



Pay Equity Hearing, Sep. 19  
Office of the Mayor, The City of New York  
Testimony  
International Labour Organization

Thank you for inviting the International Labour Organization, the only tripartite and standard-setting UN agency promoting decent work and social justice since 1919.

*Globally, women continue to be paid approximately 20 per cent less than men. One way to accelerate progress is to better understand what lies behind the gender pay gap and take action on its causes.*

The 2018 ILO Global Wage Report shows that men are not paid more than women because they are better educated, or display higher labour productivity. *The gender pay gap is a result of well-rooted prejudice and stereotyping of women in the labour market, which often results into direct or indirect pay discrimination.*

Some of the causes for the gender pay gap include: women being hired at **lower salaries than men**, even when they are better educated and hold managerial positions; the **undervaluation of women's work** in highly feminized occupations and enterprises; a **“motherhood” penalty** for taking time off work or using flexible working-time arrangements to accommodate care responsibilities.

To address this problem, the ILO has adopted the **Equal Remuneration Convention**, 1951 (No. 100), which calls for the achievement of equal pay for work of equal value. The emphasis on equal value rather than equal pay for equal or similar work is critical to eliminating discrimination.

There are several policy actions that can be taken to address the causes of the gender pay gap. These include:

**Better data and measurement methods:** improving understanding of what lies behind the gender pay gaps, including by using more appropriate data and measurement methods.

**Adopting and enforcing adequate legal frameworks**, which include the principle of pay equity, implement pay transparency, penalize wage

discrimination and address the broader unequal treatment in the payment of benefits or allowances.

Ensuring the enforcement of minimum wage laws, strengthening collective bargaining, and increasing access to paid parental leave and quality and affordable childcare services are also important measures.

In 2017, the ILO, UN Women and the OECD launched **the Equal Pay International Coalition (EPIC)**, a multi-stakeholder initiative that seeks to promote action and concrete commitments to achieve pay equity.

The governments of Iceland and Switzerland, which are also EPIC stakeholders, provide us with two recent good examples. In 2018, **Iceland** committed to closing the gender pay gap by 2022 and adopted a law requiring government agencies and companies with more than 25 employees to obtain an **equal pay certification** and to demonstrate their pay systems are only based on objective considerations. Entities failing to demonstrate pay equity face fines. Importantly, the certification transfers the responsibility for equal pay from the employee to the employer.

**Switzerland** started the “Switzerland Advancing Gender Equal Pay” (SAGE) to facilitate the role of companies in meeting equal pay requirements. SAGE allows companies with at least 50 employees to perform an anonymous, free of charge self-test to assess their gender pay gap. It also provides for regular equal pay audits in public administrations and related entities.

As we can see, legislation, alongside support from public and private entities, can help eliminate the gender pay gap. There is an international momentum in favour of concrete and coordinated action for pay equity so we can build together a better future with decent work, social justice, and economic success.

Thank you.

## **Pay Equity Testimony**

Good afternoon, my name is Suzan Al Shammari, and I am here to testify on behalf of the Arab-American Family Support Center.

At the Arab-American Family Support Center, we have strengthened immigrant and refugee families since 1994. We promote well-being, prevent violence, prepare families to learn, work, and succeed, and amplify the voices of marginalized populations. Our organization serves all who are in need, but over nearly 25 years of experience, we have gained cultural and linguistic competency serving New York's growing Arab, Middle Eastern, Muslim, and South Asian communities.

Equal Pay Day was started by the National Committee on Pay Equity (NCPE) in 1996 to highlight the gap between men and women's wages. This was 23 years ago, and we still have a huge pay gap to this day. According to The State of The Gender Gap "In 2019, women earn 79 cents for every dollar earned by men." Why is it that in 2019, we are still unable to provide pay equity for people across all gender identities, gender expressions, and backgrounds? As a former refugee, growing up in Iraq, being equal to a man was just a western idea. I grew up thinking I don't have a chance of having equality, whether through pay or status. But here, in the U.S, life is supposed to be different. You are supposed to be treated equally, paid equally, your skin color should not determine how well you can do your job..however, unfortunately, we are still a long way from equality. I should not have to worry about being discriminated against because of my last name or because I come from a war-torn country or because I am a woman. But the sad reality is, I apply for jobs and pray they don't pre-judge me because of my background. When you are described as "This is Suzan, she is from Iraq but she's actually cool" you know there is a

fault in the system, ideology, and society we live in. I'm just one example of the thousands of refugees and immigrants who struggle because of their color, gender, and background. What kind of example are we setting up to the future generation? If after all these years, we are still not paying women and people of color equally? It stops right here, right now, with you in government. Each one of you can put a stop to this, to bring New York City closer to pay equity and lead the nation by example. I love this country and I'm a proud citizen, but I dream of a day where I don't have to think twice about my gender and background when wanting to be treated equally in the workforce.

Thank you for your time.



# **“GENDER DIFFERENCES IN LEADERSHIP FROM A CROSS CULTURAL CONTEXT”**

**By Dr. Remi Alapo**

**Social Sciences Department, Borough of Manhattan Community College CUNY.**

## **Summary of statement on New York City Gender Pay Equity Hearing on Thursday September 19, 2019 at The New York City Bar Association.**

Women in 21st century have contributed notably to various organizations and have ascended to top leadership positions in their respective businesses and professions. Although limited in many organizations and places of employment, women’s leadership roles includes opportunities in government, public and private institutions such as in the areas of health, education, business, finance, politics, and economics. Women in leadership and decision-making roles influence the policies and directions of organizations and value support from their organizations. Pro-social outcomes of relationship competence are mediated by the development of empathy, collaborative approaches to conflict, self-disclosure, and social interest. Decision-making perspectives have uncertainty as the sole reason for organizational leaders to search for additional relevant information to solidify or clarify the information at the leader’s disposal.

Two studies reflected opposing views on the nature of a person’s cultural influence on his or her leadership style. The underlying argument in these studies is that in organizations, the environmental factors present in the society affects the leadership practices of leaders. An appropriate leadership style or practice in one culture may not be appropriate in another. Globalization has moved leaders towards common goals, such as being effective and remaining competitive in an innovative 21st century. The national culture of a person’s country may be different from the leadership practice of another, therefore it is an ambiguous statement to

previous cross-cultural leadership theories that a universal leadership practice exists. That is why it is important for organizational leaders to learn about and adapt to cross-cultural leadership practices and leadership styles of environments in which they work or one where they conduct business.

According to Jonsen, Maznevski, Schneider (2010):

...very few managerial guidelines address the relationship of gender, leadership and culture, i.e. how organizations should deal with gender diversity when it comes to structures, policies and processes, let alone with the complexity of a particular cultural or societal context. For example, while there has been some focus on legal compliance, there has been little effort to organize work differently (Liff and Cameron, 1997) and to look at the larger picture that includes the importance of home and work spillover effects (Gratton, 2007; Liff and Wajcman, 1996). And, unfortunately, too little research has been done concerning what organizations can do to impact the work-life balance by using practices and policies, and the potential effects of such initiatives on women's careers (Straub, 2007)...

**The following are the recommendations for organizations *to review the applicability of the context of both National and Family Cultures in regards to women's leadership and gender equity:***

1. the differences between the reality and the perception of a male and a female leadership style;
2. the difficulty of assessing the behavioral gender differences of a person's leadership style;
3. the prevalence and importance of norms, values, expectations, beliefs; and
4. the potential influence or stereotypes of cultural context based on both national and family cultures.

## **National Culture**

In a study on national culture and leadership, proponents of culture-specific perspective maintain that the effectiveness of leadership is unique and depends on national culture. These authors argue that a person's beliefs, values, ideals, and norms are deeply rooted in a person's leadership practices, and that national culture affects the leadership behaviors, styles, goals, structure, culture, and strategies of organizations. Central to organizing a core belief to understanding a person's leadership style is national culture. National culture implies that an acceptable way or practice of leadership in one culture may not be preferred in another. Social psychologists have argued that culture is socialized in a person through shared values of social groups that play key roles in a person's cognitive, emotional, and social functioning. These socialization patterns, in turn, shape how people perceive the self and others in cross-cultural environments.

## **Family Culture**

Cultural factors affect leadership in many ways. Leaders, especially within the extended family system see themselves as working for members of the family as well as for the extended family, rather than for his or her own immediate gratification. In culturally inclusive societies, organizational leaders view themselves based on their family name, responsibilities, and the societal construct of how a man or woman should or should not behave amongst peers, subordinates, and others in the work environment. Societal constructs are based on age, gender, level of education, and region. Decision-making in many family culture relies on patrilineal family and social structures, in which individuals foremost will base their leadership style on the national and family culture of their societies.

Therefore, national culture affects personality, attitudes, and behaviors of a leader or person in positions of power. Previous studies relating cross-cultural leadership issues to work behaviors, have concluded that cultural factors influence a person's leadership style.

Universalities and culture-specificities are more likely to be found than not, in places or societies where family culture and tradition are very strong. Culture and family background enhances the view of power, and on the leadership styles of one participant.

This statement included information from current research and from a \*phenomenological qualitative research study which explored the preferred style of leadership of Nigerian women in leadership positions based on three leadership and decision-making styles where the presenter gathered insights into the lived experiences of like-minded sample of respondents from the research population as they described their leadership and decision making experiences within their respective leadership context in cross cultural organizations.

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Honorable Jaqueline Ebanks  
Commissioner Carmelyn Malalis  
Commissioner Lorelei Salas  
Distinguished Panelists  
Presenters  
...and guests

I speak today thanks to the tenacity of Matthew Graham. the support of the Sisters of the Zaid Ibn Harith Islamic Center and the many muted, feminine voices, of the Refugee, Immigrant, and Asylum-seeking Employees that serve New Yorkers each and every day.

The single, married or young women that come to this country, and specifically to New York, come with little or nothing, arriving with the dream and the ability to believe that things are going to get better.

These employees come from the ethics of hard-work and determination, real-time examples to emulate, that make each day count as competent and long-term employees.

The mindset of many of their employers, hire these immigrants under the complacencies of entitlement and true belief that they are the “ruling” faction of their life and family. Asking them to “come in for a few hours” on the weekend, when the office is normally closed and *not* calculate these hours as worked on their payroll.

Many refugees speak to the fact that their employers treat them as if “privilege” is their second language to the oppressive English spoken in demeaning work environments. Requiring them to “stay a little later to help me” and asking them to “finish the work before you go home”, only paying them for the standard eight-hour day even if they work for 10 or more hours to finish.

Asylum-seekers believe that they are not worthy of getting proper and competently safe environment to work in and still others stateless citizens never feel safe in believing that they will ever be a permanent part of any corporation or organization due to the flux of their status.

These women have allowed me to create the packet that’s in front of you; a human rights policy designed to empower those that are left behind, those that are pushed behind and those that are socially marginalized, politically

under-served and intentionally added as “other” not giving them importance enough to be served.

As a member of the **Global Alliance for the Rights of Older People**, my work is in support of some of these women that are over 40, and are inaugural birthers. They tend to be aged-out of careers because it is assumed that they are going to “retire” to care for the new child, *not* going to return to their career “so late in life” or are aged out of remote work contracts or tele-commuting opportunities, which are given to younger gestational women!

This sub-demographic create a growing equity deficit through “professionals ageism” by 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 employ-ability, after having a baby.

Because of all of this, my office is now working to include an equity credit program. This movement is intended to inspire HR credit or tax shelters to encourage equity for these women.

At current, as the **2019 Ambassador for the International Model UN Association**, (held in Hanoi Vietnam this year) and in my current work with **UN Women Gambia** we have developed twelve (12) Sustainable Humanitarian Empowerment Goals (or SHE Goals).

On the very back of the packet that was handed to you, is “**SHE Goal #8**”, is entitled, *Triggers, Traumas, Tragedies and Triumphs*. This emphasizes the **Moral Injury** and the lack of human equity we speak of; moral injury is the psychological, social, cultural, and spiritual aspects of trauma on an already insecure mindset. It categorically deals with the individual's subjective conscience that lies in direct result from 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, delaying the return to work, compounding the very truth-to-trauma, we are testifying to, here today!

So... I come today to offer a *solution* that we can begin to add to the protocols of education within the commission. Entitled, “*Equity Disbursement and Inclusion Protocols*” (eDIP). This will be a mandated part of the education,

required BEFORE receiving business license, Workman's Compensation Insurance and or Food Service Permits.

I serve the unrecognized sovereign tribes, undocumented international cultures, stateless, landless and countless oppressed and displaced indigenous people in New York!

I thank you for your time... I am Dr. Ameena Ali!

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September 19, 2019

Pay Equity – It is more than just a numbers game.

We have all been well versed in what pay equity means. Stats about how much more moneymen make than women, the perpetual “glass ceiling” that so many of us have personally faced. However, pay equity is so much more than a numbers game, the social and emotional tolls that are a direct result of pay injustice are immeasurable. I can spew familiar stats but today I would rather talk about my own personal experience, an experience that is more than just anecdotal but one many of us can empathize with. A view from lenses tinted from a perspective of an angry black woman, blurred from years of sorrow-filled tears. I am a community advocate with over ten years expertise in the nonprofit industry, with a passion for highlighting equity issues, and sub specialties in consulting, branding and communications. Community leaders have labeled me a “success story”. I am the decorated in awards from councilmembers, assembly members, and religious leaders and I have stood in front of microphones more times than I can count.

I am also “labeled” other things. I am “black”. I am a “woman”, A “NYCHA resident”, I am a “mother of six children”, I am a “college dropout”. While these labels afford me, a platform for advocacy they also afford employers an excuse to pay me less than what I am worth. Too many times, I have watch my male counterparts with the same level of skill, expertise and experience laugh at salary Negotiations. Negotiations where your gender determines if your experience equals your education. Negotiations where your gender has employers raise an eyebrow at questions behind paid maternity leave. Negotiations that often do not afford my children the opportunity for high quality childcare and me peace of mind during a workday. Fair Pay- is not just about what’s “fair” or how many zeroes are at the end of a paycheck. It effects the emotional aspect of my children and myself. It labels me devalued as a worker and is a label that sticks in and out of the work place.

Pay equity is the difference between going to work feeling valued, with my head held high, accessing the best version of myself when interacting with others and not. Pay equity can mean the difference between being able to hold my chronically ill children when they are sick (illnesses cause by inequity issues no less) and not. Pay equity- is the difference between being able to afford a day off to schedule an appointment with an LCSW to address mental health issues and not. Pay equity trickles down into our interactions with others, our ability to care for our loved ones and ourselves. Pay equity effects how we view ourselves.

An experienced professional should never “negotiate” his or her pay. Their children should never suffer the social and emotional turmoil that unfair pay brings. If I could leave you with one thought today it would be this: Do not solely focus on the numbers that an unfair paycheck provides. The price tag of an inequitable salary is yet another label we women wear in society; it not only shows how employees view the worth of women but highly impacts how we internalize the worth of ourselves. A social and emotional disparity that society truly cannot afford.



(Stand by for caption)

>> Good evening. I am Roger Juan Maldonado, President of the New York City Bar Association. Welcome to our association for tonight's Public Hearing on Pay Equity. I want to first commend the Committee on Sex and Law chaired by Mirah Curzor by having brought the people who will be testifying tonight and the members of the city government who will be co-sponsoring the event. One of the things that is important to the city bar, and we have 150 committees, is to be able to work on issues that are important, to not just lawyers and city bar members, but to the members of the community within which we live and work. I cannot think of a better example of bringing together committee members, government officials, and members of the community to talk about an issue that is incredible and important to anyone that is employed, pay equity in the workplace. On tonight's hearing is designed to elicit from the persons who will testify their views on what has worked, what advancement has occurred within pay equity in the workplace, the individual needs of specific persons that must be taken into account within, with regard to pay equity, best practices, who has come up with systems that actually do work to ensure that there is

pay equity. And, finally -- well not finally, but certainly, what challenges -- what is still not working well that must be addressed if we are going to truly achieve pay equity?

I want to give specific recognition to the city government entities that are here, The Commission on Gender Equity, that is primarily responsible for having brought us together with you here tonight.

Commission on Human Rights and the department on work and protection. I was speaking to commissioner and to MaritKursor about the need for follow up on this issue. After the testimony tonight, there will be a written report that the city bar association will assist with. My invitation to the commissioner and to the city bar committees is:

Please come back! We look forward to having the opportunity to host you again, where we can present the findings that result from tonight's testimony and have further discussion on what is the best way forward. So I look forward to hearing what you have to say and to continuing to work with you to truly achieve pay equity in the workplace. Enjoy the evening.

>> {Applause}.

>> Good evening, everyone! I am Jacqueline, I am executive director on Commission and Gender Equity, also known as CGE. So

thank you for being here tonight. I want to express our gratitude to Rodger, the New York City Bar, and the Sex and Law Committee for your partnership and for hosting us in this incredible facility tonight. Tonight would not be possible without team members at three city agencies. And I want to start by thanking them and I am going to ask them to raise their hands as I name them. Because, you know, as what you see as finished product begins very often from folks sitting in a room and then people breathe life into it by the numbers of hours they work, the phone calls and the meetings. I want to acknowledge the tremendous work of the staff, The Commission on Gender Equity, Gale, Mat, Chancey and Helen. We have partnership with the Commission on Human Rights, Edwin, Max, Vincent, and DCWP, Department on Consumer and Workers Protection and of course our colleagues at the city bar, Mira and Melissa. This is impossible without your leadership and persistence to make this happen! I also have to thank commissioner Carmelyn Malalis who is the Chairing Commissioner of New York City Commission on Human Rights and Lorelei Salos who heads Department of Consumer and Worker Protection. And to thank them for their tremendous and continued leadership and partnership in this administration. We are proud to be part of an administration that is

over 50 percent women and persons of color in significant leadership.

Our fierce partnership gives us these incredible --

>> {Applause}.

>> The work on the team -- these two agencies, are integral partners in fulfilling the mayor's vision to make New York City the fairest big city in the nation. So, before you leave, please visit our tables.

Loads of information are there for you! Take them. Share with your colleagues. Winter is coming up. Good reading when the nights are cold. So do avail yourself of the materials. I want to tell you about The Commission on Gender Equity. Our goal is to work every day to break down barriers for equity for all New Yorkers, regardless of gender identity, gender expression or background. We did that with a team of 32 commissioners. 26 of the commissioners are appointed by the mayor, 5 are appointed by the Speaker of the City Counsel.

I am fortunate tonight to have Tillery, Sasha Ahuja. In the audience and someone who will be testifying, we have the president of PowerHer New York. As Rodger said, we are here tonight to learn more about and to accelerate our progress on gender equity. It is a challenge that persists in New York City and around the globe.

Some figures say that we have another 2 centuries to go before we

achieve it. To which we say, we will not live that long so we are not satisfied with that statistic. It got several of us thinking. In March of this year, CGP commissioner myself and Gale, at the commission, we were discussing another Equal Pay Day rally that we are going to hold in April. That day is very important. It is the day to discuss the average amount of time it took a woman to do the amount that her male counterpart did. While we realize that we need to raise the challenges and awareness of the issues and to have equal payday rallies, we knew, however, that we had to find other ways to accelerate the transformational change that this requires. Even as we recognize that New York City has made tremendous strides over the past six or so years by instituting progressive policies and practices that seek to advance equity in the workplace and close the gender racial gap. I want to acknowledge Helen Rosenthal, who is the Commission on the Gender Equity, but also chair on the Committee on Woman and Gender Equity. And with leaders like Helen Rosenthal, New York City has passed the first of its kind in the nation. We have Family, Sick, and Safe Leave. We are fiercely busy ensuring that workplaces are free from sexual harassment and we work to ensure that all New Yorkers live their lives in an economic and secure way, live their life safely and

in a healthy way. But the pay gap persists. And so we also know that when we view the pay gap with an intersectional lens, it is much more severe for women of color. An average woman in New York City makes \$0.89 on the dollar compared to white male counterparts. But for women of color, they make \$0.82, \$0.66 and \$0.56, respectively. So this intersectional lens gives us another layer of the complexity of the issue. But the intersectionality is not only around gender and race, it also related to a person's status as a caregiver. Or it relates to the field in which you work. Or it relates whether or not you have a job that is unionized or not. And many other factors.

So what we want to do today is look at the complexity of this and to hear from every day citizens, as you live in your workplaces and as you work in your workplaces: What can we to eliminate the gender pay gap. What is the impacts of some of the laws that we have passed already? We are saying, we cannot do the work without you.

Tonight I want to thank you for choosing to be here, whether you are only attending to hear testimony. Whether you are actually giving testimony, or whether you have submitted testimony in writing. We appreciate your support. We know that gender pay gap has implications today and it will have implications for generations to come.

It feeds the persistent racial gap. It is about the well-being of our families, it is about the collective well-being of our communities and this great city. Therefore, as persistent as the gender pay gap is, we need to double persistent to eliminate it. With that, and with the sense of the charge tonight, I want to bring to the podium, president and CEO of the National Woman's Law Center. She has spent her career working around the areas of economic security, reproductive justice and workplace fairness to advance opportunities for women and girls. We are thrilled to have her here tonight. I am delighted to meet her in person and grateful that she made this a stop for us.

>> I am thrilled to be here as well. Thank you for having me and thank you to all of me for having this event, to the Commission on Human Rights, to the Department of Consumer and Worker Protection. It is a real privilege to open this public forum. And I am grateful to all of you for having this forum. I am Fatima Grace, and I am president and CEO on the National Woman's Law Center. We transform the lives of women and girls for almost five decades and has campaigned for equal pay almost since its founding.

But, even with almost five decades under our belt, I am here to say tonight, that we are really at an extraordinary moment on the issue

of equal pay. No longer are we spending as much time doing what I used to have to do when I first started to do this work, which was debating whether there was a pay gap at all. The data came out last week with a strong reminder where we stand on that front. You heard some of the data as well. The thing to know, in addition to the data you already heard, is that that pay gap has been stagnant over the last decade and really the effects, even though New York does better overall than some states in this country -- notice that I did not say that it does well -- it just does better than some states. The wages for black and brown woman, when we start to put some numbers around them, are even more startling. In New York, it means that black woman over the course of a lifetime are losing \$900,000 for the pay gap. Those are life changing numbers. But despite these frightening statistics, I want to say tonight why I feel sort of optimistic. Because of the long time organizing work and story sharing and advocacy at ALL levels in this work, has brought us to a new moment. We are now at a point where, in this country, the celebration of U.S woman's national soccer team exciting victory was met with chants of USA and chants of equal pay. To me, those chants were a reminder that equal pay and core values of equality and dignity are ones that are ingrained in the fabrics of the



ideals of this country so they should have happened together. And the collective demand that we do better for the soccer players, was about them. But it was also about doing better for ALL woman. And that is where we find ourselves today; the fight for equal pay and the fight to close the pay gap, generally, is really a conversation about the overall major of our ability to work with equality and dignity. So I want to take us back a little bit. Our Equal Pay Laws, which are really made up at the federal level around a mix of the Equal Pay Act, which was passed in 1963 and then the following year, the Civil Rights Act, passed in 1964, they were really addressing discrimination in this way together. It has been about a decade since congress itself passed the Lillie Ledbetter Act. What we have learned is that those baseline and core protections against discrimination and pay by themselves are not going to be enough. When I think about why women are paid less, in part it is because they can be. They can be paid less because of the secrecy that surrounds pay; allows to maintain systems that are biased. Our Equal Pay Laws are not strong enough. It is around those two areas that I have been super excited to see states and employers showing up and not waiting for congress to get its act together to keep pace with the cultural wave demanding that women be able to work with equality

and dignity in this country. States like New York, I believe we can drive a change that we need. Here is some ways that the state is taking this on. On the problem with secrecy, which has made it easy for employers to treat their employees unequally. There has been efforts that follow efforts at the federal level. At the federal level, our Equal Employment Opportunity Commission, has a data that would be transformative. If it was implemented. States are taking steps by requiring pay data collections, others are looking at important work that is happening abroad. I think that would be a good lesson for them to see what they can implement here to bring pay disparities to life and have transparency be an important driver in closing the pay gap. Some states have taken steps to limit a number of reasons why employers can pay men and woman different wages for the same job. One of the features allows employers to justify paying men and woman differently for things like merit and quantity and quality production. But there is a vague provision in the law which is called "factor other than sex" what has been, is that some employers have taken it as a notion to pay women for any reason as long as they don't say it is sex. Courts have failed to scrutinize the explanation that employers have provided. As a reason for paying woman less at their workplace, which 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 either woman never negotiate, but really if woman do, they are penalized. If you negotiate like a man, you are seen as demanding or other stereotypes. There is research that says the perfect way to negotiate, it doesn't involve a smile. In case you are curious. I have been inspired by the states that are taking that information and just moving forward and working to pass new laws and protections. So it was thrilling that New York passed this ban on salary history so that employers are not 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 woman. Disrupting that will be very important, not just here but around the country.

Here is what we know: Being paid equally really should not depend on zip code. It also should not depend only on having a perfect employer. We need fundamental change at the federal level, too. And the pressure coming from the states will be an important part of making that happen. So that is why we have been campaigning for the

Paycheck Fairness Act. Which will strengthen the Equal Pay Act, prevent the employers from retaliating against workers who try to discuss their pay, and limit reasons employers can pay unfairly! It will also require explicitly that the Equal Employment Opportunity Commission would help to uncover pay discrimination. If you have been following the litigation from the National Law Center, it is clear that we need an act from congress too.

Finally, to match the needed changes, we, as a country, need to take the steps to make it possible for workers on their day-to-day, to experience all work as safe and equitable and dignified!! That is also an equal pay issue. In truth, if we separate them, we are missing the real problem. That will also 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 is the thing that the vast majority of them do. That is especially true for black and brown woman. That is why policies that raising the minimum wage, having fair and predictable work schedules and access to child care are so important! That is why things like stronger protections against workplace harassment and enforcement of protections against workplace harassment and pregnancy

discrimination are so important. It is unacceptable that women continued to be punished in the workplace for their reproductive decisions including working hard to provide for their families. You know, in many other developed nations, we have more or less tested a lot of the ideas that feel sometimes hard in parts of this country. I just think that we deserve better and we are ready to turn up the volume. We will have to wait until the year 2027 to achieve fully equal pay.

I am confident that we can achieve it much sooner than that. But it will be up to people like you in this room to keep pushing it all forward and shape a very different reality. So thank you all for having me tonight and I am excited about the hearing.

>> {Applause}.

>> Okay. 2227. And that is not a television show. I want to acknowledge the interpreters in the room.

>> {Applause}.

>> We have ASL service interpreters and we also have the CART (Communication Access Realtime) on the screen, but in the back, we have French and Spanish language interpreters. If you need that, and of course I cannot say this in French or Spanish, but if you need to have interpretation, the headsets are at the table, so please

feel free. And, with that, as we take our own challenge to ensure that New York City leads in eliminating the pay gap. I will be joined by commissioner Carmelyn Malalis, commissioner Lorelei Salos. Our first speaker will be Jennifer Klein: Time Is Up Now. You will be informed by one of our colleagues when you go next. I am introducing Jennifer and you will all follow. Thank you so much.

Welcome Jennifer.

>> {Applause}.

>> Before I begin I want to thank Executive Director of the Commission -- for chairing this hearing and all of the commissioners for the opportunity to speak before you. My name is Jennifer Klein, together with corporate leaders and leaders across industries and sectors, Times Up Now is working to change our cultures and policies in the private and public sectors so that work is safe, fair and dignified. Sexual harassment is a major problem. Sexual harassment is a pressing problem, but it is also a symptom of greater inequity. The pay gap is a key barometer for correcting it. All people, regardless of race, gender or socioeconomic status can thrive. New York City has been a leader. In 2017, the city banned (inaudible term) in job interviews and pay inequity that women have experienced in prior jobs. They raised

the minimum wage, New York City is also filling gaps in state and federal law with universal pre-K, pay family leave, and laws for caregiver biases. It comes as no surprise that New York State has the third smallest median pay gap in the country. An example of what is possible when the public sector puts working people first. The truth is that government cannot solve the problem unilaterally. I will be focussing on private sector reforms. Calling on companies to step up and fix the pay gap. There is concrete steps that companies can take; first, companies should conduct an annual assessment of the median pay gap in the workforce. That is the metric that reflects the totality of the problem, evaluating not only the difference of what men and women earn in the same job, but also in the aggregate across an institution. This reflects the prevalence of male positions compared to woman. Companies should be transparent about the steps they will take to close the gap. The city and this commission is well placed to develop tools to support companies that want guidance or resources. Second, companies should post salary wages for job classification. This ensures transparency and protects woman from being underpaid when they get the job.

They should have retention processes to reduce unconscious

biases and other barriers. Companies should institute corporate policies, including pay parental and medical leave, child care, and leadership development to ensure that all employees have the tool and support to thrive. I want to take a moment to commend the commission for your deliberate efforts to close the pay gap. The pay data is crucial to understanding whether companies are treating their employees fairly. It is crucial to ensure that all genders are valued, promoted and paid equally. City workers and tax players deserve to know if city employers are being compensated fairly. A city audit would help gage how far we have to go.

We have seen the power of corporate sector with companies Like Citigroup, the first company to do a median pay gap analysis. This commission has the tools to push companies in the right direction. We want to change the conversation around equal pay. This is more about "equal pay for equal work" it is about structural forces that hold women back at work. The unequal care giving responsibilities, the lack of paid leave in the United States, and old fashioned gender discrimination. No excuses. It is time to commit to building a more equitable workplace for everyone. The clock is ticking. Let's go. Thank you.

>> I want to thank you panelist for having me at this important



meeting. My name is Gloria, Middleton. My unit represents 9,000 active city administrative workers, the majority of whom are female and minorities and almost 6,000 retirees. I am here to speak about pay equity. Making sure that all city workers, especially women and minorities receive the compensation they are entitled to for the work they do. We know that salary compensation packages should not be tied to the color of your skin, your sexual orientation or your religion. They should be in direct correlation to the work expected of you in your given title.

