



msk's annual labor & employment update

January 11, 2018

New Laws

California

California Salary History Ban

AB 168, which enacted California Labor Code Section 432.3, is intended to promote equal pay, particularly between men and women. In passing AB 168, which went into effect on January 1, 2018, California joins a handful of states (Massachusetts, Delaware and Oregon) and municipalities (New York City, Philadelphia and San Francisco) which have enacted similar measures. In sum, AB 168 prohibits all California employers (including public employers) from

- Inquiring or seeking from job applicants, whether "orally or in writing, personally or through an agent," salary history information (the law does not define the term "salary history"); and
- Relying on or considering salary history as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant.

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