state policy solutions to help women achieve equal pay

moving women & families forward: a state roadmap to economic justice
WHAT DO WOMEN WORKING FULL TIME TYPICALLY MAKE FOR EVERY $1 PAID TO WHITE MEN?

WHITE WOMEN 77 CENTS
BLACK WOMEN 64 CENTS
ASIAN WOMEN 79 CENTS
NATIVE AMERICAN WOMEN 59 CENTS
HISPANIC WOMEN 56 CENTS

Source: Figures compare median annual earnings for full-time, year-round workers in 2013. Due to sample size, the Native American figure comes from the American Community Survey. All other figures from the Current Population Survey.

#TalkPoverty www.nwlc.org/povertydata
<table>
<thead>
<tr>
<th>Education Level</th>
<th>Women’s Earnings/ Men’s Earnings</th>
<th>Wage Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Started high school, but did not finish</td>
<td>69%</td>
<td>31%</td>
</tr>
<tr>
<td>High school graduate (Including GED)</td>
<td>74%</td>
<td>26%</td>
</tr>
<tr>
<td>Some college, no degree</td>
<td>73%</td>
<td>27%</td>
</tr>
<tr>
<td>Associate degree</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Bachelor’s degree</td>
<td>74%</td>
<td>26%</td>
</tr>
<tr>
<td>Master’s degree</td>
<td>73%</td>
<td>27%</td>
</tr>
<tr>
<td>Professional degree</td>
<td>68%</td>
<td>32%</td>
</tr>
<tr>
<td>Doctorate degree</td>
<td>77%</td>
<td>23%</td>
</tr>
</tbody>
</table>
Why We Need Updated Policies

The Wage Gap Over Time
Ratio of Median Earnings of Full-Time, Year-Round Workers

Source: Census Bureau, Current Population Survey

Equal Pay Act
1973: Largest Recorded Wage Gap
Change in the last decade

Women's/Men's Earnings Ratio

MOVING WOMEN & FAMILIES FORWARD: A STATE ROADMAP TO ECONOMIC JUSTICE
Barriers to Achieving Fair Pay

• Employers pay women less for work in the same job as men.

• Women face barriers to entering higher-paying & traditionally male jobs.

• Women are clustered in low-paying jobs.

• Women with caregiving responsibilities and pregnant workers face workplace discrimination and economic hardship.
Themes from Recent State Laws

- Making equal pay laws effective
- Prohibiting retaliation for talking about pay
- State contractors
- Tackling occupational segregation
FAIR PAY
The Foundation of a Stronger California

www.equalrights.org
www.StrongerCalifornia.org
ERA’s Stronger California Campaign

March 23, 2015

- ERA and partners introduce a comprehensive women’s economic security policy agenda with over 20 state bills

Sacramento, California
A Stronger California: Securing Economic Opportunity for All Women

Two thirds of low wage earners are women.

Women lose $33 billion in income because of unequal pay.

Single mothers spend 44% of their income on child care.

1 in 4 Californians live in poverty.
Stronger California Centerpiece: FAIR PAY

California’s Gender Wage Gap

Average Gap: 84 cents/dollar

Latina Gap: 44 cents/dollar

Total Loss: $37 Billion/year
Agenda’s Fair Pay Bills

Include:

• SB 358: California Fair Pay Act to strengthen equal pay laws

• SB 3: Raise Minimum Wage to $13/hour by 2017

• AB 1354: State Contractors Pay Transparency Bill
SB 358: California Fair Pay Act will amend CA Equal Pay Act

- Ensures that employees performing substantially similar work are paid equally

- Revises the “bona fide factor other than sex” defense to also require the employer to prove a business necessity for using the factor

- Ensures that any legitimate, non-sex related factor(s) relied upon are applied reasonably and account for the entire pay differential; and

- Eliminates the outdated “same establishment” requirement

- Strengthens EPA’s pay secrecy provisions by explicitly prohibiting retaliation or discrimination against employees who disclose, discuss, or inquire about their own or co-workers’ wages for the purpose of enforcing their rights under the EPA.
SB 358 Supported By
CA Chamber of Commerce (!)