That is just common sense, but in New York City, the most progressive city in America, that common sense was nowhere to be found. That is when Local 1180 took the reins and filed a lawsuit bringing the problem to light. Our case goes back to December 2013, when my union filed charges against the Bloomberg Administration based on the fact that the wages of the administrative management were being grossly suppressed. They had been in the managerial pay plan, and it appeared that their salary was being suppressed once women and people of color started to be placed in the title. At the same time, maximum wage was being increased. Women of color were at the minimum, white men were at the maximum. The salary

range went from \$53,000 to more than \$150,000. Almost a hundred thousand dollars difference just based on the color of your skin, gender or both. The entire history will take hours to delve into. If you are interested, it is on our website. I will tell you now that in April of 2015, the EOC found in our favor that there was reasonable cause to believe that there was widespread discrimination against women and people of color, with more than \$246 million. After years of stonewalling by the city and the fight of our lives, Local 1180 levelled the playing field: We won!

>> {Applause}.

>> With a few too many trips to court behind us, we are currently waiting for the city to issue checks to members who faced discrimination. Two years ago, Mayor Deblasio said it was unacceptable that we are still fighting. Yet, not enough is being done. We need change. We need all workers regardless of race, religion or sexual orientation or anything else to be paid equally for equal work. That is the bottom line.

>> Good evening. I am Marrisa Senteno, I am with the National Domestic Workers Alliance. We are the nation's leading voice for millions of domestic workers in the United States. We advance the

rights of domestic workers by advocating for gender equity and humane immigration policies. We have a New York chapter and an over a dozen affiliate members, which are active organizations that has domestic workers as part of their membership base. I want to talk a little about what we are seeing on the ground about gender pay equity and domestic work. Historically, when most our countries labor laws were being designed, domestic workers were left out. Workplace standards were rarely extended to domestic workers. Issues like sexual harassment and lack of safety on the job became a rule rather than the exception. Domestic workers in New York are mostly immigrant women of color and the exclusion of rights stems from institutionalized racism and the legacy of slavery. It is a role that is held almost exclusively low wage women and undervalued labor. We passed the Bill of Rights which is historic and we are the first state to do that. That means we have to work hard to educate the society that care work is seen as woman's work. It is the work that is so undervalued and it is gendered. Since the passage of the Bill of Rights we have worked hard to address implementation and enforcement of the rights. It is not enough time to undo the wage disparity of domestic workers. This is work that is passed down from mother to daughter to

granddaughter and the time that is stolen, the wages that are stolen are then passed on to the next generation of domestic workers. We see that equalizing pay is more than making men and woman's wages the same, it is about shifting the way we think about care and the woman who care for us. I would recommend that we pass the inclusion of domestic workers against discrimination in the workplace. We need to pass personal paid time with the inclusion of domestic workers. We have to provide community service support and extended care support targeting domestic workers and their families. We have to create an entire infrastructure and ecosystem and continue to provide budgeting for the Department of Consumer Workers Protection because we have been doing co-enforcement work and we want to continue enforcing and having access to rights for domestic workers. I have laid out other recommendations, but thank you for listening tonight.

>> I am Bobby Sackman. I am here on behalf of the Radical Age Movement. I am here to talk about age justice issues of older women, including older woman in feminist agenda. We keep leaving us out and it is time to expand beyond our reproductive rights, that means age 50 plus. A little bit before. I am stretching it. I am here to talk tonight about age discrimination in the workplace. Just really quickly, I

am not going to go through the testimony that you see, it is full of statistics and data. Just some highlights. Thousands of woman in New York City over the age of 50 face economic and age justice issues. We are living the history of pay equity being unfair. Women are ageing into poverty, our generation, 50 to 80 and older, so lessons of pay inequity are being lived out and what are we doing about it? What are we looking at? There is rampant age discrimination in the workplace. You will see the Ageing Chair introduced a legislative package into city counsel, first time historically, addressing age discrimination in the workplace. I am asking all of you in your positions to please take this on. This is a group of women who has been remained invisible for far too long. You probably know somebody in this position. Caregiver responsibilities; every time you say childcare, please say homecare. This is across the lifespan. Women lose out on social security when they leave the workforce to raise their kids and then to take care of elderly parents and relatives, but we don't say it in the same breath. Please do. Personal bankruptcy skyrockets after age 65 due to inadequate income and medical bills. These are people on Medicare. Think about that when we talk about Medicare For All. The message is that we are part of the future, too.

If you are being fired or told to get lost, it means you have no place anymore. Demographically, socially, emotionally, you name it, this is devastating. So it is time to say that older adults are part of the future too. We do not age the same way that other generations age. And, yes, we need the money. I am not going to go through the whole package. It involves the Human Rights Commission and we met the other day, thank you for that roundtable that we had and the meetings I have had with you, Jackie. I want to say that let's be able to move forward so there is a feminist agenda across the lifespan. Thank you. Give me one more minute. There is want to develop an antiagism curriculum. We would like to see where -- it mirrors sexism and antiracism. The Human Rights Commission is working on developing a testing protocol. The establishment of the Older Workforce Development. People need training, but also wraparound supports. And establishing a task force to further study this and make recommendations. Thank you.

>> Is this on? I am Faye Penn. I am the Executive Director of Women.NYC. Which is a city government agency designed to amplify the city program and services for women and also launch our own. Thank you Jackie, to the Commission on Gender Equity, thank you for

everyone who is testifying today. And Bobby, thank you for bringing up the issue of ageing woman to this conversation. I wanted to throw out a statistic that I read recently, which is that men reach peak earning potential at 55 and woman at 44. Our potential is declining 10 years earlier than our male counterparts. Our current efforts is Ask For More which is a program to give workshops on salary negotiations. In our workshops, you will learn, what, in addition to a smile, will help you achieve that promotion or raise you are seeking. In partnership with other agencies and non profits, we have offered free tech training, investing in minority and women-led start ups. We are working toward creating equity in our public arts spaces called shebuild NYC. I want to talk about the international context that was mentioned, the Work Economic Forum. They have issued a ranking of countries based on gender equity benchmarks. In 2018, the country that ranked as the most gender equal by the World Economic Forum was Iceland. This is a country that is committed to closing the gender wage gap. Last year, Iceland became the first country to levy penalties against countries that have a gender wage gap. They have until 2021 to take action. Not far behind are Norway, and Sweden. Does anyone know where the United States was? 51. Right behind was Bangladesh, and Mexico. It will be

a 165 years before there is equity in our own country. This cannot be left to the private sector to work out. On a world scale, the workforce cost the global economy --

Fortunately, some other folks have talked about the work that the Deblasio administration has accomplished to help level the playing field. I want to site the Commission on Gender Equity, which is taking a more broadly discrimination against women, and transgender and non binary individuals. I want to highlight many more agencies, including the Mayor's Office of Media and Entertainment. Because I am out of time, I want to lend support to the various initiatives that -- to discuss, in terms of fostering corporate equity, promoting women leader, foster work life balance for all employees, including those taking care of ageing folks. We have seen that when advocates shine a light on the economic inequity, change is possible. As recently as 2012, one in eight SNP had all male awards. This year it went extinct. It only happened because of folks in this room shined a spotlight on the issue. Woman.NYC is proud to work with all of you to help the gender pay gap. A vestige of the past. Thank you.

>> Good evening, everybody. Thank you so much for the opportunity to talk about gender equality and the gender pay gap.



I am wearing three hats today. The first is as a board member of PowerHer New York. I am so proud to work with one of your commissioners who worked closely to publish this wonderful report on levelling the playing field. This is a report that is not only relevant to New York, it really sets best practices for the whole country, and in fact for the world.

The second hat I am wearing is for UN woman, I am the co-president of the metro New York chapter of UN Women, as probably many of you know, it is the global advocate woman's empowerment and gender equality. As part of the most important pillars is woman empowerment. It really gives us the global platform, we are a partner with the International Labor Organization as well the OCED, which is the Organization For Economic Development, what these three international institutions are one of our big goals is to reduce the gender pay gap. And UN Women made a pledge that by 2030, we will be drawing on global political attention to the concrete advancement of this agenda. One of the big projects of UN Women, now, is called "UN women, we empower through responsible business conduct." This gives us an opportunity to work with G7 countries, look at the best practices around Europe and to hear those. So I am going to be

sharing a couple of case studies from that project. So before I go there, I want to make a point about what it will take to make gender pay a reality around the world. The first is about strong government commitment to gender equality. We need strong laws and policies. We cannot do it without that. We clearly need strong leadership to change culture and norms for gender equal and safe workplaces and that is leadership in the workplace, leadership in government. We also need plans of action. We need concrete plans based on -- I am going to give case studies if you don't mind. The Gap was the first Fortune 500 company that had a culture of collaboration and support for women and they had managers that had clear criteria to position employees appropriately, they gave managers data, they had transparency, and a budget to make adjustments in pay. They also had the same hiring and recruitment, no salary history was required and they had transparency. My second case is in Iceland. It is about parental leave, which is really important! So in Iceland, they have, get this -- they have 3-month pay leave for the woman or the mother, 3-month for the father and then 3-month of shared equal. What it turns out is that it is so important to have paid leave for both parents. It matters how the paid leave is being used. Women take longer leaves and men take shorter leaves. Salary

matters because men have higher salaries so they take less leave and culture is a big factor and even in Iceland we have men who basically are discriminated against for taking pregnancy leave. The last thing I want to say is, I want to talk about a major recommendation about Cedaw. We need strong policies and laws in place for the foundation of gender equality. Many of you know that the convention of the elimination of all the forms of discrimination against women, has been signed by all countries except the United States. We are encouraging New York to adopt the Cedaw act so it can be used as one of the frameworks for advocating for pay equity. Thank you, very much.

>> Good evening, thank you so much for the opportunity to testify. My name is Nekpen Osuan and I serve as the CEO and co-founder of WomanWerk. Our goal is to organize women of color to build equity and inclusion. I am here today to talk about some of the things we talked about at WomanWerk. A lot of research is out there about the root cause of pay and equity. I am putting on my consulting hat. In my strategy practices, I try to look at the root causes of things. That is the framework I would recommend to the commission today. First of all, one thing that comes up in all of our conversations at WomanWerk. We have been able to share the stage with our friends at

South by South west and our colleagues who are also deeply committed to this issue at Ladies Get Paid. Raising the countries all the time, because it should NOT be just in April or in November. We learned that transparency is the root cause. We are underpaid because we don't know what everyone else is making. We can borrow practices from our European partners who are forcing private and public organizations to share and keep pay data. This is only when the EEOC would be able to look into a complaint. When a woman has to visit the EEOC and is complaining of pay and equity, she will be told that the data was not collected or collectible because the organization or agency does not keep clear records of who is being paid what at what salary title and under what administrative title. This is something we can fix. The payroll office pays everyone the right amount, not a dollar short. So they have that information. The root cause is that we are not connecting across the city. In the age that we have built out big banks for taking risk, I feel like we can come up with a technical solution to that issue. What if you are underpaid, what do you do? What typically happens -- and I am sharing this not at any direction from anyone -- I have been told that it is deeply understaffed. She was sitting with 12 and now she sits with 3. It has been underbudgeted. I am sure

intentionally. The thing that happens when you are underpaid -- and I think you guys can be allies in building better protections around the language in our current laws -- New York City also needs to get rid of title seniority and passed experiences. We need to look at why we still have those protections for companies today. Thank you.

>> {Applause}.

>> Good evening. Thank you so much for hosting me. I am Meggie Palmer. I am the CEO and founder of PepTalkher. I emigrate here because of the progressive sound of the city. A city that has legislations and actions on an issue that matters to me. I founded the company after my own experience as a journalist with my own experience of pay equity. We provide inhouse training to Fortune 500 companies and we support a community of 14,000 woman who are aspirational professional woman. We built an app to help these women build a skill to get our community tells us that they often have no idea if they are being paid well or not. They say that fear holds them back to negotiating. Even if they build up the courage, they struggle from closing the discussion. We launched app with vogue just a few months ago, the app prompts users twice a week to enter their win and successes so they can document them. These statistics can then be

use as qualitative and quantitative data when they advocate for a raise or promotion. Our users tell us that they noticed an increase in self-worth. One of our users successfully negotiated a \$60,000 pay raise and dozens have e-mailed us to tell us they had promotions as well.

Also necessary to making a difference is the role of legislation of companies that so many of colleagues have spoken about.

Transparency in pay is crucial. A recent study by the Harvard Business Review said that where wage transparency has -- in Denmark they are required to report, and they saw a shrinking of the pay gap as a result of this. We advise that we introduce transparent pay, but most importantly, we would love to see it be mandated for companies to conduct pay analysis annually with this data becoming publicly available. Evolution will not happen in the dark. We need a shining light of public scrutiny on this issue. We ask the committee to actively engage our allies as well. In my native country of Australia, we have given prominence to this issue. It activates influential leaders to support and step up alongside us to further drive change. We know that the fight for quality, we need utilize macro and micro levers. We are proud to work to create this change. It is enough of delay tactics. It is time for action.

>> Can I ask you a question?

>> Congratulations on the launch of your app. You have 15,000 in your Talk Her community. Where do you advertise?

>>A STUDENT: We don't advertise. We started on social media and it has grown from there. We are self-funded. We are impact driven, but for profit business. It is word of mouth. Partnerships. We would love to afford to advertise but we cannot afford it right now.

>> Do you see patterns in demographic.

>> 91 percent female, in terms of the app user 85 percent identify as female. We do know that men use the app, they suffer from imposter symptom. I know that my colleagues talked about earlier that show that women do ask for raises at the same level. Our community, anecdotally say they don't have the confidence to ask those questions. I am not sure about the sample size, but they tend to be mid career.

>> Did you say something about demographics and race?

>> We don't track race in the app, but we don't -- the community itself, anecdotely is very diverse, but I don't have statistics on that because we don't ask the question. But is that something we might add in with the developers.

>> I think you talked about the importance of salary transparency

in job descriptions, we heard earlier from the work dot NYC is looking into salary negotiation, what are your thoughts that the city should pursue. I am holding a presumption that people who know how to negotiate -- I was wondering to what extent that serves all of us? How do we think about a strategy as a city around salary transparency being something that companies should champion, the city should champion, in addition to the need of increasing the skill set of salary negotiation. I am curious what your thoughts are on that.

>> We feel like education is super important. There are so many women who are amazing negotiators and they don't need training. They don't need us. The woman who are part of the PepTalkHer community, need a community of people who they feel like they can continually engage and ask questions with so they can continue the momentum I suppose. I think from what we hear from them, is that it is isolating. And when there are situations, you know -- when you find out that you are being underpaid, or being threatened that you are being sacked because you are pregnant. It could be very isolating. Perhaps the negotiating skills that you have in the past, may not be front mind in the scary moment of the career.

>> Thank you.



>> Thank you for having me.

>> Commissioner, that is a great question about where do we support woman in their journey for salary negotiation. We are surveying over 5,000 women of color, if you are interested in taking that survey, please come see me after. One of the biggest things is that women of color, in our communities, tell us that they are nervous to negotiate salary. They are afraid that the offer will be rescinded. And I think that, to a certain degree, that fear is not unfounded. I don't think that people woke up thinking I want to leave \$50,000 on the table. Which is the gap I had to negotiate. I am glad that organizations are training more women. Our members are very interested in this. We just had our last event at We Work on the topic of achieving pay equity for women. 50 percent of the women who came up and testified told us that they don't have a sense of how to begin negotiating. At the point they started to negotiate, they found out that they were already underpaid. Which historically is on issue. How do you research what is a fair pay? How do you structure that dance of negotiating? I think that is something that a lot of people will stand to gain. Nobody teaches us that unless they are our mentor and unfortunately not everybody has mentors.

>> Good evening, everyone. Thank you for the invitation to give testimony on the issue of pay equity. I am doctor Leeja Carter and I am representing black woman's blueprint. We place woman and agriculturals, in the context of larger racial justice concerns. We are committed to building movement where it matters so all members of black communities receive social, political and economic equity. With one in every four female graduate student receives one form of sexual assault before graduating. Only 16 percent of survivors report utilizing campus services. Pay equity is a complex issue. And while higher education can bring an increase in earning, the gender pay gap is larger amongst, contributing to the pay gap is a lack of accommodation for student survivors, specifically for black woman who experience violence. Woman who experience violence, report anxiety and depressive symptoms amongst others. My testimony today is to center the experiences of black woman in college, black woman college students and survivors who need their institution to provide effective support services and comprehensive accommodations to survivors throughout their college career, while the pay gap is still wide amongst those who have received a college degree, the percentage of those who do not graduate contributes to pay disparity. As an advocate

working in higher education for over a decade, I have witnessed the ways in which colleges and universities have provided support for survivors as well as missing the mark in providing adequate accommodations for survivors. However, there are ways we can improve campus support, which includes holding universities accountable. This means creating reasonable accommodations for survivors. Not just making accommodations the responsibility of department chairs or s but creating accommodations that spans the entire campus community. Monitor and support research to support student survivor experiences so that they can complete their academics -- time is up. Work with multiple stakeholders and developing a robust accommodations policies and support services and also engage survivors in economic mobility conversations. We are grateful to the commission for calling this hearing and hopes to create necessary change that benefits women in our city. Thank you.

>> {Applause}.

>> I am Helen Rosenthal. I am proud to chair the committee on woman and gender equity in the New York City counsel. 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 whose testifying today. Really some amazing people I am seeing in the audience, so thank you. The committee on woman and gender equity will be paying close attention to what is heard today. We are especially interested in how existing pay equity policy versus performed and we will need more information about how pay equity is effecting people with disability, women of color and other particularly vulnerable workers. As it has been said many times, it is unacceptable that in 2019, in the wealthiest country in the world, the U.S remains played by wage disparities. As we know the gaps are especially pronounced for Latino and black women who are forced to confront both racism and sexism. It is also a senior issue. As we learned by a City Counsel Hearing, by the time that women in New York City reach their 80s, 1 in 4 is lively in poverty. This is from reduced retirement income as well as time out 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 effect 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, and gay and trans -- they cannot achieve advancement if they are abused at work. I was just hanging out with students at CUNY, many of whom fall into those categories, and it gives us all a sense of urgency. Last year the city counsel took action against workplace harassment because every New Yorker deserves a workplace where they can climb economic ladders. Another part is defending worker's right to organize. When workers have representation, they are far better equipped to get fair wages. We need workplace democracy. We need to increase diversity, 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 is terrific to see everyone. Thank you.

>> {Applause}.

>> Good evening, I am Shari Coats I am representing Deloitte. I am particularly pleased to be representing them because inclusion is part of what we do. We were one of the first organizations to establish a diversity initiative and woman's initiative back in 1993. We have continued ever since, not forgetting our priorities. A lot has changed in

the last 30 years but a couple of things are constant, that is our continued commitment to remember that we need to continue wasly involve on the issues of inclusion and gender equity. Pay equity cannot be viewed as a one Step-Fixed. It is a complex issue. It does not matter the size of the organization you are in. I am here today to talk about our perspective as a business, but we also don't forget about the perspective of small business and the resources that all business has that may differ and the challenges that each business can accomplish or overcome are different depending on the size or resources that they have available to them. There are additional factors that have been discussed here today. I am happy to see that other people have focused on these other issues. Different groups have attribute themselves to, and the intersectionality of those different groups, those lenses that we need to be looking at pay equity. Pay equity requires constant attention as we have discussed. And there are several leading practices I want to talk about. We continuously want to share our best practices that we believe are appropriate not just for our organization but for many organizations that we think need to be perpetuated by the organization and we are happy to share. First, year round focus and accountability. This is something we have talked

about tonight. That is looking at your own compensation practices, understanding when there are some issues, taking ownership of them, building transparency so people can raise concerns without fear of retaliation. Having a vehicle for people to raise concerns and addressing those appropriately. Use analytics to do complex analysis that are needed for pay. While we have the resources, not everybody does. Providing those resources for organizations would be beneficial. Benchmarking and engaging in annual external benchmarking of salaries is helpful for organizations, it helps to better control for equity and to avoid having to rely on that prior salary information. The new laws related to getting rid of prior salary is also fantastic and organizations need to be eliminating prior salary from that and evaluating candidates and setting compensation based on skills. Unconscious bias types of training and helping people understand -- making people aware of their unconscious bias that can impact pay decisions and training on inclusive leadership so that people can contribute to the extent that they are capable. A lot of people feel they cannot contribute because they do not feel included in the organization and sharing experiences and best practices. Again, this is important. Thank you for having this conversation. I think we all need to learn

from each other. Thank you.

>> Can I ask you a few questions? I am curious to hear from you if there have been challenges in implementing the salary history ban in New York City.

>> I think for our organization, because we have so many workers it is probably easier for us. I think it is harder for organizations that I have talked to where they don't have the data available. I hear a lot about -- "I don't know what this job is worth so I have to ask for that information because I don't know what I should be paying that people" we can afford to pay to get that benchmarking. There is always talk about pay. It may be anonymous, but there is a lot of talk about people and what they are making, but in smaller places, people don't know what the job is worth. It is a lot harder.

>> You noted it as a positive at Deloitte --

>> Reporting the fact that people are not asking about salary history --

>> I think it impacts the pay not just at the time of hiring, but educating people, merit increases and bonuses et cetera. Having the continued conversation of what is important.

>> Thank you.



>> I am interested in the analytics you employ and what it is you are testing and what sorts of results you are --

>> Sure. So a lot of time companies need -- and this is a challenge for a lot of companies -- to really understand the type of things that do impact pay. So, for example, it may be a specific degree or it may be the geography where this person works. It may be the years of experience, all the things that are legitimate business factors. The types of things that we talked up -- I think my colleague from Time is Up talked about. There are things that are permissible and things are not. When you are analyzing pay, you want to take into account the things that are permissible and control for those. It is a statistical analysis, but it is helpful to do.

>> Do you have data to what extent the practices that you have outlined here have contributed to the racial and/or gender wage gap? To what extent have they closed the wage gap.

>> We have not specifically done any differences in our analytics to decide whether differences have been emanating from some of these practices. These have been practices that we have been putting in place for years, but I do believe there is a lot of research on that. I cannot speak to this, for certain, but I believe one of our research

entities is doing research on that very point. So I can follow up on that.  
Thank you.

>> {Applause}.

>> I would like to thank Jackie and the New York City Commission on Human Rights and the department of consumer and workers protection for this opportunity to speak tonight on the issue of pay equity. I am Merble Reagon and I am secure director at the woman's Center For Education and Career Advancement. . I would like to start with the statistic. If woman and people of color were to receive wages equal to men or comparable jobs, poverty 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 woman center has helped thousands of women to prepare for further education jobs and careers. We have learned early on that full-time jobs did not always mean that they were earning enough money to meet basic expenses. We have partnered with human service agencies and many others to define what New York City families need to make ends meet, depending on where they live in New York City and the ages of their children. We have developed 5 self-sufficiency standards in New York. These reports highlight the real life circumstanceses of 2.5 million

members or 40 percent of working New York City families that are struggling to make ends meet because their wages do not cover the cost of their basic necessities. They represent more than 900,000 households in New York City and pay equity is a critical issue. Our report findings are divided into briefs focused on different experiences on working families, based on race, ethnicity, citizenship, gender, education, New York City borough and other findings. Since the year 2000, the actual cost of living, 87 percent, in New York City, has risen nearly 30 percent. We work with other agencies to review the basic data and findings and then collaborate to develop Public Policy Recommendations designed, among other things to reach working families in need. It goes without saying, that the issue of pay equity has hurt marginalized populations most. I will not go over statistics that have already been mentioned, but I will say that most of us who are here this evening do not need to be persuaded. In addition to pay equity, there are other public policies that will contribute to improving the financial securities of low wage workers. By reducing major non discretionary cost, the details that we encourage the panelist and others to review the proposed Public Policy Recommendations. Many of which have already been mentioned by people who have spoken.

Finally, we do applaud the historic equal pay legislation that was passed in New York State and New York City. However, while New York State has extended the pay equity 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, resources be made available to ensure that the new legislation and regulations have the intended benefits for the intended beneficiaries. Thank you for the opportunity.

>> 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.

>> 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 something that we can definitely take up in our next iteration. Thank you.

>> I am Neufeld. I am president of Powher New York. I want to thank some of the partners here today, a Better Balance, the Woman's Center, Time is Up, we are all together in this work and we come together across centers, across issues, because this is such a complicated work. I also want to say that I am a proud member of the

commission on the gender equity and I am also the head of -- co-chair of the ability committee. We produced this together (indication). I printed that for you to read. Almost everything has been covered in terms of numbers. I think I could give you perspective on what a difference 13 years makes. We had our first equal payday rally, and 13 years later, we heard equal pay being shouted through the canon of Sherows (phonetic). When our woman soccer players came up. It was heartening to know that things can change and improve. 13 years is a long time. I have a lot of ideas for us in New York City and I want to say that New York City has done an amazing job, but we could do even more. So a few of the laws that we want to suggest is increasing salary ranges that has been mentioned. We have 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. So our companies are reporting in UK, but they don't have to report in the United States. And it is so much wonderful information for them so they can close the wage gap. We ask you to look at something that is so deeply rooted in why women are unequally pay and that is because we

have not valued woman's work. We undervalue woman's work of the 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, someone who is taking of our loved ones, our Grandma, why is she being paid less -- who is a janitor in the same institution. What do we value? I think New York City can the way for that especially with the transparency law. Please support the minimum wage and the Better Jobs For Woman. We have a small bill but addresses the teen wage gap. The wage gap starts when girls are teens and then it is internalized. We have a good job in New York that we should do the first teenage wage gap study. I know that it is the city commission, but we need to strengthen our Human Rights Laws on a New York State level and the way to do that is to pass an equal rights amendment for all. Not just for women. That would take into account some of the things that have been brought up at the intersectionality of gender, race, disability and age. And very quickly, I want to share that education is key, enforcement is key. Congratulations for the Jepolta (phonetic) case. That really will get employers to know they have to give scheduling notice for people. But, more can be done to educate the workers. And, for every bill that is passed that has worker's rights

connected to it, it should be funded that we have education and outreach programming. If we pass the laws, we need to enact them. We have talked about -- and I have mentioned how the UK is ahead of us. We can do better. Lastly, I want to say that this should not be just tonight. I am really proud of the commission has done, but I think that this has to be an on going conversation. We need a way to measure our progress, to measure how woman -- every year it is being done differently. I want to put on the record that PowHer is calling for an accelerator of action that will take New York City to new heights in our war against wage inequity.

>> Quick question. Do you know, in what form the companies in the UK are reporting this data publicly? Is it on their websites?

>> It is actually posted on the UK website. Anyone can go in. You can Google it and you will find out how much people are paid. Everyone is touting equal pay for equal work. That shows that women are left at the bottom of the scale and men are at the top. A lot of information -- yeah. Anything else? Thank you.

>> Good evening, thank you for having this tonight. We are the only tripartite agency since 1990. We continue to be paid 20 percent less than men. One way to accelerate progress is to better understand

what {Applause} behind the gender pay gap. This report has been published -- and I have a copy for you, which is downloadable on our website. Men are not being paid more because they are better educated or display higher productivity. What is very surprising and confirming old ideas, it is a result of prejudice and stereotyping of women in the labor market, which results in indirect pay discrimination. Women are being hired on lower salary than men even when they are better educated and hold better positions. The undervaluation of woman work and the penalty for women taking time off to accommodate care responsibilities. To address this problem, the ILO adopted the convention which calls for the achievement of equal pay for work of equal value. The emphasis of equal value is very important rather than equal pay for equal or similar work. Because this is critical to address. There are several measures that we survey in the report. It includes improving measurements, methods and the collecting of better data. Including across intersectional dimensions, adopting and enforcing adequate and legal framework, which includes the recognition of the principle of pay equity, pay transparency and addressing the unequal treatment, which are important part of the salary package, which is often ignored. Also ensuring the enforcement



of adequate minimum wage laws, increasing access to (inaudible term) and affordable childcare and home care services are also important. We heard that the ILO launched the equal pay and national coalition. I want to bring two good examples: Iceland, again. They committed to ending pay gap by 2022 and adopting a law requiring the government and company with more than 25 employees to obtain a certification to demonstrate that the pay systems are only based on objective considerations. If they fail to address it, they face fines. This is important, because it transfers the responsibility from the employee to the employer. Also Switzerland, facilitates -- it allows the companies to provide for equal pay in public administration or related entities. Thank you, very much for having us today. We wish you good luck.

>> Good evening, my name is Kimberl Watkins and I am here to talk about women in small businesses. When we talk about pay gap, we know that it is large, but in mainstream America it is worse. This is alarming and it needs to change. But I want to talk about a different facet of pay equity which is job and financial security. A reality that women face when small companies begin to thrive. This is where my personal story comes. 12 years ago, I was a marketing executive with a growing young company called Manhattan GMAT, it is a test prep

service for MBA. I was the very first employee, focused on growing the company. I did a little bit of everything. I was the person taping fliers and I even snuck post cards in barns nobles and by the time we expanded, I was making an excellent living and I thought I had job security. By then the founder decided that he wanted to do something else. He hired a man to run the company, and that man is Andrew Yang. The impact was positive initially. I was promoted and gave me more aggressive goals, a year later on the third day I was back from my honey moon, he asked me to come back to his office. And behind closed doors, he said I wouldn't want to work -- as a married women, I should want to focus on my new life. Despite hitting every revenue mark, and despite not one infraction, I was fired because I got married. Just like that, my financial security was blown to bits. I never spoken publicly. We conjured a lie when I left to save me from the embarrassment. As you can imagine, recent events have reopened wounds that I have never quite recovered from. I decided today to come forward with my story. We need action.

>> {Applause}.

>> We need actions on gender issues. The high profile of the individual involved in the story helps us gain traction I say let's go for it.

It is part of the institutional patriarchy in this country. They are part of -- Andrew Yang violated me economically. I am ready to fight to solutions and I hope you are too. Thank you.

>> Can I ask you a question? Thank you for testifying today. It means a great deal to me. Thank you for telling your story publicly. Is there anything, going back, that you think government could have done? Was there a way, thinking about us going forward, in the product of tonight's conversation? Is there anything that local government can do.

>> That is a great question, in my written testimony, I write about how I don't think I would have allowed this to happen today in our climate today, I would have never agreed to the deal that we struck and walked out of there the way I did. I do think that it is important that at will employees understand their rights. I could have been fired for any reason, which was made perfectly clear to me, Andrew Yang gave me a reason, it was an unethical one. I didn't know what to do. I was exhausted and sort of drunk on my newly married existence so part of it was that I believed that the best would come of the change and I put it passed me to the best of my ability. I do think that local governments could be more proactive in understanding how small businesses

interact with their employees and recognizing that in small business -- the statistic that only 3 percent of venture capital was awarded to women last year. Men are making a lot more money with small businesses, especially when it comes to mergers and buy outs and venture capital. Anything we can do in terms of legislation to move for that direction, I think that would be helpful. Thank you.

