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Hawaii Enacts Pay Transparency and Expands Equal Pay Legislation

Law and the Workplace on **July 14, 2023**

On July 3, 2023, Hawaii Governor Josh Green signed S.B. 1057 into law, expanding equal pay protections and making Hawaii the latest state to require certain employers to disclose salary information in their job advertisements. The law takes effect on January 1, 2024.

The law states that "job listings shall disclose an hourly rate or salary range that reasonably reflects the actual expected compensation." The disclosure requirement does not apply to job listings for:

- Positions that are internal transfers or promotions within a current employer;
- Positions with employers having fewer than 50 employees; or
- Public employee positions for which salary, benefits, or other compensation are determined pursuant to collective bargaining.

The law does not specify whether the 50-employee threshold refers to an employer's total number of employees or the number of employees located in Hawaii.

Further, the law expands Hawaii's equal pay legislation to prohibit pay disparities between employees based on any protected characteristic (rather than only based on sex). It also prohibits disparate pay for "substantially similar" rather than "equal work."

As Hawaii joins Colorado, California, Washington, New York City (soon New York State), and other jurisdictions in imposing salary transparency requirements, employers should remain proactive in ensuring their job postings are in compliance with all laws applicable to their employee populations.

We will continue to monitor and post about these and other salary transparency laws as they develop.

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