• Ensure that employees performing substantially similar work are paid fairly unless a bona fide factor exists

• “Bona Fide Factor” clarified to allow differentials because of more extensive training, education, or experience
STRONGER CALIFORNIA:
STATUS OF FAIR PAY BILLS

• SB 358, Fair Pay Act: Passed unanimously through 1st floor (full Senate) vote!

• SB 3, Minimum Wage:
  Passed 1st floor (full Senate) vote

• AB 1354, State Contractor Pay Transparency:
  Proceeding to 1st floor (full Assembly) vote
LEARN MORE

www.equalrights.org
www.StrongerCalifornia.org
ACCELERATING ECONOMIC EQUALITY IN NEW YORK

WHAT WOULD YOU DO WITH THE MONEY FROM YOUR WAGE GAP?

EQUALPAY

FOR MORE INFORMATION VISIT POWHERNY.ORG

POWHERNY

HOME LOAN

FOR AFRICAN
AMERICAN WOMEN

WAGE GAP FOR
LATINA WOMEN

WAGE GAP FOR
WHITE WOMEN

MOVING WOMEN & FAMILIES FORWARD: A STATE ROADMAP TO ECONOMIC JUSTICE
EQUAL PAY IN NEW YORK: 30 YEAR LEGISLATIVE STRUGGLE

- **1986s**: Union complaint resulted in one time pay equity (comparable worth) evaluation of all New York State civil service job titles, resulting in 239 adjustments affecting 47,000 workers.

- **1997**: Dismissal of ten year case brought by school secretaries because New York law does not cover comparable lead to legislative campaign.

- **2002 - 2012**: NYS Fair Pay Act (FPA) addressing 1) comparable worth for public and private sector workers, and 2) anti-retaliation protections for employees who discuss salary passes annually in Assembly, but does not move out of Senate committees.

- **2012**: Change in strategy. Introduction of wage transparency bill in Senate and Assembly. Passage of Women's Workforce Bill with bi-partisan support.

- **2013**: Gov. Cuomo proposes an omnibus 10-Point Women’s Equality Act with equal pay plank. Women’s Equality Coalition made up of 850 groups pushes with Equal Pay Coalition.

- **2013 and 2014 legislative session**: Senate passes 9 of the 10 planks of WEA as separate bills. Assembly passes omnibus bill. No progress.

- **2015**: As of 6/1, both houses pass 6 matching bills, including equal pay, to be signed into law.
NEW YORK STATE 10-POINT WOMEN’S EQUALITY ACT

Introduced in January 2013 by Governor Cuomo, WEA’s provisions will:

• Strengthen laws that require Equal Pay for Equal Work
• End Sexual Harassment on the job for Every Employee
• Allow for Attorney’s Fees in Employment, Credit, & Housing Sex Discrimination Cases
• End Familial Status Discrimination
• End Discrimination in Housing based on Domestic Violence Victim Status & Source of Income
• Create a Pilot Program for Remote Access to Orders of Protection
• Strengthen laws against Human Trafficking
• End Pregnancy Discrimination
• Ensure that Victims of Domestic Violence are not punished for “violating” their own Order of Protection
• Safeguard Reproductive Health
PROVISIONS OF NYS EQUAL PAY LAW (S.1 / A.6075)

- Closes a loophole in New York’s equal pay law that allows employers to justify paying female employees less. The legislation amends the state’s Labor Law to revise the “any other factor other than sex” affirmative defense that employers use when justifying pay differentials to “a bona fide factor other than sex” that is not based on or derived from a sex-based wage differential and is job-related and consistent with “business necessity.”

- Provides that employees who work for the same employer but at different workplaces must be paid equal wages. Those workplaces must be in the same geographical region (no bigger than a county). Currently only employees at the same physical location have to be paid the same wage.