>> {Applause}.

>> Hello, I am Conno, I political director of the union delegate for the international union of allied trades. A labor union representing over a hundred thousand members including over 25,000 in the boroughs in the New York. Every contract we negotiate has a job rate. Home care raids, mechanics, if you are an aid mechanic -- it is easy to look at your contract to see if you are being underpaid because of any reason, it is very easy to see if you are not getting paid. And then, in all of our contracts, we have a grievance procedure. We have business agents and lawyers who will advocate for you, to your employer on your behave and we do not put up with inequality. We tackle the inequity by having set standards and ways to deal with any inequity that does arise. Any member of our union are not at Will Employees they are Just Cause Employees. The employer has to provide cause for

termination. In the tragic thing we heard about, that would be -- clearly that is something that a labor union would have put up with.

Traditionally, one of the big struggles with labor is trying to make it a male organization, which is the rap a lot of labor organizations get. The next person who is testifying, my sister who is also from labor, that does bring more woman and women of color into the labor movement.

>> {Applause}.

>> One of the things I wanted to talk about, do you do any analysis around who gets overtime, night differential work, which could also tip the scales in terms of take home pay?

>> Yeah, so we represent a lot of different industries. But generally, for overtime, it is done by rotating seniority businesses. Say 20 people are working at one of our shops, the most -- it rotates through so it is an equitable. That is a reason why we are brought in a lot. Almost all of the shops, it is done on rotating business.

>> In a toe mechanics, what is the percentage of women.

>> In a toe mechanics, we did a study in New York, it was 18 percent women. We hired a PR firm for an apprenticeship program. 7 of them are female. We have an apprenticeship program for HVAC. This is the first class that is 50/50.

>> {Applause}.

>> I am curious, I know that the attempt is always to try to even the playing field but there is ways in which the seniority requirement is harming the trades. Have you thought about how to balance that for a woman who is coming in and is dealing with men who have been in the workforce longer than her. How does that get balanced out.

>> What we do try is for the HVAC, which is the one I brought up, the partner process for the apprenticeship program, we try to partner with -- if it is a person of color, we will try to partner them with a white or female coming through will partner with men so they can see the overtime. The best way is through seniority, we feel, because it is objective for the overtime. Any way we can be more just -- and right those wrongs in contracts. It is hard to put in exclusions that do not hurt the people who are already in there. I am happy to make the contracts more fair and give people who have been held out an advantage going in.

>> I want to -- echo my colleague's concerns. I think on this side, we were thinking that the reason which seniority -- kind of like what people think of algorithms being neutral and they are not always so. There are ways in which seniority, especially in trades that are not

traditionally for women, I would encourage your organization to take a look at that. We will be, at the commission of human rights, happy to engage you in those conversations.

>> We are happy to look into creative ways to address that issue.

>> I am here to represent non traditional employment for women. I am here to represent Local 79 labors. Thank you for the opportunity to testify, as a graduate of non traditional employment for women. It has allowed me and other women across New York to experience the, thanks to union collective bargaining, women in construction make 94 percent of what men. There are dozens of challenges still facing women in construction. Women are often the last hire and first fire. They have trouble of gaining bathroom access. However, we know that overcome those issues by bringing more women, especially women of color, into great career path. Job sites are not amazing for women, but it has been improving because of women pushing more women entering the trades. Keep shifting the culture and dialogue happening in construction. The more quickly the societal cause of equal pay will advance. In the last 10 years alone, 2,000 have secured employment as maintenance workers, and other

blue collar career paths. Union careers pay women and men equally from the first minute of their apprenticeship to the moment they reach journey level. One example is Local 79, 15 percent of new trade women are members. Upon finishing their apprenticeship, they earn \$40 an hour, regardless of gender. Collective bargaining allow women assurance of safety, wage protection; everything that women have been denied disproportionately. When you support women, you support economically sustainable community. During 1960 through 2016, the percentage of women living only with their mother tripled. For these women, their incomes determine financial investment in schools, park, infrastructure and civic engagement. The future is female. And we applaud that investment in this country are made equitable. Taking stock of what closing the gender gap can do for women, I urge this body to close the gender gap. In construction trade union, men and women who have the dignity of a fair wage that is reflected in the quality of work. Equal pay for equal work. New York City can be the leader of this by allocating additional resources for New York public schools, resources for women and increased goals for female participant and registered apprenticeship programs.

Providing preapprenticeship programs and increasing goals for



female participation, it will build the capacity of women to be competitive, visible and economically secured in a fulfilling career.

>> {Applause}.

>> I just want to say thank you so much for testifying. Women who work for non traditional workplaces for women, are some of the most groundbreaking women I met. So thank you for your testimony.

>> Good evening and thank you for hosting us tonight. I am Megan and I am legal fellow at A Better Balance. We are headquartered in New York City with the goal of ensuring that all workers without comprising their health or economic security. If I could close the wage agap for women of color, has been central to A Better Balance since day one. It requires addressing multiple forms of discrimination including unequal compensation for equal work. My written testimony explains overlapping factors and A Better Balance sees this up close every day through our anonymous hotline to address the gender wage gap. Pregnancy is a finite period of time, and the accommodations workers seek are -- workers who serve as family caregivers are often dealing with time sensitive needs and the commission should expand the new harassment unit to include accommodation complaints and to prioritize caregiver complaints that

involves low wage workers. Likewise, the Commission on Human Rights, should prioritize enforcement of Lactation Discrimination Laws. Without strong enforcement of those laws, mothers are still forced to

their babies early, endure painful health complications or even lose their their jobs. These laws were passed to ensure that women in New York City have the right to make decisions that are healthiest for themselves and their babies. The Commission on Human Rights should prioritize enforcement of Lactation Discrimination Laws to make that right meaningful. We also encourage the Commission on Human Rights to proactively investigate companies and industries known to have particularly high rates of discrimination and harassment, such as the he retail and food service industries. Increasing strategic enforcement would put employer throughout these industries on notice that harassment and discrimination will not be overlooked in low wage industries. We would also ask to build a process that works for workers that clear requirement to attempt to resolve s through mediation, which must include complaints as full parties with equal status to their law breaking employers. In addition to strong enforcement of existing law, New York City can and should continue to pass progressive legislation, at addressing the root causes of the gender wage gap.

This will help to ensure that discrimination in all its forms cannot force New York City women into lower paying work. Thank you again for the opportunity to testify.

>>

>> Good evening, I am Remi Alapo. My statement is on gender differences in leadership from a cross cultural context. This statement includes information from current resources, from a qualitative research study which explores the preferred style of leadership based on decision making styles, where the presenter got insights from like minded respondents. Within the respective leadership context. In cross cultural organizations. And the research was based on this book -- the conclusion are in this book (indication). The role of culture in leadership position. Women have contributed notably to various organizations and have gotten to top leadership positions in their respective professions. Although places of employment, women leadership roles include opportunities in government and public and private, business and so on. Women in leadership value support from the organizations and in so concluding, women in leadership positions, even though they may be looked at women in position of power, who don't have interest besides just leading an organizations, we have to

understand in cross cultural context that women actually have a lot of values. Their family background, both the national culture and family background in understanding the stereotypes and the ways in which women exert themselves. I looked two studies that reflected opposing views on the nature of a person's cultural influence on his or her leadership style. The underlying argument in these studies is that in organizations, the environmental factors present in the society affects the leadership practice of leaders. An appropriate leadership style or practice in one culture may not be appropriate in another culture. The first recommendation is to understand the differences between the reality and perception of a male and female leadership style. The second is the difficulty of accepting the gender differences in leadership style. The third is the importance of values, expectations and relief. The fourth is stereotypes of cultural context based on family culture. My time is on. As women leaders, we must value and respect both family and national cultures. The family cultures of many of us have assigned gender roles. In concluding my research, it was found that many women in leadership positions keep their culture in the back of their mind. Given the national stereotypes that exist for many women already. I would like to thank you, again. Again, thanks to my student

from BMCC.

>> One of the things that we hope is that we can gender in leadership. Did your work did not just look at leadership style -- does this influence the politics? Is there a link between the female head of the organization and the pay equity in the organization or not or is it too far a stretch to think about that?

>> All of the above. First, many women are, you know, extended to leadership position and my research, actually, serving women in leadership positions in Nigeria and there is a fight for gender equity, for advancement, to break the glass ceiling, but do national, cultural restraints and the work orientation in many organizations in Nigeria, we are coming along but we are not at the standard we need to be. We cannot compare Nigeria to where 50 percent are women. Many minority women in New York City, and we are getting up to where we need to be, but culturally wise, as many of the other speakers mentioned, the negotiating tactics that women have prohibits them from negotiating higher and cultural also plays a lot in the way that we have been raised, you know, our orientation, and sometimes, maybe, for example, I have a very deep Nigerian accent and sometimes based on the view of people's face they don't like what I am saying, so I hold

back. Sometimes based on my gestures, I have to keep quiet, so all that has to play in terms of how the organization policies, the role of culture and the leadership styles of woman who are in leadership positions. Thank you, very much.

>> {Applause}.

>> Good evening and thank you for consereing this panel. I am a senior attorney at the women's defense and educational fund. We secure access to equal opportunity for all women and girls. Gender inequity remains prevalent in our workplaces, particularly for women of color. My testimony will highlight key policy recommendations, I which are discussed in my written. A host of related factors contribute. Black women in the New York City and to reiterate, they earn a mere \$0.56 to every dollar to a white male man. This is appalling. In our city agencies, women disproportionally fill female dominated roles, where the average salary is \$10 less. One of our recent clients, when hired in a male dominated field, where women have difficulty gaining experience. She was paid \$15 less because she had less experience. Third, pregnancy and care giving penalties. Women are more likely to experience workplace interruptions that negatively impact their ability to work. They are perceived as less competent. It imposed a debilitating

that could have been avoided with reasonable accommodation.

Where federal law has fallen short, the state and city has stepped up. For pregnancy accommodation, protection against caregiver, paid parental leave, and weakened employer defenses. In 2017 the city led a (inaudible term) ban. These reforms have had an impact. When one of our clients it was based on her male colleagues higher salary. We make it clear that although the law was not in effect at the time, it reflected a future trajectory for pay equity. We successfully negotiated pay equity for our client.

For many this is inaccessible. Another one of our clients who requested pay family leave, did not receive determination until months after the birth. Until we intervened.

To wrap up quickly, we need to engage in widespread worker outreach. Employers must be educated at their obligations and guidance on implementing best practice. The city must invest in outreach and training to place women in high demand occupations with higher salary. Meanwhile, we need to increase salaries in occupations where women already work, increase pay for low wage workers and we must invest in more equitable that correlates. To drive pay transparency and fairness, we must disclose. Labor and antidiscrimination protections must apply

consistency to all industries and job types. The city should continue to invest in organizing models like workers cooperatives to help women achieve working conditions. We must rethink poverty measures. As we tackle pay inequity, we must take a multi faceted approach. Thank you again for this opportunity.

>> I am here on behalf of the Arab American family support center. At this center, we have been strengthening families of refugees and immigrants since 1994. We promote well-being, prevent violence. With over 25 years of experience, we have developed language searching New York middle eastern, Moslem, Arab and South Asian communities. Equal payday was started in 1996 to highlight the gap between men and women wages. This was 23 years ago. Why is it that in 2019 we are still unable to provide pay equity for people all across gender identities, gender expressions and backgrounds. As a former refugee, growing up in Iraq, being equal to a man was a western idea. As a child, I grew up thinking that I had no chance of equality, whether through gender, pay or status. But here? In the U.S, life is supposed to be different. We are supposed to be treated equally, and the color of your skin should not matter on how well you should do your job. I should not have to worry about being discriminated against



because of my last name, because of my background or because I am simple a woman. But when you are applying for jobs, every time I submit an application, I pray I do not get prejudged because of my background. When you are looked at "this is Susan. She is Iraq, but she is actually cool. " You realize that there is faults in the system, ideology and the society we live in. I am one example of refugee that struggled because of background, gender and color. What kind of example are we setting if after all these years we are still not paying women and people of color equally. It all stops right here. Right now. With you, and government. You can lead New York City to pay equity and lead the nation by example. I am a proud citizen and I love this country. But I dream of a day when I don't have to think twice about my gender and background when wanting to be treated equally in the workforce. Thank you for your time.

>> {Applause}.

>> Thank you so much.

>> Good evening. Commissioners, distinguished panelist, presenters and guests. My name is doctor Ameena Ali. I stand before you as a natural pathic doctor, interdisciplinary and interfaith fellow at the Jewish community relations at the community of New York. But

today I come as Aameena and I come because of the great tenacity of Mathew Gram who had me on the phone, and I speak of the sisters from the Islamic Center who helped me with the report. And I equally speak to you from the S. The single married or young woman who come to New York with little or nothing, arriving with a dream and ability to believe that things will get better. These employees come with the ethics of hard work and determination. A real time example to emulate that makes each day count as compensate and long term employers. The mind set of many of their employers hire these immigrants under the complacency of entitlement and true belief that they are the ruling class shun of their life and family. Asking them 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 their employers treat them as if privilege is their second language, to the oppressive English that is spoken in demeaning work environments. This is requiring them to stay a little later to help me and asking them to finish the work before you go home, only paying them for the standard eight hour a day even if they are there for more than 10 hours a day. Asylum seekers believe that they are not worthy of getting proper and competently safe environment to work in and still

others stateless citizens never feel safe in believing that they will ever be permanent part of any corporation organize organization due to their flux of their status. These woman have allowed me to create this packet that is in front of you. As a member of the global alliance for the rights of older people, my work with these some of these women, is that they are over the age of 40, yet inaugural birthers. They tend to be aged out of careers because it is assumed that they are going to retire to care for the child, not going to return to their career, "so late in life" or aged out of remote work contracts or tell commuting opportunities, which are given to younger women. This subdemographic create a growing equity deficit through professional ageism by not allow them to stay where they are career wise, with the same accessibility to the upward professional mobility based on their age, perceived decline in employability after having a baby. This movement is encourage equity for those women. It is entitled EDIP. At current, as 2019 ambassador for the international model UN association and with my current work with UN Women Gambia we have developed 12 sustainable humanitarian empowerment goals (or she goals) this emphasizes the moral injury and the lack of human equity we speak of. Moral injury is the psychological social cultural and spiritual aspects of trauma in an

already insecure mind set. It categorically deals with the individuals subjective conscious that lies in direct result from an act of truly avoidable yet intentional, professional transgression, which produces profound emotional shame and apprenticeship esteem. This sets up other issues which can trigger debilitating efforts to the extreme of worsening postpartum depression delaying the return to work, compounding the very truth to trauma that we are testifying to here today. I serve the undocumented innational cultures, stateless, landless and oppressed and indigenous people in New York, but I come to you today to thank you for your efforts and allowing me to testify.

>>

>> Thank you for your testimony. A couple of things you mentioned in terms of workers staying passed their designated time. That is clear violation of New York State labor laws. As you know, we should discuss this and we should connect you to the right enforcement agency because we want to make sure that these rights are not being violated --

>> This is because they are afraid to speak up and say no because of their status. They are afraid to say something. They are like, I will do it today. And they keep doing it. And when their paycheck

doesn't reflect the hour, 10 minutes? Okay. But even that adds up. These things are not documented because of fear. Thank you so much.

>> {Applause}.

>> Last and hopefully not the least.

>> Thank you for the patient.

>> Thank you for the opportunity to be here. I work for the world's largest human resources consulting firm as a principle. As you know, Mercer is headquartered one block away from here. My main responsibility as a labor economist at Mercer is to conduct pay equity studies for many clients which employ large work forces within the city. Annually, we conduct pay equity for more than 100 organizations covering more than 2 million employees. As practitioners in this area, we have witnessed important shifts. I am here to talk about the shifts. All of these shifts, accelerate in our progress in closing pay gaps. First, the sheer number of companies looking to conduct analysis, has increased significantly over the past three years. Some may may be driven by state, local, and global regulatory pressures or by pressures from activist investors but many others are driven by desire to improve diversity. Those organizations that historically had been looking pay

equity have also evolved their methodologies to meet these different objectives. The net effect of these is the Los Vegas of the pay equity topic to a 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 employee's roles and contributions. However, the old approach does not anymore simply take the representation of women and minorities in different roles as given, but it also provides insights about how the organization can improve representations of women and minorities in higher paid roles. These analyses are now increasingly likely to be extended to focus on representations itself, setting effective goals as well as identifying interventions to achieve those goals. An important shift of perspective, this link between pay equity and pay equality is being better understood and addressed by human resource practitioners. Another significant change fuelled by recent pressure is an increased determination to address the uncovered equity issues by targeting budget on disadvantaged groups and spending what is

required to fuel organizational level progress. Fifteen years ago many practitioners were focused on ensuring fairness of the pay adjustment process at the individual level, by addressing, any men, women, whites and minorities showing deviation from their expected pay. Whereas that process insured alignment for individuals with norms, it did not initially address the aggregate issue. Fast forward to today, almost all practitioners have embraced the larger goal of addressing the broad equity issues, if and where found, with larger adjustment budgets and prioritizing adjustments to women and minorities. This change is definitely at least partly driven by an increased demand on organizations, by governments, and investors for disclosure. Increased interest in knowing where they stand regarding pay equity and pay equality. Allocation of greater resources for remediation pursuing more aggressively the eradication of pay gap and prioritizing women and minorities, assuring that there are robust regular pay review processes in place and further acknowledging the next hurdles towards achieving pay equity are encouraging tell tale signs that many NYC companies take the issue very seriously.

>> If this commission would to consider based on the findings, a requirement around data collection, similar to what exists in the UK, do

you think that would get a lot of push back from the for profit sector?

>> Well, push back? I think I can't speak to that, but definitely all of your multi national clients have to submit the data in UK. In fact, UK is not the only jurisdiction asking for that data. France has requirements for disclosures of median pay gaps. In fact French regulation allows for reporting the data by different levels, by different roles within the company. What I would say is that the push back would come, it would come about how meaningful the number is in and of itself. Because both the meaningful pay gap between men and women and really two things at the same time, the actual pay equity, which is: Are the paid policies administered in an objective matter without any discrimination going on and the pay equality which is what is the representation of women by level. A lot of other testifiers here talk about it today. I think we need to separate those two out and maybe request to disclose both. Unexplained gaps that measure pay equity -- that will probably give a better picture of what is happening. In that case, I think you will probably get more constructive push back. (Laughter).

>> Thank you. I just want to thank everybody. Thank you all.

>> {Applause}. Thank you 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 it. 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 finding of this evening will be developed. We don't know when, but we will release it. And we will be back here to have a release of the record. In our various hats and together as commission and departments, we will 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 change. Change and have a wonderful evening and safe travels home. Thank you.



Black Women's Blueprint | 279 Empire Boulevard | Brooklyn, N.Y. 11225  
347-533-9102 P | 347- 750-1652 F | [www.blackwomensblueprint.org](http://www.blackwomensblueprint.org) | [info@blackwomensblueprint.org](mailto:info@blackwomensblueprint.org)

## Public Hearing

September 19th, 2019

**Prepared and Presented by Leeja Carter**  
**Development and Membership Manager of Black Women's Blueprint**

Good evening City Leaders:

Thank you for the invitation to give testimony on the issue of Pay Equity in New York City Communities. My name is Dr. Leeja Carter and I am representing Black Women's Blueprint this evening. Founded in 2008, Black Women's Blueprint works to place black women and girls' lives and struggles squarely within the context of larger racial justice concerns and is committed to building movements where gender matters in social justice organizing so that all members of Black communities achieve social, political, and economic equity.

“One in 5 women are sexually assaulted while in college” (National Sexual Violence Resource Center, 2015) with one out of every four female undergraduates experiencing some form of sexual assault before graduation (U.S. Department of Justice, n.d.). Further, when and where available, only 16% of survivors report utilizing campus services.

Pay equity is a complex issue and while higher education can bring an increase in earnings the gender pay gap is larger amongst white men and Black women who possess a college degree. Contributing to the pay gap is the lack of accommodations for student survivors, specifically Black women, who experience gender-based violence and sexual assault. Women who experience either on or off campus violence are more likely to:

- Withdrawal from academics
- Experience a negative impact on their grades
- Experience emotional distress
- Become isolated
- Experience an inability to concentrate
- Report anxiety and depressive symptoms

My testimony today is to center the experiences of Black women college students and survivors who need their institutions to provide effective support services and comprehensive

accommodations to survivors throughout their college career. While the pay gap is still wide amongst those who have received a college degree, the percentage of those that don't graduate contributes to pay disparity. As an advocate and academician working in higher education for over a decade, I've witnessed the ways in which colleges and universities have provided support for survivors as well as have missed the mark in providing adequate accommodations to survivors as they work to complete their educations.

**However, there are ways we can improve campus support for survivors, which includes:**

- Holding universities accountable for ensuring their services are tailored to the needs of survivors, so as to encourage use.
  - Creating reasonable accommodations for survivors. Currently many institutions do not have an accommodations policy for student survivors leaving this responsibility to faculty, the department chair, or Dean. It's not uncommon for any one of these individuals to not understand the scope, trauma, and complex needs of survivors thus they may fail to provide appropriate accommodations.
  - Mandate a revision to current student accommodation policy that include survivors of sexual assault and violence recognizing the diverse and complex needs that exist.
  - Suggest the following academic accommodations for survivors: Leniency letter, extended time for test taking, course assignments, and completing the course.
- Develop survivor-led programs as well as policies to support students.
- Include non-university supports and mobile services to outreach with students when off campus.
- Monitor and support research to generate evidence-based programs to support student survivors' experiences, campus experience, and academic progress.
- Work with multiple campus stakeholders in developing a robust accommodations policy and support services that includes: counseling services, financial aid, student/resident life, and academic departments.
- Engage survivors in economic mobility conversations and develop services to support survivors economic mobility.

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

Thank you.

September 25, 2019

## **Mercer's Written Testimony in Re: NYC 2019 Public Hearing on Gender Pay Equity**

Esteemed Commissioners,

Mercer is the world's largest human resources consulting firm, headquartered here, in NYC. My main responsibility as a labor economist at Mercer is to conduct pay equity studies for many clients which employ large workforces within the city. Annually, we conduct pay equity studies for more than 100 organizations covering more than 2 million employees. As practitioners in this area for over twenty years, we have witnessed important shifts in the focus of these analyses and I am here today to point to a few of these changes, all of which will serve to accelerate progress in closing pay gaps.

First, the sheer number of companies looking to conduct such analyses has increased significantly over the past three-four years. Some may be driven by state, local and global regulatory pressures, or by pressures from activist investors, but many are also driven by a desire to improve diversity. Those organizations that historically had been looking at pay equity, have also evolved their methodologies to meet these different objectives. The net effect of these is the elevation of the pay equity topic to a priority status.

The majority of pay equity studies we conduct 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. The approach, does not anymore simply take the representation of women and minorities in different roles as given, but it also provides insights about how the organizations can improve representation of women and minorities in higher paid roles. These analyses are now increasingly likely to be extended to focus on representation itself, setting effective goals as well as identify interventions to achieve those goals. In an important shift of perspective, this link between pay equity and pay equality is being better understood and addressed by human resource and legal practitioners.

Another significant change fueled by recent pressures is an increased determination to address the uncovered equity issues by targeting budgets on disadvantaged groups and spending what is required to fuel organization-level progress. Fifteen years ago, many practitioners were focused on insuring fairness of the pay adjustment process at the individual level, by addressing any men, women, whites and minorities showing deviation from their expected pay. Whereas that process insured alignment for individuals with norms, it did not necessarily address the aggregate issues. Fast forward to today – almost all practitioners

have embraced the larger goal of addressing the broad equity issues, if and where found, with larger adjustment budgets and prioritizing adjustments to women and minorities. This change is definitely at least partly driven by an increased demand on organizations, by governments and investors, for disclosure.

Increased interest in knowing where they stand regarding pay equity and pay equality; allocation of greater resources for remediation, pursuing more aggressively the eradication of the unexplained pay gaps by prioritizing women and minorities, assuring that there are robust, regular pay review processes in place and further acknowledging the next hurdles towards achieving pay equality are all encouraging, telltale signs that many NYC companies take the issue very seriously. All should move to these higher aspirations, following these leading organizations with whom we have the honor to partner.

Thank you for your consideration,

Alex Grecu, Ph.D.

Principal at Mercer

1166 Avenue of Americas

New York, NY 10036



*New York City* for **CEDAW Act**  
Convention on the Elimination of All Forms of Discrimination against Women  
*Ensuring equal rights & protection for the women and girls of NYC.*

---

19 Sept 2019 submission to  
Commission on Gender Equity on Pay Equity

Howard Katzman, Policy and Strategy of NYC4CEDAW Steering Committee.

Women's pay is less than men's pay. Differences are even greater when we add race and ethnicity. I am certain the Executive Director and Commissioners are well aware of these statistics. But the problem is not always so obvious. Equivalents are often less direct and visible. I will outline an example and then I will propose a solution.

School Safety Agents, 70% of whom are women, with a salary of just \$35,323 per year earned \$7,000 less than other peace officers, predominantly male, working in public hospitals, colleges and other sites.

In 2014, 5,000 School safety agents went to court to sue the city. To the credit of the present administration, the City settled – after four years and millions of dollars in legal expenses.

(Included is a New York Daily News article about this lawsuit.)

What do we learn from this?

To claim their rights, workers must go through the rigors of suing their employer. Go through the expense of legal representation. Go through the patience of a long lawsuit. And all the while maintaining a job where they know they are underpaid. They risk alienating their employer, and risk losing their job – having to choose between an underpaid job versus risking that job to enforce their rights, a job they cannot afford to lose.

A lawsuit only pertains to the actual litigants and not the person in the very next desk. And when it is settled, it is often not part of the public record. (To the City's credit they have publicly extended the settlement.)

NYC4CEDAW proposes a very different model, a cooperative model versus this confrontational model. A model that actually addresses the problems versus merely penalizing court-recognized infractions.

In the act that NYC4CEDAW envisions, City Agencies explicitly look at the gender ramifications of all their decisions and actions (gender ramifications as outlined in CEDAW, Convention on the Elimination of all forms of Discrimination against Women, an International Women's Human Rights Treaty). At the same time, the public is encouraged to critique these assessments. The City is then obligated to correct problems publicly exposed.

In this case, representatives of the school safety agents would make a submission describing the problem. A city department, possibly the Commission on Gender Equality, would ensure that this complaint is properly investigated and working toward solutions. Workers and employers would work together to seek solutions.

This is not an isolated situation. There are also pay differences between school crossing guards (mostly women) and traffic-enforcement agents (mostly men), both working for the NYPD.

Thank you for the opportunity to present this submission. NYC4CEDAW would like to thank the Commission on Gender Equity for their work in actively creating structures to enforce gender rights of all New Yorkers.

Howard Katzman  
NYC4CEDAW Steering Committee  
Policy and Strategy  
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# City pays \$38M to settle equal pay lawsuit from female safety agents being paid far less than male counterparts

SECTIONS



The city announced Monday it had settled a four-year-old lawsuit from a group of safety agents who were paid far less than their male counterparts. (Julia Xanthos/New York Daily News)

After years of being nickel-and-dimed, the city's mainly female school safety agents are finally getting a pile of dollars.

In an move timed to Women's Equality Day, the city announced Monday it had settled a four-year-old lawsuit from a group of safety agents who were paid far less than their male counterparts.



The suit was settled for \$38 million as part of a new labor agreement with Teamsters Local 237.

"It's fair, and it's right that we've reached this settlement," said Mayor de Blasio. "It's a landmark settlement that will raise the pay scale for over 5,000 school safety agents."



'It's a landmark settlement that will raise the pay scale for over 5,000 school safety agents,' Mayor de Blasio said. (Julia Xanthos/New York Daily News)

The safety agents, who work for the NYPD but don't carry guns, were typically paid \$7,000 less than workers in hospitals and homeless shelters — who are overwhelmingly male — despite similar training and duties.

In addition to the \$38 million the city is paying to settle the lawsuit — which will go toward reimbursing the workers for years of unequal wages — the city will also spend an extra \$47 million through March 2018 to bring the employees up to parity.

That's in addition to 10% raises the workers will receive as part of the contract deal announced on Tuesday.



Kangela Moore of Queens, a school safety agent for more than 22 years, said she is grateful for the settlement. (Julia Xanthos/New York Daily News)

That deal will cost the city \$145.5 million, although officials claim the number drops to \$67.9 million after savings the union agreed to are factored in.

City Controller Scott Stringer, who must sign off on any legal action against the city, said the settlement was "in the best interest of both parties."

One of the women who sued said the deal means "food on the table" for her family.

"I'm just truly, truly thankful," said Kangela Moore of Queens, a school safety agent for more than 22 years.

At one point, she almost broke down in tears. "I'm just so overwhelmed," she said.





That deal will cost the city \$145.5 million, although officials claim the number drops to \$67.9 million after savings the union agreed to are factored in. (Julia Xanthos/New York Daily News)

The New York chapter of the National Organization for Women also hailed the settlement.

"The days of blatant pay discrimination against the mostly female workforce that protects our kids at school are finally over," said Sonia Ossorio, president of NOW-NYC.

[jfermino@nydailynews.com](mailto:jfermino@nydailynews.com)

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## Jennifer Fermino

<https://www.nydailynews.com/new-york/city-pays-38m-settle-equal-pay-lawsuit-female-safety-agents-article-1.1918265>

Jennifer Fermino is the Daily News City Hall Bureau Chief. She joined the News in April 2013 to cover City Hall, the 2013 elections, and city agencies. In her nearly ten years as a journalist in New York City, she has been a rewrite reporter and covered transit, courts, and breaking news. She is originally from Hyde Park, Mass. and a graduated from Massachusetts College of Liberal Arts.



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September 19, 2019

## TESTIMONY ON PAY EQUITY BEFORE THE NEW YORK CITY COMMISSION ON GENDER EQUITY, COMMISSION ON HUMAN RIGHTS, AND THE DEPARTMENT OF CONSUMER AND WORKER PROTECTION

### Submitted by Seher Khawaja, Senior Attorney, Economic Empowerment on behalf of Legal Momentum, The Women's Legal Defense and Education Fund

Good evening and thank you for convening this critical panel on pay equity. We applaud your pioneering work to meaningfully tackle gender inequality in New York City; an approach that stands out 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 secure 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 which are discussed in greater detail in my written testimony.

