

NEW YORK CITY BAR ASSOCIATION

PUBLIC HEARING ON PAY EQUITY
September 19, 2019



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3 NEW YORK CITY BAR ASSOCIATION
4 PUBLIC HEARING ON PAY EQUITY
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2 MR. MALDONADO: Hi, I am Roger
3 Maldonado. I am the president of the New York
4 City Bar Association. Welcome to the House
5 Association for tonight's public hearing on
6 pay equity.
7 I want to first commend the Committee on
8 Sex and Law chaired by Mirah Curzer for having
9 brought to this house the persons who are
10 going to be testifying tonight and the members
11 of the city government who are co-sponsoring
12 this event. One of the things that is
13 important to the City Bar -- and we have 150
14 committees, so the Sex and Law Committee is
15 one of many -- is to be able to work on issues
16 that are important to not just lawyers and not
17 just City Bar members, but to members of the
18 communities within which we live and work.
19 And I cannot think of a better example of
20 bringing together committee members,
21 government officials, and members of the
22 community to talk about an issue that is of
23 incredible importance to anyone who is
24 employed; pay equity in the workplace.
25 Tonight's hearing is designed to elicit

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2 from the persons who will testify their views
3 of what has worked, what advancement has
4 occurred within pay equity in the workplace,
5 the individual needs of specific persons that
6 must be taken into account within, you know --
7 with regard to pay equity. Best practices,
8 who has come up with systems that actually do
9 work to ensure there is pay equity. And
10 finally -- well, not finally but certainly
11 what challenges remain, what is still not
12 working well. That must be addressed if we
13 are going to truly achieve pay equity.
14 I want to give specific recognition to
15 the city government entities that are here;
16 the Commission on Gender Equity which is
17 primarily responsible for having brought us
18 together with you here tonight, Commission on
19 Human Rights, and the Department of Consumer
20 and Worker Protection. I was speaking to
21 Commissioner Jacqueline Ebanks and to Mirah
22 Curzer about the need for follow up on this
23 issue and I offered -- I said -- and as I
24 understand it, after all of the testimony
25 tonight there is going to be a written report

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2 that the City Bar Association will assist with
3 and then there will be a convening. And my
4 invitation to the commissioner and to the City
5 Bar committees is please come back. We look
6 forward to having the opportunity to host you
7 again where we can present the findings that
8 result from tonight's testimony and have
9 further discussion on what is the best way
10 forward.
11 So we look forward to hearing what you
12 have to say and to continuing to work with you
13 to truly achieve pay equity in the workplace.
14 Enjoy the evening.
15 (Applause.)
16 MS. EBANKS: Good evening, everyone. I
17 am Jacqueline Ebanks and I am executive
18 director of New York City's Commission on
19 Gender Equity, also known as CGE. So thank
20 you, thank you for being here tonight and. I
21 want to express our gratitude to Roger, the
22 New York City Bar, and the Sex and Law
23 Committee for your partnership on this event
24 and for hosting us in this incredible facility
25 tonight.

<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 Tonight would not be possible without</p> <p>3 team members at three city agencies and I want</p> <p>4 to start by thanking them. And I am going to</p> <p>5 ask them to raise their hands as I name them</p> <p>6 because, you know, what you see as finished</p> <p>7 product begins very often from just simple</p> <p>8 thoughts and ideas and folks sitting in a room</p> <p>9 and then people breathe life into it by the</p> <p>10 number of hours that they work and the phone</p> <p>11 calls that they take and the meetings that</p> <p>12 they have. So I want to acknowledge the</p> <p>13 tremendous work of the staff at the Commission</p> <p>14 on Gender Equity; Gail, Matt, Chancey and</p> <p>15 Helen. They will just raise their hands.</p> <p>16 They are busy doing other things. We have</p> <p>17 partnership with the Commission on Human</p> <p>18 Rights; Edwin, Dana, Nico, Alicia, Max,</p> <p>19 Vincent Amonita. And DCWP Department of</p> <p>20 Consumer and Worker Protections; Marian and</p> <p>21 Canjila. And of course our colleagues at the</p> <p>22 City Bar, Mirah and Melissa. This certainly</p> <p>23 is impossible without your leadership and</p> <p>24 without your persistence over the past few</p> <p>25 months to make this happen.</p>	<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS</p> <p>2 materials.</p> <p>3 I want to tell you a bit about the</p> <p>4 Commission on Gender Equity. Our goal is to</p> <p>5 work every day to break down barriers to</p> <p>6 equity for all New Yorkers regardless of</p> <p>7 gender identity, gender expression, or</p> <p>8 background. We do that with a team of 32</p> <p>9 commissioners and these commissioners, 26, are</p> <p>10 appointed by the mayor and five are appointed</p> <p>11 by the speaker of the city council. I am</p> <p>12 fortunate tonight to have Beverly Tillery,</p> <p>13 Ellyn Toscano, and Sashas Anuja who will be on</p> <p>14 our panel and who sit on our commission. In</p> <p>15 the audience and somebody who will be</p> <p>16 testifying we have Bev Neufeld, founder and</p> <p>17 president of PowHer New York.</p> <p>18 As Roger said, we are here tonight to</p> <p>19 learn more about and to accelerate our</p> <p>20 progress on gender pay equity. It is a</p> <p>21 challenge that persists in New York City and</p> <p>22 around the globe. Some figures say we have</p> <p>23 another two centuries to go before we achieve</p> <p>24 it, to which we say we are not going to live</p> <p>25 that long so we are not satisfied with that</p>
<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 I also have to thank Commissioner</p> <p>3 Malalis who is the chair and commissioner of</p> <p>4 New York City Commission on Human Rights and</p> <p>5 Commissioner Salas who heads the Department of</p> <p>6 Consumer and Worker Protection. I have to</p> <p>7 thank them for their tremendous and continued</p> <p>8 leadership and partnership in this</p> <p>9 administration. We are proud to be a part of</p> <p>10 an administration that has over 50 percent</p> <p>11 women and persons of color in significant</p> <p>12 leadership position, executive leadership.</p> <p>13 And our fierce partnership gives us these</p> <p>14 incredible products and so --</p> <p>15 (Applause.)</p> <p>16 MS. EBANKS: -- it's a real joy to work</p> <p>17 on this team. These two agencies are integral</p> <p>18 partners in fulfilling the mayor's vision to</p> <p>19 make New York City the fairest big city in the</p> <p>20 nation.</p> <p>21 So before you leave, please visit our</p> <p>22 tables. Loads of information are there for</p> <p>23 you. Take them, share with your colleagues.</p> <p>24 Winter is coming up, good reading when the</p> <p>25 nights are cold. So avail yourself of the</p>	<p style="text-align: right;">Page 8</p> <p>1 PROCEEDINGS</p> <p>2 statistic and, you know, it got several of us</p> <p>3 to thinking. In March of this year, CGE</p> <p>4 Commissioner Bev Neufeld, myself, and Gail at</p> <p>5 the commission, you know, we were discussing</p> <p>6 another equal payday rally that we were going</p> <p>7 to hold in April. And that day is very</p> <p>8 important. It's the day that represents the</p> <p>9 average amount of time it takes a woman to</p> <p>10 make the same amount that her white male</p> <p>11 counterpart did the year prior. And while we</p> <p>12 recognize the importance of equal payday and</p> <p>13 that we need to continue to highlight it and</p> <p>14 we need to use it to raise the challenges and</p> <p>15 awareness of the issue and we need to have</p> <p>16 equal payday rallies in order to call us all</p> <p>17 to action, we knew however that we had to find</p> <p>18 other ways to strategically accelerate the</p> <p>19 change that we would want to see, the</p> <p>20 transformatinal change that this requires even as</p> <p>21 we recognize that New York City has made</p> <p>22 tremendous strides over the past six or so</p> <p>23 years by instituting progressive policies and</p> <p>24 practices that seek to advance equity in the</p> <p>25 workplace and close the gender racial gap.</p>

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1 We have had tremendous leaders in the
2 field and I want to acknowledge the presence
3 of city council member Helen Rosenthal who is
4 a commissioner on the Commission of Gender
5 Equity, but also chair of city council's
6 Committee on Women and Gender Equity. And
7 with leaders like councilwoman Helen
8 Rosenthal, New York City has passed the salary
9 history ban, the first of its kind in the
10 nation. We have Family Sick and safety/Safe
11 Leave. We are busy, fiercely busy ensuring
12 workplaces are free from sexual harassment.
13 And we work to ensure that all New Yorkers
14 live their lives in an economically secure
15 way, live their lives safely and in a healthy
16 way. But the pay gap persists and so we also
17 know that when we view the pay gap with an
18 intersectional lens, it is much more severe
19 for women of color. An average women in New
20 York City makes 89 cents on the dollar
21 compared to their white male counterparts, but
22 for women of color, Asian, black, Latina
23 women, they make 82 cents, 66 cents and 56
24 cents respectively. And so this

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1 intersectional lens really gives us another
2 layer of the complexity of this issue. But
3 the intersectionality is not only around
4 gender and race; it also relates to a person's
5 status as a caregiver, or it relates to your
6 status -- relates to the field in which you
7 work, or it relates to whether or not you have
8 a job that's unionized or not, and many other
9 factors.
10 So what we want to do today is to look
11 at the complexity of this and to hear from
12 everyday citizens. As you live in your
13 workplaces, as you work in your workplaces,
14 what can we do to eliminate the gender pay gap
15 in New York City; what have we left undone;
16 what is the impact of some of the laws that we
17 have passed already? So what we are saying is
18 we can't do this work without you. And
19 tonight I want to thank you for choosing to be
20 here, whether you are only attending to hear
21 testimony, whether you are actually giving
22 testimony, or whether you have submitted
23 testimony in writing. We appreciate your
24 support. We know that the gender pay gap has

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1 implications today and it will have
2 implications for generation to come. It feeds
3 the persistent racial and gender wealth gap.
4 It really is about our individual well-being,
5 it is about the well-being of our families, it
6 is about the collective well-being of our
7 communities, and of this great city. So
8 therefore as persistent as the gender pay gap
9 is, we need to be doubly persistent to
10 eliminate it.

11 And so with that, and with a sense of
12 our charge tonight, what I want to do is bring
13 to the podium Fatima Goss Graves, president
14 and CEO of the National Women's Law Center.
15 Fatima has spent her career working across the
16 areas of economic security, education, health
17 and reproductive justice, and workplace
18 fairness to advance opportunities for women
19 and girls. We are thrilled to have her here
20 tonight. I am delighted to meet her in person
21 and grateful that she made this about a stop
22 for us.

(Applause.)

23 MS. GRAVES: Well, I am thrilled to be

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1 here as well. Thank you. Thank you for
2 having me. And thank you to all of you for
3 having this event, the New York Commission on
4 Gender Equity to the Department on Consumer
5 Rights to the Department of Consumer and
6 Worker Protection. It's a real privilege to
7 open this public forum and I am grateful to
8 all of you for having this public forum.

9 As she said, my name is Fatima Goss
10 Graves and I am president and CEO at the
11 National Women's Law Center. It's an
12 organization that has worked to transform the
13 lives of women and girls for almost five
14 decades and has campaigned for equal pay
15 almost since its founding. But even with
16 almost five decades under our belt, I am here
17 to say tonight that we are really at an
18 extraordinary moment on the issue of equal
19 pay. No longer are we spending as much time
20 doing what I used to have to do, when I first
21 started doing this work was really spending
22 most of my time debating whether there was a
23 pay gap at all. That the data came out last
24 week was a strong reminder where we stand on

<p style="text-align: right;">Page 13</p> <p>1 PROCEEDINGS</p> <p>2 that front and you heard some of that data as</p> <p>3 well.</p> <p>4 The thing to know in addition to the</p> <p>5 data you have already heard is that that pay</p> <p>6 gap has largely been stagnant over the last</p> <p>7 decade. And really the effects, even though</p> <p>8 New York does better overall than some states</p> <p>9 in this country, you notice I did not say it</p> <p>10 does well or -- it just does better than some</p> <p>11 states, the wages for black and brown women</p> <p>12 when we start to put some numbers around them</p> <p>13 are even more startling. So in New York it</p> <p>14 means that black women over the course of a</p> <p>15 lifetime are losing over \$900,000 to the pay</p> <p>16 gap and for Latinx it's over a million and</p> <p>17 those are life changing numbers. But despite</p> <p>18 these frightening statistics, I want to talk</p> <p>19 tonight about why I feel sort of optimistic;</p> <p>20 because of the longtime organizing work and</p> <p>21 story-sharing and advocacy at all levels in</p> <p>22 this work has brought us to a new moment, we</p> <p>23 are now at a point where in this country the</p> <p>24 celebration of the U.S. Women's National</p> <p>25 Soccer Team exciting victory was met with both</p>	<p style="text-align: right;">Page 15</p> <p>1 PROCEEDINGS</p> <p>2 address gender discrimination in this way</p> <p>3 together. And it's been about a decade since</p> <p>4 congress itself passed the Lilly Ledbetter</p> <p>5 Act, which restored the ability for workers to</p> <p>6 challenge pay discrimination as long as they</p> <p>7 were continuing to be paid unfairly or were</p> <p>8 close in time to that period. And what we</p> <p>9 have learned is that those baseline and core</p> <p>10 protections against discrimination in pay by</p> <p>11 themselves are not going to be enough. When I</p> <p>12 think about why women are paid less, in part</p> <p>13 it's because they can be. They can be paid</p> <p>14 less because of the secrecy that surrounds pay</p> <p>15 allows employers to maintain unequal pay</p> <p>16 systems and systems that are fueled by bias.</p> <p>17 And they can be paid less because our equal</p> <p>18 pay laws just are not strong enough. And it's</p> <p>19 around those two areas where I have been</p> <p>20 superexcited to see states and employers</p> <p>21 showing up and not waiting for congress to</p> <p>22 finally get its act together to keep pace with</p> <p>23 the cultural wave demanding that women truly</p> <p>24 be able to work with equality and dignity in</p> <p>25 this country. So it's states like New York</p>
<p style="text-align: right;">Page 14</p> <p>1 PROCEEDINGS</p> <p>2 chants of both U.S.A. and chants of equal pay.</p> <p>3 And actually to me those chants total together</p> <p>4 were really perfect because they were a</p> <p>5 reminder that equal pay, pay and core values</p> <p>6 of equality and dignity are ones that are</p> <p>7 really actually ingrained in the fabric of the</p> <p>8 ideals of this country so they should have</p> <p>9 happened together. And the collective demand</p> <p>10 that we do better for the soccer players was</p> <p>11 about them, but it was also about doing better</p> <p>12 for all women.</p> <p>13 And that is where we find ourselves</p> <p>14 today. We find ourselves in the moment where</p> <p>15 the fight for equal pay and really the fight</p> <p>16 for the pay gap, to close the pay gap,</p> <p>17 generally is really a conversation about the</p> <p>18 overall measure of our ability to work with</p> <p>19 equality and dignity. So I want to take us</p> <p>20 back just a little bit. Our equal pay laws</p> <p>21 which are really made up at the federal level</p> <p>22 around a mix of the Equal Pay Act which was</p> <p>23 passed in 1963 and then the following year the</p> <p>24 Civil Rights Act passed in 1964, they were</p> <p>25 really the first federal laws in history to</p>	<p style="text-align: right;">Page 16</p> <p>1 PROCEEDINGS</p> <p>2 which has been making changes and then New</p> <p>3 York City which I believe can drive the change</p> <p>4 that we need.</p> <p>5 Here are some of the ways that states</p> <p>6 are taking this on. Around the problem of pay</p> <p>7 secrecy which has made it too easy for</p> <p>8 employers to hide pay disparities and to treat</p> <p>9 their workers unfairly, there have been a</p> <p>10 number of important efforts that sort of</p> <p>11 follow efforts at the federal level. At the</p> <p>12 federal level our Equal Employment Opportunity</p> <p>13 Commission has a data collection measure that</p> <p>14 would be transformative if ever implemented,</p> <p>15 but states around the country aren't fully</p> <p>16 waiting here either. They are taking steps by</p> <p>17 requiring things like equal pay certifications</p> <p>18 or pay data collections. Others are looking</p> <p>19 at important work happening abroad and I think</p> <p>20 that that will be a good lesson for them to</p> <p>21 see what they could potentially implement here</p> <p>22 to bring pay disparities to light and have</p> <p>23 transparency be an important driver in closing</p> <p>24 the pay gap. Some states also have taken</p> <p>25 steps to limit the number of reasons that</p>

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employers can pay men and women different wages for doing the same job.