- Outlaws workplace wage secrecy policies. Employers may not “prohibit an employee from inquiring about, discussing, or disclosing the wages” of an employee, but allows employers to establish reasonable workplace and workday limitations.

- Increases damages available to a prevailing litigant to 300% of unpaid wages. Provides for liquidated damages up to 300% of unpaid wages in administrative actions and up to 300% of unpaid wages in court actions for willful violations of equal pay laws.

- Tasks the Department of Labor and Division of Human Rights with publishing educational materials on their website explicitly including issues relating to pregnancy, familial status, pay equity and sexual harassment.
EQUAL PAY IN NEW YORK: LESSONS LEARNED

- **Business as Partners in Change**: Including businesses and business councils from start neutralized opposition.

- **Partnerships**: Commitment of state organizations with local chapters, i.e. League of Women Voters, NOW, AAUW, and YWCA, was essential in increasing creating a statewide campaign.

- **Cross Issue Engagement**: Including advocates for other issues strengthened argument for equal pay. Choice, childcare, and paid leave advocates making arguments for pay equity increased credibility.

- **Education**: Learn together. Webinars/meetings with experts, academics, leading activists, and decision-makers were important part of building work and commitment to coalition work.

- **Local focus for statewide impact**: Although goal was state reform, local activities built widespread support. Proclamations in favor of state and federal action resulted in engaged and outspoken elected officials, local initiatives in NYC, Rochester, Buffalo, and other towns, and political pressure.

- **Media campaigns**: Press conference in NYC, Albany and other cities raised the campaign’s profile, but LTE campaigns secured local placement which influenced public opinion and elected officials.

- **Long-haul mentality**: Celebrate small successes on the long road to larger wins.
PA Agenda for Women’s Health

A legislative package of bills addressing women’s health & economic justice
Pennsylvania Campaign for Women’s Health

35 Members & Expanding
led by a Steering Committee

Keystone Progress
Women’s Law Project
New Voices Pittsburgh
American Civil Liberties Union of Pennsylvania
Access Matters
Planned Parenthood

Women’s Law Project
Safeguarding Rights, Creating Opportunities

Moving Women & Families Forward: A State Roadmap to Economic Justice
Pennsylvania Campaign for Women’s Health

2014
12 Bills introduced
3 Bills passed

2015
13 Bills introduced

Women’s Law Project
Safeguarding Rights, Creating Opportunities

Moving women & families forward: A state roadmap to economic justice
Pennsylvania Campaign for Women’s Health

Women Vote PA

The Philadelphia Inquirer

Find us on Facebook

Pittsburgh Tribune-Review

tumblr

Centre Daily Times

twitter

The Patriot-News

Women’s Law Project

MOVING WOMEN & FAMILIES FORWARD: A STATE ROADMAP TO ECONOMIC JUSTICE
*PA ranks 39th in the gender wage gap

*A woman earns between 54 – 76% of a man’s earnings, stratified by race & ethnicity

*PA won’t achieve equal pay until 2072
Limits of PA’s Equal Pay Act

*PA’s Equal Pay Act has many loopholes that enable discrimination

*It only applies to employees not covered by the federal Equal Pay Act

*It does not prohibit pay secrecy
HB 1160 Will Amend the PA Equal Pay Act

- Apply to all employees in Pennsylvania
- Ban pay secrecy
- Require greater scrutiny of reason for pay differences
- Increase damages
Progress on other bills

- Raising the Minimum Wage
- Pregnant Workers
- Workplace Accommodations for Nursing Mothers Act
Local policies support statewide change

- Pregnancy Accommodations for city employees
- $12/hour for city contractors
- Pregnancy Accommodations
- Nursing Accommodations
To learn more or join the Campaign:

www.WomensLawProject.org

tfromson@womenslawproject.org

www.PA4WomensHealth.org
Questions?