

SENATE No. 2721

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-Second General Court
(2021-2022)
—

SENATE, March 3, 2022.

The committee on Labor and Workforce Development, to whom was referred the petitions (accompanied by bill, Senate, No. 1196) of Paul R. Feeney, James B. Eldridge, Jason M. Lewis, Sal N. DiDomenico and other members of the Senate for legislation relative to transparency in the workplace; (accompanied by bill, Senate, No. 1208) of Patricia D. Jehlen, Kay Khan, James B. Eldridge, Rebecca L. Rausch and other members of the General Court for legislation relative to wage transparency; (accompanied by bill, House, No. 1950) of Josh S. Cutler and others relative to wage transparency; and (accompanied by bill, House, No. 2020) of Elizabeth A. Malia, Liz Miranda and others relative to wage transparency in the workplace, reports the accompanying bill (Senate, No. 2721).

For the committee,
Patricia D. Jehlen

SENATE No. 2721

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to pay equity.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known as The Frances Perkins Workplace Equity Act.

2 SECTION 2. Section 45 of chapter 108A of the General Laws, as appearing in the 2018
3 Official Edition, is hereby amended by inserting after the word “engages”, in line 20, the
4 following:-

5 . The annual report shall also include a wage data report, as required under Section
6 105A½ of Chapter 149 for covered employers, as defined in subsection (a) of said Section
7 105A½

8 SECTION 3. Section 63 of chapter 109 of the General Laws is hereby amended by
9 inserting after the word “partnership”, in line 6, the following:-

10 . The annual report shall also include a wage data report, as required under Section
11 105A½ of Chapter 149 for covered employers, as defined in subsection (a) of said Section
12 105A½.

13 SECTION 4. Section 1 of chapter 149 of the General Laws is hereby amended by striking
14 out “one hundred and five C”, in line 40, and inserting in place thereof the following:-

15 one hundred and five E.

16 SECTION 5. Said chapter 149, as so appearing, is hereby further amended by inserting
17 after section 105A the following section:-

18 Section 105A½. (a) As used in this section, the following words, unless the context
19 clearly requires otherwise, shall have the following meanings:

20 “Covered Employer,” shall mean a limited liability partnership subject to the reporting
21 requirements under section 45 of chapter 108A; a limited partnership subject to the reporting
22 requirements under section 63 of chapter 109; a professional corporation subject to the reporting
23 requirements under section 18 of chapter 156A; a limited liability corporation subject to the
24 reporting requirements under section 12 of chapter 156C; a domestic or foreign corporation
25 subject to the reporting requirements under section 16.22 of Chapter 156D; or a non-profit
26 corporation subject to the reporting requirements under section 26A of Chapter 180, and that
27 employs 100 or more full-time employees in Massachusetts any time during the prior calendar
28 year.

29 “Secretary” shall mean the State secretary under chapter 9.

30 “EEO data report” shall be a completed copy of all required components of the
31 employer’s Employer Information Report, otherwise known as an EEO-1 Report, as issued by
32 the U.S. Equal Employment Opportunity Commission, including any successor report containing

33 the same or substantially similar workforce demographic and pay data by race, gender identity
34 and employment category.

35 “Wage data report” shall be an EEO data report, or a report that includes the following
36 information:

37 (1) The number of employees by race, ethnicity, and gender identity in each of the
38 following job categories:

39 (A) Executive or senior level officials and managers.

40 (B) First or mid-level officials and managers.

41 (C) Professionals.

42 (D) Technicians.

43 (E) Sales workers.

44 (F) Administrative support workers.

45 (G) Craft workers.

46 (H) Operatives.

47 (I) Laborers and helpers.

48 (J) Service workers.

49 (2) The number of employees by race, ethnicity, and gender identity, whose annual
50 earnings fall within each of the pay bands used by the United States Bureau of Labor Statistics in

51 the Occupational Employment Statistics survey, as determined during a single pay period of the
52 employer's choice between October 1 and December 31 of the preceding calendar year.

53 (b) Beginning in 2023 and for each year thereafter, a covered employer shall submit a
54 wage data report to the secretary covering the prior calendar year as a supplement to their annual
55 report, due to be filed at the same time as their annual report.

56 (c) The secretary shall publish on their corporate filings website the wage data reports of
57 each covered employer for the prior calendar year. The secretary may establish a web portal or
58 online form to facilitate the submission of the wage data reports.

59 SECTION 6. Said chapter 149, as so appearing, is hereby further amended by inserting
60 after section 105D the following section:-

61 Section 105E. (a) As used in this section, the following words shall have the following
62 meanings:-

63 "covered employer" shall have the same meaning as in Section 105A^{1/2} of this chapter.

64 "pay scale" a salary or hourly wage range for such position.

65 (b) A covered employer shall provide the pay scale for a particular employment position
66 with said employee upon advertising or posting the position. A covered employer shall provide
67 the pay scale for a particular employment position with said employer to an employee holding
68 such position upon request by said employee.

69 (c) The Attorney General shall enforce this section and may obtain injunctive or
70 declaratory relief for this purpose. Any covered employer who violates this section shall be
71 punished by a fine of not more than \$500 for the first offense and not more than \$1,000 for the

72 second offense. For a third or subsequent offense, violation of this section shall be subject to
73 section 27C(b)(1) and (2) of chapter 149.

74 SECTION 7. Section 18 of chapter 156A of the General Laws is hereby amended by
75 inserting after the word “156D,” in line 3, the following:-

76 including a wage data report, as required under Section 105A½ of Chapter 149 for
77 covered employers, as defined in subsection (a) of said Section 105A½,

78 SECTION 8. Section 12 of chapter 156C of the General Laws is hereby amended by
79 inserting in section (c), after the word “report,” the following:-

80 including a wage data report, as required under Section 105A½ of Chapter 149 for
81 covered employers, as defined in subsection (a) of said Section 105A½.

82 SECTION 9. Section 16.22 of chapter 156D of the General Laws is hereby amended by
83 inserting after paragraph (8) of subsection (a) the following:-

84 (9) A wage data report, as required under Section 105A½ of Chapter 149 for covered
85 employers, as defined in subsection (a) of said Section 105A½.

86 SECTION 10. Paragraph (1) of Section 26A of chapter 180 of the General Laws is
87 hereby amended by striking out “expires”, in line 17, and inserting in place thereof the
88 following:-

89 expires; a wage data report, as required under Section 105A½ of Chapter 149 for covered
90 employers, as defined in subsection (a) of said Section 105A½.