Economic Council of Massachusetts, the Greater Boston Chamber of Commerce, Amplify Latinx, various state and national women's groups, the AFL-CIO, the Boston Teachers Union, and many other social justice-oriented organizations.

Governor Healey has until August 3 to sign the salary transparency bill into law. If approved, the provisions of the bill will take effect one year after the bill's effective date.

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