

October 22, 2025

Massachusetts Pay Disclosure Requirements Take Effect October 29, 2025



Attention Employers with 25+ Employees

Starting October 29, 2025, employers with 25 or more employees in Massachusetts must disclose pay ranges for Massachusetts-based positions under the state's new pay transparency law.

Covered Employers Required to Disclose Pay Ranges

Employers with 25 or more employees during the prior calendar year whose primary place of work was in Massachusetts must comply with the pay range disclosure requirements.

- An employer calculates its headcount by adding the number of such employees who were on its payroll during each pay period of the prior calendar year and dividing by the number of pay periods in that year.
- Full-time, part-time, seasonal and temporary employees and out-of-state remote employees whose primary place of work was Massachusetts must all be included in the headcount.

Scope of Required Disclosure

Covered employers must include pay ranges in advertisements or other postings for positions for which the primary place of work is Massachusetts. In addition to job postings, covered employers must disclose a position's pay range to existing employees:

when applying for a position; upon promotion, transfer, or beginning a new position; and on request for their current position.

- A position's pay range is the annual salary or hourly wage range that the employer "reasonably and in good faith" expects to pay for the position at that time.
- If a position's annual salary or hourly wage rate range is based on a commission, the commission the employer reasonably expects to pay must be included in the job posting.
- The pay range excludes other forms of compensation, such as bonuses, fringe benefits, and equity, which need not be included in the job posting.
- According to guidance from the Massachusetts Attorney General, the pay range "may extend from the lowest to the highest annual salary or hourly wage the employer reasonably and in good faith believes at the time of the posting it would pay for the advertised job, promotion or transfer opportunity."

Primary Place of Work

The term "primary place of work" is determined by reference to the Massachusetts Earned Sick Time regulations. Those regulations clarify that an employee need not spend 50% or more time working in Massachusetts for a single employer in order for Massachusetts to be the employee's primary place of work and provide the following examples:

- A painter with a single employer works 40% of her hours in Massachusetts, 30% in New Hampshire and 30% in other states. Massachusetts is her primary place of work.
- A retail clerk relocates from New York to Massachusetts and takes a job at the employer's Boston store. Upon the first date of actual work at the Boston store, Massachusetts becomes the clerk's primary place of work.

Positions with a primary place of work in Massachusetts include those that can be performed remotely to a Massachusetts worksite.

Submission of EEO Data Reports

Employers with 100 or more employees that are therefore required to file federal EEO data reports must now also submit those reports to

No Retaliation.
Covered employers are prohibited from retaliating against employees who seek to exercise their rights under the law.

the Secretary of the Commonwealth by February 1 each year. This requirement took effect February 1, 2025.

Enforcement

The Massachusetts Attorney General has the exclusive authority to enforce the Act's requirements, and can impose the following fines for violations:

- A written warning for a first offense;
- Up to \$500 for a second offense;
- Up to \$1,000 for a third offense, and
- Up to \$25,000 for a fourth or subsequent offense.

Employees who believe their rights under the pay transparency law have been violated can file complaints with the Attorney General's Fair Labor Division.

Until October 29, 2026, employers required to file EEO reports will have two business days from receipt of a Notice to Cure letter from the Attorney General's Office to cure defects in filing EEO reports with the state. Until October 29, 2027, employers subject to the law's pay disclosure requirements will have two business days from receipt of a Notice to Cure letter to cure pay disclosure defects.

For More Information

See [pay transparency guidance](#) issued by the Massachusetts Office of the Attorney General or contact your Hemenway & Barnes advisor or the authors of this alert.

This advisory is provided solely for information purposes and should not be construed as legal advice with respect to any particular situation. This advisory is not intended to create a lawyer client relationship. You should consult your legal counsel regarding your situation and any specific legal questions you may have.

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