

**PHILADELPHIA COMMISSION ON HUMAN RELATIONS**

**REGULATION NO. 7**

**WAGE EQUITY ORDINANCE**

**7.0. Scope.** This Regulation, promulgated by the Commission pursuant to its authority under Sections 4-700 and 4-701 of the Home Rule Charter and Section 9-1111 of the Fair Practices Ordinance, sets forth additional definitions and directions pertaining to the Wage Equity Ordinance, Section 9-1131.

**7.1. Employer.** Section 9-1102(1)(h) of the Fair Practices Ordinance defines Employer as: any person who does business in the City of Philadelphia through employees or who employs one or more employees exclusive of parents, spouse or children, including any public agency or authority; any agency, authority or other instrumentality of the Commonwealth; and the city, its department, boards and commissions.

a. For purposes of Section 9-1131, an “Employer,” in addition to the requirements of Section 9-1102(1)(h), must be a person who engages in the process of interviewing a Prospective Employee with the intention of considering such Prospective Employee for a position located within the City.

**7.2 Prospective Employee.** An individual who is seeking a position with a new Employer, and whom the Employer is considering hiring for a position located within the City.

a. If an individual seeks a new position (also within the City) with the individual’s current employer, the prohibitions of Section 9-1131(2) shall apply with respect to the employee’s wage history from any previous employer.

**7.3. Knowingly and willingly.** As used in Section 1131(2)(b), an action taken voluntarily, with an understanding of the nature and quality of the act. Thus, a Prospective Employee “knowingly and willingly” discloses the employee’s salary history in the context of an employment interview if the Prospective Employee voluntarily, and not in response to a question from the interviewer, makes the disclosure while knowing or having been informed that such disclosure may be used in determining any offered salary.

**7.4 Inquiries prohibited or allowed under § 1131(2)(a).**

a. An Employer shall not include a question on paper or electronic employment applications asking Prospective Employees to provide their salary history at any previous position.

b. An Employer may ask a Prospective Employee other questions relevant to the setting of a future salary, such as the applicant’s salary requirements or expectations, skill level and experience relative to the position for which the applicant is being considered.