

The following are available online:
(www.labor.maryland.gov/labor/wages/)

Required Posters

Minimum Wage and Overtime
Equal Pay for Equal Work
Employment of Minors Fact Sheet
Lie Detector Signature Sheet
Notice to Tipped Employees
Sick and Safe Leave

Publications

The Maryland Guide to Wage Payment
and Employment Standards

Laws

Wage Payment and Collection
Wage and Hour Law Regulations

Forms

Wage Claim
Credit Check Complaint
Child Labor Violation Claim
Wage Lien
Lie Detector Signature
Equal Pay for Equal Work Complaint Form
Sick and Safe Leave

For additional information, contact:

Employment Standards Service
1100 North Eutaw Street—Room 607
Baltimore, MD 21201

Email:

DLDLIEmploymentStandards-DLLR.maryland.gov



Equal Pay For Equal Work



“For the purpose of altering a certain provision of law concerning Equal Pay for Equal Work to prohibit discrimination on the basis of gender identity”

What does the Equal Pay for Equal Work Law cover?

The Maryland Equal Pay for Equal Work law prohibits an employer from discriminating between employees by: (1) paying a wage to employees of one sex or gender identity at a rate less than the rate paid to other employees under certain circumstances; and (2) providing less favorable employment opportunities as defined by the law, based on sex and gender identity.

What does providing less favorable employment opportunities mean?

Providing less favorable employment opportunities means: (1) assigning or directing an employee into a less favorable career track, if career tracks are offered, or position; (2) failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or (3) limiting or depriving an employee of employment opportunities that would otherwise be available to the employee but for the employee's sex or gender identity.

When is an employee considered to be working at the same establishment as another employee?

An employee is considered to be working at the same establishment as another employee if the employees work for the same employer at workplaces located in the same county.

Does the Equal Pay for Equal Work law apply to all employers?

Yes, the Equal Pay for Equal Work law applies to all employers in Maryland regardless of size.

Can an employer pay employees doing similar jobs different wages?

An employer can pay a variation in a wage if it is based on: (1) a seniority system that does not discriminate on the bases of sex or gender identity ; (2) a merit system that does not discriminate on the basis of sex or gender identity; (3) jobs that require different abilities or skills; (4) jobs that require performance of different duties or services; (5) work that is performed on different shifts or at different times of the day; (6) a system that measures performance based on quality or quantity of production; or (7) a bona fide factor other than sex or gender identity including education, training or experience under certain circumstances. The law provides that an employee may demonstrate that an employer's reliance on the systems or factors listed above is a pretext for discrimination on the basis of sex or gender identity.

Can an employer prohibit employees from talking about their wages or other employee's wages?

The Maryland Equal Pay for Equal Work law provides that an employer may not prohibit an employee from inquiring about, discussing, or disclosing the wages of an employee or another employee or requesting that the employer provide a reason for why the employee's wages are a condition of employment. An employer is prohibited from requiring an employee to sign a waiver or other document to deny the employee the right to disclose or discuss the employee's wages.

An employer may, in a written policy that is provided to each employee, establish reasonable workday limitations on the time, place and manner for asking about employee wages so long as it is consistent with other State and Federal laws. If an employee doesn't follow the employer's limitations, the employer has an affirmative defense for taking adverse employment actions.

How do I file a complaint and what will the Commissioner of Labor and Industry do?

The complaint form is available on the LABOR website. Upon receipt of a complaint, the Commissioner of Labor and Industry will conduct an investigation to determine whether the Equal Pay for Equal Work law has been violated. If the Commissioner determines the law has been violated, the Commissioner will try to resolve any issue informally or may ask the Attorney General to bring an action on behalf of the employee.

What if an employee thinks their rights have been violated under the Equal Pay for Equal Work law?

If an employer knew or reasonable should have known that the employer's actions violate the Equal Pay for Equal Work law, an affected employee may bring an action against the employer for injunctive relief and to recover the difference between the wages paid to one sex or gender identity and the wages paid to employees of another sex or gender identity who do the same type of work as well as liquidated damages. If an employer knew or reasonable should have known that the employers actions violates specified wage disclosure provisions, an affected employee may bring an action against the employer for injunctive relief and to recover actual damages and an additional equal amount as liquidated damages.

