



the work and family legal center

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April 3, 2015

RE: A6075 (Titus) Equal Pay - SUPPORT

On behalf of A Better Balance, a national legal advocacy organization dedicated to promoting fairness in the workplace, I am writing in support of Assembly Bill A6075 (Titus) concerning equal pay. A6075 will ensure New York workers receive equal pay for equal work by strengthening the current state law and protecting workers who share their wage information. Since this bill, as S001 (Savino), passed the NYS Senate unanimously in January 2015, we urge the Assembly to take action and send this vital legislation to the Governor.

New York suffers because of an inadequate equal pay law that leaves many women with significantly less pay than their male coworkers. The 85% gap between male and female workers in New York means the average woman working full-time makes \$8,250 less per year than her male counterpart.ⁱ These women and their families are denied the equal pay that amounts to over a year of groceries, 8 months of rent, or 3 years of family health insurance.ⁱⁱ Many women of color are hardest hit: African American women earn only 64%, and Latinas only 56%, of the amount earned by white men.ⁱⁱⁱ Overall, the loss of revenue strips New York's economy of \$23 billion every year.^{iv}

This injustice continues to exist because of two major inadequacies with New York's current equal pay law, both of which would be fixed by A6075.

First, the "any other factor other than sex" defense in New York's current equal pay law allows employers to cloak gender-related pay differentials by justifying them on false grounds.^v A6075 closes the door on this huge exception by ensuring employers justify a pay differential with "a bona fide factor other than sex" that is job-related and consistent with business necessity, but not based on a sex-based wage differential. A6075 creates a law that does what it sets out to do: ensure equal pay for equal work.

Second, many workers are unaware their rights are being violated because they do not know how much their coworkers make. Employers' wage secrecy policies punish employees who share their wages; in fact, 61% of private sector employees in the United States report they are either discouraged or outright prohibited from discussing wage and salary information.^{vi} A6075 targets this problem by creating legal protections for workers who share wage information with their coworkers; ensuring workers will actually know when their right to equal pay has been violated.

In addition, A6075 would strengthen equal pay protections by increasing the amount of damages available when an employer willfully violates the law and to allow workers to compare their wages to employees who work for the same employer and in the same county, and not just at the same workplace.



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Women in New York deserve equal pay for equal work, which is why A Better Balance urges you to support A6075. It is time for equal pay in New York.

Sincerely,

Dina Bakst
Co-Founder & Co-President

ⁱ National Partnership for Women, *New York Women and the Wage Gap* (Oct. 2014), available at <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/10-2014-ny-wage-gap.pdf> (citing U.S. Census Bureau, *American Community Survey 1-Year Estimates 2013*, Table B20017 (2014), available at http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_B20017&prodType=table).

ⁱⁱ National Partnership for Women & Families and AAUW, *New York: Working Women and the State's Wage Gap*, April 2013, available at: <http://www.aauw.org/files/2013/09/New-York-Pay-Gap-2013.pdf> and http://go.nationalpartnership.org/site/DocServer/Wage_Gap_ny.pdf.

ⁱⁱⁱ National Partnership for Women, *New York Women and the Wage Gap* (Oct. 2014), *supra* note 3 (citing U.S. Census Bureau, Current Population Survey, Annual Social and Economic (ASEC) Supplement, Table PINC-05 (2014), available at http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc05_000.htm). According to the League of Women Voters of New York State, African-American and Hispanic women in New York earn just 79% and 64% of that earned by non-Hispanic men in New York, respectively.

^{iv} National Partnership for Women & Families and AAUW, *New York: Working Women and the State's Wage Gap*, April 2013, available at: <http://www.aauw.org/files/2013/09/New-York-Pay-Gap-2013.pdf> and http://go.nationalpartnership.org/site/DocServer/Wage_Gap_ny.pdf

^v N.Y. Labor Law § 194.

^{vi} Institute for Women's Policy Research, *Pay Secrecy and Paycheck Fairness: New Data Shows Pay Transparency Needed* (Nov. 2010), available at www.iwpr.org/press-room/press-releases/pay-secrecy-and-paycheck-fairness-new-data-shows-pay-transparency-needed.