

Members include:

- 50/50 in 2020 Coalition
- 9-5 National Association of Working Women
- A Better Balance
- AAUW-NYS
- Asian Women in Business
- Center for the Women of New York
- Centro Civico Cultural Dominicano
- Collaboration for Construction Women
- Enterprising & Professional Women NY
- Family Values @ Work
- Human Rights Project/Urban Justice Center
- Institute For The Puerto Rican/Hispanic Elderly, Inc.
- International Code Council
- Jewish Women's Foundation of NY
- Junior League of the City of NY
- League of Professional Theatre Women
- League of Women's Voters- NYC
- Lean In NYC
- Legal Momentum
- Nation to Nation Networking
- National Assoc. of Female Executives
- National Council of Jewish Women Lakeville
- National Council of Jewish Women NY
- National Organization of Italian Women
- National Partnership for Women & Families
- National Women's Law Center
- New York Civil Liberties Union
- New York Coalition of 100 Black Women
- New York Paid Leave Coalition
- New York State Pay Equity Coalition
- New York Women in Film & Television
- New York Women's Agenda
- New York Women's Bar Association
- New York Women's Foundation
- NOW - Brooklyn-Queens
- NOW-NYC
- NOW-NYS
- NYS Women, Inc.
- Re: Gender (Formerly the National Council for Research on Women)
- The Transition Network
- UN Women - Metro NYC Chapter
- Women in Arts & Media Coalition, Inc.
- Women in Communications
- Women in Development- NYC
- Women in Health Management
- Women, Chefs and Restaurateurs
- Women's Center for Career Education & Advancement
- Women's City Club of New York
- Women's Fund of Long Island
- Women's Media Center
- YWCA of New York
- Zonta International Club of New York
- Zonta of Greater Queens

DATE: March 25, 2015
FROM: PowHer NY | Equal Pay Campaign
RE: MEMO OF SUPPORT for A6075 (Titus)/S1(Savino) in relation to the prohibition of differential pay because of sex

The PowHer New York Equal Pay Campaign, the statewide network of organizations and individuals leading efforts to advance women's economic equality in New York, enthusiastically supports **A6075 (Titus)/S1(Savino)** which addresses closing the gender wage gap by protecting employees who voluntarily share wage information and by strengthening current law. This bill was passed in the NYS Senate unanimously in January 2015. We urge the NYS Assembly to take similar action and send this milestone legislation to the Governor to become law.

A6075/S1 guarantees workers the right to share salary information without penalty, which creates wage transparency and makes detection of wage discrimination easier. The bill also closes loopholes in current law, clarifies that comparisons can be made between employees in offices in the same county, and discourages employers from unfair pay practices by increasing damages to prevailing litigants for willful discrimination.

This legislation targets pay discrimination which results in a wage gap that deprives women and their families of much need finance resources and long-term security. The statewide wage gap of 86% is smaller than the national average of 78%, but it costs the average full-time female worker in our state \$8,250 annually. That translates into more than a year of groceries, 8 months of rent, or 3 years of family health insurance.ⁱ The penalty is much greater for New York's African American women and Latinas who earn 66% and 55% respectivelyⁱⁱ, and in regions like Western New York where women earn 77%ⁱⁱⁱ. Collectively, the loss of revenue adds up to over \$23,000,000,000 for New York State's economy.^{iv}

Working families in New York are especially harmed by the gender wage gap. Women head more than 1,000,000 households in New York, and more than 63% of working mothers in New York are primary breadwinners or co-breadwinners. Paying women their fair share will boost the growth of the middle class and reduce the unacceptable rate of 29% percent of women-headed households who live below the poverty level.

However, pay confidentiality policies make it impossible for workers to determine if they are receiving equal pay for equal work, and the "[f]ear of retaliation is the leading reason why people stay silent instead of voicing their concerns about bias and discrimination," according to the Supreme Court.^v With over 60% of private sector employees reporting that they are discouraged or prohibited from discussing wage and salary information, workers need protection from retaliation if they discuss salary information.^{vi}

Now workers suffer in silence out of fear of retaliation or lack of proof that they are the victims of wage discrimination. Lilly Ledbetter's story has come to represent their struggle. After twenty years of devoted employment, she learned that she was paid significantly less than male colleagues performing the same job. Confronting her employer led to retaliation and eventual dismissal. Lilly's ensuing legal battle is part of American history, but ultimately she was not compensated for her lost wages. If she had the protections A6075/S1 will afford workers, the result could have been different.

There is overwhelming support in New York and across the United States for legislative measures to ensure equal pay for equal work. **A6075/S1 – "a NYS Lilly Ledbetter Act" – affords our state the opportunity to stand up for its workers and to lead the nation. We urge the passage of this critical and necessary legislation.**

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Contact: Beverly Neufeld, PowHer NY | Equal Pay Campaign, equalpay@powherny.org

PROVISIONS OF A6075 (Titus)/S1(Savino):

- **Close 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,** provided those workplaces are 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.** Provides that 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 on inquiries, discussion, or disclosure and including prohibiting employees from discussing or disclosing the wages of another employee without that employee’s permission.
- **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.

POWHER NEW YORK:

PowHer New York is a statewide network of organizations and individuals working together to accelerate economic equality for New York’s women. Through our collaborative actions, we will attain P-O-W-H-E-R:

Poverty Solutions
Opportunity and Access
Workplace Fairness
Healthier Lives
Equal Pay
Representation at all Tables

PowHer NY and the Equal Pay Coalition NYC have teamed up to create a stronger voice for pay equity by forming the PowHer NY Equal Pay Campaign. This strategic alliance continues EPCNYC’s seven year fight to attain stronger laws and policies to end wage discrimination. Contact: equalpay@powherny.org Info: www.PowHerNY.org Action: @PowHerNY

ⁱ 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

ⁱⁱ National Women’s Law Center, *The Wage Gap: State by State*, <http://www.nwlc.org/wage-gap-state-state>

ⁱⁱⁱ 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

^{iv} Id.

^v See National Women’s Law Center, *Combating Punitive Pay Secrecy Policies*, April 2011 (quoting *Crawford v. Metro. Gov’t of Nashville & Davidson County*, 555 U.S. 271, 129 S. Ct. 846, 852 (2009)).

^{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.