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## **NEW YORK CITY COMMISSION ON GENDER EQUITY, COMMISSION ON HUMAN RIGHTS, DEPARTMENT FOR CONSUMER AND WORKER PROTECTION, AND THE NEW YORK CITY BAR SEX AND LAW COMMITTEE ISSUE REPORT ON CHALLENGES IN OBTAINING PAY EQUITY IN THE WORKPLACE**

*The report, which summarizes testimony from activists, experts, and workers from a broad range of occupations and industries, about their experiences with pay inequities and the challenges they face in eliminating barriers to pay equity.*

**NEW YORK, NY**— Today, the New York City Commission on Gender Equity, Commission on Human Rights, Department for Consumer and Worker Protection, and the New York City Bar Sex and Law Committee, [issued a new report based](#) on testimony from activists, experts and workers from a broad range of occupations and industries, including government service, international organizations, organized labor, domestic work, the sectors of technology, finance, construction, and others, about their experiences with pay inequities and the challenges they face in eliminating barriers to pay equity. Those who testified represented some of the City's most vulnerable workers, including women in male dominated industries, people of color, and immigrants. The report, which summarizes over two hours of testimony, and 6 written submissions, outlines current pay equity protections on the federal, state, and city level and includes stakeholders' recommendations for legislation and other specific actions that the City and employers can undertake to achieve pay equity.

"Clearly, progress has been made; however, the fact that women of all ethnicities are working full time, year-round in jobs that are essential to our economy and paid less than men, is repugnant, and the fact that women of color are paid even less is downright cruel," said **First Lady Chirlane McCray**. " This pandemic has revealed a stark and painful contrast, with women as the workers at the bottom. While New York City continues to pave the way with NYC Paid Safe and Sick Leave Law, we must take aggressive action to close the gender pay gap once and for all."

“The COVID-19 pandemic reminds us, yet again, that economic inequities have disastrous effects on our health, safety, and overall well-being. In New York City, we are committed to ensuring an equitable recovery for all New Yorkers, regardless of gender identity, gender expression, or background. We must continue to fight for pay equity and economic justice for women, girls, transgender, and gender non-binary individuals, so that they can not only survive, but thrive,” said **Jacqueline Ebanks, Executive Director, New York City Commission on Gender Equity**. “Thank you to the employees and employers, across all sectors, and to the advocates and academic researchers who testified at the public hearing. Their critical insight shaped this report. We cannot close and eliminate the gender and racial pay gap without community and cross-sector input and partnership.”

“Pay inequity—whether based on gender, race, disability, pregnancy, or another protected status—causes serious harm to workers and families by underpaying employees their hard-earned wages or pushing them out of the workforce entirely,” said **Carmelyn P. Malalis, Chair and Commissioner of the NYC Commission on Human Rights**. “The NYC Commission on Human Rights took a stand on this issue, implementing the nation's first salary history ban in the country, publishing legal enforcement guidance on topics affecting workplace equity, serving as a national leader on sexual harassment prevention, and co-hosting the pay equity hearing on which today's report is based. Pay inequity is rooted in multiple forms of discrimination, often overlapping, and only by naming this reality can we begin to solve it. This report is a fundamental step toward that goal.”

“Inequitable pay is a deeply rooted systemic problem and I thank our sister agencies for coming together to shine a light on the issue—an issue that we are seeing manifest itself through even starker disparities now during these challenging economic times,” said **Department Consumer and Worker Protection Commissioner Salas**. “Since the NYC Paid Safe and Sick Leave Law was passed in 2014, we have both expanded its protections and enacted additional workplace laws that help to bring equity and stability to the city’s most vulnerable workers. We have also undertaken major enforcement initiatives for workers in home healthcare and fast food, who are primarily women and people of color, to improve their pay and working conditions. We will

continue to enforce the law, advocate, and protect workers. Workers with any questions or who need to file a complaint can contact us at [nyc.gov/workers](http://nyc.gov/workers) or by calling 311.”