One of the features of our current equal pay laws allow employers to justify paying men and women different wages for the following reasons: For things like seniority and merit and quantity and quality of production which are sort of lockstep ideas, but there is this vague provision in the law called factor other than sex. And what has happened over time is that vague provision, some employers has taken it as a notion to pay women less really for any old reason as long as they don't say it's sex. And unfortunately many courts have failed to closely scrutinize the explanations that employers have provided. And so you have employers doing things like pointing to women making less in the market as a reason for paying women less at their workplace, which just sounds like discrimination to me. You have had other employers doing things like pointing to the fact that they believe that men negotiate better, even though study after study has really disrupted the idea that

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either women never negotiate or when they do they are penalized. If you try to negotiate like a man, then you are actually seen as demanding and other stereotypes about women that don't serve them well. There is research on the perfect way to negotiate. It doesn't involve a smile, in case you are curious. But what I have been inspired by is -- are the States taking that information and sort of moving forward and working to pass new laws and protections. And so it was thrilling that New York passed this ban on salary history so that employers aren't salary matching in this way and using the fact that you were paid less in your last job to mean that you are going to be paid in your next job and the next job after that. That sort of idea really entrenched lower pay for women, so disrupting that I think is going to be very important. Not just here, but it's spreading around the country.

But here is what we know: Being paid equally really should not depend on ZIP code and it also shouldn't depend only on having a

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perfect employer. We need fundamental change at the federal level and the pressure coming from the States will be an important part of making that happen. So that's why we have been campaigning for the Paycheck Fairness Act which would strengthen the Equal Pay Act, prevent employers from retaliating against workers who try to discuss their pay, limit employers' use of salary history in hiring, and limit reasons employers can pay unfair wages. It would also require explicitly that the Equal Employment Opportunity Commission collect compensation data from employers helping to increase pay transparency and uncover pay discrimination. And if you have been following the litigation from the National Women's Law Center against this administration, it's clear we need an act of congress to buttress that.

Finally to match these much-needed changes to equal pay, we as a country also need to take the critical steps to make it possible for workers on their day to day to truly experience all work as safe and

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equitable and dignified. That also is an equal pay issue and in truth if we separate them, we are missing the real problem. And that also will require us to do a deep understanding of the fact of who is actually in the workplace now and acknowledge the fact that women, the majority of them, are both engaging in work and engaging in care. It's a thing the vast majority of them do, and that is especially true for black and brown women. So that's why policies like raising the minimum wage, including having one fair wage for tipped workers, having fair and predictable work schedules and access to affordable and high-quality child care, are so important. That is why things like paid Family and Medical Leave and stronger protections against workplace harassment and enforcements and protections against pregnancy discrimination are so important. It's simply unacceptable that women continue to be punished in the workplace for their reproductive decisions, including giving birth, including raising and caring for loved

<p style="text-align: right;">Page 21</p> <p>1 PROCEEDINGS</p> <p>2 ones, including working hard to provide for</p> <p>3 their families.</p> <p>4 You know, in many other developed</p> <p>5 nations they have, more or less, tested a lot</p> <p>6 of the ideas that feel sometimes hard in parts</p> <p>7 of this country. I just think we deserve</p> <p>8 better and we are ready to turn up the volume.</p> <p>9 Very recently the World Economic Forum Global</p> <p>10 Gender Gap Index suggested that girls in</p> <p>11 America today will have to wait until the year</p> <p>12 2227, 2227 to achieve fully equal pay. I am</p> <p>13 confident we can achieve it much sooner than</p> <p>14 that, but it will be up to people like you in</p> <p>15 this room to keep pushing it all forward and</p> <p>16 shape a very different reality.</p> <p>17 So thank you all for having me tonight</p> <p>18 and I am excited about the hearing.</p> <p>19 (Applause.)</p> <p>20 MS. EBANKS: Okay. 2227 and that is not</p> <p>21 a television show.</p> <p>22 I want to acknowledge the interpreters</p> <p>23 in the room. And first thank you so much,</p> <p>24 Fatima, for your wonderful remarks. We have</p> <p>25 American Sign Language Service interpreters</p>	<p style="text-align: right;">Page 23</p> <p>1 PROCEEDINGS</p> <p>2 the commission, for chairing this hearing and</p> <p>3 all the commissioners for the opportunity to</p> <p>4 speak before you.</p> <p>5 My name is Jennifer Klein and I am the</p> <p>6 chief strategy and policy officer at Times Up</p> <p>7 Now. Together with corporate leaders</p> <p>8 lawmakers and leaders across industries and</p> <p>9 sectors, Times Up Now is working to change our</p> <p>10 culture and policies in the private and public</p> <p>11 sectors. Times Up Now is working to change</p> <p>12 our culture and policies in the private and</p> <p>13 public sectors so that work is safe, fair, and</p> <p>14 dignified for women of all kinds. Sexual</p> <p>15 harassment, a major problem, something that</p> <p>16 the EEOC estimates around 85 percent of women</p> <p>17 will experience over the course of their</p> <p>18 careers. But while sexual harassment is a</p> <p>19 pressing problem, it's also a symptom of</p> <p>20 greater inequities that exist for women at</p> <p>21 work. Only by rooting out structural</p> <p>22 inequality can we truly end sexual harassment</p> <p>23 and make these abuses a thing of the past.</p> <p>24 The pay gap is a key barometer for both</p> <p>25 measuring those inequities and starting to</p>
<p style="text-align: right;">Page 22</p> <p>1 PROCEEDINGS</p> <p>2 and we also have the CART print word on the</p> <p>3 screen, but in the back we have French and</p> <p>4 Spanish language interpreters if you need</p> <p>5 that. And of course the deficit here is that</p> <p>6 I can't say this in French and Spanish. But</p> <p>7 if you need to have interpretation in French</p> <p>8 and Spanish, the headsets are at the table so</p> <p>9 please feel free.</p> <p>10 And with that, as we take our own</p> <p>11 challenge to ensure that New York City leads</p> <p>12 in eliminating the pay gap, I want to invite</p> <p>13 my fellow panelists to the table. And I will</p> <p>14 be joined by Commissioner Malalis,</p> <p>15 Commissioner Salas, Commissioner Toscano,</p> <p>16 Tillery, and Anuja. Please come. And our</p> <p>17 first speaker tonight will be Jennifer Klein,</p> <p>18 Times Up Now. We are just simply -- you will</p> <p>19 be informed by one of our colleagues here when</p> <p>20 you go next. I am introducing Jennifer and</p> <p>21 then you will all follow Momita. Thank you so</p> <p>22 much.</p> <p>23 Welcome, Jennifer.</p> <p>24 MS. KLEIN: Before I begin: I want to</p> <p>25 thank Jacqueline Ebanks, executive director of</p>	<p style="text-align: right;">Page 24</p> <p>1 PROCEEDINGS</p> <p>2 correct them. This is a moment for leaders to</p> <p>3 take bold action to close the pay gap and</p> <p>4 level the playing field so that all people</p> <p>5 regardless of race, gender, or socioeconomic,</p> <p>6 status can thrive.</p> <p>7 New York City has been a leader. In</p> <p>8 2017, for example, the city banned salary</p> <p>9 history questions in job interviews which</p> <p>10 perpetuates the pay inequities women have</p> <p>11 experienced in prior jobs. And in 2019, the</p> <p>12 city raised the minimum wage to \$15 per hour</p> <p>13 which will protect the most vulnerable</p> <p>14 low-wage workers, the majority of whom are</p> <p>15 women. The New York City is also filling gaps</p> <p>16 in state and federal law with universal pre-K,</p> <p>17 paid family leave, and laws prohibiting sexual</p> <p>18 harassment, pregnancy discrimination, and</p> <p>19 caregiver biases. Given the city's</p> <p>20 leadership, it comes as no surprise then that</p> <p>21 New York State has the third smallest median</p> <p>22 pay gap in the country, an example of what's</p> <p>23 possible when the public sectors puts women</p> <p>24 and working people first.</p> <p>25 But while we are making steady</p>

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1 incremental progress across the country, the
2 truth is that government cannot solve this
3 problem unilaterally which is why I will be
4 focusing today on private sector reforms. And
5 that starts with calling on companies to step
6 up and pay up to close the gender and racial
7 pay gap. There is no quick fix to the pay
8 gap, but there are concrete steps companies
9 can take to promote women's safety and equity
10 all while retaining and attracting and
11 retaining top-notch talent.

12 First, companies should conduct an
13 annual assessment of the median payback in
14 their workforce. That's the key metric that
15 reflects the totality of the pay problem by
16 evaluating not only the difference between
17 what men and women earn in the same job, but
18 also what women and men earn in the aggregate
19 across the institution. This reflects the
20 prevalence of men in leadership positions
21 relative to women. Then companies should
22 report the results and be transparent about
23 the steps they will take to close the gap.
24 The city and this commission are well-placed
25

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1 to develop tools to support companies that
2 want to conduct annual assessments and want
3 guidance or resources. Second, companies
4 should post salary ranges for job
5 classifications. This ensures transparency
6 when people walk into interviews and helps
7 protect women from being underpaid when they
8 get the job. Third, companies should improve
9 recruitment, hiring, promotion and retention
10 processes to promote gender balance and reduce
11 unconscious bias and other barriers. And last
12 but not least: Companies should institute
13 corporate policies, including paid parental
14 and medical leave, child care mentoring, and
15 leadership development to ensure all employees
16 have the tools and support they need to
17 thrive.

18 I want to take a moment to commend this
19 commission for your deliberate efforts to
20 close the pay gap and urge you to continue on
21 this path with your leadership and oversight.
22 Just as median pay data is crucial to
23 understand whether companies are treating
24 their employees fairly, analyzing how New York
25

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1 City's own median pay data stacks up is just
2 as crucial to ensuring that all genders are
3 valued, promoted, and paid equally. City
4 workers and taxpayers deserve to know whether
5 all city employees are being compensated
6 fairly. A city audit examining median pay
7 would help gauge how far we have to go. This
8 commission should also urge companies to take
9 a pledge to achieve median pay parity. We
10 have seen the power of the corporate sector
11 with companies like Citigroup, the first U.S.
12 company to proactively conduct and release a
13 median pay gap analysis. And this commission
14 has the opportunity to push companies in right
15 direction.

16 Finally, we look forward to working with
17 the commission in changing the conversation
18 around equal pay. This is about so much more
19 than, quote/unquote, equal pay for equal work.
20 It's about the structural forces that hold
21 women back at work, the unequal care giving
22 responsibilities, the lack of comprehensive
23 paid leave in the United States and, yes,
24 old-fashioned gender discrimination. No more
25

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1 excuses. It's time for all of us to admit not
2 only that we have a problem, but to commit to
3 building a more equitable workplace for
4 everyone. The clock is ticking. Let's go.

5 Thank you.

6 MS. EBANKS: Thank you so much,
7 Jennifer.

8 Number 2.

9 MS. MIDDLETON: Again, I want to say
10 thank you panelists for having me at this
11 important meeting. My name is Gloria
12 Middleton, president of Communication Workers
13 of America, Local 1180. My union represents
14 9,000 active city administrative workers, the
15 majority of whom are female and minorities and
16 almost 6,000 retirees.

17 I am here today to speak about pay
18 equity, making sure that all city workers,
19 especially women and minorities, receive the
20 compensation they are entitled to for the work
21 that they do. We all know that salaries and
22 compensation packages should not be tied to
23 the color of your skin, your gender, your
24 sexual orientation, or your religion. They
25

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simply and clearly should be in direct correlation to the work expected of you in your given title. That's just common sense, but in New York City the most progressive city in America, that common sense was nowhere to be found. That is until Local 1180 took the rein and filed a lawsuit against the city bringing the problem to light.

Our case goes way back to December, 2013 when my union filed charges with the federal Equal Employment Opportunity Commission against the Bloomberg administration based on the fact that the wages of administrative managers we represent were being grossly suppressed. These administrative managers had been in the city's managerial pay plan prior to Local 1180 becoming their union and it appeared that the minimum salaries had been suppressed once women and people of color started being placed in the title. At the same time that the minimum wage was being suppressed, the maximum wage for the title was increased. We also noticed that women of color were at the minimum, while men and

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whites tended to be at the maximum. The salary range started at \$53,000 and went to more than \$150,000. Yes, almost \$100,000 difference just based on the color of your skin, your gender, or both. The entire history of our EEO case is quite lengthy and would take hours to delve into. If you are interested in the entire timeline, it's in our website www.cwa180.org.

However, I will tell you now that in April 2015, the EEOC found in our favor that there was reasonable cause to believe there was widespread discrimination against women and people of color in the title administrative manager throughout all city agencies with more than \$246 million. After years of stonewalling by the city and the fight of our lives, Local 1180 accomplished what we set out to on behalf of our administrative managers, level the playing field. We won.

(Applause.)

MS. MIDDLETON: With a few too many trips to court behind us, we are now currently

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waiting for the city to begin issuing checks to members who face discrimination. Two years ago Mayor de Blasio said that it is "Unacceptable that we are still fighting for equal pay for equal work." The mayor of the greatest city and most progressive city has admitted the ongoing unfairness, yet not enough is being done. We need change. We need all workers regardless of gender, race, color, religion, sexual orientation, or anything else for that matter to be paid equally for equal work. That's the bottom line.

(Applause.)

MS. SENTENO: Good evening. My name is Marrisa Senteno and I am with the National Domestic Workers Alliance. I am a New York co-director and I want to thank you all for having us here today.

So the National Domestic Workers Alliance is the nation's leading voice for dignity and fairness for millions of domestic workers in the United States. NDWA leads several campaigns and coalitions to advance

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the rights of domestic workers by advocating for increased labor protections, racial justice, gender equity, and humane immigration policies. We have a New York chapter with over 3,000 participants and a New York coalition of over a dozen affiliate members which are active community-based organizations that have domestic workers as part of their membership base.

