

# SALARY HISTORY ANTI-DISCRIMINATION ACT

Summary: The Salary History Anti-Discrimination Act prohibits employers from asking prospective employees for their salary history because it perpetuates wage discrimination.

This model is based on [Connecticut HB 5210](#). Note that Philadelphia [enacted similar legislation](#) in 2017 and Massachusetts [enacted such a law](#) in 2016.

## SECTION 1. SHORT TITLE

This Act shall be called the “Salary History Anti-Discrimination Act.”

## SECTION 2. FINDINGS AND PURPOSE

**(A) FINDINGS**—The [legislature/council/commission] finds that:

- 1 Despite federal and state laws that ban discrimination in pay in both the public and private sectors, wage differentials persist between women and men and between minorities and non-minorities in the same jobs, and in jobs that require equivalent composites of skill, effort, responsibility and working conditions.
- 2 The existence of such wage differentials depresses wages and living standards; reduces family incomes, contributing to higher poverty rates experienced by female-headed and minority households; prevents the maximum utilization of available labor resources; tends to cause labor disputes, thereby burdening and obstructing commerce; and constitutes an unfair method of competition.
- 3 The practice of an employer asking a prospective employee for his or her salary history tends to perpetuate gaps in pay that disproportionately impact females and people of color.
- 4 There is no need for employers to know a prospective employee’s salary history in order to negotiate a fair wage; in fact, fairness depends on the job and the skills that the employee brings to the position, and not at all on salary history.
- 5 Eliminating discrimination in compensation based on sex, race or national origin would have many positive effects, including providing a solution to problems in the economy created by discriminatory wage differentials; reducing the number of working women and people of color who earn low wages, thereby lowering their incidence of poverty during normal working years and in retirement; and promoting stable families by raising family incomes.

**(B) PURPOSE**—It is the purpose of this Act to help correct wage discrimination based on sex, race or national origin.

## SECTION 3. SALARY HISTORY ANTI-DISCRIMINATION

After section XXX, the following new section XXX shall be inserted [in the current wage discrimination statute]:

(a) No employer shall inquire about a prospective employee's wage or salary history before an offer of employment with compensation has been negotiated and made to the prospective employee, unless a prospective employee has voluntarily disclosed such information.

(b) In any action alleging wage or salary discrimination under [an existing fair pay law, if such exists], an employer shall not use an employee's prior wage and salary history as a defense to such action.

**SECTION 4. EFFECTIVE DATE**

This Act shall take effect on July 1, 20XX.