The hearing was held in September 2019 and people who testified described how occupational segregation, power disparities within workplaces, and a lack of pay transparency perpetuate and exacerbate pay inequities. Testimony addressed the heightened vulnerabilities of workers at the intersections of multiple forms of oppression, in particular low wage, immigrant, and aging workers, as well as workers with caregiving responsibilities. Some of the legislative recommendations include strengthening the state and federal Equal Pay Acts, mandating increased compensation transparency, and raising the minimum wage and strengthening collective bargaining rights. Recommendations for City agencies include extending protections under the City Human Rights Law to all workers regardless of employer size, improving public education and outreach on rights and services, and requiring employers to conduct audits and to increase transparency.

“There has never been a more important moment to combat the persistent problem of pay inequity. The pandemic has exposed the brutal consequences of unequal pay and occupational segregation. Women, especially women of color, are struggling to remain in the workforce as they have been saddled with growing family obligations and working for less pay. We are grateful to our City's leaders for their commitment to this issue and their readiness to tackle the problem,” said **Iliana Konidaris, Co-Chair of the Sex and Law Committee.**

“While we have made strides in enacting equal pay protections at all government levels, this compelling testimony from workers, advocates, and experts demonstrates that gaps in pay by race and gender persist. COVID-19 has laid bare our city's long-standing disparities. Many of the essential and frontline workers upon whom we depend are women, immigrants, and people of color, at the forefront of the fight for equal pay. The City and employers must take bold steps to level the playing field, and we are grateful for this compelling testimony that will guide those actions,” said **Sideya Sherman, Executive Director, Taskforce for Racial Inclusion & Equity and EVP, Community Engagement & Partnerships, NYCHA**

Since Mayor de Blasio took office in 2014, the fight against discrimination and oppression,

including sexism and racism, has been central to the City's mission. This mission has resulted in high-profile groundbreaking achievements for New Yorkers. Now, there is pre-K for all New York City families, which not only helps close racial education gaps, but relieves some caregiving burdens that women, especially women of color and immigrant women, disproportionately carry. In addition, New York City implemented the Paid Safe and Sick Leave Law so that now all workers have paid days off to care for themselves or for family members due to sickness or to gender-based violence. The City also strengthened many key laws and invested in the City agencies tasked with enforcing those protections. The first ever Commission on Gender Equity ("CGE") was created to use an intersectional lens and a human rights frame to address issues of inequity and discrimination facing girls, women, transgender, and gender non-binary New Yorkers. The Department of Consumer and Worker Protection ("DCWP") was expanded to protect and enhance New Yorkers' daily economic lives to create thriving communities. It enforces numerous new workplace policies, and, through its Office of Labor Policy & Standards, provides a dedicated voice in City government for workers. The City has strengthened the City Commission on Human Rights ("CCHR") and broadened and deepened the City Human Rights Law to further protect New Yorkers from many forms of discrimination. The City Human Rights Law has been amended twenty-eight times over the past five years, including amendments that: expand protections against caregiver discrimination; prohibit the use of salary history in hiring; broaden protections and mandated preventative measures regarding sexual harassment in the workplace; clearly articulate requirements around the provision of lactation accommodations and policies in the workplace, among many other additional protections. Building on this long-standing commitment, Mayor de Blasio has called on the Commission on Gender Equity and the Racial Inclusion and Equity Task Force to examine the issue of pay equity within New York City's municipal workforce and deliver recommendations in early 2021.

"The only pathway to pay equity among workers, and especially women of color workers, is for both the City of New York to mandate that employers take the high road, and that the private sector takes steps to demonstrate that transforming our workforce in service of our shared prosperity is indeed possible. I thank the Administration and specifically the team at the New York City Commission on Gender Equity for taking steps to ensure that, especially in light of the pandemic and its impact on essential workers, we center equity in the workplace above all else."

said **Sasha Ahuja, CGE Commissioner and Chair, Equal Employment Practices Commission**