I just want to talk a little bit about what we are seeing on the ground about gender pay equity and domestic work. Domestic workers are unique in the pay equity gap, because historically domestic workers have been excluded from basic labor protections. When most of our country's labor laws were being designed, domestic workers were deliberately left out. Workplace standards like minimum wage, overtime pay and protections against sexual harassment in the workplace were rarely extended to domestic workers, if at all. All of these exclusions created a breeding ground for exploitation and inequity, where issues like wage gap and

<p style="text-align: right;">Page 33</p> <p>1 PROCEEDINGS</p> <p>2 sexual harassment and lack of safety on the</p> <p>3 job became the rule rather than the exception.</p> <p>4 Domestic workers in New York are mostly</p> <p>5 immigrant women of color and the exclusion of</p> <p>6 rights stem from institutionalized racism and</p> <p>7 the legacy of slavery. There is no real</p> <p>8 parity to domestic work because it's a role</p> <p>9 held almost exclusively of low-wage women and</p> <p>10 their undervalued labor. In New York, we have</p> <p>11 -- we passed the New York Bill of Rights,</p> <p>12 which was historic in that it is the first</p> <p>13 state in the entire country to pass a labor</p> <p>14 rights extending to domestic workers. But</p> <p>15 that means that we have to work really hard to</p> <p>16 educate the society that care work is seen as</p> <p>17 women's work. It's the work that is so</p> <p>18 undervalued because at this time traditionally</p> <p>19 underpaid and gendered in terms of</p> <p>20 responsibilities. And since it's ten years</p> <p>21 since the passage of the New York Bill of</p> <p>22 Rights, we have worked really hard to address</p> <p>23 implementation and enforcement of these</p> <p>24 rights. It's not nearly enough time or</p> <p>25 resources to undo the generations of wage</p>	<p style="text-align: right;">Page 35</p> <p>1 PROCEEDINGS</p> <p>2 and ecosystem and continue providing budgeting</p> <p>3 for the Department of Consumer Worker</p> <p>4 Protections, because we have been doing some</p> <p>5 great co-enforcement work. We want to be able</p> <p>6 to continue those, piloting these inroads into</p> <p>7 enforcing and having access to rights for</p> <p>8 domestic workers.</p> <p>9 I also have laid out some other</p> <p>10 recommendations, but thank you very much for</p> <p>11 listening to me.</p> <p>12 (Applause.)</p> <p>13 MS. SACKMAN: Hi, my name is Bobbie</p> <p>14 Sackman and I am here tonight on behalf of the</p> <p>15 Radical Age Movement.</p> <p>16 I want to thank you for holding this</p> <p>17 hearing tonight. I am here to talk about age</p> <p>18 justice issues of older women of -- including</p> <p>19 older women in the feminist agenda, because</p> <p>20 they keep leaving us out and it's time to</p> <p>21 expand the women's agenda beyond our</p> <p>22 reproductive rights. That means age 50 plus,</p> <p>23 doesn't it, and a little bit before, right? I</p> <p>24 am stretching it, right? So I am really here</p> <p>25 to talk tonight about age discrimination in</p>
<p style="text-align: right;">Page 34</p> <p>1 PROCEEDINGS</p> <p>2 disparity among domestic workers. We see that</p> <p>3 over a lifetime, domestic workers lose out on</p> <p>4 income as it's passed down to the next</p> <p>5 generation. This is work that is passed down</p> <p>6 from mother to daughter to granddaughter. And</p> <p>7 that the time that is stolen, the wages that</p> <p>8 are stolen, are then passed on to the next</p> <p>9 generation of domestic workers. We see that</p> <p>10 equalizing pay in the care industry is more</p> <p>11 than making men and women's wages the same;</p> <p>12 it's about shifting the way we think about</p> <p>13 care and the women who do care for us.</p> <p>14 I would like to recommend that we pass</p> <p>15 the inclusion of domestic workers in the human</p> <p>16 rights law against discrimination in the</p> <p>17 workplace, which is Intro 339. It's still</p> <p>18 legal to discriminate against domestic workers</p> <p>19 in the home place in New York City. We need</p> <p>20 to pass personal pay time with the inclusion</p> <p>21 of domestic workers. We need to provide</p> <p>22 community service support and extended care</p> <p>23 support targeting domestic workers and their</p> <p>24 families. We need to provide a social safety</p> <p>25 net, basically create an entire infrastructure</p>	<p style="text-align: right;">Page 36</p> <p>1 PROCEEDINGS</p> <p>2 the workplace.</p> <p>3 And just really quickly, I am not going</p> <p>4 to go through the testimony as you see it.</p> <p>5 It's full of a lot of statistics and data.</p> <p>6 Just some highlights. Thousands of women in</p> <p>7 New York City over age 50 face multiple</p> <p>8 economic and age justice issues. There is --</p> <p>9 we are living the history of pay equity being</p> <p>10 unfair. Women are aging into poverty. It's</p> <p>11 our generation, 50 to 80-whatever and older,</p> <p>12 90. So lessons of this pay equity are being</p> <p>13 lived out and what are we doing about it, what</p> <p>14 are we looking at? There's rampant age</p> <p>15 discrimination in the workplace. You will see</p> <p>16 a little later in the testimony Councilwomen</p> <p>17 Margaret Chin, the Aging chair, just a week</p> <p>18 ago introduced a legislative package into city</p> <p>19 council the first time historically addressing</p> <p>20 age discrimination in the workplace. And I am</p> <p>21 asking all of you in your positions and -- all</p> <p>22 of you in your positions to please take this</p> <p>23 on. This is a group of women that have</p> <p>24 remained invisible for far too long. People</p> <p>25 are in quiet desperation. They are losing</p>

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2 their jobs, they can't get jobs, they are not

3 promoted. You probably know somebody in this

4 position.

5 Caregiver responsibilities. Every time

6 you say child care, please say home care.

7 This is across the lifespan. Women lose out

8 on Social Security when they, you know, leave

9 the workforce to raise their kids and then to

10 take care of elderly parents and relatives,

11 but we don't say it in the same breath.

12 Please do. Personal bankruptcy skyrockets

13 after age 65 due to inadequate income and

14 medical bills and these are people on

15 Medicare. Think about that when we talk about

16 Medicare for all. Nationally five years from

17 now, women age 55 are projected to be 25

18 percent of the women's labor force. The

19 message is we are part of the future too. If

20 you are being fired, if you are being told to

21 get lost it means you have no place anymore

22 and demographically, socially, emotionally,

23 you name it, this is devastating. And so it's

24 time to say that older adults are part of the

25 future too. We don't age the same way other

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2 generations have aged and, yes, we need the

3 money.

4 So that's -- you know, I am not going to

5 go through the whole package. It involves the

6 Human Rights Commission and we met the other

7 day. Thank you for that roundtable we had and

8 the meetings I have had with you, Jackie. And

9 I just want to say, please let's be able to

10 move forward so that there is a feminist

11 agenda across the lifespan.

12 Thank you.

13 (Applause.)

14 MS. EBANKS: Can you -- Bobbie, can you

15 just state the package?

16 MS. SACKMAN: Sure, always glad.

17 So there is one to develop an anti-agism

18 curriculum to educate the workforce not only

19 in city agencies, we would like to see it in,

20 you know, anybody that the city contracts

21 with. This sort of mirrors sexism and

22 antiracism, et cetera. There's one to

23 implement a public awareness campaign on age

24 discrimination in the workplace. So when I

25 see those posters about women that are

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2 pregnant, I want to see something next to it

3 about older women. There is Human Rights

4 Commission I know is already working, thank

5 you, on developing a testing protocol. The

6 establishment of an office of older worker

7 workforce development. People need training,

8 but they also need wraparound supports and

9 establishing a task force to further study

10 this and make recommendations.

11 Thank you for the time.

12 (Applause.)

13 MS. PENN: Hi, I am Faye Penn. It's

14 funny to put my back to so many people. I am

15 the executive director of Women.NYC, which is

16 a city government agency which is designed to

17 amplify the city's programs and services for

18 women and also launch our own.

19 Thank you, Jackie, the commission on

20 gender equity. Thank you, commissioners. And

21 thank you for everyone who is testifying

22 today. And, Bobbie, thank you for bringing

23 the issue of aging women to the fore of this

24 conversation on pay equity.

25 I wanted to just throw out a statistic

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2 that I read recently, which is that men reach

3 peak earning potential at 55 and women reach

4 it at 44. So our earning potential is

5 declining ten years earlier than our male

6 counterparts. I wanted to talk today about

7 how New York shows how a city can lead the way

8 in promoting gender equity.

9 First, I wanted to talk a little bit

10 about Women.NYC. It was launched by the City

11 of New York in 2018 to amplify city programs

12 and launch new ones. One of our current

13 efforts is Ask For More, which is a program to

14 educate 10,000 New York City women in salary

15 negotiations through free workshops in the

16 five boroughs as well as online. In our

17 workshops, you will learn what in addition to

18 a smile will help you achieve that promotion

19 or raise that you are seeking. In

20 partnerships with other agencies and

21 nonprofits, Women.NYC programs have offered

22 free tech training to mothers who have taken

23 time off to raise their families. We are

24 investing in minorities and women-led startups

25 through a dedicated venture fund, who are

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2 funding finishing grants for females creatives

3 with the Mayor's Office of Media and

4 Entertainment. And we are working toward

5 creating equity in our public art spaces

6 through a public art program called She Built

7 NYC.

8 I wanted to talk a bit about the

9 international context that Fatima mentioned,

10 the World Economic Forum numbers which are

11 pretty striking. Since 2006 the World

12 Economic Forum has issued a ranking of

13 countries based on gender-equity benchmarks.

14 They assess each countries' economic

15 participation and opportunities, educational

16 attainment, health and survival, and political

17 empowerment. In 2018 the country that ranked

18 as the most gender equal by the World Economic

19 Forum, can anyone guess what that was?

20 Iceland, exactly. This is a country that is

21 fully committed to closing the gender wage gap

22 and has stated it plans to do so by 2022.

23 Last year Iceland became the first country to

24 levy penalties against companies that have a

25 gender wage gap. Companies have until 2021 to

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2 take action before they are fined. Not far

3 behind Iceland is Norway, Sweden, and Finland

4 countries that have generous family leave and

5 progressive family support programs. Lest you

6 think that only Northern European companies

7 rank highly, Nicaragua, Rwanda, Namibia and

8 the Philippines help round out the top ten.

9 Does anyone know where the United States was

10 on the World's Economic Forum's ranking. 51,

11 right behind Zimbabwe, Bangladesh, Mozambique,

12 and Mexico. Times Up, okay. Simply put it,

13 will be 61 years before gender parity is

14 achieved in Western Europe, but it will be 165

15 years before there is equity in our own

16 country. This cannot simply be left to the

17 private sector to work out. On a world scale,

18 our unequal participation in the workplace

19 cost the global economy trillions and we know

20 the current Whitehouse is not likely to take

21 the lead. It promptly dismantled Obama's

22 equal pay rule because it was burdensome for

23 corporations. Fortunately, some other folks

24 talked about the work that the de Blasio

25 administration has accomplished to help level

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2 the playing field.

3 I just want to cite the Commission on

4 Gender Equity, which is working to make New

5 York City an even more equitable employer

6 while taking aim more broadly at

7 discrimination against women, girls,

8 transgender, and nonbinary individuals. I

9 also wanted to highlight the incredible WENYC

10 program at the Department of Small Business

11 Services, which has become an international

12 standard bearer for how a city can support

13 female business owners and aspiring ones and

14 many more agencies, including the Mayor's

15 Office of Media and Entertainment, by doing

16 their part as well. But there is still room

17 to improve.

18 And because I am out of time, I want to

19 lend our support to the various initiatives

20 that My Times Up colleague discussed in terms

21 of fostering corporate equity, investing in

22 promoting women leaders, particularly women of

23 color, putting more women on boards and

24 fostering work life balance for all employees,

25 including those taking care of aging folks.

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2 We have seen that when advocates shine a light

3 on the economic and human costs of inequity,

4 change is possible.

5 Just one statistic for you: As recently

6 as 2012, one in 8 S&P 500 companies had

7 all-male boards. This year the last remaining

8 all male-board on the S&P 500 went extinct.

9 This change only happened because

10 organizations like Catalyst Alliance For Board

11 Diversity and others folks in this room shined

12 a spotlight in this room and advocated for

13 change. Women.NYC is proud to be an agent for

14 change in helping women of this city to reach

15 their full potential and we are proud to work

16 with all of you to make the gender pay gap a

17 vestige of the past.

18 Thank you.

19 (Applause.)

20 MS. LUKE: Good evening, everybody.

21 Thank you so much, commissioners, for this

22 opportunity to talk about gender equality and

23 the gender payback.

24 My name is Mary Luke and I am wearing

25 three hats today. The first one is as a board

<p style="text-align: right;">Page 45</p> <p>1 PROCEEDINGS</p> <p>2 member of PowHer New York. And I am so proud</p> <p>3 to be working with Bev Neufeld, one of your</p> <p>4 commissioners who work closely with the</p> <p>5 commission to publish this wonderful report on</p> <p>6 "Leveling the Playing Field, Best Practices For</p> <p>7 Gender Pay Equity in the Workplace." This is</p> <p>8 a report that is not only relevant to</p> <p>9 New York, it really sets best practices for</p> <p>10 the whole country and, in fact, for the world.</p> <p>11 The second hat I am wearing is for UN</p> <p>12 women. I am the co-president of the Metro</p> <p>13 New York Chapter of UN Women. And as probably</p> <p>14 many of you know, not everybody, UN Women is</p> <p>15 the global advocate for women's empowerment</p> <p>16 and gender equality. And as part of that</p> <p>17 role, one of the most important pillars is the</p> <p>18 pillar of women's economic empowerment. We</p> <p>19 are a member of the Equal Pay International</p> <p>20 Coalition of which PowHer is also now a member</p> <p>21 and that really give us the global platform.</p> <p>22 We are a partner with ILO, the International</p> <p>23 Labor Organization, as well as the OECD which</p> <p>24 is the Organization for Economic Cooperation</p> <p>25 and Development. And with these three</p>	<p style="text-align: right;">Page 47</p> <p>1 PROCEEDINGS</p> <p>2 that's leadership in the workplace, leadership</p> <p>3 in government. We also need plans of action,</p> <p>4 we need concrete plans based on -- it can't be</p> <p>5 time's up. Really?</p> <p>6 All right, I am going to give a couple</p> <p>7 of case studies, if you don't mind. The Gap</p> <p>8 was the first Fortune 500 company to confirm</p> <p>9 that it paid men and women equally across all</p> <p>10 locations and that's because they had</p> <p>11 gender-friendly environments, they had a</p> <p>12 culture of collaboration, support for women,</p> <p>13 they also had managers who had clear criteria</p> <p>14 to position employees appropriate in their pay</p> <p>15 range. They gave manager data, they had</p> <p>16 transparency. They had a budget to make</p> <p>17 adjustments and pay. They also had the same</p> <p>18 hiring and recruitment; no salary history was</p> <p>19 required and they had transparency.</p> <p>20 My second case is in Iceland and it's</p> <p>21 about parental leave, which is really</p> <p>22 important. And so in Iceland they have -- get</p> <p>23 this, they have three months paid leave for</p> <p>24 the woman or the mother, they have three</p> <p>25 months for the father, and then they have</p>
<p style="text-align: right;">Page 46</p> <p>1 PROCEEDINGS</p> <p>2 international institutions, one of our big</p> <p>3 goals is to bridge and reduce the gender pay</p> <p>4 gap. And UN Women indeed made a pledge that</p> <p>5 by 2030, we would be raising awareness and</p> <p>6 drawing global political attention to the</p> <p>7 concrete advancement of this agenda.</p> <p>8 One of the big projects of UN Women now</p> <p>9 is called UN Women. We empower through</p> <p>10 responsible business conduct in G7 countries.</p> <p>11 And this gives us the opportunity to work with</p> <p>12 all of the G7 countries to look at the best</p> <p>13 practices around Europe and to share those.</p> <p>14 And so I am going to be sharing a couple of</p> <p>15 case studies from that project.</p> <p>16 So before I go there, I just want to</p> <p>17 make a few points about what will it take to</p> <p>18 make gender pay parity a reality for all women</p> <p>19 around the world. The first has already been</p> <p>20 mentioned. It's really about strong</p> <p>21 government commitment to gender equality. We</p> <p>22 need strong laws, we need strong policies; we</p> <p>23 can't do it without that. We clearly need</p> <p>24 strong leadership to change culture and norms</p> <p>25 for gender equal and safe workplaces and</p>	<p style="text-align: right;">Page 48</p> <p>1 PROCEEDINGS</p> <p>2 three months of shared equal. And what it</p> <p>3 turns out is that it's so important to have</p> <p>4 paid leave for both parents. It matters how</p> <p>5 the paid leave is being used. Women tend to</p> <p>6 take longer leaves and men take shorter</p> <p>7 leaves, which leaves women at a disadvantage</p> <p>8 and it's because of all the household duties.</p> <p>9 Salary matters because men have higher</p> <p>10 salaries, they take less leave. And culture</p> <p>11 is also a big factor. And even in Iceland, we</p> <p>12 have men who basically are discriminated</p> <p>13 against for taking pregnancy leave.</p> <p>14 So the last thing I want to say is I</p> <p>15 want to talk about one major recommendation is</p> <p>16 about CEDAW. We need strong policies and laws</p> <p>17 in place as the foundation for gender</p> <p>18 equality. Many of you know that the</p> <p>19 Convention on the Elimination of All Forms of</p> <p>20 Discrimination Against Women is a global human</p> <p>21 rights treaty that's been signed by all</p> <p>22 developing countries except for the U.S. And</p> <p>23 it includes that women have equal rights to</p> <p>24 work with men which includes pay, promotions,</p> <p>25 training, health, and safety. So we are</p>

