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PAY TRANSPARENCY, SALARY HISTORY BAN NOW THE LAW IN HAWAII

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Hawaii employers with at least one employee in the state can no longer ask job seekers about their salary history or rely on it to determine salary, benefits, or other types of compensation when hiring or negotiating employment contracts, under a law effective Jan. 1, 2019.

HIGHLIGHTS OF PAY LAW

Features of the law, which aims to reduce pay disparities for women and minorities, include the following:

- Employers, employment agencies and their agents can't ask about an applicant's salary history or search publicly available records or reports to ascertain an applicant's salary history.
- Employers can discuss applicants' compensation and benefit expectations and tell applicants about a position's proposed salary or salary range. Employers can also have discussions with candidates about issues like sales, revenue or productivity.
- If a candidate "voluntarily and without prompting" discloses salary history information, the employer can then use this information to set compensation.
- Employers can't retaliate against employees who disclose their wages to other employees, discuss their wages or inquire about the wages of other employees.
- Remedies for violations of the law are included in Hawaii's antidiscrimination law.

The law applies only to prospective employees, not applicants for internal transfer or promotion.

RELATED RESOURCES

- [Act Relating to Equal Pay](#) (Hawaii Legislature, July 5, 2018)

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