### Contributors to Inequity

A host of interrelated factors contribute to the persistent wage gap.

**1. Gender and Racial Discrimination.** Black women in New York City earn a mere 57 cents for every dollar earned by a white non-Hispanic man.<sup>1</sup>

**2. Occupational Segregation.** In our city agencies, women disproportionately fill traditionally female dominated roles where the average salary is \$10,000 less.<sup>2</sup> Conversely, one of our recent clients in the private sector helped raise her employer's diversity quotient when hired in a 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.



**3. Pregnancy and Caregiving Penalties.** Women are more likely to experience workplace interruptions that negatively impact their earning potential or ability to work.<sup>3</sup> As a result, mothers are less likely to be hired, receive lower starting salaries, and are perceived as less competent.<sup>4</sup> One woman we assisted was forced to go on unpaid leave when placed on a medically necessary lifting restriction during her second trimester of pregnancy, which imposed a debilitating financial cost that could have been avoided with a reasonable accommodation.

## **Progress**

Where federal law has fallen short, the State and City have stepped up, working towards creating a much needed support structure—from pregnancy accommodations; protections against caregiver discrimination; paid parental leave, a more relaxed equal pay standard; and weakened employer defenses.<sup>5</sup> And in 2017, the City led the way to enact a salary history ban and the state followed suit this year.<sup>6</sup>

These reforms have had an impact. When one of our clients challenged a sizable pay differential, her employer advised her it was correctly based on her male colleague's higher prior salary. We invoked New York City's salary history ban, making clear that although the law was not yet in effect at the time, it reflected the future trajectory for pay equity. We promptly and successfully negotiated pay parity for our client.

## **Challenges & Recommendations**

Yet for many who call us seeking help, these protections are unknown or inaccessible.

Another one of our clients who requested paid family leave from her hospital employer well before her son was born, had still 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.

- We need to engage in widespread worker outreach, meeting women in their communities through channels they trust.
- Employers must be educated about their obligations and be given guidance on implementing best practices, such as pay data collection and annual pay parity 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 quality childcare for low-wage workers, who experience the highest motherhood penalty.<sup>7</sup>
- Meanwhile we need to increase salaries in occupations where women already work, increase pay for low-wage workers, and eliminate the unjust tipped minimum wage.

- We must invest in a more equitable “comparable worth” system that correlates compensation to skill, education, and responsibilities.
- To drive pay transparency and fairness, the city must enact laws requiring employers report on pay data and diversity and disclose compensation or salary range when posting job openings.
- To eliminate exploitative industries, labor and anti-discrimination protections must apply consistently to all industries and job types.
- Women in low-wage work need stronger mechanisms to advocate for themselves and the City should continue to invest in emerging organizing models such as worker cooperatives, to help women secure better salaries and working conditions.
- Since poverty is gendered, we must also rethink our poverty measures to account for the specific ways in which poverty impacts women.

As we tackle pay inequity, we must take a multifaceted approach and do so with a focus on women of color and women in low-wage work. Thank you again for the opportunity to speak to this important issue.

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<sup>1</sup> Scott M. Stringer, N.Y.C. Comptroller's office, *Inside the Gender Wage Gap, Part 1: Earnings of Black Women in New York City* 3, 5 (Aug. 2018); <https://comptroller.nyc.gov/reports/gender-wage-gap/inside-the-gender-wage-gap/inside-the-gender-wage-gap-part-i-earnings-of-black-women-in-new-york-city/>.

<sup>2</sup> Leticia James, N.Y.C. Public Advocate's Office, *Policy and Investigative Report: Tipping the Scales, Wage and Hiring Inequity in New York City Agencies* 3 (March 2018).

<sup>3</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, *The Institute for the Study of Labor* 24 (Jan. 2016), <http://ftp.iza.org/dp9656.pdf>.

<sup>4</sup> Shelley J. Correll, Stephan Bernard, & In Paik, *Getting a Job: Is there a Motherhood Penalty*, *American Journal of Sociology* (Mar. 2007), [https://sociology.stanford.edu/sites/g/files/sbiybj9501/f/publications/getting\\_a\\_job-is\\_there\\_a\\_motherhood\\_penalty.pdf](https://sociology.stanford.edu/sites/g/files/sbiybj9501/f/publications/getting_a_job-is_there_a_motherhood_penalty.pdf).

<sup>5</sup> N.Y. Labor Law § 194.

<sup>6</sup> N.Y. Admin. Code § 8-107(25).

<sup>7</sup> Michelle J. Budig, *The Fatherhood Bonus and The Motherhood Penalty: Parenthood and the Gender Gap in Pay*, *Third Way & Next* 17, 20 (2012), [https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT\\_-\\_Fatherhood\\_Motherhood.pdf](https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT_-_Fatherhood_Motherhood.pdf).

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# LEGALMOMENTUM®

## The Women's Legal Defense and Education Fund

**September 23, 2019**

### WRITTEN TESTIMONY ON PAY EQUITY BEFORE THE NEW YORK CITY COMMISSION ON GENDER EQUITY, THE COMMISSION ON HUMAN RIGHTS, AND THE DEPARTMENT OF CONSUMER AND WORKER PROTECTION

**Submitted by Seher Khawaja, Senior Attorney, Economic Empowerment  
on behalf of Legal Momentum, The Women's Legal Defense and Education Fund**

**Written Testimony Submitted via [genderequity@cityhall.nyc.gov](mailto:genderequity@cityhall.nyc.gov).**

Legal Momentum, The Women's Legal Defense and Education Fund is the nation's oldest civil rights organization dedicated to advancing the rights of women and girls. Advocating on behalf of women's equality for almost 50 years, we continue to use strategic policy advocacy, litigation, and education to challenge gender-based economic inequality and secure access to equal opportunity for all women and girls.

We are grateful to the Commission on Gender Equity, the Commission on Human Rights, and the Department of Consumer and Worker Protection for convening this critical panel on pay equity, and we applaud you for your pioneering work tackling gender inequality in New York City in a proactive yet thoughtful way—an approach that stands out as a national model.

### Introduction

To start, it is worth noting that there has been a significant reduction in the gender-wage gap since the 1950's, which can be attributed to multiple factors, including enforcement of equal pay laws, increased access to reproductive health care, and to women earning higher levels of education and increasing their labor market participation.<sup>1</sup> That being said, progress has stagnated and gender-based pay inequity remains prevalent in our workplaces, particularly for women of color.

Today, women at all education levels and in nearly all occupations are still impacted by the wage gap from the moment they enter the work force. Women are paid less over time, expected to care for children and family members, and financially penalized for taking on this role. The cumulative impact means that the gap persists throughout a

<sup>1</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, IZA DP No. 9656, The Institute for the Study of Labor 3-4, 11-12 (Jan. 2016).





woman's career, ultimately leaving more women with less retirement income<sup>2</sup> and leaving more women in poverty.<sup>3</sup>

For too long, women across the country have been grossly undervalued. If we are to change this reality, we must take a multipronged and multifaceted approach that looks beyond equal pay for equal work and attempts to address widespread and systemic gender-based inequities. Legal Momentum's Women Valued Initiative does just this, looking beyond the issue before us to identify root causes and to provide comprehensive support. Every time a girl is discouraged from studying science, a woman is denied the ability to make decisions about her own reproduction, a woman is forced to take unpaid time off due to pregnancy complications, or a woman is viewed as less dedicated because she must take time off from work to care for a sick family member, our long march towards pay equity stalls.

Applying this multifaceted lens, Legal Momentum's written testimony will highlight key contributors to inequity, progress we have made so far, existing challenges, and recommendations for addressing problematic gaps that remain.

## **I. Gender Discrimination**

While there are a host of systemic underlying trends driving the wage gap between men and women, research demonstrates that after accounting for factors such as experience, industry, and occupation, the remaining 35.4 percent of the gap can be attributed to discrimination.<sup>4</sup> A 2015 study concluded that women can be three times more likely than men to be passed over on an assignment, promotion, or wage increase as a result of their gender.<sup>5</sup> Not only are women passed over or pushed into lower paying work, research has also shown that the entry of a large number of women into a male-dominated field has the effect of depressing wages in that field.<sup>6</sup>

The problem is compounded by racial discrimination, and nowhere is that more clear than in New York, where despite overall advances in closing the gap, Black women earn a mere 66 cents for every dollar earned by a white non-Hispanic man. Indeed, this figure falls below the national average, to 57 cents if you are a Black woman working in New York City.<sup>7</sup> This is unacceptable.

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<sup>2</sup> Nat'l Women's Law Center, *The Wage Gap: The Who, How, Why, and What to Do 2* (2017), <https://nwlc.org/wp-content/uploads/2016/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2017.pdf>.

<sup>3</sup> Meika Berlan & Morgan Harwood, Nat'l Women's Law Ctr., *National Snapshot: Poverty Among Women and Families*, 2018 (Sept. 2018), <https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/09/National-Snapshot.pdf>.

<sup>4</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, The Institute for the Study of Labor 73 (Jan. 2016).

<sup>5</sup> Lean In & McKinsey & Company, *Women in the Workplace 2015* 13 (2015), <https://womenintheworkplace.com/2015>.

<sup>6</sup> Asaf Levanon, Paula England & Paul Allison, *Occupational Feminization and Pay: Assessing Casual Dynamics Using 1950-2000 U.S. Census Data*, SOCIAL FORCES 88(2) (Dec. 2009).

<sup>7</sup> Scott M. Stringer, N.Y.C. Comptroller's office, *Inside the Gender Wage Gap, Part 1: Earnings of Black Women in New York City* 3, 5 (Aug. 2018); <https://comptroller.nyc.gov/wp-content/uploads/documents/BW-Equal-Pay-Day.pdf>.



## **A. Limitations of Federal Law**

Federal protections have fallen short of providing a realistic avenue for recourse. Unrealistic and insufficient legal and administrative filing deadlines mean that women often miss an opportunity to file a complaint or forgo meaningful damages by the time they become aware of a pay differential or recognize that the discrepancy was unjust. The stringent “equal pay for equal work” standard has meant that many claims are thrown out because many jobs vary in some respect even if the variance is minimal. And the liberal set of defenses that employers can call upon to justify a pay differential make it almost impossible for women to prevail in court. Moreover, most women simply do not know that they are being discriminated against. Employers have historically used female applicants' depressed salaries to pay them less and capitalized on the lack of pay transparency, often prohibiting employees from discussing salary, to perpetuate unfair pay practices.

## **B. Legislative Advances in New York**

In New York, noteworthy steps have been taken to actively tackle many of these problems. Legal filing deadlines have been extended, the stringent equal pay standard has been relaxed, damages have been increased, and notably, employer defenses have been narrowed and curtailed.<sup>8</sup> Employers in New York can no longer prohibit employees from inquiring about, discussing, or disclosing wage information.<sup>9</sup> And in 2017, New York City led the way in establishing a critical new law prohibiting employers in New York City from inquiring about or relying upon an applicant's salary history in determining the applicant's overall compensation.<sup>10</sup> This critical piece of legislation paved the way for New York State to enact similar protections, which go into effect as of January 6, 2020.

These reforms have had an impact. Through our work, we have already seen first-hand how the laws are working and benefiting our clients. One of our clients worked for a progressive tech company, which had publically proclaimed its commitment to equal pay. When she learned that she was making \$15,000 less per year than her male colleague, despite having the same title and job classification and doing the same job, she spoke with her employer. Unsurprisingly, her employer concluded that the pay differential was justified, claiming our client had less experience than her male colleague. It was particularly insulting that the company had strategically hired a women in a male dominated job classification, capitalized on her gender to advance the company's public-facing image of diversity, and then boldly asserted that she deserved less pay because she had less experience on a job where women have been traditionally excluded and thus denied the opportunity to acquire equivalent experience.

In representing her, we relied upon the 2015 amendments to New York's Equal Pay act, which created an important safeguard that essentially provides that a defense will not stand if the justification has a disparate impact on the basis of sex that could have been avoided through alternative business practices that the employer did not adopt. We were able to rely

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<sup>8</sup> N.Y. Labor Law § 194.

<sup>9</sup> N.Y. Labor Law § 194.

<sup>10</sup> N.Y. Admin. Code § 8-107(25).

on the disparate impact factor to successfully negotiate a settlement for our client to ensure that she was made whole.

Similarly, when one of our clients approached her employer about the reasons for the sizable discrepancy between her salary and her male colleague's salary, one of her employer's two rationales was that her male colleague had a higher prior salary and was able to leverage it to negotiate a higher salary in his current role. Once Legal Momentum intervened, we invoked New York City's salary history ban, making clear that although the law was not yet in effect at the time, it reflected the future trajectory of what constitutes a discriminatory pay practice. The employer promptly abandoned that defense and engaged in meaningful negotiations that ultimately brought our client to pay parity.

We cannot stress the importance of these legislative developments. Yet as we are making important progress, we also know that too many women are not aware of their rights, are not represented by attorneys, and are rightly reluctant to even raise issues with their employers due to the realistic risk of retaliation. At the same time, employers, big and small, are not well versed on their obligations. As a result, too many women are still being left behind. To address existing gaps, there are critical steps that the city can take towards enacting additional legal protections and educating employees and employers alike about their rights and obligations. We need to engage in widespread worker outreach, meeting women in their communities through channels they trust.

### **C. Policy Recommendations**

To ensure pay equity, we need to enact laws that drive pay transparency so that women have a realistic opportunity to address discriminatory pay disparities. In light of ongoing uncertainty about federal pay data reporting, the City should contemplate legislation that requires larger employers to collect data on diversity and compensation, including demographic data on gender, race, and ethnicity, and it should establish a reporting mechanism to collect this data. To do so, the City should convene a task force of experts, including employers who have enacted pay data reporting schemes, employees who have experienced pay discrimination, and other experts, to develop an effective reporting mechanism. The City and State should also enact legislation to require employers to disclose hourly or salary compensation, or a range of such compensation, in postings for job openings. Requiring employers to provide this information upfront increases transparency and encourages fairness.

In non-traditional industries, in which women have typically been excluded and thus denied opportunities to acquire equivalent experience, it's essential that employers are forced to rethink the role that "experience" plays in setting salary. Public education can play an important role in pushing employers to rethink antiquated practices.

When we pass strong laws, we need to engage in widespread worker outreach to educate employees about their rights. Despite Legal Momentum's longstanding work to enact stronger legal protections for women, we regularly find that women calling our Helpline are unaware of their rights, especially with respect to newly adopted legislation. Moreover, under NYS's equal pay law, the Department of Labor (DOL) is tasked with receiving complaints; however the DOL website provides no clear guidance on how to file such a

complaint. Employees must therefore have clear and accessible guidance on what their rights are, how to access reporting mechanisms, and how to file complaints.

Employer outreach and education is equally critical and should go beyond the law. In our settlement negotiations, Legal Momentum has been successful in convincing companies to implement institutional reforms, including investing in software to collect and compile data on diversity and compensation, conducting annual pay parity audits and analyses using gender data, and hiring staff to monitor pay parity and address problems. Employer collection of data on diversity and compensation and internal pay auditing and monitoring based on this data should become the norm. In fact, many employers are moving in this direction. What is clear, however, is that a large number of employers, particularly smaller employers, need more guidance and resources on how to implement these best practices. Here, the State and the City can play a critical role to provide this essential guidance on how to comply with applicable laws and how to implement best practices.

## **II. Occupational Segregation**

Although it has long been well-understood that systemic discrimination has resulted in occupational segregation, women are still underrepresented in high wage jobs and overrepresented in low-wage occupations, including domestic work, nursing, teaching, home health, hospitality work, and the garment industry. While men are still more likely to work in blue collar higher paying jobs, such as construction, production, or transportation, women are still more concentrated in lower paying office and administrative support positions in these industries.<sup>11</sup>

### **A. The Problem in New York City**

The City's workforce is just one example. While more men work in higher paying jobs including agencies that focus on construction, project management, and regulatory enforcement, women disproportionately fill traditionally female-dominated roles that revolve around education, childcare, and the provision of social services, where the average salary is \$10,000 less.<sup>12</sup>

### **B. Policy Recommendations**

The City must be more proactive about moving women into higher paying occupations. As a start, this requires substantial investment in outreach and training programs to place women in high-demand occupations where salaries are higher. This also requires outreach and training to ensure employers are actively recruiting and retaining women in these fields. Meanwhile, we need to work towards increasing salaries in occupations where women already work, including in early childhood education.

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<sup>11</sup> Carmen DeNavas-Walt & Bernadette Proctor, U.S. Census Bureau, *Income and Poverty in the United States: 2014, Current Population 6* (Table 1) (2015).

<sup>12</sup> Leticia James, N.Y.C. Public Advocate's Office, *Policy and Investigative Report: Tipping the Scales, Wage and Hiring Inequity in New York City Agencies* 3 (March 2018).

To effectively address occupational segregation, we must also overhaul the way we assign value to work. Specifically, the way we assign pay scales to job classifications should be based on standards that seek to remedy and reverse systemic inequities. The doctrine of equal pay for work of comparable worth has long sought to establish a more fair and equitable compensation scheme that correlates compensation across job categories to skill, education, and responsibilities. Although implementation of this doctrine has proven challenging, it is time that we invest in developing a comparable worth system that is effective, practical, and consistent. In light of persistent occupational segregation within New York City's own agencies, the City has an important opportunity to lead the way in exploring a comparable worth scheme in classifying positions within its agencies.

### **III. Pregnancy and Caregiving Penalties**

As a result of pregnancy and caregiving responsibilities, women are more likely to experience workplace interruptions that negatively impact their earning potential or undermine their ability to remain in the workforce.<sup>13</sup> Because women are more likely to take on caregiving when making decisions about work, they are more likely to take unpaid leave to care for a new child; switch to a lower paying job that affords greater flexibility or fewer work hours; or withdraw from the labor force after having a child, especially since childcare costs often exceed income.

In addition to making these sacrifices, women face persistent discriminatory attitudes. Despite the passage of critical federal, state, and local legislation, pregnant women and women with caregiving responsibilities are systematically denied raises, passed over for promotions, or fired, often because they request adjustments to their schedules, push for work-life balance, request a reasonable accommodation, or report discrimination. Today, having a child still threatens to drastically and negatively alter a woman's economic security or career trajectory, and the consequences of this discrimination can be financially debilitating.

Studies have revealed that mothers are often recommended for significantly lower starting salaries, perceived as less competent, and are less likely to be recommended for hire.<sup>14</sup> On the contrary, higher salaries are often recommended for men with children.<sup>15</sup> These discriminatory trends not only push women out of their jobs, they are reflected in women's earnings, which tend to go down fairly drastically after having children.<sup>16</sup> Alternatively, men

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<sup>13</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, The Institute for the Study of Labor 24 (Jan. 2016).

<sup>14</sup> Shelley J. Correll, Stephan Bernard, & In Paik, *Getting a Job: Is there a Motherhood Penalty?*, *American Journal of Sociology* (Mar. 2007), [https://www.jstor.org/stable/10.1086/511799?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/10.1086/511799?seq=1#metadata_info_tab_contents).

<sup>15</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, The Institute for the Study of Labor 24 (Jan. 2016).

<sup>16</sup> Claire Cain Miller, *The Gender Pay Gap is Largely Because of Motherhood*, *N.Y. TIMES* (May 5, 2017), <https://www.nytimes.com/2017/05/13/upshot/the-gender-pay-gap-is-largely-because-of-motherhood.html?module=inline>.

typically experience an increase in earnings after having children.<sup>17</sup> One study found that fatherhood increases a man's earnings by over six percent, whereas in contrast motherhood reduces a woman's earnings by at least four percent and the penalty increases up to fifteen percent for women earning low wages.<sup>18</sup>

## **A. Our Experiences**

Through our Helpline, we regularly speak with and assist women across varying industries who have strong performance records at work and are pushed out of their jobs once they reveal they are pregnant or once they request necessary pregnancy accommodations. When faced with a lifting restriction during her second trimester of pregnancy, one of our clients requested a lifting accommodation. Instead, she was told she could go on unpaid leave and would be put on a list if another position opened up. When offered an alternative position, months later, she learned it would require her to give up her union benefits with no assurance that she could return to her original unionized position. In short, while preparing for a family, she had to stop working, lose pay, and choose between maintaining a salary during her pregnancy or keeping her existing job with union protections, critical to providing for her growing family.

## **B. Policy Recommendations**

To eliminate, address, and alleviate these discriminatory penalties, women need a comprehensive support structure that includes access to meaningful pregnancy accommodations and protections against pregnancy discrimination; paid parental leave that provides an opportunity for either parent to bond with and care for a new child; protections against caregiving discrimination; access to paid personal time; access to greater workplace flexibility without financial penalty; and access to safe, affordable, and quality childcare options. This structure is all the more critical for low-wage workers, who experience a higher motherhood penalty, which is often attributed to the fact that they are less likely to have access to key supports such as paid parental leave, affordable and accessible childcare; and paid time off.<sup>19</sup>

New York State and New York City have made huge strides towards creating this basic support structure with short-term disability benefits, a new state based paid family leave program, pregnancy accommodations in New York City, mandatory paid sick days in New

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<sup>17</sup> Claire Cain Miller, *The Gender Pay Gap is Largely Because of Motherhood*, N.Y. TIMES (May 5, 2017), <https://www.nytimes.com/2017/05/13/upshot/the-gender-pay-gap-is-largely-because-of-motherhood.html?module=inline>.

<sup>18</sup> Michelle J. Budig, *The Fatherhood Bonus and The Motherhood Penalty: Parenthood and the Gender Gap in Pay*, Third Way & Next 9, 13 (2012), [https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT\\_-\\_Fatherhood\\_Motherhood.pdf](https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT_-_Fatherhood_Motherhood.pdf); Michelle J. Budig & Melissa J. Hodges, *Differences in Disadvantage: Variation in the Motherhood Penalty across White Women's Earnings Distribution*, American Sociological Review (Oct. 8, 2010).

<sup>19</sup> Michelle J. Budig, *The Fatherhood Bonus and The Motherhood Penalty: Parenthood and the Gender Gap in Pay*, Third Way & Next 17, 20 (2012), [https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT\\_-\\_Fatherhood\\_Motherhood.pdf](https://thirdway.imgix.net/downloads/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay/NEXT_-_Fatherhood_Motherhood.pdf).

York City, State and City protections against caregiver discrimination, and fair work week protections for certain vulnerable industries in New York City. Together, these accomplishments create a fighting chance for women. But there is more to be done.

To ensure that these protections are being implemented and that New Yorkers are receiving benefits to which they are entitled, the City along with the State must ensure that employees are aware of their rights, employers are aware of their obligations, and that the relevant agencies are monitoring compliance. Employers need to be trained on pregnancy and caregiver discrimination so that workplaces start to take into account the reality of caregiving and recognize and address unconscious bias in hiring promotions, and advancement practices. Public education campaigns should also speak to the equal role and responsibilities of men in caregiving.

We also need robust reporting and monitoring mechanisms to ensure that available benefits are being administered fairly and properly. Through our Helpline, we regularly speak with women working for large employers in New York City which have yet to establish procedures and protocols to comply with existing programs and laws.

One woman we assisted contacted her employer, a large hospital in New York City, and requested paid family leave. Instead of walking her through a fairly straightforward application process, her employer stated that it did not handle requests, sent her to their insurance carrier, which then directed her to at least three different representatives who gave her conflicting instructions and ultimately enrolled her for FMLA and disability benefits rather than the Paid Family Leave benefits to which she was entitled. When she called our Helpline, our client's son was already one month old. She had made the request well before he was born, had been trying to navigate the system for months, and was on the verge of giving up. Once we intervened, the insurance carrier confirmed her eligibility in a matter of days.

Many women who are still unaware that they are eligible for paid family leave are dissuaded from accessing benefits simply because their employers have created overly onerous or noncompliant processes for applying. The purpose and intent of the comprehensive New York State Paid Family Leave law is thwarted if workers cannot reasonably obtain these benefits absent legal counsel. The Commissions and City agencies should use their independent investigative powers, where applicable, and their enforcement authority to monitor and investigate compliance to ensure that employers, particularly those who employ low-wage workers, are complying with legal protections. Employing this enforcement authority is especially important in exploitative industries where workers are too afraid to report violations.

Although a variety of critical leave options now exist in New York City, including short-term disability, paid family leave, leave under the federal Family and Medical Leave Act, and employer leave policies, each form of leave offers a complex and divergent set of benefits, requirements, and exceptions. This complicated scheme makes it nearly impossible for most women to independently identify an optimal leave strategy. Efforts need to be made to streamline, simplify, and coordinate the ways in which these different leave options interact and to ensure that employers aren't erecting bureaucratic barriers to access.

And notably, the city must turn its attention and resources to childcare. Across the city there is a scarcity of adequate, affordable, and high-quality childcare and across the state, subsidized childcare programs are underfunded, meaning too many families who qualify for childcare subsidies are not accessing them.<sup>20</sup> According to the New York City Comptroller, the City only has capacity to care for six percent of infants in the city in licensed child care centers and the cost can exceed in-state tuition in college.<sup>21</sup> The City must invest in establishing meaningful childcare options.

#### **IV. Access to Reproductive Health**

Availability of and increased access to contraception has been associated with facilitating delays in marriage and childbearing, providing greater opportunity for women to pursue education and professional training.<sup>22</sup> By controlling their own fertility, women have increased opportunity to pursue education, professional training, and consequently, to pursue higher-paying jobs. To promote and advance fair pay practices, we need to ensure that women have access to affordable reproductive health care and contraception so that they can retain control over their education and career trajectories.

#### **V. Women in Poverty and Low-Wage Work**

As a result of persistent gender discrimination, including occupational segregation and unpaid caregiving obligations, women in the United States are nearly 40 percent more likely than men to live in poverty<sup>23</sup> and more than twice as likely to work in low-wage occupations.<sup>24</sup> As a result women are also more likely to work under unsafe and exploitative conditions and be subjected to sexual harassment and other forms of abuse at work. The same is true in New York City, where women are more likely than men to live in poverty.<sup>25</sup>

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<sup>20</sup> See United States Government Accountability Office, *Childcare: Access to Subsidies and Strategies to Manage Demand Vary Across States*, GAO-17-60, 8 (Dec. 2016), <https://www.gao.gov/assets/690/681652.pdf>. ("out of the estimated 14.2 million children under age 13 nationwide who met federal work and income requirements for subsidies in an average month in 2011 and 2012, an estimated 8.6 million were eligible according to the eligibility policies in their states, and about 1.5 million received them.").

<sup>21</sup> Scott M. Stringer, NYC Comptroller's Office, *NYC Under Three: A Plan to Make Child Care Affordable for New York City Families* 4 (May 17, 2019).

<sup>22</sup> Francine D. Blau & Lawrence M. Khan, *The Gender Wage Gap: Extent, Trends, and Explanations*, IZA DP No. 9656, The Institute for the Study of Labor (IZA) 16 (Jan. 2016); Martha J. Baily, Brad Hershbein, & Amalia R. Miller, *The Opt-In Revolution? Contraception and the Gender Gap in Wages*, Nat'l Bureau of Economic Research 2-3 (June 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3684076/>.

<sup>23</sup> Meika Berlan & Morgan Harwood, Nat'l Women's Law Ctr., *National Snapshot: Poverty Among Women and Families*, 2018 (Sept. 2018), <https://nwlc-ciww49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/09/National-Snapshot.pdf>.

<sup>24</sup> Nat'l Women's Law Ctr., *Women in the Low-Wage Workforce by State 2* (June 2018), <https://nwlc-ciww49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/06/women-in-low-wage-workforce-by-state-2018-2.pdf>.

<sup>25</sup> City of New York, *New York City Government's Poverty Measure 2017, An Annual Report from the Office of the Mayor* 35 (Apr. 2019), [https://www1.nyc.gov/assets/opportunity/pdf/19\\_poverty\\_measure\\_report.pdf](https://www1.nyc.gov/assets/opportunity/pdf/19_poverty_measure_report.pdf).



## **A. Low-Wage and Tipped Work**

Too many women in our City engage in low-wage work, finding it impossible to make ends meet, maintain a job, and care for family. Women working low-wage jobs are often relegated to the informal economy or work in industries that are exempted from complying with standard labor and anti-discrimination protections, such as domestic work, farm work, work for smaller employers, part-time work, consultancy work, or tipped work.

In New York, we know that the tipped workforce across all industries is almost 80% female and consists largely of women of color.<sup>26</sup> Tipped work, often characterized by predominantly female workforces, including the restaurant industry, nail and hair salons, makeup studios, and hotels, has become synonymous with low-wage women's work.<sup>27</sup> And while women make up the vast majority of tipped workers making the lowest wages, they remain underrepresented in the highest paying jobs in tipped industries.<sup>28</sup> These dynamics present a vicious cycle for women, perpetuating one of the most appalling national trends: women of color, immigrant women, and working mothers are more likely to be paid lower wages,<sup>29</sup> and women of color in tipped occupations are especially likely to live in poverty.<sup>30</sup> New York is no exception. About one in four tipped workers in New York is a woman of color.<sup>31</sup> Maintaining the tipped minimum wage therefore rewards, sustains, and endorses an inherently discriminatory employment scheme.

## **B. Policy Recommendations**

To equalize pay for women, we need to significantly increase pay for low-wage workers. This means that the City and State must work together to continue to progressively increase the minimum wage over time to coincide with inflation and the cost of living and must eliminate

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<sup>26</sup> ROC-United, *Recipe for Success: Abolish the Subminimum Wage to Strengthen the Restaurant Industry* (Mar. 1 2014), [http://rocunited.org/wp-content/uploads/2014/03/ROCUnited\\_Recipe-for-Success.pdf](http://rocunited.org/wp-content/uploads/2014/03/ROCUnited_Recipe-for-Success.pdf); Legal Momentum analysis of United States Census Bureau, EEO Tabulation Detailed Census Occupation by Sex, and Race/Ethnicity for Worksite Geography, Total Population 2006-2010 for bartenders, waiters and waitresses, hosts and hostesses, maids and housekeeping, hairdressers, hairstylists, and cosmetologists, and miscellaneous personal appearance workers; *Bare Minimum: Why We Need to Raise Wages for America's Lowest-Paid Families* 5 (2018),

<http://civilrightsdocs.info/pdf/reports/Bare-Minimum.pdf>; see also Sylvia A. Allegretto and David Cooper, *Twenty-Three Years and Still Waiting for Change: Why It's Time to Give Tipped Workers the Regular Minimum Wage* 3, ECONOMIC POLICY INSTITUTE (July 10, 2014), <https://irle.berkeley.edu/files/2014/Twenty-Three-Years-and-Still-Waiting-for-Change.pdf>.