<p style="text-align: right;">Page 49</p> <p>1 PROCEEDINGS</p> <p>2 encouraging New York to adopt the CEDAW Act so</p> <p>3 that it can be used as one of the frameworks</p> <p>4 for advocating for pay equity.</p> <p>5 So thank you very much.</p> <p>6 (Applause.)</p> <p>7 MS. OSUAN: Good evening, everyone.</p> <p>8 Good evening, commissioners. Thank you so</p> <p>9 much for the opportunity to testify today.</p> <p>10 My name is Nekpen Osuan and I serve as</p> <p>11 the CEO and co-founder of an organization</p> <p>12 called WomenWerk. WomenWerk is a women</p> <p>13 empowerment nonprofit based here in New York</p> <p>14 City. Our goal is to organize women of color</p> <p>15 to build equity and inclusion. I am here</p> <p>16 today really to talk about some of the things</p> <p>17 we have learned at WomenWerk in the last year</p> <p>18 and a half. Our research isn't new. A lot of</p> <p>19 great data is out there about the systemic and</p> <p>20 root cause of pay inequity. What I am here to</p> <p>21 do is put on my consulting hat. I actually</p> <p>22 also work for Deloitte Consulting, so in my</p> <p>23 strategy practice I always try to look at the</p> <p>24 root causes of things. And I think that would</p> <p>25 be the framework that I recommend for the</p>	<p style="text-align: right;">Page 51</p> <p>1 PROCEEDINGS</p> <p>2 able to look into a complaint. As it stands</p> <p>3 today, when a women has to visit the EEOC</p> <p>4 office and is complaining about pay inequity</p> <p>5 what will really happen is one of two things;</p> <p>6 one, she will be told that the data wasn't</p> <p>7 collected or was not collectible because the</p> <p>8 organization or agency actually does not keep</p> <p>9 clear records of who is being paid what at</p> <p>10 what salary title and under what</p> <p>11 administrative title. This is something we</p> <p>12 can fix. The payroll office pays everyone</p> <p>13 here the right amount, not a dollar short, so</p> <p>14 they have that information. The root cause is</p> <p>15 that we are not connecting our data sets</p> <p>16 across the city. This is something that can</p> <p>17 be easily solved. In an age where we have</p> <p>18 bailed out our big banks for taking risks, I</p> <p>19 think we can figure out the technical solution</p> <p>20 to that issue. So pay transparency number,</p> <p>21 one.</p> <p>22 The second is: So when you are</p> <p>23 underpaid, what do you do, what typically</p> <p>24 happens in EEOC cases? And I am sharing this</p> <p>25 really not at any direction from anyone, but I</p>
<p style="text-align: right;">Page 50</p> <p>1 PROCEEDINGS</p> <p>2 commission and commissioners here today.</p> <p>3 First of all, one thing that comes up in</p> <p>4 all of our conversations at WomenWerk in the</p> <p>5 last year: We have been really amazed to</p> <p>6 share the platform and stage with EEOC</p> <p>7 Commissioner Charlotte Burrows with our</p> <p>8 partners at WeWork, with our friends at South</p> <p>9 By Southwest, and with our colleagues who are</p> <p>10 also deeply committed to this issue at Ladies</p> <p>11 Get Paid, raising up this conversation</p> <p>12 multiple times because it shouldn't just be in</p> <p>13 April or if you are a black woman, August, if</p> <p>14 you are a Latino woman, in November when you</p> <p>15 are talking about equal pay.</p> <p>16 So we learned three things: One, pay</p> <p>17 transparency is really the largest root cause</p> <p>18 of this issue. Women are underpaid because we</p> <p>19 don't know what everyone else is making. This</p> <p>20 is something that is easily fixed. We are not</p> <p>21 a socialist country, but we can borrow some of</p> <p>22 the best practices of our European partners</p> <p>23 who are forcing organizations both private and</p> <p>24 public to share and keep pay data. This is</p> <p>25 only needed when the EEOC would actually be</p>	<p style="text-align: right;">Page 52</p> <p>1 PROCEEDINGS</p> <p>2 have been told through stories that one EEOC</p> <p>3 office at the federal level is deeply</p> <p>4 understaffed. As many of you know,</p> <p>5 Commissioner Burrow's office was sitting at</p> <p>6 twelve executives across the country. She now</p> <p>7 sits with three people in her office because</p> <p>8 it's underbudgeted and underfunded I am sure</p> <p>9 intentionally. The thing that happens when</p> <p>10 you are underpaid that you might want any help</p> <p>11 for and I think you guys can be allies to</p> <p>12 women across the city in better protections</p> <p>13 around the language in our current laws. New</p> <p>14 York City not only needs a local version of</p> <p>15 the Paycheck Fairness Act which is very</p> <p>16 explicit about ways to protect women better,</p> <p>17 but we also need to get rid of things like</p> <p>18 title seniority and past experience which is</p> <p>19 all tied to past salary history. If we say we</p> <p>20 don't want salary history to be a reason, we</p> <p>21 need to look for why we still have those</p> <p>22 protections for companies today.</p> <p>23 Thank you.</p> <p>24 (Applause.)</p> <p>25 MS. PALMER: Good evening. Thank you,</p>

<p style="text-align: right;">Page 53</p> <p>1 PROCEEDINGS</p> <p>2 thank you very much for hosting me. My name</p> <p>3 is Meggie Palmer and I am the CEO and founder</p> <p>4 of PepTalkHer.</p> <p>5 I emigrated to the United States about</p> <p>6 two-and-a-half years ago. And so like so many</p> <p>7 others I chose New York City not because of</p> <p>8 the tall buildings or the great food, but</p> <p>9 because of the progressive sound of the city.</p> <p>10 A city with the right devotion to debate</p> <p>11 legislation and action on an issue that really</p> <p>12 matters to me, pay equity. I founded</p> <p>13 PepTalkHer after my own experience in my</p> <p>14 former life as a journalist of pay inequity.</p> <p>15 Frustrated, I decided to try and do something</p> <p>16 about it and so PepTalkHer was born. We</p> <p>17 provide inhouse training to Fortune 500</p> <p>18 companies and we also support a community of</p> <p>19 more than 15,000 women who are generally</p> <p>20 mid-career aspirational professional women.</p> <p>21 We built an app to help these women and</p> <p>22 underrepresented people to help them build</p> <p>23 the skills that they need to get a better and</p> <p>24 fairer deal at work. Our community tells us</p> <p>25 that they often have no idea if they are paid</p>	<p style="text-align: right;">Page 55</p> <p>1 PROCEEDINGS</p> <p>2 promotions as a result. Our data shows that</p> <p>3 tracking success and promoting those wins does</p> <p>4 make a difference.</p> <p>5 Also necessary to making a big</p> <p>6 difference is the role in legislation in</p> <p>7 companies, as so many of my colleagues today</p> <p>8 have spoken about. Transparency in pay is</p> <p>9 crucial. A recent study by the Harvard</p> <p>10 Business Review show that is where wage</p> <p>11 transparency is mandated, the wage gap</p> <p>12 narrows. And indeed we have seen this in</p> <p>13 Denmark where companies with more than 35</p> <p>14 employees are required to report on their pay</p> <p>15 data based on gender and they actually saw a</p> <p>16 shrinking of the pay gap by 70 percent as a</p> <p>17 result of this. We advise the community today</p> <p>18 to request New York companies introduce</p> <p>19 transparent pay bans alongside clear criteria</p> <p>20 for promotional opportunity, but most</p> <p>21 importantly we really love to see it mandated</p> <p>22 that companies conduct pay analysis annually</p> <p>23 with this data maybe publicly available.</p> <p>24 Evolution will not happen in the dark. We</p> <p>25 need a shining light of public scrutiny placed</p>
<p style="text-align: right;">Page 54</p> <p>1 PROCEEDINGS</p> <p>2 fairly or not. They tell us that fear often</p> <p>3 holds them back from negotiating. And they</p> <p>4 tell us that even if they build up the courage</p> <p>5 to ask for a raise or promotion, they struggle</p> <p>6 with knowing properly how to successfully</p> <p>7 close that discussion. And so we built the</p> <p>8 PepTalkHer app.</p> <p>9 I am proud to tell that you we launched</p> <p>10 the app with Vogue at a summit just a few</p> <p>11 months ago. Using the Nudge theory of</p> <p>12 psychology, the app prompts users twice a week</p> <p>13 to enter their wins and their successes so</p> <p>14 that they can document them. These</p> <p>15 statistics, these anecdotes, and the images</p> <p>16 that users can record can then be used as</p> <p>17 qualitative and quantitative data when they</p> <p>18 advocate for a raise or for a promotion. Our</p> <p>19 users tell us that they have noticed an</p> <p>20 increase in their sense of self-worth because</p> <p>21 they are refocusing and reflecting on the</p> <p>22 positives rather than the failures. One of</p> <p>23 our users successfully negotiated a \$60,000</p> <p>24 pay raise after using the app and dozens have</p> <p>25 e-mailed us to tell us they have had</p>	<p style="text-align: right;">Page 56</p> <p>1 PROCEEDINGS</p> <p>2 on this issue.</p> <p>3 While the levers of change are still</p> <p>4 sadly predominantly in the hands of men, we</p> <p>5 ask this committee to actively engage allies.</p> <p>6 In my native country of Australia, the Male</p> <p>7 Champions of Change program has helped</p> <p>8 activate and give prominence to this issue</p> <p>9 that we are discussing today. It activates</p> <p>10 influential leaders, often CEOs, to support</p> <p>11 and step up alongside us to further drive</p> <p>12 change across the private and government</p> <p>13 sector. We know the fight for equality will</p> <p>14 need to utilize both micro and macro levers</p> <p>15 and we are proud to be among the dedicated</p> <p>16 people in this room today working to create</p> <p>17 this change. Enough of the debate and delay</p> <p>18 tactics. It's time for action.</p> <p>19 Thank you.</p> <p>20 (Applause.)</p> <p>21 COMMISSIONER MALALIS: Ms. Palmer, hi.</p> <p>22 Can I just ask you a question. Hi,</p> <p>23 congratulations on the launch of your app.</p> <p>24 It's a few months ago and you have 15,000 in</p> <p>25 your PepTalkHer community right now?</p>

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2 MS. PALMER: That's right.

3 COMMISSIONER MALALIS: Where do you
4 advertise?

5 MS. PALMER: We don't advertise,
6 actually. We started grassroots maybe three
7 years ago just on social media and it's grown
8 from here. I mean, we are self-funded; we
9 have not taken any venture money. We are
10 impact driven, but for-profit business. And
11 it's so really been just word of mouth,
12 partnerships, people in our community tell
13 other people. We would love to be able to
14 afford to advertise, but we can't afford it
15 right now.

16 COMMISSIONER MALALIS: Do you see any
17 patterns in demographics?

18 MS. PALMER: So in terms of our
19 community, it's 91 percent female. In terms
20 of the app users, it's about 85 percent female
21 identifying. We do know there are some men
22 who are using the app because they have
23 e-mailed us and told us that they suffer from
24 imposter syndrome. A lot of them identify as
25 gay, actually, because they have e-mailed me

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2 and told me that.

3 In terms of patterns, I mean, I know
4 there have been several studies done that some
5 of my colleagues talked about earlier that
6 showed that actually women do ask for raises
7 at the same levels. Our community anecdotally
8 tell us that they don't actually always have
9 the confidence to ask those questions. I am
10 not sure of the sample size of all of the
11 Harvard studies at that level, but certainly
12 mid-career. So they tend to be 25 to 40 years
13 old and -- yes.

14 COMMISSIONER SALAS: Did you say
15 something about demographics on race?

16 MS. PALMER: We don't track race in the
17 app, but -- no, we don't track that. The
18 community itself anecdotally, it's very
19 diverse our community. But I don't have the
20 specific statistics on that because we don't
21 ask the question when people register, but
22 that's something we might look to add in.

23 COMMISSIONER ANUJA: So I think you and
24 Nekpen talked about the importance of salary
25 transparency in job descriptions. We heard

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2 earlier from the Women.NYC that's investing
3 quite a bit in salary negotiation. Not that
4 it's a zero sum game, but I am curious about
5 your thoughts in terms of the strategy that
6 the city should pursue in investing in salary
7 negotiation. I think I hold an assumption
8 that that sort of people who know how to
9 negotiate are better negotiators.

10 I wonder to what extent that serves all
11 of us and so I think: How do we think about a
12 strategy as a city around salary transparency
13 being something that big companies should
14 champion or the city should champion in
15 addition to need for increasing the skill set
16 of the workforce around salary negotiation?
17 Just curious if you have thoughts on that.

18 MS. PALMER: Absolutely, and feel free
19 to add something.

20 I mean, yes, we feel like education is
21 super important. You know, there are so many
22 women out there who are amazing negotiators
23 and they will never need training and that's
24 fabulous and those are not the women that need
25 us.

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2 So the people that are part of the
3 PepTalkHer community don't always have the
4 confidence. They do need ongoing education
5 and they certainly need a community of people
6 who they feel like they could continuously
7 engage and ask questions with so they can kind
8 of just continue that momentum I suppose from
9 those training programs going forward.
10 Because I think what we hear from them, again
11 anecdotally from our sample size of 15,000, is
12 it's isolating. And when there are
13 situations, you know, when you find out you
14 are being underpaid, when you are threatened
15 with being sacked because you are pregnant,
16 those are isolating experiences and fear
17 creeps in. And perhaps, you know, some of the
18 rational negotiating skills that maybe you
19 have had in your head in the past aren't
20 necessarily front of mind in that moment.
21 Yes, that sort of scary moment I suppose in
22 their career.

