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## Philadelphia Employers Prohibited From Inquiring About Wage History of Applicants

Yesterday, Mayor Kenney of Philadelphia signed into law the Wage Equity Bill. The Wage Equity Law bans prospective employers from using wage history in determining a prospective employee's wages. The law will become effective May 23, 2017.

The Wage Equity Law makes it unlawful for an employer, employment agency or their agents "to inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this chapter." The ban includes the negotiations or drafting of any employment contract unless the prospective employee "knowingly and willingly disclosed" his or her wage history.

The Wage Equity Law is an amendment to the Philadelphia Fair Practices Ordinance ("PFPO") which applies to an employer that does business in the City of Philadelphia. An employer is defined under the PFPO as any individual, partnership, corporation or association. The Philadelphia Commission on Human Relations will be responsible for enforcing the law and investigating any complaints of violations filed by individual applicants or prospective employees. Upon a finding of a violation, the Commission can order an employer to pay damages including but not limited to a penalty of \$2,000 per violation.

Comment: It is important for Philadelphia employers to review their hiring policies and practices, job applications and screening procedures in order to implement the changes necessary to comply with the new law. It is also important for employers to train their human resources professionals, recruiters and managers involved in screening, interviewing and hiring applicants to insure compliance with the Wage Equity Law.