<sup>27</sup> Legal Momentum analysis of United States Census Bureau, EEO Tabulation Detailed Census Occupation by Sex, and Race/Ethnicity for Residence Geography, Civilian Labor Force 2006-2010 for bartenders, waiters and waitresses, hosts and hostesses, maids and housekeeping, hairdressers, hairstylists, and cosmetologists, and miscellaneous personal appearance workers.

<sup>28</sup> ROC-United, *Tipped Over the Edge: Gender Inequity in the Restaurant Industry* 19 (Feb. 13, 2012), [http://rocunited.org/wp-content/uploads/2012/02/ROC\\_GenderInequity\\_F1-1.pdf](http://rocunited.org/wp-content/uploads/2012/02/ROC_GenderInequity_F1-1.pdf).

<sup>29</sup> *Bare Minimum: Why We Need to Raise Wages for America's Lowest-Paid Families* 10-11 (2018), <http://civilrightsdocs.info/pdf/reports/Bare-Minimum.pdf>.

<sup>30</sup> *Bare Minimum: Why We Need to Raise Wages for America's Lowest-Paid Families* 5 (2018), <http://civilrightsdocs.info/pdf/reports/Bare-Minimum.pdf>.

<sup>31</sup> *Bare Minimum: Why We Need to Raise Wages for America's Lowest-Paid Families* 5 (2018), <http://civilrightsdocs.info/pdf/reports/Bare-Minimum.pdf>.



the antiquated and unjust tipped minimum wage to ensure that all workers across New York receive at least the regular minimum wage before tips. Since poverty is gendered, we must also rethink our poverty measures to account for the specific ways in which poverty impacts women.

Our existing system of carve-outs and tiered labor protections, which has exempted certain industries and employers from complying with labor and anti-discrimination protections, has driven and sustained exploitation of women who are often disproportionately employed in these industries. To increase pay and decrease exploitation of low-wage women, it is essential that the City and State work towards unifying legal protections to apply to all industries and job types in a more consistent manner. Important progress has already been made toward eliminating employee thresholds that exempt smaller employers, extending some legal protections to domestic workers and farm workers, and extending protections for non-employee categories. A broader assessment should be done to identify existing loopholes that impact low-wage workers and industries and to close those loopholes. Similarly, to the extent that reporting requirements or legal compliance may be too onerous for small employers, the City and State should devise ways to create centralized and streamline reporting mechanisms to achieve these goals.

For too long, women earning low-wages have been silenced or stifled by their poverty and/or immigration status, unable to advocate for fair wages, challenge discrimination or exploitative conditions, or escape workplace abuse because they cannot afford to lose their jobs. Women need stronger means to advocate for themselves. The City should continue to invest in and increase its support for emerging mechanisms such as worker cooperatives, which allow women to act collectively to secure better salaries and working conditions across industries. The City must also continue to use its independent investigative powers to monitor low-wage industries where women are overrepresented.

## **Conclusion**

Critical steps to strengthen legal protections and advance pay equity have recently been taken. But to make meaningful progress, we must actively address root causes of the wage gap, including occupational segregation; create a comprehensive support structure for women that dismantles the financial costs and penalties they have long incurred; and look to change not just the law, but the predominant workplace culture that continues to turn a blind eye to the modern working family.

The gender wage gap is a multifaceted problem rooted in systemic forms of gender discrimination. If we legitimately want to achieve pay parity, the City must continue to take a multifaceted approach that closes loopholes, educates workers and employers alike, enhances legal compliance and awareness, but also seeks to implement sizable shifts to lift women out of poverty and low-wage work.

Legal Momentum looks forward to working with the City to assist in these efforts.



**JENNIFER KLEIN**

**TIME'S UP Now**

*NYC Commission on Gender Equity Hearing on Pay Equity*

September 19, 2019

Dear Commissioners Jacqueline Ebanks, Carmelyn Malalis, Lorelei Salas, Sasha Ahuja, Beverly Tillery and Ellyn Toscano:

I want to begin by thanking you for the opportunity to speak before you. It is an honor to address this body tonight. You exist to empower communities that have historically held the least power – girls, women of color, and transgender and non-binary individuals – and help ensure New York City is a place where people of all gender identities can live free from gender and race-based disparities and violence.

My name is Jennifer Klein and I am the Chief Strategy and Policy Officer at TIME'S UP Now. Together with corporate leaders, lawmakers, and leaders across industries and sectors, TIME'S UP Now is working to change our culture, so sexual harassment, abuse, and other related forms of discrimination, like pay disparities, are no longer acceptable. We also work to change policies in the private sector and the public sector, all to realize a world where work is safe, fair and dignified for women of all kinds.

In the fall of 2017 – as revelations of widespread abuse and misbehavior at the hands of powerful men sparked a global reckoning – a group of artists, executives, producers, and other entertainment industry leaders came together to fight for systemic change. Then in January 2018, at the Golden Globes, TIME'S UP publicly launched when our network turned the red carpet black and brought iconic, influential activists to the awards ceremony to highlight that issues of workplace discrimination, including sexual harassment and abuse, transcend industries, occupations, gender identity, and class status.

Sexual harassment is a major problem, something that the EEOC estimates around 85 percent of women will experience over the course of their careers.<sup>1</sup> But while sexual

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<sup>1</sup> EEOC.gov. (2016). *Select Taskforce on the Study of Harassment in the Workplace*. [online] Available at: [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf) [Accessed 19 Sep. 2019].

harassment is a pressing problem, it's also a *symptom* of greater inequities that exist for women at work.

The issues women face at work, from sexual harassment to the gender and racial wage gap, reinforce each other in a vicious cycle that strips women of power. This lack of power, in turn, creates opportunities for further harm. For example, women are more likely to hold lower paying jobs – not out of choice – but because of a set of systemic barriers, ranging from a lack of support for working caregivers, to the entrenched undervaluing of so-called “women’s work,” to outright discrimination. This is especially true for the disproportionate number of women of color in low wage jobs who often face even greater inequities and power imbalances.

Only by rooting out structural inequality in the workplace can we truly end sexual harassment and make these abuses a thing of the past. And the pay gap is a key barometer for measuring those inequities – and starting to correct them. This is a time for leaders to take bold action to close the pay gap and level the playing field so that all people, regardless of race, gender or socioeconomic status, can thrive.

The good news is, we are in a unique moment to do something about pay equity, and we need to leverage the opportunity on all fronts. The U.S. Women’s National Soccer Team has drawn national attention to these inequities. Importantly, these leaders are united in their fight for justice – and feel as strongly about closing the gap in other sectors as they do about closing the wage gap in soccer. These incredible women recognize that this is not only their fight, but also one that women around the country have been fighting for decades.

New York City has long been a leader on these issues. In 2017, the City banned salary history questions in job interviews, which often perpetuates the pay inequity women have experienced in a prior job. In 2018, New York City expanded protections for nursing mothers at work by imposing stricter requirements on employers for accommodations like dedicated lactation rooms and access to refrigeration. And in 2019, the City raised the minimum wage to \$15/hour, which will protect the most vulnerable low-wage workers – the majority of whom are women. New York City is also filling gaps in state and federal law with universal pre-K, paid family and medical leave, and laws prohibiting pregnancy discrimination and caregiver biases.

Taken together, these separate but related actions have a cascading effect on the pay gap. When women can stay in their jobs and advance in their careers because they can safely pump at work or have access to childcare, we’re closing the pay gap. When we raise wages for predominantly female workers in low-wage jobs, we’re closing the pay gap. When we create workplaces that are free from sexual harassment so women don’t feel the need to leave their industries, we’re closing the pay gap.

Given the City's leadership, it comes as no surprise, then, that New York State has the third smallest median pay gap in the country – a shining example of what's possible when the public sector puts women and working people first.<sup>2</sup>

While we are making steady, incremental progress across the country, the truth is the government cannot solve this problem unilaterally, which is why I will be focusing on private sector reforms today. Reaching true gender equity requires the private sector, which employs the majority of women in the U.S., to take a leadership role. And that starts with calling on companies to step up – and pay up – to close the gender and racial pay gap.

There is no quick fix to the pay gap, but there are concrete steps companies should take to promote women's safety and equity – all while attracting and retaining top-notch talent.

First, companies should conduct an annual assessment of the median pay gap in their workforce. That's the key metric that reflects the totality of the pay problem by evaluating not only the difference between what women and men earn in the same job, but also what women and men earn in the aggregate across the institution, broken down by race, gender, ethnicity, LGBTQ status, and disability status.

The median pay gap helps companies capture whether there are fewer women in higher paying, leadership positions. For example, while women at Citigroup, one of the few major corporations that have stepped up to close the median pay gap, have equal pay relative to men, the median pay gap reflects that women at the company earn only 71% of what men earn.<sup>3</sup> Examining the median pay gap, therefore, can shed light on the true nature of inequality within a given company. The City and this Commission are well-placed to develop civic technology to support companies that want to conduct annual assessments and want guidance or resources.

But simply measuring the median pay gap is not enough. Companies should also commit to reporting the results and being transparent about the steps they will take to remedy any gender imbalances.

Second, companies should post salary ranges for job classifications. This ensures transparency when people walk into interviews and protects women from being underpaid when they get the job. Without such transparency, bias can seep into the hiring process. Armed with information about what the employer is willing to pay for the role, women have

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<sup>2</sup> Nielson, K. (2019). The Gender Pay Gap by State: An Interactive Map. [online] AAUW.org. Available at: <https://www.aauw.org/resource/gender-pay-gap-by-state-and-congressional-district/> [Accessed 19 Sep. 2019].

<sup>3</sup> Lamb, N. (2019). *The median gender pay gap: It's time to tell the whole story*. [online] Quartz at Work. Available at: <https://qz.com/work/1549162/the-median-gender-pay-gap-arjuna-capital-wants-the-data-revealed/> [Accessed 19 Sep. 2019].

a better platform for negotiation and salary decisions become about the job and what the employer is willing to pay, rather than gendered (i.e. lower) expectations.

Third, companies should improve recruitment, hiring, promotion, and retention processes to promote gender balance and reduce unconscious bias and other barriers. It is not enough to bring more women into an organization. They need to be set up for success, with corporate policies that create a culture where women can advance and grow within the company.

And last but not least, companies should institute corporate policies, including robust paid parental leave, child care, mentoring, and leadership development, to ensure all employees have the tools and support they need to thrive.

I want to take a moment to commend this Commission for your deliberate efforts to close the pay gap and urge you to continue on this path with your leadership and oversight.

Just as median pay data is crucial to understanding whether companies are treating their employees fairly, understanding how New York City's own median pay data stacks up is crucial to understanding whether all genders are valued, promoted, and paid equally in public employment. City workers and taxpayers deserve to know whether City employees are being compensated fairly. An audit of the City, examining median pay, would give us a greater understanding of how far we still have to go.

This Commission can also urge companies to take a pledge to achieve median pay parity. We've seen the power of the corporate sector leading the way from companies like Citigroup, the first U.S. company to proactively conduct and release a median pay gap analysis – this Commission can push them in the right direction.

Finally, we look forward to working with the Commission in changing the conversation around equal pay. This is about so much more than quote-unquote "equal pay for equal work." It's about the structural forces that hold women back at work – the unequal caregiving responsibilities, the lack of comprehensive paid leave in the U.S., and yes, old-fashioned gender discrimination.

No more excuses. No more waiting. It's time for all of us to not only admit we have a problem, but commit to building a more equitable workplace for everyone.

The clock is ticking. Let's get to work. Thank you.



September 19, 2019

### Testimony for the Pay Equity Hearing

**Jacqueline Ebanks**, Executive Director, New York City Commission on Gender Equity, Office of the Mayor  
**Carmelyn Malalis**, Commissioner and Chair, New York City Commission on Human Rights

**Lorelei Salas**, Commissioner, New York City Department of Consumer and Worker Protection

**Sasha Ahuja**, Chief of Staff, Girls for Gender Equity, and Commissioner, Commission on Gender Equity

**Beverly Tillery**, Executive Director, New York City Anti-Violence Project, and Commissioner, Commission on Gender Equity

**Ellyn Toscano**, Senior Director of Programing, Partnerships and Community Engagement, NYU Brooklyn, and Commissioner, Commission on Gender Equity

By **Mary M. Luke**, she, her, hers, Co-President, UN Women USA NY, Vice President, PowHerNY, and Vice Chair, Steering Committee, NYC4CEDAW Act

We are fortunate to be living in New York City, one of the world's most progressive cities. New York is the home of the United Nations and hundreds of multinational businesses. With its strong leadership, New Yorkers benefit from important laws and policies that address gender equality, family leave, sexual harassment and the gender pay gap. I am proud to be a member of the PowHer NY Coalition which worked closely with the Commission on Gender Equity to publish *Leveling the Playing Field, Best Practices for Gender Pay Equity in the Workplace*. PowHer NY is a member of the Equal Pay International Coalition to share ideas and best practices globally to improve the work and lives of women, girls, all gender identities and expressions.

### A Vision for 2030

Women's economic empowerment is central to realizing women's human rights and gender equality across all gender identities and gender expressions. By the year 2030 women and all gender identities are paid equally for work of equal value; businesses are more profitable because of the diversity of its workforce; parents/partners have equal access to and fully utilize pregnancy, parental and family leave; parents have access to quality affordable care arrangements for their children. Care work and domestic work is valued and paid comparable to men's labor.

Women hold at least 50% of executive, leadership positions in government and business. Government has passed and enforces laws and policies to protect workers from discrimination and harassment; systems are in place to monitor and report on the gender pay gap and other goals. Managers utilize objective hiring and promotion practices without reference to salary history, and workplace cultures are women, gender and family centered. There are innovative flex-time and part-time working arrangements, and women of all ages returning to work, or entering the workforce after are supported.

Girls and women study and enter STEM and non-traditional fields in numbers equal to men, and are motivated to work in these fields; women are encouraged to be entrepreneurs; they are trained, supported and funded to start their own businesses, and the media depicts women, girls and all gender identities in productive roles. All women, including rural women, have access to information technology to bridge the digital divide.

### **What is equal pay for work of equal value?**

Currently in the U.S. the standard is equal pay for equal work. This has been expanded in NY to mandate equal pay for substantially similar work. However, the majority of men and women work in different fields. Equal pay means that women and men have the right to receive equal remuneration for work of equal value. It also means that women and men should get equal pay when they do work that is completely different but can be shown to be of equal value, when evaluated based on objective criteria. These objective criteria consider factors such as skills, qualifications, working conditions, levels of responsibility and effort required by the job.

### **UN Women**

As the global advocate for gender equality and women's empowerment, UN Women is a partner with the International Labour Organization (ILO) and Organization for Economic Co-operation and Development (OCED) in the **Equal Pay International Coalition (EPIC)**. UN Women has pledged to reduce the gender pay gap by 2030 by raising awareness and drawing global political attention to contribute to the concrete advancement of this agenda. UN Women will prioritize the achievement of equal pay for work of equal value as a critical focus in the Beijing Declaration and Platform for Action review in 2020. UN Women's ***WE EMPOWER through Responsible Business Conduct in G7*** countries is a program funded by the European Union (EU) and implemented by UN Women and the ILO.

The U.S. gender pay gap is not the world's widest. Within the OECD group of higher-income nations, South Korea holds the widest gap, with men earning 37 percent more than women, on average.<sup>1</sup> The country with the narrowest gap: Luxembourg, shows men making just 3.4 percent more than women.

In OECD Countries, gaps are smallest where the share of workers covered by collective bargaining agreements reaches at least 80 percent and are greatest in countries with weak collective bargaining and have no or very low minimum wages.

### **What will it take to make equal pay for work of equal value a reality for women around the world?**

1. Strong government commitment to gender equality and laws and policies that support equal pay and an enabling environment to protect women's rights at work.
2. Strong business leadership to change cultures and norms for a gender-equal and safe workplace.
3. Unions working with employers to obtain the best benefits for all employees.
4. Government and business supported parental, family leave and child care policies.
5. Systems in place to train managers on gender blind hiring and promotions.
6. Promotion, training and sponsorship of women to higher levels of management and boards.
7. Programs to motivate and support girls and women to go into STEM training and jobs.

## Examples of policies supporting pay equity and gender equality from European governments

- In **Finland**, the Equality Ombudsman decided that there is a presumption of discrimination if a fixed-term contract of a pregnant worker is not renewed.
- In **Slovakia**, the Slovak Centre for Human Rights developed a 'blacklist' of companies involved in cases related to unfair dismissals and discrimination. Blacklisted companies can lose commercial advantages.
- **Germany** provides a financial allowance for 12 months of leave after the birth of a child. This allowance can be extended by another 2 months if both parents participate in childcare, which works as an incentive for the second parent to also take some part of the leave. Parents can distribute the 14 months between them.
- In **Latvia** with the Institute for Corporate Sustainability and Responsibility, they introduced a new subsidized flexible form of child-care service – flexible “open hours” child-minders. The model of subsidization includes public vouchers for subsidized child-minders and private co-financing from enterprises with non standard work schedules.
- In **Portugal** cooperation between employers' and workers' organizations with the Government resulted in the implementation of a gender-neutral method for evaluating jobs in order to achieve pay equity for women and men in the hotel, catering and tourism sector.
- In **Ireland**, the General Scheme of the Gender Pay Gap Information Bill was approved on 26 June 2018. The Minister is required to issue regulations requiring employers to publish information on the pay of their employees to demonstrate whether there are differences in the pay of male and female employees.
- In **Iceland**, since January 2018, companies and government agencies with more than 25 employees are required to obtain government certification from an independent entity that certifies that their pay policies are gender equal. Those failing to demonstrate pay equality face fines. This policy measure aims to close Iceland's gender pay gap by 2022.
- In **France**, a new law obliges private companies to annually publish their results regarding the Gender Equality Index<sup>64</sup>, and the actions they have implemented to tackle the issues that have been identified. If the overall grade obtained by the company is below 75/100, corrective actions are taken, or a financial penalty is applied.

Full descriptions of these policies can be found in the EC document.<sup>2</sup>

## What is business doing to address diversity and the gender pay gap?

The Business for Inclusive Growth (B4IG) coalition was launched at the G7 Leaders' Summit in Biarritz, France, from 24 to 26 August 2019. The coalition brings together 34 leading multinationals with more than 3 million employees worldwide and global revenues topping \$1 trillion. Members have agreed to sign a [pledge](#) to take concrete actions to ensure that the benefits of economic growth are more widely shared.<sup>3</sup>



The **Women's Empowerment Principles (WEPs)**, launched in 2010 by UN Women and the UN Global Compact, have been endorsed by the United Nations General Assembly. The WEPs offer a platform to mobilize business action for implementation of the Sustainable Development Goals (SDGs). They guide businesses – regardless of size, sector or geography – to promote gender equality, and empower women in the workplace, marketplace and community. The WEPs provide a gender lens through which businesses can analyze their current initiatives, benchmarks and reporting practices. Today, nearly 2,000 CEOs have committed to implementing the WEPs, double the number since 2015.

The WE EMPOWER through responsible business conduct in G7 countries is a program funded by the European Union and implemented by UN Women and the International Labor Organization. The following case studies are summarized from their report.<sup>4</sup>

- In 2014, **Gap Inc.** became the first Fortune 500 company to confirm it paid women and men equally for equal work across all its locations. It had its methodology for an annual gender compensation analysis independently verified by a third-party firm. The company's culture of collaboration, inclusion, and close relationships has created a solid structure for women's advancement and equal pay.
- **Citi** expanded its efforts to assess pay when comparing women to men and accounted for a number of factors to make the comparisons meaningful, including job function, level and geography. Citi found that women are paid on average 99 percent of what men are paid and US minorities are paid on average 99 percent of what US non-minorities are paid. Citi disclosed the results of this analysis to its employees as well as externally, becoming the first financial services firm to do so. The company made appropriate compensation increases in this year's compensation cycle.
- In 2018, **Danone** rolled out inclusive diversity plans across various countries, including empowering staff to contribute in their local inclusive diversity roadmaps, and engaging with local passionate champions who will connect the issues with local leaders. Globally Danone has made progress in terms of gender parity in senior leadership. Forty percent of the board members are women, and three have been on the Executive Committee since 2016. In 2017, female representation at both Executive and Directors levels increased by 25 and 39 per cent respectively. \*Contributed by Danone
- **L'Oréal USA** partnered with the Harvard Kennedy School in providing leadership and negotiation courses for senior executives as well as a custom-designed program focused on gender bias in the workplace. L'Oréal USA increased its number of female executives, and the Executive Committee reached parity in 2018. The gender pay gap was cut in half and the company is piloting internal and external pay regression analyses to ensure it is understanding the gap in more detail.\*Contributed by L'Oréal.
- In March 2013, **SAP** launched a strategy aimed at bringing greater diversity into the company around four focus areas – gender intelligence, culture and identity, cross-generational intelligence, and differently-abled people. The ability to achieve gender diversity has a direct result on the company's ability to see business opportunities that it might not have seen before. Through its Business Beyond Bias movement, SAP employs business process expertise combined with machine-learning-based biased language detection to prevent unconscious bias across the workplace. \*Contributed by SAP

## Summary and Recommendation

We have been hearing stories of how women have been discriminated against and treated unfairly by employers and peers; how culture contributes to and perpetuates gender bias and norms leaving women behind while men rise in positions of power and authority; how men do not take full advantage of paternal leave policies (when they exist) because of social norms in the workplace. We also heard that equal pay will **reduce poverty by half** for families with working women. We are seeing changes- with new generations of leaders – younger men and women- who believe in gender equality at work and at home- but the pace of change is too slow. We cannot wait **40 years for white women** to earn the same as white men; Black women will have to wait **100 years** and Hispanic women 205 years till **2224** for equal pay. **UNACCEPTABLE!**

The **NYC4CEDAW Act** Coalition is calling for strong policies and laws as the foundation for gender equality, led by champions who are willing to create lasting and sustainable change. CEDAW - The UN Convention on the Elimination of All Forms of Discrimination Against Women - is a global human rights treaty that has been signed by all developed nations except the US. CEDAW 's Article 11, states 10 times that women have 'equal rights with men', which includes pay, promotions, training, health, education, and safety.

**Pay equity is a human rights** issue that affects all New Yorkers regardless of race, ethnicity, religion, health, disability, marital status, age, class, immigration status, sexual orientation, gender identity or gender expression. **The time is NOW** for New York to pass a **CEDAW Act** – and affirm its commitment to human rights and gender equality for all in New Yorkers.

We thank the NYC Commission for Gender Equity, the NYC Commission on Human Rights and New York City Department of Consumer and Worker Protection for this opportunity to give voice to these important issues of gender equality and gender pay equity .

As UN Women prepares for the 25<sup>th</sup> anniversary of the Fourth World Conference on Women and Platform for Action, we welcome city agencies and partners to join the **Generation Equality Campaign** to mobilize and continue the fight for human rights. And we'll be proud to announce that **NYC is a CEDAW city** to the 10,000 women who are expected to arrive in New York City en masse to the Commission on the Status of Women in March 2020.

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## **Testimony on Pay Equity**

### **Pay up, or we all Pay the Price: Wage Discrimination isn't Just about Income**

I would like to start off with a quote from one of my favorite poems written by Sor Juana Inez de la Cruz, "You men...so very adept at wrongfully faulting womankind, not seeing you're alone to blame for faults you plant in woman's mind." Clearly when she means "Men," she is referencing the infamous "patriarchy." She wrote these words in 1667, tucked away in a convent in Colonial Mexico. A few centuries later, the feminist scholar Bell Hooks clarifies what this means... "Patriarchy is the single most life-threatening social disease assaulting the male body and spirit in nation." Despite this truth, Hooks notes, "most men never think about patriarchy...what it means, how it is created and sustained." These words in conversation with each other, albeit expressed in very different times and places, both still read as true today as it did when they were written. I was listening to last week MTV's countdown, and the number 1 song is Lizzo's, "Truth Hurts." In it, she asks, "Why men great before they gotta be great?" For me, these three women shared the same problem and issue, "they were women" in a "man's world." So, for the purposes of this testimony, I am not going to focus on explaining or even questioning "the patriarchy." I am going to put in simple terms what must be done, we must "dismantle" it. Tear it down. This is inevitable. It will take time. It will be a process and not an event. However, it can and will happen.

Why? Because it simply is not fair and we have to do something about it that goes beyond words. Pay equity is not just a "woman's issue," pay discrimination is a world problem that is embedded in the social fabric of our culture. Let's change the culture. It's been done before and can be done again. In places like Rwanda, after there was a shortage of men due to the genocide, women were needed to rebuild society. They were not other options because the vestiges of this tragedy that destroyed their social fabric was the same that drove shifting the culture. By creating and implementing policies that got women into positions of power, they became active participants in transforming their own culture, which offered women more opportunities than ever before. The wage gap in Rwanda is less wide than here in America.

Although women are 50% of the population, they own only 1% of the world's property and account for only 10% of the world's income. These percentages can be misleading because it suggests that women contribute "less" therefore it is only reasonable to

conclude that men have more rights and privileges because they deliver more not only at home in the form of income and ownership, but men based on this logic and by design, offer more to the world's prosperity. Not true. This is a dangerous and toxic way of thinking about gender yet it does prevail. It is supported by implicit frameworks that pervade many social structures that delimit women's potential.

Femicide, domestic violence, female infanticide, and the growing rates of sex-selective abortions in places where having a girl child is undesirable points to how gendered inequality gets naturalized by many systems and structures. However, structural violence does not emerge in a vacuum. While I want to put on the record that I identify as religiously pro-choice, I cannot ignore that the perceived unworthiness of a girl child is a problem that perhaps even the staunchest feminist (like myself) would take issue with. It cannot be that as reproductive technologies advance; we are still thinking about boys as inherently better and more desirable children simply because they are believed to be "better" than a girl child. What is even worse is that many girls grow up internalizing this belief that somehow their self-worth is correlated to the value she is given in society. This creates a host of other vulnerabilities for them in life.

In 2002, I worked as an interpreter for UNICEF at the General Assembly special session on children and adolescents worldwide. Children and youth from all over the world came to share their lives and perspectives on working together towards a more equitable and just world. I was tasked with simply conveying the children's ideas from Spanish and French into English. I knew a lot could get lost in translation, but I was trained and eager. However, I did not foresee how deep this issue of gender discrimination indeed ran across the world. I vividly recall one girl from Haiti, when we were brainstorming on the topic of leadership telling me that, "men should be leaders because they are better suited for it." I followed up and asked, "why do you think this?" And she simply replied, "because they are." At that point, my younger self had to share this point of view as is and not react. I had yet to be trained on how not to make faces when I disagreed with a point of view. Ultimately because of this diplomacy did not pan out as a career.

My colleague saw that I turned around and wanted to further understand why she believed this and ultimately, wanted to tell her that this was "not true." I was getting in my own way of doing what I had to do for this job, but I wanted to tell her different. My eager and idealistic self-wanted to let her know that she could be anything she wanted to be when she grew up. I wanted to "educate" her when all I was supposed to do was "interpret" her view into another language. I was interpreting her words from my own cultural perspective and was wrongfully, telling her that somehow, "she needed to be better." I guess I blamed her (although not intentionally.) I often reflect on this because this approach was one of a young and eager feminist who had yet to understand the role of culture, context, and contingency in shaping young minds. I still remember my colleague Lisa Dahl pulling on my sleeve to tell me to stop; she was trying to "reign me in." So, I guess this was one of the many experiences and interactions that have lead me here today to testify. I should say that my training and professional experiences

have taught me better. Though, the most profound impact on me thinking about this issue of wage discrimination has been motherhood. It has given me a unique perspective that no book or lecture could have ever done. For this reason, I am going to interpret why pay equity is not just about income today as a medical anthropologist working on women's health. However, above all, I would like to also be on the record as a mother to a son. This is my most important job in my life.

Existing implicit frameworks create barriers for women to improve their standard of living. Women provide markers of poverty and hunger throughout the world. In this country alone, the numbers confirm that one-third of women are single mothers and that poverty is overrepresented by them, they are its face. Therefore, this is a structural issue. It is a systemic one as well.

### **A WORLDLY PROBLEM- work, work, work, work....**

Currently, women comprise two-thirds of the world's illiterate population. Therefore it is reasonable to argue that even a little education for women pays dividends in every index of social progress and development. It feels as if the American imaginary is just coming to terms with how pay equity is a social justice issue. It not only aims to eliminate gender discrimination in the setting of wages. This fight is about shifting the culture. Originally pay equity simply referred to equal pay for equal work. However, many jobs, while not identical, still require equal skills and can be said to be of equal value. So, while the definition was broadened to equal pay for work of comparable worth, even for jobs that are not identical, it is enough. Gender bias conveys the way that value is assigned to work while reinforcing gender segregation in low paid and low status occupation.

Let's be real. Women are not new to the concept of work. The truth is that women have always worked. Believe it or not, some were even hunters while men gathered. How far have we come? There was a time where working outside of the home was not an option for some women. If they did, it was acceptable that they wanted to make a "little money" or how it is referred to in Spanish, "*una ayudita*." This "extra" help was fine and understandable if they did not want more. More income could lead to more freedoms that would thrust women into public life. A popular opinion that we are still debunking is that women naturally liked "routine" and "repetitive behavior." So, they could use their hands to type or to assemble on the assembly line if they came home to also cook and clean with those same hands.

In the 1950s and 1960s, women by in large in America had lower rates of educational attainment and were limited to work in "feminine" profession: teachers, nurses, and secretaries. Basically, they could professionalize that which they were already naturally inclined and socially expected to be...mothers. As mothers, the expectation was that they stayed at home to rear their children. Today, working women have the option of employing a nanny or *domestica* to help. These women fulfill what Nancy Foner calls a

“care deficit.” Most of this workforce consists of mothers who have migrated to the United States to pursue economic opportunities to provide for the children they often leave back at home. They then work to eventually (when possible) reunite with them but they often are no longer children when this happens.