23 COMMISSIONER ANUJA: Thank you.

24 MS. PALMER: Thank you for having me.

25 MS. OSUAN: Commissioner Anuja, that's a

<p style="text-align: right;">Page 61</p> <p>1 PROCEEDINGS</p> <p>2 great question about how sort of where do we</p> <p>3 support women in their journey for salary</p> <p>4 negotiations. One of the biggest things we</p> <p>5 are participating with Community Voices Heard</p> <p>6 now, to survey over 5,000 women of color</p> <p>7 across New York City -- and if you are</p> <p>8 interested in taking that survey, please come</p> <p>9 see me afterwards. But one of the biggest</p> <p>10 things is that a lot of women who are women of</p> <p>11 color in our communities told us they were</p> <p>12 really nervous to negotiate salary. They are</p> <p>13 afraid the offer will be rescinded and I think</p> <p>14 to a certain degree that fear is not</p> <p>15 unfounded. I don't think people woke up</p> <p>16 saying I want to leave \$50,000 on the table</p> <p>17 which was the gap I had to negotiate with my</p> <p>18 current role.</p> <p>19 So that being said, I am glad that many</p> <p>20 organizations are trying to train more women.</p> <p>21 We don't have the funding in WomenWerk</p> <p>22 unfortunately to do that, but our members are</p> <p>23 very interested in this. We just had our last</p> <p>24 event at WeWork on the topic of achieving pay</p> <p>25 equity for black women and I would say 50</p>	<p style="text-align: right;">Page 63</p> <p>1 PROCEEDINGS</p> <p>2 context of larger racial justice concerns and</p> <p>3 is committed to building movements where</p> <p>4 gender matters in social justice organizing,</p> <p>5 so that all members of black communities</p> <p>6 achieve social political and economic equity.</p> <p>7 One in five women are sexually assaulted</p> <p>8 while in college, with one out of every four</p> <p>9 female undergraduates experiencing some form</p> <p>10 of sexual assault before graduation. Further</p> <p>11 when and where available, only 16 percent of</p> <p>12 survivors report utilizing campus services.</p> <p>13 Pay equity is a complex issue. And while</p> <p>14 higher education can bring an increase in</p> <p>15 earnings, the gender pay gap is larger among</p> <p>16 white men and black women who possess a</p> <p>17 college degree. Contributing to the pay gap</p> <p>18 is the lack of accommodations for student</p> <p>19 survivors, specifically black women who</p> <p>20 experience gender-based violence and sexual</p> <p>21 assault. Women who experience either on or</p> <p>22 off campus violence are more likely to</p> <p>23 withdraw from academics, experience emotional</p> <p>24 distress, report anxiety and depressive</p> <p>25 symptoms, amongst others that I have listed</p>
<p style="text-align: right;">Page 62</p> <p>1 PROCEEDINGS</p> <p>2 percent of the women who came up and testified</p> <p>3 told us that they do not have a sense of sort</p> <p>4 of how to begin negotiating. Because at the</p> <p>5 point that they start negotiating some of the</p> <p>6 women said they found out they were already</p> <p>7 underpaid, which historically is always an</p> <p>8 issue; so how do you research what's a fair</p> <p>9 pay, how do you structure that dance of</p> <p>10 negotiating. And so, as some of us know very</p> <p>11 well in this room, is something that I think a</p> <p>12 lot of people would stand to gain. And if we</p> <p>13 are honest, nobody teaches us that unless they</p> <p>14 have a mentor. And, unfortunately, some women</p> <p>15 have not had those mentors.</p> <p>16 MS. EBANKS: Thank you.</p> <p>17 Next.</p> <p>18 DR. CARTER: Good evening, everyone.</p> <p>19 Thank you for the invitation to give testimony</p> <p>20 on the issue of pay equity in New York City</p> <p>21 communities. My name is Dr. Leeja Carter and</p> <p>22 I am representing Black Women's Blueprint this</p> <p>23 evening. Founded in 2008, Black Women's</p> <p>24 Blueprint works to place black women and girls</p> <p>25 lives and struggles squarely within the</p>	<p style="text-align: right;">Page 64</p> <p>1 PROCEEDINGS</p> <p>2 here.</p> <p>3 My testimony today is to center the</p> <p>4 experiences of black women in college. Black</p> <p>5 women, college students, and survivors who</p> <p>6 need their institutions to provide effective</p> <p>7 support services and comprehensive</p> <p>8 accommodations to survivors throughout their</p> <p>9 college career. While the pay gap is still</p> <p>10 wide among those who have received a college</p> <p>11 degree, the percentage of those who don't</p> <p>12 graduate contributes to pay disparity. As an</p> <p>13 advocate and academician working in higher</p> <p>14 education for over a decade, I witnessed the</p> <p>15 ways in which colleges and universities have</p> <p>16 provided support for survivors as well as have</p> <p>17 missed the mark in providing adequate</p> <p>18 accommodation to survivors as they work to</p> <p>19 complete their educations. I see why people</p> <p>20 took this off. However, there are ways in</p> <p>21 which we can improve campus support for</p> <p>22 survivors, including holding universities</p> <p>23 accountable for ensuring that their services</p> <p>24 are tailored to the needs of survivors so as</p> <p>25 to encourage their use. This means creating</p>

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reasonable accommodations for survivors; not just making accommodations the responsibility of faculty, department chairs or deans, but creating comprehensive accommodations that spans the entire university and campus community. Developing survivor-led programs for policies and for students. Monitor and support research to generate evidence-based programs to support student survivors experiences so that way they can complete their academics. Work with multiple campus stakeholders in developing a robust accommodations policy and support services and also engage survivors in economic mobility conversations.

We are grateful to the commission for calling this hearing to give further light and conversation and hope to create necessary change that benefits women in our city.

Thank you.

(Applause.)

MS. ROSENTHAL: Good evening, I am Helen Rosenthal. I am proud to chair the Committee on Women and Gender Equity in the New York

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City Council. Thank you to the Commission on Gender Equity, Commission on Human Rights, Department of Consumer and Worker Protection, and the New York City Bar Association for hosting this hearing. And, thank you to everyone who is testifying today. It's really some amazing people I am seeing in the audience so, thank you.

The Committee on Women and Gender Equity will be paying very close attention to what is heard today. We are especially interested in how existing pay equity policies have performed and we will need more information about how pay inequity is affecting people with disabilities, immigrants, women of color and other particularly vulnerable workers.

As has been said many times it's unacceptable that in 2019 in the wealthiest country in the world, the U.S. remains plagued by wage disparities. As we know, the gaps are especially pronounced for Latina and black women who are forced to confront both racism and sexism. It is also a senior issue. As we learned at a recent city council hearing by

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the time women in New York City reach their eighties, almost 1 in 4 are living in poverty. This is the result of many factors including a lifetime of salary inequity and reduced retirement income, as well as time outside of the workforce to care for family members. In fact, one of the principals at a school in my district is pregnant with her second child and just called me to say that unfortunately she is leaving the school and will continue to work part time at the Department of Education. But of course while I am so proud for her and happy for her, I know that this will affect the amount of money she will get in Social Security for her retirement.

Part of the solution to wage inequity is eliminating gender-based harassment. Women and lesbian, gay, bi, trans and gender-nonconforming people cannot achieve economic empowerment if they are being harassed and abused at work, plain and simple. And I was just hanging out with our future generation of workers, amazing students at CUNY many of whom fall into those categories,

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and it gives us all a sense of urgency. Last year the city council took forceful action against workplace harassment because every New Yorker deserves a safe and welcoming workplace where they can climb economic and professional ladders. Another part of the solution is defending workers rights to organize. When workers have real representation, they are far better equipped to secure fair wages. The way forward is clear. We need workplace democracy. We need to increase diversity in leadership, whether unions, corporate boards or governing bodies. And we must continue to break down barriers of racism, sexism, and ablism across society.

Thank you to the hundreds of community-based organizations, labor unions, and so many others who are helping to lead this fight. It's terrific to see everyone.

Thank you.

(Applause.)

MS. COATS: Good evening. I am Shari Coats. I am deputy general counsel for Deloitte and I am proud to be here

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representing Deloitte, so thank you for having me.

I am particularly pleased to be representing Deloitte because inclusion is foundational to our culture. It is part of our values; it's embedded in what we do. We were the first professional services organization to establish a women's initiative and a diversity initiative back in 1993 when we started. And we have continued ever since, not forgetting about our priorities. A lot has changed in the last 30 years, but a couple of things are constant and that is our leadership commitment to the issues and continued commitment to remember that we need to continuously evolve on the issues of inclusion and gender equity. Pay equity cannot and should not be viewed as a one-time fix. It's a very complex issue, as many people have identified. And it doesn't matter what size scale or complexity of the organization you are in.

One of the reasons I am here today is to talk about our perspective as a business, but

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we also don't forget about the perspectives of small business and the resources that all businesses have. They may differ and the challenges that each business can accomplish or overcome are different, you know, depending on the size and the resources that they have available to them.

There are additional factors that also need to be considered in the pay equity discussion. That has been discussed here today. I really appreciate that everyone so far has mentioned these issues. It's not just a gender lens that these are particularly focused on; this is also the other lens of different groups that people attribute themselves to. It's also the intersectionality of those different groups that those lenses that we need to be looking at gender -- excuse me pay equity. Pay equity requires constant attention, as we have discussed. And there are several leading practices that I want to talk about. We continuously want to share our best practices that we believe are appropriate not just for

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our organization, but for many organizations that we think need to be perpetuated by the organizations and that we are happy to share.

First, year-round focus and accountability. This is something that we have all talked about tonight. That is looking at your own compensation practices. Understanding when there are some issues, taking ownership of them. Building transparency so that people can actually raise concerns without the fear of retaliation. Having a vehicle for people to raise concerns and addressing those appropriately. Using analytics in order to do complex analyses that are needed for pay. While we have the resources to do that, not everybody does. So providing those types of things for organizations that don't have those resources would be truly beneficial. Benchmarking, engaging in annual external benchmarking of salaries is extremely helpful for organizations. It better -- it helps to better control for equity in your compensation practices and helps you avoid having to rely

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on that prior salary information. The new laws related to getting rid of prior salaries are fantastic and organizations really need to be eliminating prior salary from that and evaluating candidates and setting compensation based on skills, experience, and qualifications. Education and training. Things that we are doing that are particularly important, our unconscious bias types of training, helping people understand the unconscious bias that can come into play when making decisions. So making more people aware of their unconscious biases that can impact pay decisions and training on inclusive leadership. Really building inclusive teams so that people can contribute to the extent that they are capable of. A lot of people feel they can't contribute sufficiently because they don't feel included as part of the organization. And sharing experience and best practices. Again, this is important for us all.

Thank you for having this conversation. I think we all need to learn from each other

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2 and thank you.

3 MS. TILLERY: May I ask you a few

4 questions. One, I am curious to hear from you

5 if there had been any challenges in

6 implementing the salary transparency in New

7 York City.

8 MS. COATS: I think for our organization

9 because we have so many workers, it's probably

10 easier for us. I think it's harder for

11 organizations that I have talked to where they

12 don't have the data available. I hear a lot

13 about well, I don't know what this job is

14 worth so I have to ask for that information

15 because I don't know what I should be paying

16 these people. Again, we can afford to pay to

17 get that external benchmarking.

18 We also are an in industry where there

19 is like glass-door vault, fishbowl, there is

20 always talk about pay. It may be anonymous,

21 but there is a lot of talk among people and

22 what they are making, but in smaller places or

23 in industries where that doesn't exist, people

24 don't know what the job is worth. It's a lot

25 harder for those companies.

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2 COMMISSIONER ANUJA: You note it as a

3 positive for Deloitte. I am curious what

4 impact or reporting-wise anecdotally or

5 otherwise, what you have seen.

6 MS. COATS: Reporting, I'm sorry?

7 COMMISSIONER ANUJA: On the fact that

8 people now aren't asking about salary history,

9 how has that played out at Deloitte?

10 MS. COATS: I think it also just impacts

11 the pay not just at the time of hiring, but

12 educating people on what should you be looking

13 for as you continue to increase people's pay.

14 So merit increases, bonuses, et cetera, having

15 the continued conversation about what's

16 important when taking into consideration

17 someone's contributions in order to make those

18 pay decisions is valuable.

19 COMMISSIONER ANUJA: Thank you.

20 Ms. Coats, I am interested in the

21 analytics that you employ and what are you

22 testing and what sort of results?

23 MS. COATS: Sure.

24 So a lot of times what companies need to

25 do, and this is a challenge for a lot of

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2 companies, is to really understand the types

3 of things that actually do impact pay. So for

4 example it may be a specific degree or it may

5 be the geography where this person works, it

6 may be the years of experience. All of the

7 things that are legitimate business factors,

8 the types of things that we talked about. I

9 think my colleague from Times Up organization

10 talked about that and there are some things

11 that are permissible and other things that are

12 not. When you are analyzing pay, you do want

13 to take into consideration the things that are

14 permissible and control for those. It's a

15 real statistical analysis that needs to be

16 done when you undertake that. It's a complex

17 analysis, but it's really helpful to do.

18 COMMISSIONER ANUJA: Ms. Coats, do you

19 or Deloitte have data to what extent the

20 practices you have outlined here have

21 contributed in particular to closing the

22 racial wage gap or gender and racial wage gap,

23 to what extent have these practices closed the

24 wage for black and Latina women at Deloitte?

25 MS. COATS: We have not specifically

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2 done any differences in our analytics to

3 decide whether differences have been emanating

4 from some of these practices. These have been

5 practices that we have been putting in place

6 for years, but I do believe there is a lot of

7 research on that. And I can't speak to this

8 for certain, but I believe one of our research

9 entities is doing research on that very point.

10 So I can follow up on that.

11 COMMISSIONER ANUJA: Thank you.

12 MS. COATS: Thank you.

13 MS. REAGON: Thank you very much.

14 I would like to thank Jackie Ebanks and

15 the New York City Commission on Gender Equity,

16 Commission on Human Rights, and Department of

17 Consumer and Worker Protection for this

18 opportunity to speak tonight on the issue of

19 pay equity.

20 My name is Merble Reagon. I am the

21 executive director at the Women's Center for

22 Education and Career Advancement. I would

23 like to start with a statistic. If women and

24 people of color were to receive wages equal to

25 those of men for comparable jobs, poverty

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among working women and their families would be cut in half and add a staggering \$513 billion to the national economy.

From 1970 to 2015, our Women's Center has helped thousands of women to prepare for further education jobs and careers. We learned early on that full-time jobs didn't always mean that they were earning enough money to meet their family's most basic living expenses. Since the year 2000 we have partnered with New York City philanthropy, human services agencies and, many others to define exactly what income working New York City families need to make ends meet, depending where they live in New York City and the ages of their children.

Over the past nineteen years we have developed five New York City self-sufficiency standard reports, most recently Overlooked and Undercounted 2018. These reports highlight the real life circumstances of 2.5 million members or 40 percent of working New York City families who are struggling to make ends meets because their wages do not cover the cost of

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their basic necessities. They represent more than 900,000 households in New York City and for them pay equity, excuse, me is a critical issue. Our report findings are divided into briefs focused on differences experienced by working families based on their race, ethnicity, citizenship, gender, education, New York City borough, and other factors.

One of the most important findings is that since the year 2000 the actual cost of living, 87 percent in New York City has risen at nearly three times the rate of wages, 31 percent. The official inflation since 2000 is just 42 percent. We worked with 32 other New York City Human Services academies in New York City to review the basic data and findings, then collaborated to develop a series of public policy recommendations designed, amongst other things, to be most impactful to and to reach working families most in need. It goes without saying that the issue of pay equity has hurt traditionally marginalized populations most.

So I am not going to go over statistics

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that have already been mentioned, but I will say that most of us who are here this evening do not need to be persuaded that in addition to pay equity, there are other public policies that will contribute to improving the financial security of low-wage working New Yorkers by reducing major nondiscretionary costs, reaching a broader audience, inclusive of marginalized populations, and by advancing coordinated and interconnected solutions. For the details, we encourage the panelists and others to review the proposed public policy recommendations and our key findings and recommendations, many of which have already been mentioned by people who have spoken.

Finally, we do applaud the historic Equal Pay legislation passed in New York State and New York City. However while New York State has extended the Pay Equity Act to all protected classes, we strongly recommend that New York State and New York City for both employers and workers that the necessary education, training, oversight and enforcement resource be made available to ensure that the

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new regulations and legislations have the intended benefits for the intended beneficiaries.

Thank you for this opportunity.
(Applause.)

MS. TILLERY: I have a question for you. I am curious in your report you talk about race ethnicity, looking at, you know, a number of factors. Do you look at all at sexual orientation and gender identity?

MS. REAGON: We do briefly. Our purpose is to demonstrate that these issues impact different communities in different ways and some more dramatically than others. That is absolutely something that we would take up in our next iteration.

MS. TILLERY: Okay, thank you.

MS. REAGON: Thank you.

Any other questions?

Thank you.

(Applause.)

MS. NEUFELD: Hi, I am Bev Neufeld. Sorry about that, I have a cold. I will do my very best. I am Bev Neufeld and I am

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president and founder of PowHer New York.

And I want to thank so many of the partners who are here today; UN Women, a Better Balance, Legal Momentum, you haven't come up yet, the Women's Center, Times Up, National Domestic Workers Alliance. We are all together in this work and we come together across sectors, across issues because this is such complicated work. I also want to say that I am a proud member of the Commission on Gender Equity, and I am also the head of co-chair of the Mobility Committee. And this is the "Leveling the Playing Field" that we produced together, so you can find that online. We kind of ran out of copies, it's so popular. So I have written a bit of treatise. It's there for you to read, so just really the high points for me.

Almost everything has been covered in terms of numbers, but I think what I can give you a perspective on is what a difference thirteen years makes. Thirteen years ago, we had our first equal payday rally. It was five women on the steps of City Hall wearing red,

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seeing red because women are still in the red, right? We always say that. And thirteen years later we heard "Equal Pay" being shouted through the canyon of heroes, you know, when our women soccer players came up and it was so heartening to know that things can change, things can improve. Thirteen years is a long time, but in the scheme of things maybe not so much.

So I have a lot of ideas for us in New York City and I do want to say that New York State and New York City has done an amazing job passing laws, but we could do a little bit even more. So a few of the laws that PowHer wants to suggest is requiring salary ranges on job postings, which has been mentioned. We really need to consider requiring businesses to, you know, look at and share their equal pay data. That is the reason that -- Citibank, American Express, IBM, the reason that once a year they have been revealing their numbers is because they have to report them in the United Kingdom. Deloitte as well I think, right? So those are public reports.

