



POLICY AGENDA

2023-2024

IT PAYS TO JOIN THE MOVEMENT

Equal Pay Today Campaign Platform

June 2023

The Equal Pay Today Campaign brings together local, state, and national groups and supporters across the country to close race and gender wage gaps, accelerate fair pay progress state by state, and drive federal momentum. Equal Pay Today prioritizes workers and communities most impacted by pay inequity and wage injustice. Galvanizing millions in communities across the country, Equal Pay Today leads policy reform, public education and awareness campaigns, and enforcement of fair pay laws. The campaign also supports worker organizing and best employment practices by employer allies.

Pay inequity continues to be a problem, despite ongoing and important advances in the 60 years since the passage of the Equal Pay Act in 1963. Unfortunately, the overall pay gap for women persists and is even wider for women of color. Every year, women overall lose millions of dollars because of the gender and race pay gaps, harming their ability to pay for basic necessities and build wealth. Black, Latina, Native American, Asian American, Native Hawaiian, and Pacific Islanders women are overrepresented in industries that are underpaid and often lack basic workplace protections. Farmworkers, domestic workers, immigrant, migrant, seasonal, and part-time workers continue to be left out of critical employment protections. For women who are immigrants, their citizenship status often makes them more vulnerable to wage theft and sexual harassment. Until the women who perform some of the most essential jobs are able to achieve economic security, our economy and communities will not be as strong as they possibly can be. Closing the pay gap would cut poverty in the nation by one-third.

As we continue to fight for equal pay for equal work, we also know that there are other factors and forms of discrimination in employment that impact women's pay throughout their careers impacting their economic security. **In Equal Pay Today's pursuit of wage justice, we work to address all the key contributors to the pay gap, including:**

- ❖ lack of equal pay for the same or similar work, reliance on salary history, and the lack of pay transparency in the workplace;
- ❖ failure to provide robust protections against workplace harassment and pregnancy discrimination;
- ❖ segregation of women into underpaid work, poverty-level minimum wage, rampant wage theft, and a subminimum wage that impoverishes tipped and other workers;
- ❖ lack of paid family leave, paid sick days, and caregiver protections, particularly in low paid work.

Equal Pay Today's policy platform identifies key pieces of state and federal legislation and federal executive branch action that will address these problems. The campaign has a track record of success in the 10 years since its creation. Equal Pay Today has supported successful pay equity legislation in 42 states. As a result of these efforts, employers are posting salary ranges and ending reliance on prior salary to set wages. They are reporting and acting on pay data. States are raising the minimum wage. Presidential Administrations have taken executive action on equal pay, retaliation for wage disclosure, and banning the use of prior salary history. Equal Pay Today is not only guiding groundbreaking law reform, it is the leading edge of a cultural zeitgeist of changed expectations about raising wages, pay transparency, and the future of work. Landmark federal infrastructure investments are creating higher

wage jobs for women. Job applicants are seeing more jobs posted with salary ranges and less use of prior salary to set wages. More employers are out in front to meet these changes in law and worker expectations. State by state, Equal Pay Today is making the case for federal legislative change so that our right to be paid fairly does not depend on our zip code.

With this exciting momentum, Equal Pay Today sets out a bold course for progress in our 2023-2024 Policy Agenda. Our campaign will be focusing on these federal and state policy goals in the next 18 months and beyond. We also commit to seize opportunities to create new policy proposals and build power behind emerging pieces of legislation in other states that can help close gender, race, and LGBTQIA+ wage gaps once and for all.

2023-2024 Equal Pay Today Federal and State Policy Agenda

Equal Pay Today urges the passage or implementation of the following policy proposals:

Pay Equity

- **Paycheck Fairness Act:** This federal bill would modernize and strengthen the Equal Pay Act of 1963 to better combat pay discrimination and close the wage gap, including by protecting workers from retaliation for discussing pay, banning the use of prior salary history, and codifying pay data collection.
- **Fair Pay Act:** This federal bill would require employers to provide equal pay to employees for comparable or equivalent work helping to address wage differentials due to occupational segregation.
- **The Salary Transparency Act:** This federal bill would help reduce the pay gap by requiring employers to provide the salary range for jobs.
- **OPM Rule Banning the Reliance on Prior Salary History in Pay Setting for Federal Employees:** The Office of Personnel Management has proposed that the federal government ban the use of prior salary history in setting the wages of federal employees.
- **Rule Banning Salary History for Federal Contractors:** President Biden has ordered the consideration of rules banning the use of salary history in pay setting by federal contractors.
- **EEO-1 Pay Data Collection:** The EEOC collected pay data from private employers for calendar years 2018 and 2019. We urge the EEOC to reinstate pay data collection from private employers via the EEO-1 form, which will help uncover gender and race-based wage gaps and patterns of occupational segregation.
- **State Bills:** Across the country, dozens of bills have been introduced to advance pay equity, including the following, which are a particular focus for Equal Pay Today:
 - **Maine:** L.D. 936, would require employers with 10 or more employees to include pay ranges in job postings and employers with fewer than 10 employees to provide the pay range for a position to an applicant upon request.
 - **Maryland:** We anticipate Maryland will re-introduce a pay range transparency bill that would require employers to share the hourly or salary wage range for a position.
 - **Massachusetts:** S. 1191/ H. 1849, would require employers with 15 or more employees to disclose the pay range of a particular job in any posting, to an employee offered a

promotion or transfer, to an employee in a specific position upon request, and to an applicant upon request.