“Pay equity plays an important role in contributing to the safety and overall wellbeing of the most marginalized and vulnerable worker in our city. It can make the difference between having one job or two, stable housing or none, being able to live in an environment where you can walk and be freely or having to regularly fear for your safety. It was an honor to serve on the panel and hear the stories of those represented. Now we need to honor these stories and experiences by taking even more deliberate steps to achieve real pay equity in New York City,” said **Bev Tillery, CGE Commissioner and Executive Director of the NYC Anti-Violence Project**

“Listening to the moving and revealing testimony of so many workers and workers’ representatives from across industry and employment sectors, reminds us of the work that remains to achieve genuine equity in compensation notwithstanding substantial advancements in addressing discrimination in the workplace. The compelling testimony, documented in the report, revealed specific opportunities for reform. It is up to all of us to advance the agenda,” said **Ellyn Toscano, CGE Commissioner and Senior Director for Programming, Partnership and Community Engagement of NYU in Brooklyn**

The report, hearing transcript, and video are available [here](#).

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#### **About the Commission on Gender Equity**

Established in 2015, the **Mayor’s Commission on Gender Equity (CGE)** works to create a deep and lasting institutional commitment to tearing down equity barriers across New York City. CGE addresses issues of inequity and discrimination facing girls, women, and transgender and gender non-conforming persons regardless of ability, age, ethnicity/race, faith, gender expression, immigrant status, sexual orientation, and socioeconomic status. Focusing across the areas of economic mobility and opportunity, health and reproductive justice, and safety CGE ensures that the City leads in the development and implementation of best practices in gender equitable policies and programs for its workforce and its residents. For more information, visit [nyc.gov/GenderEquity](http://nyc.gov/GenderEquity) or visit us on **Facebook**, **Instagram**, or **Twitter**.

#### **About the New York City Commission on Human Rights**

The New York City Commission on Human Rights (“CCHR”) is the City agency responsible for enforcing the New York City Human Rights Law (the “City Human Rights Law”), one of the most

comprehensive anti-discrimination laws in the country. The Commission has three primary divisions: the Law Enforcement Bureau (“LEB”); the Community Relations Bureau (“CRB”); and the Office of the Chairperson. LEB is responsible for the intake, investigation, and prosecution of City Human Rights Law violations, including systemic violations of the law. CRB, through borough-based Community Service Centers, helps cultivate understanding and respect among the many diverse communities through events, workshops, training sessions, and pre-complaint interventions, among other programs and initiatives. The Office of the Chairperson houses the legislative, regulatory, policy, and adjudicatory functions of CCHR and convenes meetings with the agency’s commissioners.

### **About the Department for Consumer and Worker Protection**

The New York City Department of Consumer and Worker Protection (“DCWP”)—formerly the Department of Consumer Affairs—protects and enhances the daily economic lives of New Yorkers to create thriving communities. DCWP licenses more than 59,000 businesses in more than 50 industries and enforces key consumer protection, licensing, and workplace laws that apply to countless more. By supporting businesses through equitable enforcement and access to resources and, by helping to resolve complaints, DCWP protects the marketplace from predatory practices and strives to create a culture of compliance. Through its community outreach and the work of its offices of Financial Empowerment and Labor Policy & Standards, DCWP empowers consumers and working families by providing the tools and resources they need to be educated consumers and to achieve financial health and work-life balance. DCWP also conducts research and advocates for public policy that furthers its work to support New York City’s communities.

### **About the New York City Bar Association**

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. [www.nycbar.org](http://www.nycbar.org)

The City Bar’s Sex and Law Committee addresses issues pertaining to gender and the law in a variety of areas, such as violence against women, reproductive rights, gender discrimination, poverty, matrimonial and family law, employment law, and same-sex marriage. Recently, the Committee has addressed the issues of paid family leave, reproductive rights in New York State, and civil rights for LGBT individuals. The committee also collaborates with the City Bar’s Student Legal Education and Opportunity Program to provide presentations to public high school students on teen dating violence and sexual harassment in the workplace. The Committee is honored to have been asked to help facilitate these hearings and play a role in producing this important report.