Sadly, while *domesticas* are helping to raise the children of middle to upper tax bracketed women, and as these women then help break through that glass ceiling, so much time is lost. It is not about simply money or time though. I am not advocating for women to be only at home. On the contrary, I ask, why can't they do both? Why can't we have in America more family friendly policies? Why can't we recognize also that it is the very same issue that drives women to migrate and leave their children back at home and come to America to care for that of others? My aunt did it. My cousins still feel abandoned and that they often say they would have preferred to have their mother with them no matter what the circumstance. What they fully do not get is that my aunt would have not been able to feed and school them as a single mother back in Colombia during the 1960s. She like many mothers need to provide for their children in a workforce that is unwelcoming to and difficult to manage, particularly when you lack credentials and connections. This remains true today.

For a long time, there was a public perception was also that women were less intelligent. This view still lingers, particularly within the STEM field. I teach in an Engineering school where there is a very visible gender disparity. They young scholars, when they are in classes, often hear from male voices that they are not suited for engineering or technology. For this reason, in 2013 when I joined the faculty of the department of Technology, Culture, and Society at New York University, I immediately worked with students to establish initiatives and even a club, the STEMInists, to advance gender equity in all its forms, in the classroom and beyond. We have created a community of allies who became advocates and activists for their rights inside and beyond the classroom.

It is bewildering to know that in Colonial America-- work roles for men & women were more equitable than they are today because frontier conditions and agrarian duties meant everyone worked hard. Is this a time we should long for? We still believe stay at home moms are somehow employing a leisurely role at home. As if raising children is not a 24-hour, seven days a week job. Stay at Home Moms (even the name) suggests home is a place of relaxation and a place of seclusion from stress. Many men still do don't associate home with work and fail to associate women with work. This is a problem.

## **WOMEN OF COLOR- a double bind**

The wage gap is most severe for women of color. Consider these facts from the national Committee on Pay Equity about the paychecks of black and Hispanic women in the workplace today:

- In one year, the average black woman earns approximately \$12,000 less than the average white man does. Over a thirty-five-year career, this adds up to \$420,000
- Black women account for 30% of all female-headed families in the U.S. They have a median income of \$18,244 annually, while families headed by white males (no wife present) have a median income of \$39,240.
- In one year, the average Hispanic woman working full-time earns \$17,837 less than the average white man does. Over a 30 -year career, that adds up to \$510,000!
- Hispanic women with a high school diploma earn \$22,469. That is 33% less than white

As an Afro-Latino myself, I can tell you that this issue pervades all parts of the work sector. In fact, the only industry where women make more than men is the sex industry. While I too am sex-positive and am passionate about improving the lives of women who work in the sex industry, it goes without saying that they too pay a price (socially) for this seemingly better pay. Sex workers are more likely to be exploited and victims of violence.

Once, during a faculty observation, one of my colleagues at the time at Hunter College came to my classroom while we discussed the challenges of being ethnically Latina and racially black within academia. It was understood that we are expected to do more for less than our male counterparts. Even though she was a tenured professor and I was a doctoral student at the time and an adjunct instructor, I knew this to be true. I reconfirmed this to my class, I turned to her and shared, “you had to do almost twice as much to get where you are.” She nodded and confirmed that if I wanted to be tenured, my path would look very different than that of my male colleagues. Yet, this is not an exclusive truth in academia, it is just another industry that favors men in the workplace more than women. In my discipline, it might look a bit different but once we’re in that ivory tower, the norm remains the norm. Adding insult to injury, my colleague noted that she earns less despite tenure than her male colleagues. Now, I only share this example to state that for women to shatter the glass ceiling within the ivory tower, it doesn’t mean that credentials or experience liberates them from the intersecting systems of oppression that shape women’s lives and opportunities. Not to mention, this impacts WOC in the work place with stereotypes that reduce them to either token employees or queen bees. This then makes it difficult to fully access discrimination.

Also, evaluation & promotion bias is seen when one already is in the workforce. So, that whole “lean in” rally cry for women when negotiating wages falls short of including women. They can lean right out the door when they demand to be paid more. While I can appreciate that legislations such as the Salary History Ban puts in the right



direction, we need to do more. It is disempowering to be asked what we made instead of deciding what we are worth (to the employer.) What if employers had their practices and compile and share data on job leaves, job leaves, sexual harassment, occupational segregation, salary differentials between the genders at their organizations or companies? The burden not being only on women to learn to negotiate with employers, because this assumes that women of the same life experience and training are competing against each other (and only against each other) for the same job.

We need to address the wage gap between female and male dominated jobs, while also taking structural categories such as race, ethnicity, disability, etc. into consideration. Only in this way can we create inclusive and comprehensive strategies for political awareness and the implementation of pay equity programs. Again, equality is not just about income. It is about changing cultural norms. It goes without saying that pay discrimination has a disproportionate impact on women's health too. Role strain could lead to poor health, but some studies show that employed women are healthier. What accounts for this paradox? Many find work mentally stimulating and it encourages social interaction and meeting and working with people with similar interests. It can also increase self-esteem, a point which Arlene Hochschild's impactful *The Second Shift* revealed. The solution lies is not making it difficult for women to stay in the workforce. Instead, maybe we can make it so men can be supported and encouraged to participate actively in family and home obligations while also pursuing their careers. Family is not just income. Men should also be afforded the choice of staying at home if they so wish, by not penalizing them.

### **Parenthood Changes Everything**

The truth is that wage disparities increase during parenthood. Differences in age and educational attainment have little to do with the current wage gap. Today, women out earn men in college degrees and the work place, yet this disparity remains. Since women bear children, there is a popular expectation that this is part of their life course which explains why it is expected of women to stay at home to rear their children. Women become time constrained either by design or choice when they return to work. It is accepted and often unchallenged, that men should be at work and women at home. Then, women who do return to work can feel as if they need to "opt out," a point Sociologist Pamela Stone revealed about the plight of white educated working mothers. For me however, I opted out of maintaining the status quo when I had my son.

My husband and I met by chance at a bar in South Beach Miami nearly 16 years ago. It was one of those "love at first sight" stories I grew up watching in every 1980s John Cameron film. I was working at the United Nations at the time and was in my first year of graduate studies. He had emigrated from Argentina just a few years before we met. He did not speak English and worked as a bus boy. When he moved to New York and eventually eloped, I had completed my graduate degree and at that point had started working at the United States House of Representatives. I was a Congressional Aide and was starting my career. We had our plans mapped out. He would go to school while I worked. It made sense (to us.)

Two months after marrying, and 3 months after starting my new job, we found out I was expecting our son. I had not prepared in any way for what this could mean for my career or our plans. I worked straight into my ninth month. I returned to work after six weeks, despite having a C-section. I was the income earner. Therefore, it made sense (to us) that my husband stayed home with our son while I went to work. He attended school while also doing the midnight feedings and taking care of me. I was not prepared for how I was made to feel either about our choices as a family. Our own families were very much against this work-plan. How could my husband stay home? How could I go to work? I wanted to be home but I also did not feel that working and mothering needed to be mutually exclusive. I tried to get up extra early so I could play with my son before going to work what was often a sixty-hour workweek. I started to feel like I was “losing out” of valuable time that did not return. I was basically also “losing” my mind. I was tired. Stressed. Depressed. Sad. Unfulfilled. This is fact.

At work, I had to prove “even more” that my child, in some way, was not a “distraction” or as my Chief of Staff said at the time, “an excuse not to work.” This became the new lens by which my work was evaluated on. It was unfair but I have learned this is almost to be expected. By the time my son turned 1, I returned to school and had resigned from my job. I knew that there was no work-life-balance that would work for me. They were not enough hours in the day for me to “prove” I was a “good” worker, when all I felt was that I was a bad mother. This is not to say that they are many mothers who make it work for them, I am just saying that it did not work for me. It does not work for many women like me. It has never. However, we can change that by changing cultural attitudes about a women’s worth in our society. We can’t reduce them to mothers but we must empower them when they are and afford them opportunities that accommodate their many roles.

In the time of our marriage my husband and I have accomplished many things that were considered impossible. I would go on to earn two additional Masters and a doctoral degree. While my husband earned his bachelor and Masters of Fine Arts from New York University where I now teach. Our son is now a teenager who is home schooled by both of us. We both “make it work “because also we have no choice but to. Yet, I still prioritize staying home whenever I can to be with him. I would rather watch a soccer match with my kid and husband, and refueled than going sometimes to academic conferences where I know I could share my work. This is my choice. I also fully understand that there is a motherhood penalty that I pay for this choice. Women pay more for everything.

I have privilege because of my credentials and experience. However, my feeling of wanting to be home is the same one my mother had when she closed her beauty salon and chose to stay at home to care for me due to health complications that impaired my mobility for the first two years of my life. A woman who had worked her way through beauty school soon after immigrating to this country, not knowing the language or not having ever entered a school. She came with a dream and a will to work hard like most immigrants. However, upon achieving what some would argue the “American dream,”

being an entrepreneur, she chose to sell it and the hands that once cut and styled hair for a living, now exclusively would care for me and my sister. My father, who is blind, would sell fruit and vegetables in a food truck in the Lower East Side before they became cool and trendy. They made it work with very little help or opportunity so that today, I can make it work with many. Yet, despite our vastly different experiences in the workforce, as mothers we both had to make difficult choices that were made worse because neither of us, despite the decades between us, worked in sectors that had family friendly policies. We also do not live in a culture where motherhood is also treated and compensated as a contribution to the workforce.

## **CLOSE THE GAP- Can WE? (Revolution or Evolution?)**

Why is this pay gap so hard to close? The trajectories of women and men's career with the same education and experience, changes dramatically after childbirth. While she may choose to go home and limit her travel at work after having her child, her male partner can work late and do what he needs to do to get a promotion and show how in fact "committed" he is to his job. The divergence in the earning potential after starting a family is a global pattern. The motherhood penalty is inextricable from the pay equity fight. A Pew Research 2013 study noted that even when men and women work the same number of hours outside of the home, women will still work 9 hours more per week which in a year which amounts to about 3 months of a full year of full-time work.

We women can at times, reinforce cultural norms. Obligatory paternal leave might be a way to change the tides. Wouldn't it be great to know that before you interview at a position, the employer expects if you choose to have a family, independently of your gender, you will take time off. Men and women should be granted equal opportunity to take family leave, without penalization (that's the catch.) The expectation to take family can be beneficial across the board. Once Iceland could do this, years later, women make 90 cents to the dollar of their male counterparts.

In Norway, in 1959 the Norwegian Parliament ended the practice of establishing lower wage scales for women than for men. By 1978 the Gender Equality Act was passed. It states that men and women in the same enterprise shall have equal pay for the same work or work of equal value. Why is that revolutionary? Why are we not there yet?

"My body, my choice" was the first wave of feminism's battle cry. Today, we are legitimately remaining angry and demand better and more "choices." Family friendly policies are an important place to start. We can all benefit from these benefits. No matter the culture or industry, the work place still favors men. We cannot be shortsighted about this reality. We need not expect only women to be caretakers. This isn't a woman's problem; this is a "societal" one.

You as public servants have a responsibility to not only women, but to the public. Since we can identify this phenomenon across various industries and sectors, then it is logical to conclude that women are paid less simply for being women. This therefore is inherently discriminatory. Pay discrimination as we should call it is only part of this story.

We also must think about equal opportunity as an essential part of this equation too. We must also understand how overwhelmingly dependent on women's work we all are too.

Equal pay will inherently transform our society.

### **WHERE TO START**

- Legislation, and follow-up mechanisms, transparency and accountability
- Knowledge – statistics and research (current to shape ideas and the culture)
- Bargaining systems that don't discriminate and that can facilitate change in the workforce and its culture. Obligatory paternal leave is one way to start moving the needle. It worked in an island nation, similar in size to our marvelous New York but worlds away in this pay equity fight.
- Solidarity and co-operation from all genders.
- Political will and courage to face the patriarchy.

We need to free the potential of women. Starting this conversation is an important first step. However, we must go beyond words. This is about action. This is about finding a shared language of power and representation for women and men. We can and must do better.

I will end with a few words on this topic by one of my students, Carly Batt, which brings us back to where we started. She stated, "Personally I want to be a physician but it is not so much about making money for me. I want to work in underserved communities and it's more about giving back than money for me. It sounds so cliché and I hate saying things like that but it's just the truth for me... I know how to negotiate a deal like at an outdoor market but not how to discuss my paycheck." Let's start the conversation. Let's create the curriculum. Let's educate. Let's elevate New York City by passing Equal Pay legislation. Let's do something. We can. We will.

**Testimony of  
Gloria Middleton, President  
New York Administrative Employees  
Local 1180  
Communications Workers of America,  
AFL-CIO**



**Commission on Gender Equity  
Office of the Mayor, City of New York  
September 19, 2019**

Good afternoon panelists.

My name is Gloria Middleton, President of Communications Workers of America, Local 1180. My union represents 9,000 active City administrative workers – the majority of whom are female and minority -- and almost 6,000 retirees. I am here today to speak about pay equity – making sure that **ALL** City workers – **especially women and minorities** – receive the compensation they are entitled to for the work they do.

We all know that salaries and compensation packages should **not** be tied to the color of your skin...your gender...your sexual orientation...or your religion. They **simply** and **clearly** should be in direct correlation to the work expected of you in your given title, and nothing else. In other words, a black female doing similar work to a white male should be paid equally. 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 reins 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 increased. We also noticed that women of color were at the minimum, while men and whites tended to be at the maximum. The salary range started at \$53,000 and went to more than \$150,000. Yes, almost a **\$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 with all the details, you can find it on the Local 1180 website at [www.cwa1180.org](http://www.cwa1180.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 of Administrative Manager throughout all City agencies, including NYCHA. They calculated that the disparity over time was worth **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 PAYING field**. We won!

With a few too many trips to court behind us, we are now currently waiting for the City to begin issuing checks to members who faced discrimination.



In his first State of the City address of his second term, Mayor Bill de Blasio pledged to enact policies to make New York City the “fairest big city in America.”

Two years ago, he said that it is QUOTE “unacceptable that we’re still fighting for equal pay for equal work. The simple fact is that women and people of color are frequently paid less for the same work as their white, male counterparts.”

The Mayor of the **greatest** and **most progressive city** has admitted the ongoing unfairness ... yet not enough is being done to remedy the situation.

I would like to be able to sit here today and tell you that CWA Local 1180 is the **ONLY** union in the City of New York that has encountered this pay inequity problem. But unfortunately, I cannot.

CWA Local 1180 has paved the way for those unions to follow that are battling the same pay discrepancies for their members that we have already

dealt with. Yet, it's a shame that we had to have this battle at all. And it remains a shame that other unions are in the same boat today.

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.

We are reminded every day by the me too, black lives matter, and times up movements that despite the passage of the civil rights and equal pay acts as the law of the land more than a half century ago, the legacy of racism lingers in American culture – and unfortunately, the City of New York.



**September 19, 2019**

**Pay Equity Hearing Testimony  
by Beverly Neufeld, PowHer New York  
Before the**

**NYC Commision on Gender Equity**, Jacqueline Ebanks, Executive Director  
**NYC Commission on Human Rights**, Carmelyn Malalis, Commissioner and Chair  
**NYC Department of Consumer & Worker Protection**, Lorelei Salas, Commissioner  
*(edited 9/20/19 - links added)*

Thank you to the NYC Commision on Gender Equity, NYC Commission on Human Rights, and the NYC Department of Consumer and Worker Protection for holding this joint hearing on Pay Equity. We are grateful for the years of work you and your agencies have done to address wage disparity in New York City, and for seeking input today for the next wave of initiatives so that New York can lead the nation in closing the wage and opportunity gap for women and girls.

I am Beverly Neufeld, Founder and President of PowHer New York (PowHerNY) a non-partisan, 501c3 entity. In full disclosure, I am also a proud member of the Commission on Gender Equity (CGE), Co-Chair of its Economic Mobility Committee, and co-produced the guide, [Leveling the Paying Field](#) with CGE.

Created in 2014, PowHerNY is an inclusive statewide network of over 100 organization plus dedicated individuals committed to accelerating economic equality for all New York women. PowHerNY brings its diverse Network Partners together to work across a shared issue agenda with the goal of magnifying our collective impact to address the complexity of issues around economic inequity.

PowHerNY is an expansion of an Equal Pay Campaign which started in 2007. At that time, the issue garnered little attention by the public, legislators or the media. Indeed, our first Equal Pay Day rally on the steps of City Hall was a handful of women, wearing red because women are in the red. Fast forward 13 years, to the parade up the Cannon of Heroes with tens of thousands of fans chanting “Equal Pay” for the US Women’s Soccer Team. Finally, Equal pay is the issue de jour, covered online and in print media daily with growing understanding of the complexity of the issue for women, especially women of color and LGBTQIA persons.

Over more than a decade, New York advocates have linked forces to educate the public and raise awareness, promote legislative reform, and coordinate equal pay activities across the state. We commemorated All Women’s Equal Pay Day in April, and more recently Equal Pay Days for Mothers in May, for Black Women in August, for Native Women in September, and for Latinas in November to highlight the largest wage disparities caused by the intersection of gender and race, ethnicity and motherhood.

Our work set the stage for the passage of a Women's Workforce Bill in 2014 and the NYS Equal Pay Act and Women's Equality Act in 2015. In 2016, we promoted passage of a NYC board diversity reporting bill, and pushed for NYC action on salary history, which resulted in the law banning salary history in hiring in the private sector which had ripple effects across the country. This year the practice of asking an applicant his or her prior salary will become law across the state. As well, NYC passed a data transparency bill for the public sector workforce. This year the state expanded the federal standard of equal pay for equal work to equal pay for substantially similar work, which, for the first time, covers all protected classes of workers, not just women. Mayor de Blasio continues to champion pay equity initiatives, i.e. paid leave and sick time, Fair Work Week scheduling protections, Universal Pre-K, and salary parity for community-based early childhood educators, for example, which are critical to create an environment for women to flourish in the workplace.

Yet, the wage gap is persistent here and nationwide. Although New York State can boast it has the smallest overall wage gaps in the nation, African American women make 66 cents for each dollar a white male is paid, and Latinas make 56, stunning statistics. That means Latinas work almost 22 months to earn what a typical white male earns in 12 months. In that New York has one of the largest populations of is full-time working women of color, this disparity is deeply disturbing. In our state which is leading with the smallest overall wage gap, we are doing almost as badly as the rest of the country for these women. And, reports by Comptrollers Scott Stringer and John Liu and former Public Advocate Letitia James reveal that the statistics for NYC women are even worse

In that there will be testimony today about the causes and ramifications of pay inequity, I will address the question **"With all this good work done, what is next? What is working? What is not and why?"** My responses fall into the categories of Legislation, Education and Enforcement, Business As Partners in Change, and Structural Solutions to Measure and Attain Pay Equity.

**LEGISLATION:** The legislative successes of the last five years are laudable and hard won. They have raised the standard for employer behavior, but more can be done. PowHerNY's recommendations are:

**Require Salary Ranges:** Make wage setting more transparent and with a requirement for employers to post Salary Range with job postings. A new Colorado law requires employers to disclose in each posting for each job opening the hourly or salary compensation, or a range of the hourly or salary compensation, and a general description of all benefits and other compensation offered.

**Business Reporting of Equal Pay Data:** Businesses should be required to report their equal pay data, especially if they are contractors with the state or city. Currently companies with 250+ employees in the UK must post their wage data publicly on <https://gender-pay-gap.service.gov.uk/> . [Google](#), [Citibank NA](#), [Microsoft](#), [Deloitte](#) all

report in the UK, but not in the U.S. While companies are celebrating closing the wage gap, i.e. paying men and women equally for the same work (See Microsoft report), women and people of color remain the majority of lower paying employees. Data reporting reveals this and more. Obama era reporting requirements for employers to the [EEOC have been suddenly halted](#). With the federal government backtracking on data collection, cities and states must step in to encourage or require companies to examine pay practices and fix discrimination.

**Equal Pay for Work of Equal Value, also known as Comparable Worth:** Because of job segregation, women and men work in different jobs, so equal pay for equal work laws are not relevant. To equalize the “paying field,” we need to analyze what we call “women’s work.”

Society must address attitudes toward traditional “women’s work” which is undervalued and underpaid. These jobs are typically very low paying and include caregivers, health aides, administrative assistance, etc. When we compare these jobs to typical men’s jobs and compare the actual level of skill, education, responsibility, and danger of a job, a large wage disparity becomes evident. NYS held a one time equal value audit and adjustment in the 1980’s. Since 2002 the [NYS Fair Pay Act](#) has passed in the Assembly.

Systems exist to compare these jobs and the international community is finding ways to revalue and adjust wages. To get at the root causes of women’s poverty, we must address this historic, systemic gender discrimination. **NYC has an opportunity as it evaluates the municipal workforce.** This is an issue that needs close scrutiny.

**Support the Elimination of the Tipped Minimum Wage:** Minimum wage increases championed by NYC are addressing some of the issues around women’s low wage jobs. However, tipped workers will not receive the full benefits. Among tipped minimum wage workers, 70% are women and three times more likely to live in poverty. Being dependent on tips makes them vulnerable to sexual harassment and wage theft. Although wages are set at the state level, NYC plays a huge role in influencing opinions and policies, especially in the service industries. **The Commissions can raise up this inequity which breeds a toxic workplace environment for women.**

**Focus on Better Jobs for Better Futures:** In addition to raising the wages of jobs women typically hold, serious attention needs to be directed to increasing participation in higher paying, “non-traditional” fields like S.T.E.M. and the trades. NYC can do more to encourage women and girls to enter these fields. Trade apprenticeship programs here are successful and should be vastly expanded. **The city can set minimum requirements for women’s workforce participation in taxpayer funded projects, and ensure that the workplace is more welcoming and safe for female workers.** In terms of S.T.E.M., introducing girls and women to these growing, well paid fields of the future should be a priority. Studies find that gender specific programming, which could

be supported by the city in partnership with technology companies, helps breakdown stereotypes and obstacles for success.

**Address the Teen Wage Gap:** According to the author of *The Cost of Being a Girl*, “Part-time teenage jobs seem trivial, but they are the first entry into the workforce for girls and boys. In these jobs, they are socialized into the workforce—and they internalize its problems. The wage gap starts with girls—and we need to include them in our movement to close it.” NYC Council member Debi Rose has proposed [Intro. 1207](#) which we believe will be the first-in-the-nation law to study this reality and seek interventions. <https://www.broadstreetreview.com/books/the-cost-of-being-a-girl-by-yasemin-besen-cassino>

**Support the NYS Equal Rights for All Amendment - S517B Krueger/A272 Seawright** <https://www.nysenate.gov/legislation/bills/2019/s517/amendment/b>

Momentum is building for the potential passage of the federal ERA, which would enshrine only women’s rights into the U.S. Constitution. PowHerNY is supportive of this work and is participating with the national ERA Coalition on this campaign. However, we believe that New York can exhibit greater leadership on human rights. From our equal pay work, we know that at the intersection of multiple identities (gender, sexuality, immigrant status, ethnicity, disability status), women suffer devastating economic consequences. The **Equal Rights for All Amendment (ERAA)**, will add constitutional protections for all groups experiencing historical, ongoing discrimination and offer an expanded human rights framework. This will no doubt be helpful to NYC’s groundbreaking efforts lead by the NYC Commission on Human Rights.

**EDUCATION AND ENFORCEMENT:** Legislation has limited impact if employees don’t know their rights and employers don’t know, or don’t follow the law.

**FUNDING:** For every worker’ rights bill that is passed, it should be mandatory to have a public and business education component which is funded, either directly or through increased budgets for overseeing agencies. The Commissions have done enormous work with minimal or no additional funding. Imagine what can be done if we invest in the laws we pass.

**PAY EQUITY EDUCATION:** Knowledge can help end the reign of pay inequity which disadvantages not only women and families today, but generations to come. An educational program directed at businesses, schools, and communities would have profound effects in creating public awareness, individual knowledge, community dialogue, and the resolve needed to attain economic equity.

**ENFORCEMENT:** Change rarely occurs without the proverbial stick. Laws need to have teeth, and they need to be enforced. We commend the Commissions for their efforts to hold employers accountable. A recent example is the lawsuit against Chipotle for widespread violations of the new Fair Workweek Law, by the Commission on Consumer

Affairs. Those headlines will not be ignored by other employers who are required to follow the law to create predictable schedules for the fast food and retail industries.

However, research for the Community Service Society (CSS) found “the majority of fast food and retail workers responding (58 percent) had heard little or nothing about Fair Workweek laws a full eight months after they had gone into effect.” In that “Enforcement actions of such protections are triggered by worker complaints, but workers can’t complain that their rights have been violated if they aren’t even aware of those rights in the first place.” <http://www.centrernyc.org/fair-workweeks-remain>

**BUSINESS AS PARTNERS IN CHANGE:** Ultimately, new laws and best practices play out in the workplace. Many companies are seeking solutions to the gender pay gap, and some are leading with answers. After a company-wide audit, Salesforce uncovered wage inequities which they have since equalized. They have identified relying on salary history as one of the causes. Microsoft’s audit confirmed equal pay for its employees but unequal opportunity and is addressing the lack of women in higher paying, technology fields. Whole Foods has permitted employees to look up the salaries and bonuses of all employees (CEO included) for over 30 years. Work & CO, a Brooklyn-based digital project design company, requires recruiters to find two strong female job candidates for every male.

[\*Leveling the Paying Field\*](#) outlines many of the best practices companies can take to investigate and address wage disparity. However, mid-size and small companies do not have the resources large corporations have through their HR departments. The city can support businesses in evaluating, understanding and addressing disparities in their wage systems, offering bias training, and pointing to best practices and resources for audits and other actions.

We urge New York City to engage business in the challenge of equal pay and expanded opportunity for women. **Creating a program like Boston’s 100% Talent is an excellent model.** The Boston Women’s Workforce Council oversees the *100% Talent Compact*, an employer pledge to take concrete, measurable steps toward closing the gender gaps in wages and representation in their companies. To help us measure our collective progress, businesses also provide employee demographic and salary data anonymously every two years. As of January 2019, more than **250 businesses** have taken the pledge, including five Fortune 500 companies. <https://thebwwc.org/2019-measurement>

**STRUCTURAL SOLUTIONS TO MEASURE AND ATTAIN PAY EQUITY IN NYC:** As we acknowledge all the important work in NYC in the last decade, to sustain momentum and measure progress, a central organizing structure is needed. Today’s hearing is an example of the power of intergovernmental collaboration; engagement of the public, non-profits, research institutions, and business; and fact-finding. But how do we link together these excellent but disconnected efforts and ideas into a sturdy platform to catapult success? **A designated, funded, sustained structure would multiple individual efforts and galvanize the march toward pay equity.**

For example, that structure would be charged with developing clear methodology to measure the wage gap in NYC, private and public sector. In recent years the data analysis has done by different agencies, with perhaps varying protocols. That does not create reliable comparisons over time, or assist in measuring the impact of different laws and initiatives to set future goals.

As well, do we know what different sectors, businesses, NGOs and research institutions are doing to address disparity? There is no central place for this valuable information, no ongoing mechanism for sharing best practices and worthy but disconnected activities underway.

Knowing the charge of the Commission on Gender Equity, it could be a place to house this project, or there may be a different home. **Having a funded, central repository of information and accelerator of action would take New York City to new heights in the war against wage inequality.**

Thank you for holding this hearing and the opportunity to share these recommendations.

## POWHER NEW YORK NETWORK

2020 Women on Boards/NYC 50/50 in 2020 Coalition 9-5, National Association of Working Women A1 Works-in-Progress Associates A Better Balance American Association Of University Women-NYS Asian Women in Business Atlas DIY Bella Abzug Leadership Institute Catalyst Inc. Center for Children's Initiatives Center for Popular Democracy Center for the Women of NY Centro Civico Cultural Dominicano Change Create Transform Citizen Action of New York Citizen's Committee for Children of NY CWA Local 1180 Community Service Society NY Empire State Coalition for Child Care Equal Pay Today! Family Values @ Work Gender Equality Law Center Girls for Gender Equity Hollaback! Human Rights Project/ Urban Justice Center Inclusion Strategies Institute For The Puerto Rican/Hispanic Elderly, Inc.	Jewish Women's Foundation NY Junior League - NYSPAC Latina Pay Equity Coalition of Rochester League of Professional Theatre Women League of Women Voters- NYC League of Women Voters - NYS Lean In NYC Legal Momentum Levo Make it Work Momsrising Nation to Nation Networking National Association for Female Executives National Council of Jewish Women Lakeville National Council of Jewish Women NY National Domestic Workers Alliance National Institute for Reproductive Health National Organization of Italian Women National Partnership for Women and Families National Women's Law Center National Federation of Business and Professional Women's Clubs - NYC New York City Collaboration of Women in Construction New York City Women's March New York Civil Liberties Union NY Coalition of 100 Black Women New York Immigration Coalition	New York Paid Leave Coalition NYS Immigrant Action Fund NYS Coalition Against Domestic Violence NYS Coalition Against Sexual Assault New York Women in Communications New York Women in Film and Television New York Women's Agenda New York Women's Chamber of Commerce New York Women's Foundation Nontraditional Employment for Women NOW Brooklyn-Queens NOW NYC NOW NYS NOW Westchester NY Union Child Care Coalition NYC4CEDAW NYS Women, Inc. Planned Parenthood NYC Raising Women's Voices NY ROC NY & ROC United Take the Lead Time's Up The Transition Network UN Women Metro NYC Chapter WNY Women's Foundation Women in Arts & Media Women in Development, NY	Women in Health Management Women Chefs & Restaurateurs Women's Center for Career Education and Advancement Women's City Club of New York Women's Fund of Long Island Women's Media Center Women's Organizing Network YWCA of New York YWCA Binghamton YWCA Brooklyn YWCA City of New York YWCA Cortland YWCA Elmira YWCA Genesee County YWCA Greater Capital Region YWCA Jamestown YWCA Mohawk Valley YWCA Niagara Frontier YWCA Northeastern NY YWCA Orange County YWCA Queens YWCA Rochester YWCA Syracuse YWCA Ulster YWCA Western New York YWCA Westfield YWCA White Plains YWCA Yonkers Zonta Club of New York Zonta of Greater Queens
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MS. OSUAN: Good evening, everyone.

8 Good evening, commissioners. Thank you so

9 much for the opportunity to testify today.