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So our companies are reporting in UK, but they don't have to report in the United States. And it's so much wonderful information for them so that they can close the wage gap.

Also, and I will talk really quickly here, we ask you to look at something that is so deeply rooted in why women are unequally paid and that is because we have not valued women's work. We undervalue women's work and there is a way to calculate that to address it. The minimum wage is great because low-wage workers are getting more money, but why is someone who is taking care of our loved ones, our grandma, why is she paid less than the person who is, you know, cleaning the -- who is a janitor in the same institution, what do we value. And I think New York City could pave the way on that, especially with the new transparency law that has to be looked at. Please support the tipped minimum wage and I think better jobs for women. That is an absolute must.

We have a really important small bill, but it addresses the teen wage gap. The wage

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gap starts when girls are teens and it's internalized that they should be paid less and work more. So we really have a good job here in New York City to do first the teenage wage gap study.

The other big point is -- and I know it's a city commission, but we need to strengthen our human rights laws on a New York State level and the way to do that is passing an equal rights amendment for all, not just an equal rights amendment for women. So that would take into account some of the things that have been brought up at the intersectionality of gender, race, disability, age.

So -- and I -- very quickly I want to share that education is key, enforcement is key. Congratulations for the Chipotle case that really on the oh, sorry, on the fair worker, that really will get employers to know that they have to give scheduling notice for people, but more can be done to educate the workers to know they have those rights. And for every bill that's passed that has workers

<p style="text-align: right;">Page 85</p> <p>1 PROCEEDINGS</p> <p>2 rights connected to it, it should be funded</p> <p>3 that we have education and outreach</p> <p>4 programming. If we pass these laws, we really</p> <p>5 need to enact them. Business as partners in</p> <p>6 change, we already talked about that and I</p> <p>7 mentioned how the UK, they are ahead of us.</p> <p>8 So we can do better.</p> <p>9 But lastly I want to say, this shouldn't</p> <p>10 be just tonight. I am really proud of what</p> <p>11 the commission has done, but I think that this</p> <p>12 has to be an ongoing conversation. We need a</p> <p>13 place to bring all this information together.</p> <p>14 We need a way to measure our progress, to</p> <p>15 measure how women are every year being done</p> <p>16 differently. So I want to put on the record</p> <p>17 that PowHer is calling for a funded central</p> <p>18 repository of information and accelerator of</p> <p>19 action which would take New York City to new</p> <p>20 heights in our war against wage inequality.</p> <p>21 Thank you.</p> <p>22 (Applause.)</p> <p>23 COMMISSIONER SALAS: Quick question, Ms.</p> <p>24 Neufeld: Do you know in what form the</p> <p>25 companies in the UK are reporting this data</p>	<p style="text-align: right;">Page 87</p> <p>1 PROCEEDINGS</p> <p>2 way to accelerate progress is to better</p> <p>3 understand what lays behind the gender pay gap</p> <p>4 and take action on its deep root causes. So</p> <p>5 this report was published in 2018, the Global</p> <p>6 Wage Report and I have a copy for you. It's</p> <p>7 downloadable on our website, ILO.org. It</p> <p>8 shows that men are not paid more because they</p> <p>9 are better educated than woman or display</p> <p>10 higher labor productivity, very surprising.</p> <p>11 The gender -- and also confirming old ideas</p> <p>12 that the gender pay gap is a result of</p> <p>13 well-rooted prejudice and stereotyping of</p> <p>14 women in the labor markets, which often</p> <p>15 resolves into direct and indirect pay</p> <p>16 discrimination. The causes that we saw for</p> <p>17 the gender wage gap in the report include</p> <p>18 women being hired at lower salary than men</p> <p>19 even when they are better educated and hold</p> <p>20 managerial positions.</p> <p>21 The undervaluation of women's work,</p> <p>22 which you already heard in highly-feminized</p> <p>23 occupations and enterprises especially in the</p> <p>24 care economy and the motherhood, pay penalty</p> <p>25 for women taking time off or using flexible</p>
<p style="text-align: right;">Page 86</p> <p>1 PROCEEDINGS</p> <p>2 publicly, is there a website or agency?</p> <p>3 MS. NEUFELD: It's actually posted on</p> <p>4 the UK website, so anyone can go in. Google</p> <p>5 it, actually, and you will find out how much</p> <p>6 people are paid and they have -- everyone is</p> <p>7 touting "Equal pay for equal work." We have</p> <p>8 closed the wage gap, but the reality is what</p> <p>9 that shows, what that particular study shows</p> <p>10 for all these companies, is that women are</p> <p>11 lumped in the bottom of the pay scale and men</p> <p>12 are at the top because they divided us</p> <p>13 quarterly. So that gives a lot of</p> <p>14 information.</p> <p>15 Thank you. Yes, anything else?</p> <p>16 (Applause.)</p> <p>17 MS. ADDATI: Thank you.</p> <p>18 Good evening and thank you very much for</p> <p>19 inviting the International Labor Organization</p> <p>20 here tonight. We are the only tripartite and</p> <p>21 standard-setting UN agency promoting decent</p> <p>22 work and social justice since 1919. We</p> <p>23 celebrate our centennial this year.</p> <p>24 Globally women continue to be paid</p> <p>25 approximately 20 percent less than men. One</p>	<p style="text-align: right;">Page 88</p> <p>1 PROCEEDINGS</p> <p>2 working time arrangements to accommodate care</p> <p>3 responsibilities. To address this problem,</p> <p>4 the ILO has adopted the Equal Remuneration</p> <p>5 Convention which calls for the achievement of</p> <p>6 equal pay for work of equal value. This is</p> <p>7 emphasis on equal value is very important</p> <p>8 rather than equal pay for equal or similar</p> <p>9 work because this is critical, really critical</p> <p>10 to address ending discrimination.</p> <p>11 There are several policy measures that</p> <p>12 we set out in the report and these include</p> <p>13 improving measurement methods and collecting</p> <p>14 better data including across the</p> <p>15 intersectional dimensions, adopting and</p> <p>16 enforcing adequate legal frameworks which</p> <p>17 include explicitly the recognition of the</p> <p>18 principle of pay equity, implement pay</p> <p>19 transparency, penalize wage discrimination,</p> <p>20 and address the broader unequal treatment in</p> <p>21 the payment of benefits and allowances which</p> <p>22 are an important part of the salary package</p> <p>23 which is often ignored. Also ensuring the</p> <p>24 enforcement of adequate minimum wage laws,</p> <p>25 strengthening collective bargaining and</p>

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increasing access to paid parental leave, quality and affordable child care, and home care services are also important.

We heard that the ILO, UN Women, and OECD launched the Equal Pay International Coalition and I would like to highlight a good example of members, Iceland again, they are committed explicitly to end the gender pay gap by 2022 and adopted a law requiring government and companies with more than 25 employees to obtain an equal pay certification and to demonstrate that the pay systems are only based on objective considerations. And the entities failing to demonstrate pay equity face fines, which it's the sanctioned part also. And this is also important because the certification transfers the responsibility for taking equal pay from the employee to employer. Also Switzerland, Switzerland Advancing Gender Equal Pay Initiative facilitated the role of companies in meeting equal pay requirements. The initiative allows companies with at least 50 employees to perform an anonymous free of charge self-test

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to assess the gender pay gap and provides for regular equal pay audits in public administration or related entities.

Thank you very much for having us today. We stand ready to continue and wish you good luck for New York City.
(Applause.)

MS. WATKINS: Thank you. Good evening, everyone. My name is Kimberly Watkins and I am here to speak about women and small businesses.

We have been talking tonight about the pay gap where in Corporate America we know that the pay gap is large, but on Main Street America it's even worse at the rate of 66 cents on the dollar. And this is alarming and needs to change, but I actually want to talk a little bit about a different facet of pay equity which is job and financial security; a reality that women often face when small companies begin to thrive.

And this is where my very, very personal story comes in. Twelve years ago, I was a marketing executive with a growing young

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company called Manhattan GMAT. It's a test prep service for MBA admissions. I had been one of its first teachers and I was its very first employee focused on growing the company. And I did a little bit of everything, like small mom-and-pop businesses do. I was the person taping fliers to bus stops on Broadway and I even snuck postcards into Kaplan Test Prep books in Barnes & Noble. And by the time we expanded nationally and online in about five years, I was making an excellent living and I thought that I had job security.

But then the founder decided that he wanted to do something else, so he hired a man to run the company. And that man's name is Andrew Yang. The impact on me was pretty positive initially. Andrew promoted me and gave me more aggressive goals and I met those goals. But about a year later on the third day that I was back from my honeymoon, Andrew Yang asked me to come into his office after everyone else had left for the day. And behind closed doors he opined that I wouldn't want to keep on working as hard as I had now

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that I started this new personal chapter in my life, that as a married women I would want to focus on my new life. Despite hitting every single revenue mark set for me and despite not a single employment infraction over the six years I worked for the company, Andrew Yang fired me because I got married and just like that my new life was shattered, my financial security was blown to bits.

I have never spoken publicly about this personal story. We actually conjured a lie when I left to save me from the embarrassment. But as you can probably imagine, if you know who Andrew Yang is, recent events have brought these memories back with a vengeance and reopened wounds that I have never quite recovered from. So I decided today to come forward with my story.

(Applause.)

MS. WATKINS: We need action on gender issues. And if the high profile of the individual involvement involved with me in this story helps us gain traction, I say let's go for it. The pay gap and job security are

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2 part of the institutional patriarchy in this
3 country. They are part of Times Up, they are
4 part of Me Too. Andrew Yang didn't harass me
5 physically, nothing like that. But he did
6 treat me in unjustly and he violated me
7 economically. I am ready to fight for
8 solutions and I hope you are too.

9 Thank you.

10 (Applause.)

11 COMMISSIONER ANUJA: Can I ask you a
12 question. Thank you so much for testifying
13 today. Your courage means a great deal for
14 me, so thank you for telling your story
15 publicly. Is there anything, thinking back,
16 that you think government could have done?
17 Was there a way for thinking about us moving
18 forward in the product of tonight's
19 conversation? Is there anything that local
20 government, especially --

21 MS. WATKINS: That's a really good
22 question. And in my written testimony, I
23 write a little bit about how I don't think I
24 would have allowed this to happen to me today.
25 I think in our climate today, I would never

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2 have agreed to the deal that we struck and
3 walked out of there the way I did.

4 I do think that it's important that
5 at-will employees understand their rights. So
6 as an at-will employee, I could be fired for
7 any reason. That was made perfectly clear to
8 me throughout my tenure at the company, but
9 Andrew Yang gave me a reason and that was a
10 really unethical one and I didn't know what to
11 do after that point. Now I was jet-lagged,
12 and exhausted and I was sort of -- you know,
13 sort of drunk on my newly-married existence,
14 so part of it was that I -- I believed in the
15 best, that the best would come of the change
16 and I moved and put it past me, to the best of
17 my ability.

18 But I do think that local governments
19 can be more active or more proactive in
20 understanding how small businesses interact
21 with their employees and to recognize that in
22 small businesses, this more so your pay gap
23 and that things like the statistic that only 3
24 percent of venture capital was awarded to
25 small businesses owned by women last year.

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2 Men are making a lot more money with small
3 businesses, especially when it comes to
4 mergers and buyouts and venture capital. And
5 so anything that we can do in terms of
6 legislation to move in that direction for
7 women in small business I think would be
8 helpful.

9 COMMISSIONER ANUJA: Thank you.

10 (Applause.)

11 MR. SHAW: Hi, I am Connor. I am the
12 political director for the International Union
13 of Journeymen and Allied Trades, a labor union
14 representing about 25,000 members in the five
15 boroughs. I am going to be pretty brief, but
16 just wanted to go over some ways -- labor has
17 been brought up a couple of times. I wanted
18 to go over some ways where labor can be a
19 crucial organization in protecting against pay
20 inequality.

21 First of all every, contract we
22 negotiate has a job rate for every job. We
23 represent a lot of bus drivers, home-care
24 aides, mechanics. If you are an A mechanic,
25 you should be making X amount of dollars an

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2 hour. It's very easy to look at your contract
3 and see if you are being underpaid or because
4 of any reason; gender, sexual identity,
5 immigration status, race. It's very easy to
6 see if you are not getting paid what your
7 colleagues are getting paid.

8 And in all of our contracts, we have a
9 grievance procedure. So if you are being
10 discriminated against or being harassed, we
11 have business agents and lawyers that will go
12 in and advocate for you to your employer on
13 your behalf. And we don't put up with any
14 sort of inequality and labor union gets to the
15 heart of that and tackles an inequality by
16 having set standards of wages and ways to deal
17 with any inequality that does arise.

18 And then any member who is a member of
19 our union are not at-will employees; they are
20 just cause employees. The standard of
21 becoming just cause where the employer has to
22 provide cause for termination would hopefully
23 go in a case like the tragic case we just
24 heard about. There would be a business agent
25 with that employer before they even finished

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2 that conversation, because clearly that's not

3 something a labor union will put up with.

4 And then traditionally one of the big

5 struggles with labor has been trying to make

6 it not a pale stale male organization, which

7 is the rap -- that's a rap the lot of labor

8 organizations get.

9 And the next person who is testifying,

10 my sister who is also from labor will talk

11 about an amazing organization that does bring

12 more women and women of color into the labor

13 movement. So I think on that, I kick it to

14 the next person testifying.

15 (Applause.)

16 MS. EBANKS: One of the things I wanted

17 to talk about is sort of: Do you do any

18 analysis around who gets overtime, night

19 differential work which could also sort of tip

20 the scales in terms of, you know, take-home

21 pay?

22 MR. SHAW: So we represent a lot of

23 different industries, so it's a little bit

24 different in all of them. But generally

25 overtime, it's done by a rotating seniority

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2 basis, so -- every say there is 20 people who

3 are working at one of our shops, the most

4 senior would have the first overtime

5 opportunity, the second most senior, and it

6 rotates through. So it's an equitable; it's

7 not decided by a foreman. That's one of the

8 reasons why we are brought in, especially for

9 a lot of auto mechanic jobs, is that the

10 overtime work is not being distributed

11 equitably. Almost all of our shops -- some

12 of it's different, but almost all of our shops

13 it's done a rotating seniority basis.

14 MS. EBANKS: Auto mechanics, what's the

15 percentage of women?

16 MR. SHAW: So auto mechanics out of our

17 -- is the least. We just did a study in New

18 Jersey, we didn't do it in New York and it was

19 18 percent which is obviously not great. We

20 hired a PR firm specifically in Jersey for an

21 apprenticeship program and I am happy to say

22 out of our ten apprentices coming next year in

23 our Jersey apprenticeship program, seven of

24 them are females. We have an apprenticeship

25 program for HVAC in Long Island and a lot of

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2 them do work in New York. This is the first

3 class that's 50/50. And that's forty

4 apprentices coming in, so twenty of them are

5 female coming in through that apprenticeship

6 program this year.

7 MS. TILLERY: I am curious about

8 something. I know that the attempt is always

9 to try to even the playing field, but there

10 are ways in which the seniority requirement is

11 actually harming people who are newer into

12 those, especially the trades? Have you all

13 thought about how to balance that for a women

14 who is coming in who is dealing with, you

15 know, men who have been in the workforce for

16 longer than her; how does that get balanced

17 out?

18 MR. SHAW: So there is no perfect silver

19 bullet that will handle that. What we do try

20 is for the HVAC which is one that I brought

21 up, we partner any -- the partner process for

22 the apprenticeship program, you are partnered

23 with a journeyman. And we try partnering with

24 somebody that if it's a person of color who is

25 going through, we will try to partner them

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2 with maybe a white journeyman coming

3 through and female coming through will partner

4 with a man and they will get to see the

5 overtime or -- but we feel the most just way

6 is through seniority, because it's objective

7 for the overtime.

8 MS. TILLERY: But it isn't when people

9 have been shut out of those careers.

