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**Letter Submitted to the Mississippi State Legislature in Opposition to HB 770 & SB 2451  
February 8, 2022**

**Submitted by: A Better Balance Southern Office**

Dear Mississippi Legislator:

**We are writing to urge you to OPPOSE HB 770 & SB 2451 in their current forms.** We are in solidarity with the Mississippi Black Women's Roundtable and other advocates on the ground in opposing this harmful legislation.

A Better Balance is a non-profit legal organization dedicated to promoting fairness in the workplace for women and families. Through our regional Southern Office, which serves states across the South, including Mississippi, we have worked to craft and implement policies that promote pay equity for working parents and caregivers.

On its face, HB 770 may appear to be legislation aimed at helping women, but the truth is this bill will do more harm than good. First, the bill explicitly allows pay discrimination based on "salary history or continuity of employment history." This provision is especially harmful to parents and caregivers, the majority of whom are women, who have gaps in their employment history most often due to a lack of supportive policies, such as pregnancy and breastfeeding accommodations and paid family & medical leave. Additionally, we know that this will disproportionately harm women of color who shoulder more of the caregiving burden and more often work in jobs that are less likely to provide crucial workplace protections.<sup>1</sup> It is totally unacceptable to pay women less based on these gaps in their employment history, especially in the midst of a pandemic that has pushed millions of women out of the workforce due to caregiving responsibilities.

Second, both HB 770 & SB 2451 fail to ban pay discrimination based on both gender *and* race, which ignores the lived experiences of many women of color. Women of color, and specifically Black women, must contend with both systemic racism and sexism at the same time, and these issues combined present a unique and difficult challenge.<sup>2</sup> Mississippi legislators should instead look to their peers in Alabama, who passed an equal pay law that acknowledges the intersecting forms of discrimination that too many Black & Brown women face in the workplace.<sup>3</sup> We cannot achieve true pay equity without addressing racism in addition to gender-based discrimination.

In conclusion, **we urge you to OPPOSE HB 770 & SB 2451 in their current forms.** As written, these bills fail to provide critical protections for Mississippi's parents and caregivers, particularly women of color, as they re-enter the workforce or continue to support their families. Mississippi women and families urgently need a strong pay equity law, but the current legislation would do more harm than good.

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<sup>1</sup> Sarah Jane Glynn, Breadwinning Mothers Continue To Be the U.S. Norm, *The Center for American Progress* (May 2019), <https://www.americanprogress.org/article/breadwinning-mothers-continue-u-s-norm/>

<sup>2</sup> *Black Women & the Pay Gap*, AAUW, <https://www.aauw.org/resources/article/black-women-and-the-pay-gap/>

<sup>3</sup> Ala. Code § 25-1-30