10 My name is Nekpen Osuan and I serve as

11 the CEO and co-founder of a local organization

12 called WomenWerk. WomenWerk is a women's

13 empowerment nonprofit based here in New York

14 City. Our mission is to organize women of color

15 to build equity and inclusion given the inequalities many women of color face. I am here

16 today to talk about some of the things

17 we have learned at WomenWerk in the last year

18 and a half around organizing women and organizations to close the pay gap. Our research  
isn't new but the challenges women of color face are unique. As you know, there is a lot of

19 great data available about the systemic and

20 root causes of pay inequity. What I am here to

21 do today is outside of my Deloitte consulting role but still with the strategy perspective to  
look at the

24 root causes of things. As a community organizer and data scientists, we must find a

25 framework that reaches the most women and enlists the many employers and decision-  
makers that impact pay.

3 One thing that comes up in

4 all of our conversations at WomenWerk in the

5 last year - including our 2019 SXSW panel with EEOC

7 Commissioner Charlotte Burrows, with our

8 partners at WeWork to celebrate Black Women's Equal Pay Day, with our event in April 2019  
with panelists at Ladies

11 Get Paid, is to raise awareness that women of color are more significantly impacted by pay  
inequity and our Equal Pay Day is not in

13 April but in August for Black Women and November for

14 Latino woman. Women of color and our audience at WomenWerk most significantly need the  
programs and support this Commission will set to develop to achieve pay equity.

16 In the last year, we have learned three things: One, pay

17 transparency is really the largest root cause

18 of this issue. Women are underpaid because we

19 don't know what everyone else is making. This

20 is something that is easily fixed because all employers and by local and state governments  
know payroll information for reporting and tax purposes. We are not

21 a socialist country, but we can borrow some of

22 the best practices of our European partners

23 who mandate both private and

24 public to share and keep pay data for the purpose of ensuring any inquiries and complaints  
have the data needed to enforce our equal pay laws. This simple step would

25 give teeth to our pay equity laws which currently is not the case for employees and  
investigators reviewing complaints. As it stands

3 today, when a women has to visit the EEOC

4 office files a complaint about pay inequity

5 what will really happen is one of two things:

6 one, she will be told that the company's data wasn't

7 collected in a uniform way to compare role types or titles, or that the records shared with  
the EEOC

9 did not allow for a conclusive decision about pay and

11 administrative title. These are issues I believe the Commission can better investigate and fix  
12 without transparency around pay across similar talent areas and levels of promotion, it is  
hard to call out the root causes of inequality and ensure paycheck fairness.

15 For the City of New York, which itself faced some challenges, a major concern is tracking  
administrative title and pay increase decisions across data sets in different agencies

16 across the city. This is something that can

17 be easily solved with greater investments across the city to monitor what women and men  
are paid and under what titles and administrative lines. This is work Deloitte and other firms are  
measuring well.

22 The second lesson we have learned is: most women do not know what to do when they  
are underpaid and their protections under the law. The EEOC offices are understaffed under our current  
administration and, given the impacts of pay on women's lives, we must do more to staff our local  
offices with information and support they will need to make the laws meaningful and accessible.

Finally, there are too many loopholes in definitions of protected status which allows employers to  
underpay women for similar work done with others because of tenure and seniority. Women should be  
paid for the value they provide and if they are in similar roles to another colleague and adding the same  
value, we should protect equal pay for equal work. A policy that helps extend women's rights to take  
action when they learn they are underpaid is the Federal PayCheck fairness statutes.

We deeply believe New

14 York City not only needs a local version of

15 the Paycheck Fairness Act which is very

16 explicit about ways to better protect women and ensure pay protections when their  
employers fail to do so.

22

23 Thank you.

24 (Applause.)

# PepTalkHer

I emigrated from Australia to The United States 2 and a half years ago. Like so many others, we chose New York - not because of the tall buildings, the great food or the ability to find a jazz bar at all hours of the night, but because of the progressive sound of the city. A city with the right devotion to debate, legislation & action on an issue that matters to me - pay equity.

My business - PepTalkHer - is on a mission to close the gender pay gap. We provide in house training programs to Fortune 500 companies and we have more than 15,000 mid career, professional, aspirational women in the PepTalkHer community. We built an app devoted to helping womxn build the skills they need to get a better and fairer deal at work.

Our community tell us they often have no idea if they're paid fairly or not.

They tell us FEAR holds them back from negotiating.

And they tell us even if they build up the courage to ask for a raise or promotion, they struggle initiating and successfully closing such discussions,

So, we built the PepTalkHer App to help.

I'm proud to tell you we launched the App at a Vogue summit just a few months ago. Using the nudge theory of economics and psychology, the PepTalkHer App prompts users twice a week to reflect on their success - and to document it.

The statistics, anecdotes and images users record - are used as qualitative and quantitative data when they advocate for a raise or promotion.

Our users tell us they have noticed an increase in their sense of self worth, because they're focusing & reflecting on their positive achievements they HAVE made, rather than their failures. One of our users recorded a \$60,000 pay raise after using the PepTalkHer App, dozens have emailed us to tell us their stories of successful promotions. Our data shows us tracking success & promoting those wins makes a difference.

Also necessary to making a big difference in this discussion, is the role of legislation & companies. Transparency in pay is critical.

A recent study cited in the Harvard Business Review found in countries where wage transparency is mandated, the wage gap narrows & the number of women hired and promoted into leadership goes up.

Wage transparency has been mandated in many countries around the world - but not the USA - yet. The data shows us this works - FORCING companies to analyze, self reflect and in many cases, take action based on the data.

In Denmark, companies with more than 35 employees are required to report pay data by gender. As a result, the gender pay gap has shrunk by 7%.

We advise the committee today to request New York companies introduce transparent pay bands and clear criteria for promotion opportunities.

And most importantly, we want to see it mandated for companies to conduct pay analysis annually, with that data made publicly available. Evolution will not happen in the dark. We need a shining light of public scrutiny placed on this issue.

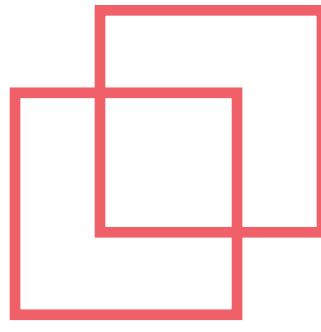
While the levers of change are sadly, predominantly in the hands of men - we ask this committee to actively engage allies. In my native country, Australia, the Male Champions of Change program has helped activate & give prominence to the issue we're discussing today.

The Male Champions of Change group activates influential leaders, often CEOs, to support and step up beside women, to further drive the adoption of better policy across the private sector and governments.

We know the fight for equality will need to utilize both macro and micro levers. We are proud to be among the dedicated people in this room working to create this change.

Enough of the debate and delay tactics - it's time for action.

**Meggie Palmer**  
**Founder & CEO of PepTalkHer**  
**[www.peptalkher.com](http://www.peptalkher.com) / [hello@peptalkher.com](mailto:hello@peptalkher.com) / @PepTalkHer**



Faye Penn  
Executive Director, women.nyc

## Public Hearing on Gender Equity

September 2019

Good evening. Thank you to the NYC Commission on Gender Equity, Commission on Human Rights, and Department of Consumer and Worker Protection for the opportunity to speak today on this pressing issue.

I'm Faye Penn and I am the executive director of women.nyc, an initiative launched by the City of New York in 2018 to amplify existing city programs that help women advance and launch new ones. One of our current efforts is #AskforMore, a program to educate 10,000 New York City women in salary negotiation through free workshops across all five boroughs, as well as online.

In partnership with other agencies and non-profits, women.nyc programs have offered free tech training to mothers who have taken time off to raise their families. We're investing in minority- and women-led startups through a dedicated venture fund, funding finishing grants for female creatives with the Mayor's Office of Media and Entertainment, and working toward creating equity in our public art spaces through a public art program called She Built NYC.

I want to talk today about how New York shows how a city can lead the way in promoting gender equity.

First, the international context. Since 2006, the World Economic Forum has issued a ranking of countries based on gender equity benchmarks. The organization assesses each country's economic participation and opportunity, educational attainment, health and survival and political empowerment.

In 2018, the country ranked as the most gender-equal by the World Economic Forum was Iceland. This is a country that is fully committed to closing the gender wage gap and has stated it plans to do so by 2022. Last year, Iceland, which has a strong and vocal women's advocacy movement, became the first country to levy penalties against companies that have a gender pay gap. Companies have until 2021 to take action before they are fined.

Not far behind Iceland are Norway, Sweden and Finland, countries that have generous family leave and progressive family support programs. Lest you think that only Northern European countries rank highly, Nicaragua, Rwanda, Namibia, and the Philippines help round out the top 10.

Where is the United States on the World Economic Forum's ranking? Number 51, right behind Zimbabwe, Bangladesh, Mozambique, and Mexico.

Simply put, while it will be 61 years before gender parity is achieved in Western Europe – it will be 165 years before there is equity in our own country.

The gender wage gap is a crisis that cannot simply be left to the private sector to work out. On a world scale, women's unequal participation in the workforce costs the global economy trillions. The current White House is not likely to take the lead; it promptly dismantled President Obama's equal pay rule because it was "burdensome" for corporations.

This is why it's so pivotal for local governments to step up and lead. And I am proud that New York City already has.

The de Blasio administration has passed legislation that has been nothing short of transformative, from launching universal pre-K, which frees up working families and puts thousands of dollars back in their pockets (including my family), to paid parental leave for New York City workers, to the salary history ban.

Moreover, the Commission on Gender Equity is working to make New York City an even more equitable employer, while taking aim more broadly at discrimination against women, girls, transgender and non-binary individuals. And the incredible WE NYC program at the Department of Small Business Services has become an international standard bearer for how a city can support female business owners and aspiring ones. Many more agencies, including the Mayor's Office of Media and Entertainment, are doing their part as well.

These are the reasons why we say that New York City is the best place in the world for women to succeed.

But there is still room to improve. We still have a considerable gender wage gap that affects women of color and their families most severely. Our public and private companies must show they value women employees and their families by hiring and paying them equitably, investing in and promoting women leaders – particularly women of color -- putting more women on their boards and fostering work-life balance for all employees.

We've seen that when advocates shine a light on the economic and human cost of inequity, change is possible. As recently as 2012, one in eight S&P 500 companies had all-male boards. This year, the last remaining all-male board on the S&P 500 went extinct.

This change only happened because organizations like Catalyst, the Alliance for Board Diversity, and the 30 Percent Coalition shined a spotlight on this issue and advocated tirelessly for change.

As EDC President James Patchett wrote recently in an op-ed, "As long as the gender wage gap persists, NYC won't have a truly fair economy" and "the tide will turn only when business leaders realize their ability to be changemakers."

Women.nyc is proud to be an agent for change in helping women of this city reach their full potential. And we are proud to work alongside all of you to make the gender wage gap a vestige of the past.

Thank you.

**Testimony of A Better Balance: The Work & Family Legal Center  
Before the Commission on Gender Equity, the Commission on Human Rights, and the  
Department of Consumer and Worker Protection on Equal Pay**

September 19, 2019

Submitted By:

Sarah Brafman, Senior Policy Counsel & Meghan Racklin, NYU Reproductive Justice and  
Women's Rights Fellow & Law Clerk

Good evening, and thank you to the New York City Bar Association for hosting us tonight, and to the New York City Commission on Gender Equity ("CGE"), Commission on Human Rights ("CCHR"), and the Department of Consumer and Worker Protection ("DCWP") for holding this hearing to discuss the persistent gender wage gap faced by women, and particularly women of color, in New York City, and for the opportunity to testify. Our organization, A Better Balance (ABB)—a national legal non-profit headquartered in New York City—was founded with the goal of ensuring that all workers can care for themselves and their families without compromising their health or economic security. Fighting to close the wage gap for working families, particularly for low-income working women, especially women of color, has been central to ABB's efforts since day one.

In New York City, we are proud to have drafted and shepherded to passage groundbreaking legislation, the 2014 NYC Pregnant Workers Fairness Act, and helped to draft New York City's caregiver discrimination law. We were at the forefront of drafting and advocating for the New York City Earned Sick Time Act as well as the recent expansion of the law to include safe time and to broaden the definition of family members as well as the city's recent Fair Workweek law. We were also proud to work closely on New York City's salary history ban law and recent lactation rooms laws and for our continued partnership with CCHR and DCWP on enforcement of these and other crucial laws, including the City's excellent new sexual harassment laws.

In New York State, we led the coalitions to pass both the New York State's Women's Equality Act and the State's groundbreaking Paid Family Leave law. In 2017, we offered detailed testimony before the New York State Department of Labor on the gender wage gap in New York State, with many suggestions that would impact New York City's workers as well. We are also leaders of a national campaign Equal Pay Today!, that challenges barriers that have allowed gender discrimination in pay to persist in every corner of the country. We are honored to

be able to continue the conversation on how best to address the gender wage gap with you this evening.

## I. BACKGROUND ON THE GENDER WAGE GAP

In the United States, women working full time only earn, on average, 82 cents for every dollar earned by white, non-Hispanic men.<sup>1</sup> New York City's working women also earn 82 cents on average for every dollar their male counterparts in the City earn.<sup>2</sup> The gap is wider for many women of color. Nationally, Black women earn 62 cents for every dollar earned by white, non-Hispanic men, and Hispanic women earn just 55 cents.<sup>3</sup> In 2016, Black women in New York City made only 57 cents for every dollar earned by white, non-Hispanic men, while Latina women made 49 cents for every dollar earned by white, non-Hispanic men—larger gaps than exist in New York State and in the United States as a whole.<sup>4</sup> In 2014, Asian women in New York City earned only 37 cents for every dollar earned by white, non-Hispanic men, despite the fact that national gap in wages between Asian women and white, non-Hispanic men is 87 cents for every dollar.<sup>5</sup>

The wage gap is particularly egregious in New York City government itself—the wage gap for women working full-time in the City's municipal workforce is three times larger than the gap for women working full-time in New York City's private sector.<sup>6</sup>

Mothers also face a higher wage gap than do women without children: Nationally, mothers make, on average, 80 cents for every dollar a white man makes.<sup>7</sup> Troublingly, progress towards closing the gender wage gap has stalled in recent years.<sup>8</sup> A redoubling of efforts to address this problem is needed.

The gender wage gap is a multi-faceted problem, and closing it requires multi-faceted solutions that fully address its many causes. Closing the gender wage gap, and closing the gaps among women's earnings based on race, requires addressing multiple forms of discrimination, including pregnancy discrimination, caregiver discrimination, and unequal compensation for

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<sup>1</sup> Institute for Women's Policy Research, *The Gender Wage Gap: 2018 Earnings Differences by Gender, Race, and Ethnicity* 1 (2019), <https://iwpr.org/wp-content/uploads/2019/09/C484.pdf> [hereinafter *The Gender Wage Gap*].

<sup>2</sup> Office of the New York City Comptroller, *Policy Brief: Gender and the Wage Gap in New York City* (2014), [https://comptroller.nyc.gov/wp-content/uploads/documents/Gender\\_and\\_the\\_Wage\\_Gap\\_in\\_New\\_York\\_City.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Gender_and_the_Wage_Gap_in_New_York_City.pdf) [hereinafter *Policy Brief: Gender and the Wage Gap in New York City*].

<sup>3</sup> *The Gender Wage Gap*, *supra* note 2, at 2.

<sup>4</sup> Office of the New York City Comptroller, *Inside the Gender Wage Gap, Part I: Earnings of Black Women in New York City* (2018), <https://comptroller.nyc.gov/wp-content/uploads/documents/BW-Equal-Pay-Day.pdf>; Office of the New York City Comptroller, *Inside the Gender Wage Gap, Part II: Earnings for Latina Women in New York City* (2018), <https://comptroller.nyc.gov/reports/gender-wage-gap/inside-the-gender-wage-gap/inside-the-gender-wage-gap-part-ii-earnings-of-latinas-in-new-york-city/>.

<sup>5</sup> Letitia James, N.Y.C. Pub. Advocate's Office, *Policy Report: Advancing Pay Equity in New York City* 2 (2016)

<sup>6</sup> *Id.* at 8.

<sup>7</sup> National Women's Law Center, *Fact Sheet: Equal Pay for Mothers is Critical for Families* (2018), <https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/05/Motherhood-Wage-Gap-2018.pdf>. Note also that the wage gap between mothers and *fathers* is larger than the wage gap between mothers and men in general: Mothers earn, on average, 71 cents for every dollar a father makes. *Id.*

<sup>8</sup> *The Gender Wage Gap*, *supra* note 2, 1.



equal work. It also requires the development and enforcement of policies that support pregnant and parenting workers, caregivers, and domestic workers. A Better Balance sees this up close every day through our free, confidential legal hotline where we speak to workers who are facing these types of discrimination, often multiple forms at once.

Take, for example, A Better Balance's client Luisa.<sup>9</sup> Luisa worked in the kitchen at a supermarket in New York City making \$10.50/hour. One of her supervisors repeatedly touched and groped her but she never reported it because she was afraid she would lose her job if she told anyone. Then, when Luisa became pregnant, she asked her supervisor to stop touching her because she did not want him to harm her baby. After that, he began to constantly ridicule her for having a second baby so soon after her first. Luisa requested to move to a different position in the store but HR ignored her requests. Then, when she asked to avoid climbing ladders because of the risk of miscarriage, one of her supervisors told her she should go out on unpaid maternity leave and come back to work when she had the baby. Luisa was eventually fired after she requested time off to attend one prenatal appointment.

Luisa's story demonstrates the multiple, interconnected forms of harassment low-income women face on the job every day and the impossible choices they are forced to make in order to keep earning a paycheck. Initially, Luisa had to endure her supervisor's sexual harassment only for it then to evolve into harassment based on her pregnancy.

Luisa's story gets to the heart of the gender wage gap. Terminated just weeks before giving birth, Luisa suffered tremendous economic and emotional distress as a result of this discrimination. Not only did Luisa lose much-needed income, but she also lost out on opportunities to advance in the workplace. When Luisa was fired, she went to work at a different supermarket where she again started at an entry-level position, while the supervisors who discriminated against her continued to occupy their positions of power. When low-wage working women cycle in and out of the workforce, they lose not only wages, but also seniority and other benefits of continuous employment that would promote economic stability for their families.<sup>10</sup> What began as sexual harassment eventually led to pregnancy discrimination and the perpetuation of the gender wage gap.

Luisa is not alone. Women across New York City face discrimination in the workplace every day. In particular, women working in low-wage industries and non-traditional occupations are subjected to alarmingly high levels of sexual harassment. For instance, women in non-traditional occupations, such as the construction industry, face alarmingly high levels of sexual harassment. A study by the Department of Labor found that a startling 88 percent of women working in construction experienced sexual harassment in the workplace,<sup>11</sup> a factor that contributes to women's low workforce participation (just 2.6% nationally) and promotion rates in that industry.<sup>12</sup> Often, these women experience discrimination in multiple forms, just as Luisa did. While Luisa fortunately came to A Better Balance, many workers do not know where to turn when they face discrimination and all too often, employers are able to thwart the law. Just as

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<sup>9</sup> Name changed to protect confidentiality.

<sup>10</sup> See Dina Bakst & Phoebe Taubman, A Better Balance, *The Pregnancy Penalty: How Motherhood Drives Inequality & Poverty in New York City* 6 (2014) [hereinafter *ABB Pregnancy Penalty Report*].

<sup>11</sup> Advisory Committee on Occupational Safety and Health, U.S. Dep't of Labor, *Women in the Construction Workplace: Providing Equitable Safety and Health Protection* (June 1999), <https://www.osha.gov/doc/accsh/haswicformal.html>.

<sup>12</sup> Fatima Goss Graves et al., National Women's Law Center, *Women in Construction: Still Breaking Ground* 2 (2014), [https://www.nwlc.org/sites/default/files/pdfs/final\\_nwlc\\_womeninconstruction\\_report.pdf](https://www.nwlc.org/sites/default/files/pdfs/final_nwlc_womeninconstruction_report.pdf).

Louisa faced multiple forms of discrimination that impeded her economic progress—sexual harassment, pregnancy discrimination, violations of the Earned Safe and Sick Time, so too must the solutions be multi-faceted.

In our testimony this evening, we will discuss several key drivers of the gender wage gap and highlight solutions that exist and new policies that are still needed to close the wage gap for New York City’s women.

## **II. KEY DRIVERS OF THE GENDER WAGE GAP**

### **1. Pregnancy and Caregiver Discrimination**

Through our free legal clinic for low-income pregnant women and caregivers, we at ABB see, up close, how bias and institutional barriers penalizing pregnant women and mothers in the workplace deny women equal opportunities, harm families, and threaten our City’s economic growth. In fact, the pay gap and income inequality share a common core—one we call “the pregnancy penalty”: bias and inflexibility towards women in the workplace that starts when they become pregnant and snowballs into lasting economic disadvantages.<sup>13</sup> Many women struggle to get accommodations to allow them to pump breastmilk at work, and as a result they often either stop breastfeeding or are pushed out of their jobs illegally. In fact, thirty-two percent of new mothers give up breastfeeding less than seven weeks after returning to work. And in the low-wage workplace, caregiver discrimination is often especially blatant. We have heard from countless women who have had their hours slashed, or eliminated all together, because they chose to start a family. As we will discuss below, while New York City already has strong protections in place for pregnant and caregiving workers, more notice, outreach, education, and enforcement is needed to ensure these laws are being utilized to their full extent, especially by low-wage workers.

### **2. Access to Earned Safe & Sick Time & Paid Family Leave**

Most workers will have to provide care to a loved one at some point in their lives, but the United States has no national paid leave law to help them stay afloat in these critical life moments. Without paid leave to help them weather family health emergencies, almost one in five low wage working mothers have lost their jobs due to sickness or caring for a family member.<sup>14</sup> In fact, half of women with less than a high school education “quit” their jobs in order to bond with new babies, reporting that without paid leave they had no other choice.<sup>15</sup> These workforce exits result in longer gaps in work histories with a negative impact on future wages. In contrast, new mothers with access to paid sick days and paid family leave are more likely to return to work and earn higher wages.<sup>16</sup> Again, while New York City has paid sick time, and the state has

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<sup>13</sup> *ABB Pregnancy Penalty Report*, *supra* note 11, at 9.

<sup>14</sup> *See ABB Pregnancy Penalty Report*, *supra* note 11, at 6.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

a paid family leave law, enforcement of, and access to, these laws is crucial in ensuring their success.

### 3. Fair Schedules

Rigid and unpredictable workplace schedules also routinely serve to push women, especially mothers, out of the labor force. For higher-earning mothers, long work hours and the stigma associated with flexible or part-time work often shove them into less lucrative jobs or out of the workforce all together.<sup>17</sup> Middle-income mothers contend with highly supervised schedules, where they might be fired for being a few minutes late, and face mandatory unscheduled overtime that can throw carefully constructed, tag-team childcare plans into disarray.<sup>18</sup>

### 4. Access to Quality & Affordable Childcare

Lower-income mothers often face the most acute work-family challenges, yet they are least likely to be able to control their work schedules. Approximately half of low-wage hourly workers report having limited control over their work hours.<sup>19</sup> The consequences are profound: many mothers find it impossible to arrange safe, affordable child care at a moment's notice and must exit the workforce, with no path for reentry. Other women are forced to work part-time, but this flexibility comes at a cost: part-time workers often face an earnings penalty when compared with their full-time counterparts and they are less likely to qualify for benefits such as paid leave, health insurance and employer-sponsored retirement plans.<sup>20</sup>

When low-wage working mothers cycle in and out of the workforce, they lose not only wages, but also seniority and other benefits of continuous employment that would promote economic stability for their families.<sup>21</sup> For these women, the pregnancy penalty is steep: each new child brings a pay penalty of fifteen percent, compared to four percent for higher-wage earning mothers. Even worse, low-earning mothers suffer the largest pay penalties at the moment when physical care of their children is most intense: the pay penalty per preschooler is almost five times as great for a low-income mother as for her higher-earning counterparts.<sup>22</sup> The long-term financial consequences for families can be devastating.

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<sup>17</sup> *Id.* at 5.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Joint Economic Committee Democratic Staff, *Gender Pay Inequality: Consequences for Women, Families and the Economy* 16 (2016), <https://www.jec.senate.gov/public/cache/files/0779dc2f-4a4e-4386-b847-9ae919735acc/gender-pay-inequality----us-congress-joint-economic-committee.pdf>.

<sup>21</sup> See *ABB Pregnancy Penalty Report*, *supra* note 11, at 6

<sup>22</sup> *Id.*

## 5. Sexual Harassment

Women across New York City face sexual harassment in the workplace every day. In particular, women working in low-wage industries and male-dominated occupations are subjected to alarmingly high levels of sexual harassment. For instance, thirty-six percent of live-in domestic workers report experiencing threats, insults, or verbal abuse on the job, often in the form of sexual harassment, and thirty-one percent of women in construction report sexual harassment on the job.<sup>23</sup>

Women who experience sexual harassment at work experience higher levels of stress, anxiety, and depression, which can lead to declining job performance and productivity.<sup>24</sup> Sexual harassment can also push women out of their jobs and into positions with lower pay, and it can discourage women from seeking employment in or push them out of certain industries, increasing occupational segregation.<sup>25</sup>

## 6. Lack of Salary Transparency

Women, and especially mothers, are frequently not paid what they are worth. Women with college degrees make less than their male counterparts in their first jobs out of school, with the starting salary gap widening for women of color.<sup>26</sup> And one of the most cited studies on the topic found that mothers were recommended for significantly lower starting salaries compared to non-mothers.<sup>27</sup>

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<sup>23</sup> Linda Burnham & Nik Theodore, National Domestic Workers Alliance et al., *Home Economics: The Invisible and Unregulated World of Domestic Work* 33 (2012), <https://community-wealth.org/sites/clone.communitywealth.org/files/downloads/report-burnham-theodore.pdf>; Ariane Hegewisch and Brigid O'Farrell, Institute for Women's Policy Research, *Women in the Construction Trades: Earnings, Workplace Discrimination, and the Promise of Green Jobs Findings from the IWPR Tradeswomen Survey* (2015), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/C428-Women%20in%20Construction%20Trades.pdf>.

<sup>24</sup> Rebecca S. Merkin & Muhammad Kamal Shah, *The Impact of Sexual Harassment on Job Satisfaction, Turnover Intentions, and Absenteeism: Findings from Pakistan Compared to the United States*, 3 SpringerPlus (2014).

<sup>25</sup> Alieza Durana et al., New America Sexual Harassment: A Severe and Pervasive Problem (2018), <https://www.newamerica.org/better-life-lab/reports/sexual-harassment-severe-and-pervasive-problem/>; Heather McLaughlin et al., *The Economic and Career Effects of Sexual Harassment on Working Women*, 31 Gender & Soc'y (2017).

<sup>26</sup> Christianne Corbett & Catherine Hill, American Association of University Women, *Graduating to a Pay Gap: The Earning of Women and Men One Year After College Graduation* 9 (2012); Teresa Perez, PayScale, *Earnings Peak at Different Ages for Different Demographic Groups* (2019), <https://www.payscale.com/data/peak-earnings>.

<sup>27</sup> ABB Pregnancy Penalty Report 9 (citing Shelley J. Correll, Stephan Benard, and In Paik, *Getting a Job: Is There a Motherhood Penalty?*, 112 American J. of Sociology 1297 (2007), <http://gender.stanford.edu/sites/default/files/motherhoodpenalty.pdf>).

Lack of pay transparency allows discriminatory wages to persist: When employees are unaware of the typical pay for a role like theirs, it is difficult for them to know whether they are being discriminated against or what their work is worth. And without information about what salary is appropriate for a particular role, female job applicants are left without the support they need to ensure they are compensated appropriately. Women ask for lower salaries than men during hiring negotiations 61% of the time.<sup>28</sup> Many have suggested that women should negotiate better or more often to close this gap, but that suggestion ignores the barriers to women's ability to successfully negotiate. Employers may be less willing to work with women who try to negotiate while men don't face the same penalty, and women are less likely than men to get what they ask for when they negotiate their salaries.<sup>29</sup>

## 7. Devaluing of “Women’s Work” and Occupational Segregation

Occupational segregation of the sexes—with male-dominated fields tending to pay more and women-dominated fields tending to pay less—is one of the most important measurable factors explaining the present wage gap between men and women in the United States.<sup>30</sup> Within the paid labor force, women are underrepresented in higher wage occupations and overrepresented in fields like nursing, teaching, social work, home health care, and others that involve the direct provision of physical and emotional care.<sup>31</sup> Yet workers in those fields are notoriously undercompensated for their work. Jobs performed predominantly by women and people of color are systematically underpaid because of historic discrimination.<sup>32</sup> For example, some school districts pay teaching assistants less than cleaners despite the fact that teaching assistants are required to have associate's degrees and cleaners are not.<sup>33</sup> The disparate earnings between female and male dominated fields are a key contributor to the wage gap.

## III. SOLUTIONS TO PAY INEQUITY IN NEW YORK

New York City has been at the forefront of addressing issues that impact women's economic security, from the passage of the City's Pregnant Workers' Fairness Act to the City's recent passage of Fair Workweek legislation. These efforts signal the City's commitment to

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<sup>28</sup> Hired, *The State of Wage Inequality in the Workplace* (2019), <https://hired.com/page/wage-inequality-report/ask-for-their-worth>.

<sup>29</sup> Benjamin Artz et al., *Do Women Ask?*, 57 *Industrial Relations* 611 (2018), Hannah Riley Bowles et al., *Social Incentives for Gender Differences in the Propensity to Initiate Negotiations: Sometimes It Does Hurt to Ask*, 103 *Organizational Behavior & Human Design Processes* 84 (2007).

<sup>30</sup> See Ariane Hegewisch & Heidi Hartmann, Institute for Women's Policy Research, *Occupational Segregation and the Gender Wage Gap: A Job Half Done* 11 (2014), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwprexport/publications/C419.pdf>.

<sup>31</sup> *Id.* at 15–16, 18–19.

<sup>32</sup> Equal Pay Coalition NYC/NYWA, *Call to Action: Pay Equity Resource Guide*, <http://www.lwvny.org/advocacy/pay-equity/2010/PayEquityGuide061510.pdf>.

<sup>33</sup> *Id.*

economic justice for the more than 4 million people who work in New York City.<sup>34</sup> With well-funded agencies to ensure that these crucial protections are enforced and to educate workers about their rights, New York City's existing protections will be crucial weapons in the fight to close the gender wage gap.