10 MR. SHAW: I would be happy to listen to

11 any way we could be more just and right those

12 wrongs in contract. It's hard when you are

13 putting a contract out for full shop to then

14 put in exclusions that don't hurt the other

15 people in there, but I am happy to work with

16 -- if anybody has any creative ideas, happy to

17 work with them to make contracts more fair and

18 give people who have been held out of an

19 advantage going in because they have been

20 historically excluded.

21 COMMISSIONER MALALIS: I want to echo my

22 colleague's concerns. I think on this side of

23 the dais, we were thinking the same sort of

24 things. There are ways in which seniority --

25 it's kind of like what people sometimes think

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1 about algorithms being neutral and they are
2 not always. So -- and there are ways in which
3 seniority -- especially when you consider
4 trades that are, you know, not nontraditional
5 employment for women or people of color,
6 seniority would disparately impact them in
7 that analysis and it wouldn't be neutral. So
8 I would encourage your organization to take a
9 look at that. And we would be, at the
10 Commission of Human Rights, very happy to
11 engage you in those negotiations.

12 MR. SHAW: We will definitely look into
13 that and happy to work with anybody in
14 creative ways to address that issue.

15 (Applause.)

16 MS. TOLLIVER: Hello, my name is Jewel
17 Tolliver. I am here to represent as a
18 graduate of NEW, it's a program Nontraditional
19 Employment for Women. And I am also here to
20 represent my own labor union, Local 79
21 Laborers.

22 So first of all, thank you for the
23 opportunity to testify as a Local 79 laborer
24 and a graduate of Nontraditional Employment
25

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1 For Women. NEW's construction trade
2 pre-apprenticeship program has allowed me and
3 thousands of other women across New York City
4 to feel the transformative power of being paid
5 equally for equal work, thanks to union
6 collective bargaining. Women in construction
7 make 94 percent of what men make which isn't
8 perfect, but it's better than most industries,
9 especially those historically dominated by
10 men.

11 There are dozens of challenges still
12 facing women in construction, as you can
13 easily imagine. Women are often the last
14 hired and first fired, have trouble obtaining
15 bathroom access, and proper safety gear, and
16 of course face a culture that can be doubtful
17 of us simply of how we were born. However, we
18 know that we overcome those issues by bringing
19 more women, especially women of color, into
20 these great career paths. Representation
21 means a fair shot and fairer treatment.
22 Jobsites now aren't what I will call amazing
23 for women, but they have improved over the
24 years because of more women pushing their way
25

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1 into the industry. That's not something for
2 us to rest on. That is evidence for us to
3 keep pushing more women to enter the trades to
4 keep shifting the culture and dialogues
5 happening in construction for the sake of pay
6 equity. The more women who enter the trades,
7 the more quickly the societal cause of equal
8 pay will advance.

9 In the last ten years alone 2,700 new
10 graduates have secured employment as union
11 apprentices, utility workers, maintenance
12 workers, and in other blue-collar career
13 tracks all of which offer built-in equal pay
14 for their hard work. This built-in gender
15 equity is the driving force behind the
16 training and employment NEW services provide.
17 Union careers pay women and men equally from
18 the first minute of their apprenticeship to
19 the moment they reach journey level.

20 Just one example is my union Laborers
21 Local 79, of which about 50 percent of NEW
22 trades women are members. First-year laborers
23 earn 20-plus an hour and upon finishing their
24 apprenticeship earn \$40 an hour, regardless of
25

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1 their gender. Collective bargaining and
2 construction trade unions allow women not just
3 pay equity, but assurance of safety, wage
4 protection, training, advancement, a seat at
5 negotiating tables, all elements of work life
6 that women have been denied
7 disproportionately. When you support women,
8 you support economically sustainable
9 communities.

10 Per the United States Census Bureau, the
11 second-most common family arrangement is
12 children living with a single mother at 23
13 percent. And during 1960 through 2016, the
14 percentage of children living with only their
15 mother nearly tripled from 8 percent to 23
16 percent. For these women their incomes
17 determine financial investment in schools,
18 parks, infrastructure, and civic engagement
19 within their community. The future is female
20 and we applaud New York State's effort to make
21 sure investments in the future of this state
22 and this country are made equitable.

23 Closing the gender gap will affect the
24 economy, as women and men will have equal
25

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money to spend at retail level, reinvigorate our economy, and help both women and men across industries maintain their job. And taking stock of what closing the gender gap can do for women, I urge this body to remember and support what closing the gender gap does for men as the workplace becomes safer and more productive and the local economy in which both men and women live prosper.

In construction trade unions, men and women who are highly skilled, committed, and have the dignity of a fair wage which is reflected in the quality of their work. Current and future generations of women deserve equal pay for equal work. New York State can and will be the leader in this effort by allocating additional resources for construction trade education for girls in New York public schools, resources for women and pre-apprenticeship programs, and increase goals for female participation and register apprenticeship programs.

Construction trade employment opportunities are diverse, employing anyone

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from an electrical blueprint writer who plans wiring of our skyscrapers to mason tender who ensures that those same skyscrapers never fall. This diversity of opportunities must be communicated and made available to girls across New York. Providing additional resources for women in pre-apprenticeship programs and increasing goals for female participation and register apprenticeship program also build the capacity of women to be competitive, visible, and economically secure in a fulfilling career.

COMMISSIONER MALALIS: Ms. Tolliver, I just want to say thank you so much for testifying. Women who work in nontraditional workplaces for women are some of the strongest, bravest, most groundbreaking people I met. I say this as a former advocate for employees, so thank you for your testimony.

MS. TOLLIVER: Thank you.

(Applause.)

MS. RACKLIN: Good evening. And thank you to the New York City Bar Association for hosting us tonight and to the Commission on

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Gender Equity, the Commission on Human Rights, and the Department of Consumer and Worker Protection for convening this hearing and for the opportunity to testify.

My name is Meghan Racklin. I am a legal fellow and law clerk at A Better Balance. A Better Balance is a national legal nonprofit headquartered in New York City that was founded with the goal of ensuring that all workers can care for themselves and for their families without compromising their health or economic security.

Fighting to close the wage gap for working families, particularly for low-income working women and especially woman of color, have been central to Better Balance's efforts since day 1. Closing the wage gap and closing the gaps on women's earnings based on race requires addressing multiple forms of discrimination, including pregnancy discrimination, caregiver discrimination, and unequal compensation for equal work. My written testimony explains several of these overlapping factors that contribute to the

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wage gap in more detail. A Better Balance also sees this up close every day through our free confidential legal hotline where we speak to workers who are facing these types of discrimination, also often multiple forms at once.

To address the gender wage gap, Commission on Human Rights should fast-track pregnancy and caregiver discrimination complaints. Pregnancy is a finite period of time and the accommodations workers seek are necessary to ensure their own safety and to ensure a healthy pregnancy. Likewise, workers who also serve as family caregivers are often dealing with time-sensitive urgent needs. And the commission should expand its new gender-based harassment unit to include pregnancy accommodation complaints and should prioritize caregiver discrimination complaints that involve low-wage workers. The commission should also dedicate resources to mediating pregnancy accommodations and caregiver discrimination disputes.

Likewise, the Commission on Human Rights

<p style="text-align: right;">Page 109</p> <p>1 PROCEEDINGS</p> <p>2 should prioritize enforcement of lactation</p> <p>3 discrimination laws. Without strong</p> <p>4 enforcement of Local Laws 185 and 186 --</p> <p>5 without strong enforcement of those laws,</p> <p>6 excuse me, mothers are still forced to wean</p> <p>7 their babies earlier, endure painful health</p> <p>8 complications, or even lose their jobs. These</p> <p>9 laws were passed to ensure that women in New</p> <p>10 York City have the right to make decisions</p> <p>11 that are healthiest for themselves and their</p> <p>12 babies. And the Commission on Human Rights</p> <p>13 should prioritize enforcement of lactation</p> <p>14 discrimination laws to make sure that right is</p> <p>15 meaningful.</p> <p>16 We also encourage the Commission on</p> <p>17 Human Rights to proactively investigate</p> <p>18 companies and industries that have</p> <p>19 particularly high rates of discrimination and</p> <p>20 harassment, such as the retail and food</p> <p>21 services industries. Increasing strategic</p> <p>22 enforcement would put employers, throughout</p> <p>23 these industries, on notice that harassment</p> <p>24 and discrimination will not be overlooked in</p> <p>25 low-wage industries.</p>	<p style="text-align: right;">Page 111</p> <p>1 PROCEEDINGS</p> <p>2 the employer threshold in the city's human</p> <p>3 rights law from four to one. The city should</p> <p>4 also go further than the state has acting to</p> <p>5 ensure that domestic workers are affirmatively</p> <p>6 protected by all relevant provisions of the</p> <p>7 human rights law. This would help to ensure</p> <p>8 that discrimination in all its forms cannot</p> <p>9 force New York City's women out of jobs or</p> <p>10 into lower paying work, and would also ensure</p> <p>11 that New York City workplaces are supportive</p> <p>12 of the women working there.</p> <p>13 Thank you again for the opportunity to</p> <p>14 testify.</p> <p>15 (Applause.)</p> <p>16 DR. ALAPO: Hi. Good evening. My name</p> <p>17 is Dr. Remi Alapo, professor at CUNY, City</p> <p>18 University of New York, and also executive</p> <p>19 director of the Institute for Peace and</p> <p>20 Leadership. I would like to acknowledge my</p> <p>21 Borough of Manhattan Community College</p> <p>22 students who are here tonight.</p> <p>23 And my statement is on gender</p> <p>24 differences in leadership from a</p> <p>25 cross-cultural context. This statement</p>
<p style="text-align: right;">Page 110</p> <p>1 PROCEEDINGS</p> <p>2 We would also ask the Department for</p> <p>3 Consumer and Worker Protection to strongly</p> <p>4 enforce the New York City Earned Sick Time Act</p> <p>5 and the New York City Fair Workweek</p> <p>6 legislation. Through our legal hotline, we</p> <p>7 are still hearing regularly from workers whose</p> <p>8 rights under these laws are being violated.</p> <p>9 We look forward to continuing to work</p> <p>10 with the Office of Labor Policy and Standards</p> <p>11 at the Department of Consumer and Worker</p> <p>12 Protection to build a process that really</p> <p>13 works for workers by fulfilling the laws clear</p> <p>14 requirement to attempt to resolve complaints</p> <p>15 through mediation, which must include</p> <p>16 complainants as full parties with equal status</p> <p>17 to their law-breaking employers.</p> <p>18 In addition to strong enforcement of</p> <p>19 existing laws, New York City can and should</p> <p>20 continue to pass progressive legislation aimed</p> <p>21 at addressing the root cause, the gender wage</p> <p>22 gap. I do have more detailed written policy</p> <p>23 proposals in my testimony, but I would like to</p> <p>24 particularly highlight that New York City</p> <p>25 should follow New York State's lead lowering</p>	<p style="text-align: right;">Page 112</p> <p>1 PROCEEDINGS</p> <p>2 includes the information from current research</p> <p>3 from a qualitative research study which</p> <p>4 explored the preferred style of leadership</p> <p>5 based on three leadership and decision-making</p> <p>6 styles, where the presenter got insights into</p> <p>7 the experience of like-minded respondents who</p> <p>8 discussed and described their leadership and</p> <p>9 decision-making experiences within their</p> <p>10 respective leadership context in</p> <p>11 cross-cultural organizations. And the</p> <p>12 research was based on, you know, this book --</p> <p>13 well, the conclusion are this book titled</p> <p>14 "Generation X: The Role of Culture on the</p> <p>15 Leadership Styles of Women in Leadership</p> <p>16 Positions."</p> <p>17 As many of us know, women in the 21st</p> <p>18 Century have contributed notably to various</p> <p>19 organizations and have ascended to top</p> <p>20 leadership positions in their respective</p> <p>21 businesses and professions. Although limited</p> <p>22 in many organizations and places of</p> <p>23 employment, women's leadership roles include</p> <p>24 opportunities in many areas such as</p> <p>25 government, public and private institutions,</p>

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1 and in areas of health, education, business,
2 and so on. Women in leadership value support
3 from the organizations and in so concluding,
4 women also in leadership positions -- even
5 though they may be looked at as women in
6 positions of power who don't have, you know,
7 interests besides just leading in
8 organizations, we have to understand in
9 cross-cultural context that women actually
10 have a lot of values. Their family background
11 plays a lot in the way they make decisions.
12 Both the national culture and family values
13 are very important in understanding
14 stereotypes and the way in which woman exert
15 themselves.

16 From my research, I looked at two
17 studies that reflected opposing views on the
18 nature of a person's culture and influence on
19 his or her leadership style. The underlying
20 argument in these studies is that in
21 organizations, the environmental factors
22 present in the society does affect the
23 leadership practices of women leaders and
24 appropriate leadership style in one culture
25

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1 may not actually be acceptable practice in
2 another culture. This statement also is
3 making recommendations on the need to review
4 the understanding of the context of both
5 national and family cultures.

6 The first recommendation is to
7 understand the differences between the reality
8 and the perception of a male and female
9 leadership style. The second is the
10 difficulties of accessing the behavioral
11 gender differences in a person's leadership
12 style. And the third is prevalence and
13 importance of norms, values expectations,
14 beliefs. And the fourth is the potential
15 influence or stereotypes of cultural contexts
16 based on both national and family culture.

17 My time is up, but as women leaders we
18 must value and respect both family and
19 national cultures. The family culture of many
20 of us, you know, already has assigned gender
21 roles and in concluding my research, it was
22 found that many women in leadership positions
23 do keep their culture at the back of their
24 mind and it may prohibit them from asserting
25

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1 themselves appropriately, given the national
2 culture of stereotypes that exist for many
3 women already.

4 And, you know, I would like to thank you
5 again and again, thanks to my students from
6 BMCC. Thank you.

7 (Applause.)

8 MS. EBANKS: One of the things we hope
9 is that we can also have gender parity in
10 leadership. Did your work find any
11 opportunity to look at not just leadership
12 styles, but does this influence politics? And
13 what I am getting at is: Is there a link
14 between a female head of a corporation and pay
15 equity in that organization or not or is it
16 too far a stretch to think about that?

17 DR. ALAPO: All of the above. First,
18 many women are ascending to leadership
19 position. And my research actually surveyed
20 women in leadership positions in organizations
21 in Nigeria and there is a fight for gender
22 equity for advancement to break the glass
23 ceiling, but due to national cultural
24 restraints and the work orientation in many
25

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1 organizations in Nigeria, you know, it's -- I
2 mean, we are coming along. It's not -- you
3 know, we are not on the level of standard or
4 that we need to be. We can't compare, you,
5 know Nigeria to let's say Rwanda where 50
6 percent of the Parliament automatically right
7 now they are women, yes.

8 And I spoke also -- I serve with many
9 women, you know, many minority women in New
10 York City and, you know, and we are getting
11 there, we are getting up to where we need to
12 be. But culture-wise as many of us mentioned
13 earlier, the negotiating tactics that women
14 have actually prohibits them from negotiating
15 higher. And culture also plays a lot in the
16 way that we have been raised, you know, our
17 orientation.

18 And sometimes maybe -- for example, me,
19 I have a very big Nigerian accent and
20 sometimes I think based on the view of
21 people's faces, they may not like what I am
22 saying so I will hold back. Sometimes based
23 on my gestures, I might think they find
24 offensive and then I keep quiet. So all that
25

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has to play in terms of how we view an organization's policies; you know, the role of culture and the leadership styles of women who are in leadership positions.

Yes, thank you very much.

(Applause.)

MS. KHAWAJA: Good evening. And thank you for convening this critical panel on pay equity. We applaud your pioneering work to tackle gender inequality in New York City, an approach that stands out to us as a national model.

My name is Seher Khawaja. I am a senior attorney at Legal Momentum, the Women's Legal Defense and Education Fund, where we use strategic policy advocacy litigation and education to ensure access to equal opportunity for all women and girls. Gender-based pay inequity remains prevalent in our workplaces, particularly for women of color and women doing low-wage work. Tonight my testimony will briefly highlight key contributors, progress made, existing challenges, and policy recommendations all of

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which are discussed in greater detail in my written testimony.

