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EMPLOYERS AND EMPLOYEES, ARE YOU COMPLIANT?

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The Philadelphia Workplace Already Has Enacted a New Ordinance and New Jersey is Right on its Heels with a New Law in Effect October 29th

By: [Marjorie McMahon Obod](#) and [Katharine Virginia Hartman](#)

Workplace laws are changing on both sides of the Delaware River – employees and employers take note!

In January of 2017, Mayor Jim Kenney enacted the Philadelphia Wage Equity Ordinance, also known as the “salary history ban”, which prohibits employers from relying on an applicant’s salary history when setting an applicant’s wages. The motivation behind this ordinance is to close the wage gap, or the gap between the salaries of men and women in Philadelphia. Because this ordinance is already in effect, it is essential both employers and employees are aware of the nuances of this law today.

The ordinance reads that salary offers are to be based on the responsibilities of the position sought, not previous wages earned by the applicant. Employers are prohibited from inquiring about prospective employee’s wage history or requiring disclosure of such history. This information cannot be used in negotiations or drafting of contracts unless the applicant knowingly and willingly discloses such information. However, this exception is narrow and can be difficult to comply with so being cautious in these negotiations is always the best route.

If you have questions you may contact [Marjorie Obod](#) or [Katharine Hartman](#)