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GRIST

US: MAINE EMPLOYERS CAN'T ASK JOB SEEKERS ABOUT SALARY HISTORY

By Mercer's Stephanie Rosseau and Fiona Webster
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Joining a growing list of states, Maine has passed a law that promotes equal pay by banning salary history inquiries. Maine's law (L.D. 278) will ban employers and employment agencies from asking prospective, current or former employees for their salary history and takes effect on 17 Sep 2019 — 90 days after 19 Jun 2019, the end of the current legislative session.

HIGHLIGHTS OF THE LAW

- It will be unlawful for employers or employment agencies to inquire, either directly or indirectly, about a prospective employee's compensation history until after an offer of employment that includes all compensation terms has been finalized.

- An exception is created for compensation history where the disclosure of compensation for employment purposes is required by a federal or state law.

- Employees who voluntarily disclose their salary history could be asked to verify that information before a job offer is made.

- Violators face penalties of between US $100 and $500 per violation and potential court action.

PAY INEQUITY

When signing the law, the governor noted that women earn 82 cents for every dollar men earn in Maine, and nationally women are paid 80 cents for every dollar paid to men. The other states that have enacted salary history bans are California, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Michigan, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Vermont and Wisconsin. Puerto Rico and several cities have enacted similar bans.

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R E L A T E D   R E S O U R C E S

• L.D. 278 (Maine Legislature)

• Press Release (Governor's office, 12 Apr 2019)

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