



Maryland Pay Equity

Statute

- [Equal Pay for Equal Work Act, Md. Labor and Employment Code Ann. § 3-301 et seq.](#)
- [Equal Pay for Equal Work, Wage Range Transparency, H.B. 649](#)
- [Equal Pay Remedies and Enforcement Act, Ann. § 3-308](#)
- [An Act Concerning Labor and Employment \(HB 123\) – Wage History and Wage Range](#)

Classes protected

- Sex, gender identity

Key language on pay discrimination

- An employer may not discriminate between employees in any occupation by paying a wage to employees of one sex or gender identity at a rate less than the rate paid to employees of another sex or gender identity if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; or providing less favorable employment opportunities based on sex or gender identity.

Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- Different required abilities or skills
- Regular performance of different duties or services or
- Different shifts or at different times of day
- System which measures earnings by quantity or quality of production
- Geographic locations outside of the employees county
- Bona fide factor other than sex, such as education, training, or experience

Prohibition on Salary History Inquiry

- Employers may not seek pay history, but they may confirm wage history voluntarily provided by an applicant after an initial offer of employment, including an offer of compensation, is made.
- Employers may not refuse to interview, hire or employ, or otherwise retaliate against an applicant because the applicant did not provide wage history.

Anti-retaliation

- Employer may not take adverse employment action against an employee for: (1) inquiring about the employee's wages or another employee's wages; (2) disclosing the employee's own wages; (3) discussing another employee's wages if those wages have been disclosed voluntarily; (4) asking the employer to provide a reason for the employee's wages; or (5) aiding or encouraging another employee's rights under this section.
- Employers may not retaliate against any employee for making a complaint or exercising rights under the Equal Pay for Equal Work Law

Wage Disclosure Requirements

- Maryland employers (any person engaged in a business, industry, profession, or trade in Maryland) must include salary and benefits information in both internal and external job postings and keep records of compliance for a minimum of three years.
- An employer must provide a wage range for a position upon request by the applicant.

Other key provisions

- Prohibits "providing less favorable employment opportunities " meaning employers may not: (1) assign or direct employee in to less favorable career track; (2) fail to disclose information on promotions and/or advancement; and (3) limit or deprive employee of employment opportunities.
- Employer may not prohibit an employee from inquiring about, discussing, or disclosing the wages of the employee or another employee or requesting that the employer provide a reason for why the employee's wages are a condition of employment.
- Employer may not require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages
- May not require employee to sign a waiver denying her the right to disclose or discuss her wages.
- The Maryland Commissioner of Labor and Industry will have sole power to enforce H.B. 649.

Key Contacts

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Pay Equity Team

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