A host of interrelated factors contribute to the persistent wage gap. First, gender and racial discrimination. Black women in New York City, and to reiterate, earn a mere 57 cents, 56 cents for every dollar earned by a white non-Hispanic man. This is appalling.

Occupational segregation, second. In our city agencies, women disproportionately fill traditionally female-dominated roles where the average salary is \$1,000 less. Conversely, one of our recent clients in the private sector helped raise firm salaries in the male-dominated field where women have had difficulty gaining experience. Yet, she was paid \$15,000 less than her male colleague for the same job because she allegedly had less experience.

Third pregnancy and caregiving penalties. Women are more likely to experience workplace interruptions that negatively impact their earning potential or

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ability to work. As a result mothers are less likely to be hired, they receive lower starting salaries, and are perceived as less competent. One woman we assisted was forced to go on unpaid leave when placed on medically-necessary lifting restriction during her second trimester of pregnancy, which imposed debilitating financial costs that could have been avoided with reasonable accommodation.

Where federal law has fallen short, the state and city have stepped up working towards creating a much-needed support structure from pregnancy accommodations, protection against caregiver discrimination, paid parental leave, a more relaxed equal pay standard, and weakened employer defenses. And in 2017, the city led the way to enact a salary history ban and the state followed suit a year later. These reforms have had an impact.

When one of our clients challenged a sizeable pay differential, her employer advised her it was correctly based on her male colleagues higher prior salary. We invoked

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New York City salary history ban making clear that although the law was not in effect at the time, it reflected the future trajectory for pay equity. We promptly and successfully negotiated pay parity for our client. Yet for many who call seeking help, these protections are unknown and inaccessible. Another one of our clients who requested paid family leave for her hospital employer well before her son had born had not received a determination months after his birth until we intervened. The protections we have all fought so hard for are thwarted if workers cannot reasonably obtain these benefits absent legal counsel.

And to wrap up quickly, we need to engage in widespread worker outreach, meaning women in their communities through channels that they trust. Employers must be educated about their obligations and given guidance on implementing best practices such as paid data collection and annual pay audits. The city must invest in outreach and training to place women in high-demand occupations with higher salaries. The city must invest in affordable

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1
2 quality child care for low-wage workers who
3 experience the highest motherhood count.
4 Meanwhile we need to increase salaries in
5 occupations where women already work, increase
6 pay for low-wage workers, and eliminate the
7 unjust tipped minimum wage. We must invest in
8 more equitable comparable work systems that
9 correlates compensation to field education and
10 responsibilities.

11 To drive pay transparency and fairness,
12 the city must enact laws requiring employers
13 to report on pay data and diversity and
14 disclose compensation or salary ranges when
15 posting job openings. To eliminate
16 exploitative industries, labor and
17 antidiscrimination protections must apply
18 consistently to all industries and job types.
19 Women, low-wage workers need stronger
20 mechanisms to advocate for themselves and the
21 cities should continue to invest in emerging
22 organizing models such as worker cooperatives
23 to help women secure better salaries and
24 working conditions. And since poverty is
25 gendered, we must also rethink our poverty

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1 measures to account for specific ways in which
2 poverty impacts women.

3 As we tackle pay equity, we must take a
4 multifaceted approach and as we do so we
5 should have a focus on women of color and
6 women in low-wage work.

7 Thank you again for this opportunity.
8 (Applause.)

9 MS. AL SHAMMARI: Good evening. My name
10 is Suzan Al Shammari. I am a government
11 relation specialist. I am here on behalf of
12 the Arab-American Family Support Center.

13 At the center, we have been
14 strengthening families of refugees and
15 immigrants since 1994. We promote well-being,
16 prevent violence, and prepare families to
17 learn, succeed, and work. With over 25 years
18 of experience, we have developed language and
19 cultural competency serving New York City's
20 Middle Eastern, Arab, Muslim, and South Asian
21 communities. Equal Pay Day was started by the
22 National Committee on Pay Equity in 1996 to
23 highlight the gap between men and women's
24 wages. This was 23 years ago and we still
25

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1 have a huge pay gap to this day. Why is it
2 that in 2019, we are still unable to provide
3 pay equity for people from all across gender
4 identities, gender expressions, and
5 backgrounds?
6

7 As a former refugee growing up in Iraq,
8 being equal to a man was a western idea. As a
9 child I grew up thinking I have no chance of
10 equality whether it's through gender, pay, or
11 status. But here in the U.S., life is
12 supposed to be different; we are supposed to
13 be treated equally, paid equally, and the
14 color of your skin should not matter on how
15 well you can do your job. I should not have
16 to worry about being discriminated against
17 because of my last name, because of my
18 background, or because I am simply a woman.
19 But when you are applying for jobs, every time
20 I submit an application I pray I do not get
21 prejudged because of my background. Because
22 when you are looked at and described as this
23 is Susan, she is from Iraq but she is actually
24 cool, you realize there is fault in the
25 system, ideology, and society that we live in.

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1 I am just one example of the thousands
2 of refugees and immigrants that struggle
3 because of their background, gender, and
4 color. What kind of example are we setting to
5 the future generation if after all these
6 years, we are still not paying women and
7 people of color equally? It all stops right
8 here right now with you in government. You
9 can lead New York City to pay equity and lead
10 the nation by example. I am a proud citizen
11 and I love this country, but I dream of a day
12 where I don't have to think twice about my
13 gender and background when wanting to be
14 treated equally in the workforce.

15 Thank you for your time.
16 (Applause.)

17 DR. ALI: Good evening. Commissioner
18 Ebanks, Commissioner Malalis, Commissioner
19 Salas, distinguished panelists, presenters,
20 and guests, as-salamu alaykum. My name is Dr.
21 Ameena Ali. I am a veteran of the Desert
22 Storm Desert, Shield era. I stand before you
23 as a naturopathic doctor, home-birth midwife,
24 inter-disciplinarian, and interfaith fellow at
25

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the Jewish Community Relations of New York, and a president elect for the Rotary District of 7090. But today I come as Ameena and I come because of the very great tenacity of Matthew Graham, who had me on the phone for a week to get me here.

I speak from the sisters of Zaid Ibn Harith Islam Center who helped me with the status and the details of this report. I equally speak to you from the muted feminine voices of the refugee immigrant and asylum-seeking employees that serve New York through pay discrepancy. The single, married or young women that come to this country and, specifically to New York, come with little or nothing, arriving with a dream and the ability to believe that things are going to get better.

These employees come from the ethics of hard work and determination, a realtime example to emulate that makes each day count as competent and long-term employees. The mindset of many of their employers, however, hire these immigrants under the complacencies

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of entitlement and the true belief that they are the ruling faction of their life and family, especially in how they treat them. Under pay secrecy, these employee are asked to come in for a few hours on the weekend when the office is normally closed and will not calculate these hours as worked on their payroll.

Many refugees speak to the fact that employers treat them as if privileged is their second language to the oppressive English that is spoken in demeaning work environments. This is requiring them to stay just a little bit later just to help me and asking them to finish the work before you go home, often paying them for the standard eight hours a day even if the work has them there for ten hours or more to finish. Asylum seekers believe they are not worthy of getting proper and competent safe environments to work in, and still others at work, stateless citizens never feel safe in believing they will ever be a permanent part of any corporation or organization due to the flux of their current

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status. These women have allowed me to create the packet that is in front of you now. It is a human rights policy designed to empower those that are left behind, those that are pushed behind, and those that are socially marginalized, politically underserved, and intentionally added as other, and not giving them importance enough to be served.

As a member of the Global Alliance for the Rights of Older People and as mentioned by Better Balance, my work in some of these -- my work with some of these women are that they are over the age of 40, yet inaugural birthers. That means they chose to have their babies later in life and thus are stuck with this stigma. They tend to be aged out of careers because it's assumed they are going to be required to care for this child, not going to return to their career so late in life, or aged out of remote work contracts or telecommuting opportunities which are given to younger gestational women. This sub-demographic creates a growing equity of deficit throughout the professional ageism by

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not allowing them the opportunity to stay where they are career-wise with the same accessibility to the upward professional mobility based on their age and perceived decline in employability after having a baby. Because of all this, my office is now working to include an equity credit program. This movement is intended to inspire HR credits and tax shelters to improve equity for those women. It's entitled "Equity Disbursement and Inclusion Protocol," which is called eDIP. This will be a mandated part of the education required before receiving business licensure, workers' compensation insurance, or food service permits.

At current, as 2019 ambassador for the International Model UN Association and in my current work with the UN Women Gambia -- oh, she left -- we have developed twelve sustainable humanitarian goals or she goals. On the very back of the packet given to you is she goal number 8 and this is entitled "Triggers, Traumas, Tragedies, and Triumphs." This emphasizes the moral injury and the lack

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of human equity we speak of. Moral injury of course is the psychological social cultural and spiritual aspects of trauma in an already insecure mindset. It categorically deals with the individual's subjective conscience that lies in direct result of an act of truly avoidable, yet intentional professional transgression which produces profound emotional shame and crippling esteem. This sets up other mental or behavioral health issues which can trigger debilitating efforts to the extreme of worsening postpartum depression when returning from pregnancy, delaying the return to work because of medical insufficiencies, and compounding the very truth to trauma that we are testifying to today.

I serve the unrecognized sovereign tribes, the undocumented international cultures, stateless, landless, and countless oppressed and displaced indigenous people in New York, but I come to you today to thank you for your efforts in allowing me to testify.

COMMISSIONER SALAS: Thank you for your

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testimony.

Just a couple of things that you mentioned in terms of workers staying past their designated time working off the clock. Those are clear violations of New York State labor laws and, as you know, we should definitely discuss this. We should connect you to the right enforcement agencies, because we want to make sure that those rights are not being violated.

DR. ALI: This is because they are afraid, they are afraid to speak up to say no. Because of their status or their tentative status, they are afraid to say something. They will say, I will just do it today or I will do it next week. And they keep doing it and yet when their paycheck doesn't reflect those hours, especially hours -- I mean ten, minutes, okay, but again even ten minutes adds up. You know, these things are not documented because of fear.

Any other questions?

All right. Thank you so much.

(Applause.)

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MR. GRECU: The last, hopefully not the least.

MS. EBANKS: Thank you so much for your patience.

MR. GRECU: Thank you for the opportunity for me to be here. I work for Mercer which is the world's largest HR, human resources, consulting firm. As you know, Mercer is headquartered right here in New York, in fact one block away from here.

My main responsibility as a labor economist at Mercer is to conduct the equity studies for many clients which employ large workforces here in the City. In fact, annually we conduct pay equity studies for more than a hundred organizations globally, covering more than 2 million people. As practitioner in this area for over 20 years, we have witnessed important shifts in the focus of these analyses and I am here to talk about a few of these shifts. All of these shifts actually accelerate, in our opinion, progress in closing these gaps.

First, the sheer number of companies

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looking to conduct such analysis has increased significantly over the past three four years. Some may be driven by state, local, or global regulatory pressures or by pressures from activist investors like venture capital let's say, but many others are also driven by the desire to improve diversity. Those organizations that historically have been looking at pay equity also have evolved their methodologies. To me, this, there is different objectives. The net effect of this is the elevation of the pay equity topic to priority status. The.

Majority of pay equity studies we conduct at Mercer are focused on measuring and addressing the unexplained gender and minority pay gaps. These equity studies are grounded in statistics relying on methods that allow organizations to control for business-related factors, which is to say comparing pay between men and women or whites and minorities after taking into account differences in employees roles and contributions. However the approach does not anymore simply take the

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1 representation of women and minorities in
2 different roles as given, but it also provides
3 insights about how the organizations can
4 improve representation of women and minorities
5 in higher-paid roles. These analyses are now
6 increasingly likely to be extended to focus on
7 representation itself, setting effective goals
8 as well as identifying interventions to
9 achieve those goals. In an important shift of
10 perspective, the link between pay equity and
11 pay equality is being better understood and
12 addressed by human resource practitioners as
13 well as legal practitioners.

14 Another significant change fueled by
15 recent pressures is an increased determination
16 to address the uncovered equity issues by
17 targeting budgets on disadvantaged groups and
18 spending what is required to fuel level
19 progress. Fifteen years ago when I started my
20 career and I ran my first pay equity analysis,
21 many practitioners were focused on ensuring
22 fairness of the pay adjustment process at the
23 individual level by addressing any men, women,
24 whites, minorities showing diversification
25

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1 from their expected pay. Whereas that process
2 ensures alignment for individuals with norms,
3 it did not necessarily address the aggregate
4 issues. Fast forward to today, almost all
5 practitioners have embraced the larger goal of
6 addressing the broad equity issues, if and
7 where found, with larger adjustment budgets
8 and prioritizing adjustments to women and
9 minorities.

10 This change is definitely at least
11 partly driven by an increased demand on
12 organizations by governments and investors for
13 disclosure. Increased interest in knowing
14 where they stand regarding pay equity and pay
15 equality, allocation of greater resources for
16 remediation, pursuing more aggressively the
17 education of the unexplained pay gaps by
18 prioritizing women and minorities, assuring
19 that there are robust regular pay review
20 processes in place, and further acknowledging
21 the next hurdles towards achieving pay
22 equality are all encouraging telltale signs
23 that many New York City companies take the
24 issue very seriously. All should move to
25

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1 these higher aspirations following these
2 leading organizations with whom we, at Mercer,
3 have the honor to partner.

4 Thank you.

5 MS. EBANKS: Thank you.

6 I do have one question. If this
7 commission were to consider, based on the
8 findings, a requirement around data collection
9 similar to what exists in the UK or probably
10 improved upon if necessary on context, do you
11 think that would get a lot of pushback from
12 the for-profit sector?
13

14 MR. GRECO: Well, pushback I think -- I
15 can't speak to that, but I can speak is that,
16 you know, definitely all of our multinational
17 clients have to submit the data in the UK. In
18 fact, UK is not the only jurisdiction asking
19 for that kind of data. France has
20 requirements for disclosures of median or
21 average pay gaps. In fact French law, French
22 regulation allows for reporting the data by
23 different levels, by different roles within
24 the company.

25 What I would say is that the pushback,

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1 if it comes, it would be about how meaningful
2 that number is in and of itself. Because
3 really both of the mean and median pay gap
4 between men and women really conflates two
5 things at the same time; one is the actual pay
6 equity, the way we define the statisticians
7 which is are the pay policy administered in an
8 objective manner without any discrimination
9 going on, and the pay equality which is what
10 is the representation of women by level, the
11 opportunity right, and a lot of other
12 testifiers here talked about that today. I
13 think we need to separate those two out and
14 maybe, you know, request to disclose both
15 unexplained pay gaps that measure pay equity
16 and then some data on representation will be a
17 better picture of what's happening. And I
18 think in that case you probably will likely
19 get, you know, more constructive pushback, but
20 still pushback.

21 MS. EBANKS: Great.

22 Any other questions?

23 Thank you. I just want to thank
24 everybody. Thank you all for your patience
25

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for enduring tonight. I want to thank my panelist partners in this effort to ensure that New York City is, indeed, a fair city for all and I would like to say regardless of gender identity, gender expression or background. I want to thank our team members who made this possible. We really appreciate your partnership.

(Applause.)

MS. EBANKS: A little bit about where we go from here. Thanks to the Committee on Sex and Law in the New York City Bar, a report on the findings of this evening will be developed. We don't know when, but we will release it and at the invitation of the president tonight we will be back here to have a release of the report.

In the various hats and together as commissions and departments, we are going to be looking at what we can do to move this forward. We have a fierce commitment to this issue. Both inside New York City government and in our corporations across all sectors, we want to be partners with you in driving this

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change.

Thank you. Have a wonderful evening and safe travels home. Thank you.

(Applause.)

[Time noted: 8:37 p.m.]

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C E R T I F I C A T E

STATE OF NEW YORK)
: ss.
COUNTY OF QUEENS)

I, YAFFA KAPLAN, a Notary Public within and for the State of New York, do hereby certify that the foregoing record of proceedings is a full and correct transcript of the stenographic notes taken by me therein.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 2019.

YAFFA KAPLAN

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