- **Oregon:** We anticipate that Oregon will re-introduce a pay range transparency bill that would require employers to share the pay range and a general description of employment benefits in job postings.
- **Pennsylvania:** H.B. 98, strengthens the state equal pay law, including with respect to race and ethnicity.
- **Mississippi:** In 2022, despite Mississippians' strong pushback, the Mississippi Legislature passed a so-called equal pay bill that provides Mississippians with far weaker equal pay protections than under federal law. We urge the passage of a true equal pay bill in Mississippi, the only state without a law that affirmatively ensures equal pay for equal work.

Workplace Discrimination and Harassment Protections Promoting Income Security

- **BE HEARD in the Workplace Act:** This federal bill would strengthen the law to better address and prevent workplace discrimination and harassment, including by covering all workers, regardless of employer size, and eliminating the tipped minimum wage, which places tipped workers at greater risk of harassment by customers.
- **EMPOWER Act:** This federal bill would increase transparency by banning the use of non-disparagement and non-disclosure clauses that cover workplace harassment, require companies to report on harassment settlements and judgments, prohibit employer tax write-offs for harassment settlement fees, and require workplace know-your-rights training and education.
- **Sunlight in Workplace Harassment Act:** This federal bill would require public companies to publicly disclose the total number and aggregate dollar amount of disputes settled by the company related to sexual abuse or harassment or discrimination; the average length of time it takes to resolve harassment complaints, the total number of pending harassment complaints the company seeks to resolve through internal processes or through litigation, and information on their efforts to prevent the perpetration of harassment, discrimination, and abuse by their employees.
- **State bills:** Since #MeToo went viral in 2017, states have introduced and passed dozens of bills addressing harassment at work. Equal Pay Today urges states to continue the momentum and address workplace discrimination and harassment, and includes a particular focus on the following:
 - **Georgia:** Currently, Georgia does not have an anti-discrimination law protecting private employees from workplace harassment. We support state advocates' ongoing efforts to pass a robust anti-discrimination and anti-harassment bill in the state.
 - **District of Columbia:** We anticipate that DC will reintroduce an amendment to the District's Human Rights Act to clarify remedies and procedures available for discrimination claims, extend the statute of limitations, and clarify that gender-based harassment is included in the statute's definition of sex harassment.

Higher Wages

- **Raise the Wage Act:** This legislation would gradually increase the federal minimum wage to \$15/hour and eliminate the subminimum wage for tipped workers, workers with disabilities, and young workers, which contributes to wage theft and harassment, and exacerbates wage gaps. It remains critical to end the subminimum wage in any future introductions.
- **State bills:** Many states have introduced bills to increase the state minimum wage and to end minimum wage carve-outs, including:
 - **New York:** Assembly Bill A1710A and Bill S5567A, bills to ensure fair compensation for tipped workers by phasing out the subminimum wage
 - **Pennsylvania:** SB 772 will eliminate the tipped worker minimum wage, raise the minimum hourly wage to \$15, allow municipalities to adopt higher minimum wages, and apply an annual cost of living adjustment.

Paid Leave & Family Caregiver Protections

- **Healthy Families Act:** This federal bill would set a national standard for paid sick days to allow workers in businesses with 15 or more employees to earn up to seven job-protected paid sick and safe days each year.
- **FAMILY Act:** This federal bill would provide workers with up to 12 weeks of partial income when they take time off work for their own serious health condition; the serious health condition of a family member; the birth or adoption of a child; to address the effects of domestic violence, sexual assault, or stalking; and for certain reasons related to military deployment.
- **Caring for All Families Act:** This federal bill would recognize a more inclusive definition of family by enabling workers to take job-protected time off work to care for chosen and extended family members with a serious illness.
- **State bills:** Many states have sought to expand these protections, including through the following bills, which are a particular focus for Equal Pay Today:
 - **Michigan:** Senate Bills 332 and 333 would provide workers with 15 weeks of paid leave from work for family medical leave issues.
 - **Pennsylvania:** House Bill 181 would create a statewide paid family and medical leave program.
 - **Connecticut:** Senate Bill 1178 would expand existing paid sick days law to: cover all private sector employers; broaden the types of family members for whom employees may use leave and reasons for which employees can take leave; increase the rate at which employees accrue leave; and increase the amount of leave that an employee can accrue from 40 hours to 80 hours.
 - **California:**
 - Senate Bill 616 would increase the number of paid sick and safe days for workers in California from three to seven.
 - Assembly Bill 518 would give workers the right to receive paid family leave wage replacement when caring for members of their chosen or extended family.
 - Assembly Bill 524 would prohibit discrimination against employees based on their status as a family caregiver.

For more information about Equal Pay Today or this agenda, please contact Deborah J. Vagins, National Campaign Director for Equal Rights Advocates and Director of Equal Pay Today at dvagins@equalrights.org.

EPT Organizational Members

9to5, American Association of University Women, American Civil Liberties Union (ACLU), Atlanta Women for Equality, A Better Balance, California Women's Law Center, Center for American Progress, Connecticut Women's Education and Legal Fund, Equal Rights Advocates, ERA Coalition, Esperanza United, Family Values @ Work, Gender Equality Law Center, Gender Justice, Human Rights Campaign, Institute for Women's Policy Research, Justice for Migrant Women, KWH Law Center for Social Justice and Change, Labor Council for Latin American Advancement, Legal Aid at Work, Legal Momentum, Legal Voice, Mississippi Black Women's Roundtable, Moms Rising, National Black Worker Center, National Center for Law and Economic Justice, National Employment Law Project, National Network to End Domestic Violence, National Partnership for Women & Families, National Urban League, National Women's Law Center, One Fair Wage, PowHer New York, Restaurant Opportunities Centers United, Shriver Center on Poverty Law, Southwest Women's Law Center, South Carolina Women's Rights and Empowerment Network, United State of Women, Women's Economic Institute, Women Employed, Women's Law Project