## **A. COMMISSION ON HUMAN RIGHTS**

### **1. Fast-Track Pregnancy and Caregiver Discrimination Complaints**

ABB is proud to have drafted and shepherded to passage groundbreaking legislation, the 2014 NYC Pregnant Workers Fairness Act, and since the law's passage we have seen its profound impact on New York City's workers. The strength and effectiveness of the Pregnant Workers Fairness Act is that it has led to workers and employers reaching informal resolutions to pregnancy accommodation needs. The Commission on Human Rights' guidance on the law and strong commitment to enforcement is a key contributor to that success as it has provided a clear roadmap for employers' obligations and workers' rights.

As we mentioned in testimony before the Commission during the 2019 pregnancy and caregiver hearing, unfortunately, there are times when workers are unable to reach informal resolution and additional enforcement is needed. Pregnancy is a finite period of time and the accommodations workers seek are necessary to ensure their own safety and a healthy pregnancy. When a worker comes to the Commission because an employer has failed to accommodate them, the Commission may not need to do an in-depth investigation but rather should help the employer and employee expediently resolve the situation. As such, the Commission should expand its new gender-based harassment unit—a unit designed to fast track harassment complaints—to include pregnancy accommodation complaints, especially when it is clear the accommodation the worker seeks is to prevent putting their health and the health of their pregnancy at risk.

Likewise, workers who also serve as family caregivers are often dealing with time-sensitive, urgent needs—be it caring for a family member in the midst of a medical crisis or caring for a child who is too young to be left alone. Caregivers should not have to suffer through long waits before their complaints are resolved, especially in cases where they have been pushed off the job or otherwise had their ability to make ends meet jeopardized. The Commission on Human Rights should prioritize caregiver discrimination cases that involve low-wage workers and those where the worker is facing brutal economic consequences as a result of the discrimination, and should work to help expediently resolve those disputes.

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<sup>34</sup> Office of the New York State Comptroller, *New York City Employment Trends* (2019), <https://www.osc.state.ny.us/osdc/rpt1-2020.pdf>.

Moreover, the Commission should dedicate resources to mediating pregnancy accommodation and caregiver discrimination disputes to try and resolve them more expediently. Adding capacity will require additional funding for the Commission. Ultimately, fast tracking complaints and expanding mediation will save the city money as it will help resolve complaints early on, without the need for a prolonged investigation. The PWFA and caregiver discrimination protections must be vigorously enforced and the Commission needs the appropriate resources to do that. For many low-income workers, obtaining private counsel is not affordable and the Commission is their only means to adjudicate their rights. The City can and must devote the appropriate resources to ensuring pregnant workers are able to vindicate their rights and get the accommodations they need.

## **2. Strong Enforcement of Lactation Discrimination Laws**

The passage of Local Law 185 and Local Law 186 gives New York City women significant legal protections against lactation discrimination when they return to work following childbirth, and we are glad that the Commission on Human Rights has dedicated time and resources to creating model accommodations policies. But without strong enforcement of these laws, mothers are still forced to wean their babies early, endure painful health complications, or even lose their jobs. These laws were passed to ensure that women in New York City have the right to make decisions that are healthiest for themselves and their babies. The Commission on Human Rights should prioritize enforcement of lactation discrimination laws to make that right meaningful.

## **3. Proactive Investigation of Sexual Harassment and Other Gender-Based Discrimination in Low-Wage and Male-Dominated Industries**

We encourage the Commission on Human Rights to proactively investigate companies and industries known to have particularly high rates of discrimination and harassment, such as the retail industry, food service industry, home health care industry, construction industry, and domestic work. Increasing strategic enforcement would put employers throughout these industries on notice that harassment and discrimination will not be overlooked in low-wage industries and employers will face consequences for creating hostile work environments for women.

When someone files a complaint with the Commission, the Commission must undergo a lengthy process to investigate the complaint. For complainants who remain at the same employer during the investigation, this could mean subjecting themselves to continued harassment while the Commission investigates the complaint. For those complainants that may have been fired or left their jobs due to harassment, it means the complainant must wait often more than a year for a resolution to a traumatic event. Proactively investigating harassment and discrimination in

industries where such problems are rampant, particularly around time sensitive issues such as pregnancy discrimination and sexual harassment, would put employers throughout these industries on notice that discrimination will not be tolerated and obviate the need for some individual employees to pursue the lengthy and complex complaint process.

#### **4. Increased Notice, Outreach & Education**

There remains a great need for increased public education and outreach efforts around the city human rights law more broadly and pregnancy discrimination and accommodation, caregiver discrimination, and lactation rights, specifically. Too many women are in the dark about their rights despite the clear law on their side. The Commission should engage in a renewed public education campaign around pregnancy, lactation, and caregiving.

In addition to targeting employers, the Commission should also reach out to hospitals, obstetrician-gynecologists, midwives, doulas, other birth and lactation professionals, home birth centers, and pre-natal preparation courses to educate them about these laws and the specific requirements to accommodate for pregnancy, lactation, and caregiving.

### **B. DEPARTMENT OF CONSUMER & WORKER PROTECTION**

#### **1. Strong Enforcement of Paid Sick Time and Flexible Scheduling Laws**

Our organization was at the forefront of drafting and advocating for the New York City Earned Sick Time Act. This landmark piece of legislation, which went into effect just over three years ago, gave most New York City workers the right to time off, usually paid, when they or their families are sick, injured, or seeking medical treatment. We were also proud to work with workers throughout New York City to pass the Fair Workweek legislation, which became law in 2017.

While the passage of these laws was a crucial step forward for the City's workers, much remains to be done. Through our legal hotline, we still hear regularly from workers whose rights under these laws are being violated—who are not being paid for time they have earned or are being retaliated against, including being fired, for exercising their rights under these laws. These problems are especially acute for low-income workers, for whom the loss of income hits the hardest.

Abuses are especially endemic in certain industries, such as home care agencies, an area of particular need highlighted by the creation of the Paid Care Division, as well as retail, restaurants, and construction. Without robust, consistent enforcement, even the strongest labor laws are only paper promises. To that end, we look forward to continuing to work with the Office of Labor Policy and Standards at the Department of Consumer and Worker Protection to build a process that works for workers. Such a process must fulfill the law's clear requirement to



attempt to resolve complaints through mediation, which must include complainants as full parties with equal status to their law-breaking employers.

## **2. Education and Outreach**

In the tenure of Commissioner Lorelei Salas, the newly established Office of Labor Policy and Standards (OLPS) has brought a new energy and a committed team of experienced workers' advocates to the Department of Consumer and Worker Protection. This team has made major strides forward in creating a worker-responsive agency, including important steps like prioritizing recovery for complainants who take the risky step of coming forward and the dedication of significant resources to witness preparation prior to hearings.

Building on this momentum, we urge renewed attention to worker education and outreach, to ensure that all workers know about and can use their rights under the law. The Department of Consumer Affairs may also wish to consider partnering with community groups and organizations that represent workers to help get the word out about the labor standards legislation OLPS is responsible for enforcing. Cities such as Seattle and San Francisco have successfully utilized such partnerships in their efforts to enforce paid sick time and fair scheduling laws.

## **IV. NEW POLICIES NEEDED**

Over the past several years, New York City has taken meaningful steps towards economic justice and equal pay for the millions of people who work here, and we have been honored to work with the Commission on Gender Equity, the Commission on Human Rights, and the Department of Consumer and Worker Protection on implementing many of those laws. To become a true leader in the effort to close the gender pay gap, New York City can and should continue to pass progressive policies aimed at increasing salary transparency and addressing the structural factors that perpetuate gender-based differences in income.

### **1. Amend the New York City Human Rights Law to Lower Employee Threshold and Extend Protections to Domestic Workers**

In the last legislative session, the New York State Legislature amended the State's Human Rights Law to extend coverage to all New York State employers with one or more employees, lowering the threshold from four. New York City should follow the State's lead, lowering the employer threshold in the City's Human Rights Law from four to one. The City should also go further, acting to ensure that domestic workers are affirmatively protected by all relevant provisions of the City's Human Rights Law. This would help to ensure that discrimination in all its forms cannot force New York City's women into lower-paying jobs or

out of the workforce altogether, and would also help to ensure that New York City's workplaces are supportive of the women working here.

## **2. Amend the Earned Safe & Sick Time Act to Include a Private Right of Action**

After years of work with our partners and supporters, ABB was thrilled to finally see the Earned Sick Time Act become law. Since the law's initial passage in 2013, we have conducted hundreds of trainings to educate New Yorkers about their rights under the law. Since the law's inception, we have also represented dozens of low-income workers who were denied sick time or retaliated against for asking for or using sick time, including over two dozen complaints before the Department of Consumer Affairs.

But New York City's enforcement is lagging behind the enforcement of other jurisdictions with sick leave laws. **Over two-thirds of the nearly three-dozen paid sick leave laws in the U.S. include a private right of action, including Westchester.**

As we have seen firsthand through our work representing New York City workers whose rights were violated under the City's sick time law, without a private right of action, workers lack assurance that their rights can be meaningfully enforced. The existing administrative complaint process under the current paid safe and sick leave law is an important but inadequate means of enforcing the law as to individuals who have been harmed as a result of attempting to exercise their rights. That process must be supplemented with a private right of action in order to ensure that each worker in New York City can vindicate his or her rights.

Exclusive agency enforcement harms workers in several significant ways:

- a. **Cases languish and workers are left paying the price.** Administrative complaints can languish for years with no other recourse for aggrieved workers to obtain relief. Workers subject to retaliation for filing an administrative complaint or for otherwise asserting their rights under the law are left particularly vulnerable during the agency's often-lengthy investigation process. In addition, the enforcing agency may prolong an investigation because it wants to pursue a company-wide investigation. While it is important to rout out pervasive abuses, it often leaves complainants waiting far longer for resolution than they would have had they been able to go to court.
- b. **The agency's and the complaining worker's priorities do not always align, leaving workers confused, disempowered, and without full relief.** Complainants are not parties in the administrative action—nor do they have the right to intervene as parties, as they do under the human rights law—which is problematic for workers because the agency's interests do not always align with those of complainants. Workers are bound by all

decisions the agency makes with respect to their case. For instance, the complainant does not have the right to accept or reject settlement offers. This is unfair, confusing, and disempowering to workers. Workers must accept any amount of money the agency negotiates on their behalf, which often means accepting less than 100% full relief even as the City pursues civil penalties or full relief for other non-complaining workers. Without complainants, there would be no recovery for anyone. Having a private right of action would ensure that workers, especially those who choose to speak out, can pursue full relief with respect to their own claims.

- c. **Workers lack a single venue to vindicate their rights.** Workers who experience other labor abuses such as minimum wage violations or discrimination lack the ability to consolidate all of their claims in a single venue. This is both extremely burdensome for workers and an inefficient use of New York City resources. ABB represents multiple clients who had no other option but to file separate administrative complaints to vindicate their rights under both the sick leave law and the human rights law. If the sick leave law had a private right of action like the human rights law, these workers could have brought all of their claims in a single court complaint. In addition, we have found that agencies will delay investigating a complaint as they wait for resolution from another agency, leaving workers waiting additional years for resolution.
- d. **Agency resources are not guaranteed in perpetuity.** Workers' already-limited ability to obtain relief through the administrative complaint process is dependent on the agency's resources. A future administration may not be inclined to fund enforcement of this law. Moreover, other laws enforced by the Department of Consumer and Worker Protection have private rights of action, including the Fair Workweek Law, Freelance Isn't Free Act, and Temporary Schedule Change Law. The Earned Safe and Sick Time Act is an outlier and needs to be updated.
- e. **Adding a private right of action would also provide an opportunity to amend the law to expand the type of relief a worker can recover for violations of the law.** Right now, workers can recover damages only for back pay and fixed penalties for specific violations, but they cannot recover compensation for emotional distress, punitive damages, or attorneys' fees. For low-wage workers especially, the current enforcement scheme fails to make workers whole. Workers often suffer immense emotional harm as a result of violations of the sick and safe leave law—they are penalized at a particularly vulnerable time when they or a loved one may have been ill or injured and should be able to recover emotional distress damages as well as punitive damages and attorneys' fees.

In sum, we urge amendment of the Paid Sick Time law authorizing workers to bring a civil action in a court of competent jurisdiction in order to enforce their right to paid sick or safe

time, to remedy retaliation in violation of the law, or to remedy any other violation of the ordinance that harms the worker. Administrative filing should not be a prerequisite to the filing of a civil action, and attorneys' fees, injunctive relief, back pay, and compensatory and punitive damages should be authorized for prevailing workers.

### **3. Pass the Paid Personal Time Bill**

The passage of the Paid Personal Time bill currently before the City Council is a necessary step towards closing the gender pay gap in New York City. This bill will undoubtedly improve the lives and wellbeing of millions of New Yorkers. Presently, New Yorkers enjoy the rights to paid sick and safe leave and to paid family leave. New York City workers also have a limited right to a temporary schedule change for certain qualifying personal events.<sup>35</sup> As crucial as these protections are, they do not account for many other personal or family needs that may arise for which workers currently have no protection.

For example, parents of special needs children are often required to have their children evaluated for special education-related services during business hours. Because these needs are not necessarily medical, the law does not clearly protect them. The same is true of parent-teacher conferences. In addition, graduations, retirements, and other important life events and milestones are unprotected. The proposed legislation would allow workers to use earned personal time at their discretion for both foreseeable and unforeseeable events, whether it is an appointment scheduled weeks in advance or the unexpected death of a loved one.

Workers without family responsibilities will also benefit from this legislation. Only the luckiest of renters here in New York have managed to evade an apartment-related emergency such as a leaking ceiling or a backed up bathtub. As it stands, a worker could be legally fired for failing to report to work because their house is on fire. This law would change that.

That said, it should not take a catastrophic event to justify taking time off from work. The positive value of taking time off simply to relieve stress or to enjoy a day to one's self or with one's family, absent an emergency, should not be understated. In fact, studies have shown that taking personal time can improve one's health and longevity, including "a direct positive effect on mortality."<sup>36</sup> A Harvard Business Review study also found that personal time can improve

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<sup>35</sup> N.Y.C. Admin. Code § 20-1261 (defining "personal event" as: (i) the need for a caregiver to provide care to a minor child or care recipient; (ii) an employee's need to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee's care recipient is a party; or (iii) any circumstance that would constitute a basis for permissible use of safe time or sick time).

<sup>36</sup> BROOKS B. GUMP & KAREN A. MATTHEWS, PSYCHOSOMATIC MEDICINE, ARE VACATIONS GOOD FOR YOUR HEALTH? THE 9-YEAR MORTALITY EXPERIENCE AFTER THE MULTIPLE RISK FACTOR INTERVENTION TRIAL (2000), <https://pdfs.semanticscholar.org/58e0/daefe57373f63f56d7a9ad55701ddee1fd2e.pdf>.

employees' productivity, reporting that "employees in countries that take more vacation do have a strong desire to get a lot done as well as a tendency to move faster."<sup>37</sup>

Taking personal time therefore benefits workers' health and the economy. In addition to ensuring that workers are able to take time off work when unexpected personal or family needs arise, this bill would also give them the ability to recharge and return to work refreshed. One study has shown that when workers are able to take vacation, it betters their quality of sleep which results in an "80 percent improvement" in their reaction times, meaning people are sharper and more acute after taking time off.<sup>38</sup> We are eager to see the City take this monumental step forward toward improving the lives and wellbeing of workers and their families.

#### **4. Require Inclusion of Salary Ranges in Job Postings**

While the passage of New York City's salary history ban law takes a significant step towards ensuring that the biases that lead to lower salaries for women do not follow them throughout their careers by prohibiting employers from relying on or asking about a potential new hire's previous salary, further steps towards salary transparency are needed. Without information about the appropriate salary for a job, female applicants have little outside of their own past salaries to rely on when negotiating their salary for a new job. New York City should enact legislation requiring employers to include a salary range in their job postings, to increase pay transparency and put all applicants on a more equal footing for salary negotiations. This would ensure that the responsibility for ensuring fair and equitable pay rests with employers, and would also be good for business: Increased salary transparency can increase productivity and collaboration among workers, and can make employees' efforts to seek help and advice on workplace tasks more effective.<sup>39</sup>

#### **5. Expand Access to Childcare**

Too many women are forced to drop out of the paid workforce due to a lack of access to paid childcare. The City should implement the proposals laid out in Comptroller Stringer's NYC Under 3 plan, including extending child care assistance to a greater number of working families

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<sup>37</sup> Jack Zenger & Joseph Folkman, *Are We More Productive When We Have More Time Off*, HARVARD BUSINESS REVIEW (June 17, 2015), <https://hbr.org/2015/06/are-we-more-productive-when-we-have-more-time-off>.

<sup>38</sup> Alina Tugend, *Take a vacation, for your health's sake*, THE NEW YORK TIMES (June 8, 2008), [https://www.nytimes.com/2008/06/08/business/worldbusiness/08iht-07shortcuts.13547623.html?pagewanted=all&\\_r=1&\\_](https://www.nytimes.com/2008/06/08/business/worldbusiness/08iht-07shortcuts.13547623.html?pagewanted=all&_r=1&_).

<sup>39</sup> Elena Belogolovsky et al., *Looking For Assistance in the Dark: Pay Secrecy, Expertise Perceptions, and Efficacious Help-Seeking Among Members of Newly Formed Virtual Work Groups*, 31 J. Business & Psych. 459 (2016); Chris Weller, *A CEO Who Makes Everyone's Salary More Transparent Says People Are More Productive Than Ever*, Business Insider (May 8, 2017, 11:13 AM), <https://www.businessinsider.com/sumall-ceo-says-salary-transparency-makes-people-more-productive-2017-5>.

and assessing family contributions towards childcare along a sliding scale, and supporting the construction and renovation of childcare centers to increase access to childcare—especially in the City’s many childcare deserts.

## **Conclusion**

All too often, the gender wage gap is misunderstood or mischaracterized. We thank the Commission on Gender Equity, the Commission on Human Rights, and the Department of Consumer and Worker Protection for taking the time to consider this problem and potential solutions. A Better Balance looks forward to working with you to effectuate the above-proposed solutions. Unless we take active steps to close the gender wage gap, women will not achieve wage parity until 2059.<sup>40</sup> We cannot, and will not, let that happen. Thank you for taking the time to study and combat this problem.

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<sup>40</sup> Institute for Women’s Policy Research, *Women’s Median Earnings as a Percent of Men’s Median Earnings, 1960–2014 (Full-time, Year-round Workers) with Projection for Pay Equity in 2059*, at 1 (2015), <http://www.iwpr.org/publications/pubs/equal-pay-projection-2059>.



Women's Center for Education and Career Advancement

**Women's Center for Education and Career Advancement  
Testimony**

for the

**New York City Pay Equity Public Hearing**

Sept. 19, 2019

The New York City Bar Association

**"If women and people of color were to receive wages equal to those of men for comparable jobs, poverty among working women and their families would be cut in half and add a staggering \$513,000,000 to the national economy." (The Institute for Women's Policy Research – March 2018)**

Thank you to the NYC Commission on Gender Equity, Commission on Human Rights and Department of Consumer and Worker Protection for this opportunity to speak today on the issue of pay equity in NYC. My name is Merble Reagon and I am Executive Director at the Women's Center for Education and Career Advancement.

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 families' most basic living expenses. Since 2000, we have partnered with NYC philanthropies, human services agencies and many others to define exactly what incomes working NYC families need to earn to make ends meet, depending on where they live in NYC and the ages of their children. Over the past 19 years, we have developed five NYC Self-Sufficiency Standard reports, most recently, **Overlooked and Undercounted 2018**, which "highlights" the real life circumstances of 2.5 million members, or 40%, of working New York City families who are struggling to make ends meet because their wages do not cover the cost of their basic necessities." They represent more than 900,000 households in New York City and for them "pay equity" 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, NYC borough and other factors. One of the most important findings is that since 2000, the actual cost of living (87%) in NYC has risen at nearly three times the rate of wages (31%). (The "official" inflation since 2000 is just 42%.)

We worked with 32 other NYC human services agencies to review the basic data and findings and then collaborated to develop a series of public policy recommendations designed, among other things, to be most impactful to and reach working families most in need. It goes without saying that the issue of Pay Equity has hurt traditionally marginalized populations most. We know that, while on average, women in New York earn 89 cents per dollar earned by men, the gap is wider for women of color: Black women on average earn 64 cents and Latinx women, 55 cents per dollar.

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 broad audience, inclusive of marginalized populations; and, by advancing coordinated and interconnected solutions. For the details, we encourage the panelists to review the proposed public policy recommendations in the "Key Findings & Recommendations" brief we distributed this evening.

Finally, we do applaud the historic equal pay legislation passed in NYS and NYC. However, while NYS has extended the Pay Equity Act to all protected classes, we strongly recommend to NYS and NYC, that for both employers and workers, the necessary education, training, oversight and enforcement resources be made available to ensure that the new legislation and regulations have the intended benefits for the intended beneficiaries.

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# Monthly budget: 2 adults, 2 school-aged children

	Bronx	Northwest Brooklyn	Brooklyn (Excluding NW)	North Manhattan	South Manhattan	Queens	Staten Island
Housing	\$1,562	\$2,349	\$1,693	\$1,315	\$2,970	\$1,839	\$1,637
Child Care	\$1,354	\$1,354	\$1,354	\$1,354	\$1,354	\$1,354	\$1,354
Food	\$859	\$918	\$918	\$1,424	\$1,424	\$935	\$968
Transportation	\$242	\$242	\$242	\$242	\$242	\$242	\$242
Health Care	\$571	\$571	\$571	\$571	\$571	\$571	\$571
Miscellaneous	\$459	\$543	\$478	\$491	\$656	\$494	\$477
Taxes*	\$982	\$1,385	\$1,072	\$1,134	\$1,965	\$1,150	\$1,070
Tax Credits (-)	(\$433)	(\$433)	(\$433)	(\$433)	(\$433)	(\$433)	(\$433)
<b>Self-Sufficiency Wage</b>							
Hourly (per adult)	\$15.89	\$19.68	\$16.74	\$17.32	\$24.85	\$17.48	\$16.72
Annual	\$67,137	\$83,146	\$70,729	\$73,172	\$104,983	\$73,819	\$70,630
Emergency Savings Fund	\$107	\$119	\$110	\$112	\$192	\$112	\$110

\* The Standard is calculated by adding expenses and taxes and subtracting tax credits. The "Taxes" row includes payroll and sales taxes plus income taxes.

# Monthly budget: 1 adult, 1 school-age child

	Bronx	Northwest Brooklyn	Brooklyn (Excluding NW)	North Manhattan	South Manhattan	Queens	Staten Island
Housing	\$1,562	\$2,349	\$1,693	\$1,315	\$2,970	\$1,839	\$1,637
Child Care	\$677	\$677	\$677	\$677	\$677	\$677	\$677
Food	\$463	\$495	\$495	\$768	\$768	\$504	\$522
Transportation	\$121	\$121	\$121	\$121	\$121	\$121	\$121
Health Care	\$492	\$492	\$492	\$492	\$492	\$492	\$492
Miscellaneous	\$331	\$413	\$348	\$337	\$503	\$363	\$345
Taxes*	\$836	\$1,226	\$913	\$863	\$1,843	\$987	\$900
Tax Credits (-)	(\$217)	(\$217)	(\$217)	(\$217)	(\$217)	(\$217)	(\$217)
<b>Self-Sufficiency Wage</b>							
Hourly	\$24.23	\$31.57	\$25.69	\$24.76	\$40.66	\$27.08	\$25.43
Annual	\$51,180	\$66,674	\$54,257	\$52,285	\$85,877	\$57,199	\$53,716
Emergency Savings Fund	\$167	\$294	\$184	\$173	\$403	\$200	\$181

\* The Standard is calculated by adding expenses and taxes and subtracting tax credits. The "Taxes" row includes payroll and sales taxes plus income taxes.



An aerial photograph of New York City at sunset. The sky is a deep orange and red, with scattered white clouds. The city skyline is visible, with the Freedom Tower standing prominently in the center. The Hudson River is to the left, and the East River is to the right. The city is densely packed with buildings, and the water is dark with some boats visible.

**OVERLOOKED & UNDERCOUNTED 2018**  
**THE SELF-SUFFICIENCY STANDARD FOR NEW YORK CITY**

# Key Findings & Recommendations

**October 2018**

**Prepared for Women's Center for Education and Career Advancement  
& United Way of New York City**

**With Support from The New York Community Trust & City Harvest**





Women's Center for Education  
and Career Advancement

**THE WOMEN'S CENTER FOR EDUCATION AND CAREER ADVANCEMENT** (WCECA) is a 48-year-old nonprofit organization committed to the goal of economic security for all New York City women and families. Through innovative technology resources, work readiness programs and career services, we have advocated for socially just public policies and opportunities. The Women's Center targeted low-income workers with serious barriers to workforce participation and helped them build competencies and develop strategies for setting and meeting lifetime career and economic goals for themselves and their families. Having served more than 40,000, WCECA now works to define financial self-sufficiency, utilizing research, technology and training to inform public policy and services for New York City's working poor. For more information on WCECA, call (212) 964-8934 or go to [www.wceca.org](http://www.wceca.org).

**UNITED WAY OF NEW YORK CITY** United Way of New York City (UWNYC) fights for the self-sufficiency of every low-income New Yorker by taking on the toughest challenges and creating new solutions to old problems. We win by helping families shift from barely surviving to thriving. We unite by mobilizing the best ideas, relevant data, internal and external experts, and resources—from money to manpower. UWNYC maximizes impact by coordinating and aligning organizations, companies, local government, and New Yorkers to help families eliminate tough choices and live better while making ends meet. To learn more, visit: [unitedwaynyc.org](http://unitedwaynyc.org).



United Way  
of New York City

THE NEW YORK  
COMMUNITY TRUST



A public charity, **THE NEW YORK COMMUNITY TRUST** is a grant-making foundation dedicated to improving the lives of residents of New York City and its suburbs. We bring together individuals, families, foundations, and businesses to build a better community and support nonprofits that make a difference. We apply knowledge, creativity, and resources to the most challenging issues in an effort to ensure meaningful opportunities and a better quality of life for all New Yorkers, today and tomorrow.

**CITY HARVEST** is New York City's largest food rescue organization, helping to feed the more than 1.2 million New Yorkers who are struggling to put meals on their tables. We will rescue 61 million pounds of food this year and deliver it, free of charge, to hundreds of food pantries, soup kitchens and other community partners across the five boroughs. Our programs help food-insecure New Yorkers access nutritious food that fits their needs and desires; increase our partners' capacity; and strengthen the local food system, building a path to a food-secure future for all New Yorkers. To learn more about our work, visit [CityHarvest.org](http://CityHarvest.org).



# About Overlooked and Undercounted

To develop strategies to ensure New York City households reach economic security requires data that defines how much is enough and which households are struggling. This brief series reveals the “overlooked and undercounted” of New York City, describing which families are struggling to make ends meet. This analysis is based on the Self-Sufficiency Standard, a realistic, geographically specific, and family composition-specific measure of income adequacy, and thus a more accurate alternative to the official poverty measure. Over the last 22 years, calculation of the Self-Sufficiency Standard has documented the continuing increase in the real cost of living, illuminating the economic crunch experienced by so many families today.

The Self-Sufficiency Standard was first calculated in 1996 by Diana Pearce and was originally designed to measure progress of workforce program participants towards the goal of economic self-sufficiency. Since then, it has been used in a wide variety of settings, to evaluate programs, analyze policy impacts, guide clients’ career choices, provide expert testimony in court cases and legislative initiatives, and to document the nature and extent of true poverty. The Standard has now been calculated in 41 states plus the District of Columbia and is housed at the University of Washington’s Center for Women’s Welfare.

In 2000, Merble Reagon, Executive Director at the Women’s Center for Education and Career Advancement (Women’s Center), initiated the development of the first New York City Self-Sufficiency Standard report, after realizing that the thousands of women they had trained and placed in jobs, were not earning enough to sustain their families’ basic needs. To keep the issues and facts at the forefront of the public policy discussion, under Merble’s initiative, the Women’s Center arranged for the updates of The Self-Sufficiency Standard for New York City in 2004, 2010, and 2014. This series of briefs updates the 2014 report, ***Overlooked and Undercounted: The Struggle to Make Ends Meet in New York City***.

As with all Self-Sufficiency Standard reports, this one was authored by Dr. Diana M. Pearce and produced by the Center for Women’s Welfare at the University of Washington.

**Explore Online.** All briefs in this series are available online, along with interactive maps, dashboards, and a data file of tables by borough. Explore more at [www.unitedwaynyc.org/self-sufficiency-2018](http://www.unitedwaynyc.org/self-sufficiency-2018).

**Suggested Citation.** Pearce, D.M. (2018). *Key Findings and Recommendations* (Overlooked and Undercounted 2018 Series). Seattle, WA: University of Washington.

## Key Findings & Recommendations (Overlooked and Undercounted 2018 Series)

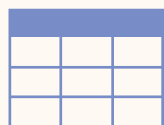
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# How did we calculate this data?



## STEP 1: CALCULATE THE SELF-SUFFICIENCY STANDARD

*The Self-Sufficiency Standard for New York City 2018* defines the amount of income necessary to meet the basic needs of New York City families, differentiated by family type and where they live. The Standard measures income adequacy, and is based on the costs of basic needs for working families: housing, child care, food, health care, transportation, and miscellaneous items, plus taxes and tax credits. It assumes the full cost of each need, without help from public subsidies (e.g., public housing or Medicaid) or private assistance (e.g., unpaid babysitting by a relative or food from a food pantry). An emergency savings amount to cover job loss is also calculated separately. The Standard is calculated for over **700 family types** for all New York City boroughs plus sub-borough areas.



## STEP 2: CREATE A DATASET OF NYC HOUSEHOLDS

To estimate the number of households below the Self-Sufficiency Standard for New York City, this study uses the 2016 American Community Survey (ACS) 1-year Public Use Microdata Sample (PUMS) by the U.S. Census Bureau. The ACS is an annual survey of the social, housing, and economic characteristics of the population.



**Sample Unit.** The sample unit for the study is the household, not the individual or the family. This study includes all persons residing in households, including not only the householder and his/her relatives, but also non-relatives such as unmarried partners, foster children, and boarders and takes into account their income.

The Self-Sufficiency Standard assumes that all adult household members work and includes all their **work-related costs** (e.g., transportation, taxes, child care) in the calculation of expenses. Therefore, the population sample in this report **excludes household members not expected to work and their income**. This includes: adults over 65 and adults with a work-limiting disability. A work-limiting disability exists if the adult is disabled and is not in the labor force or receives Supplemental Security Income or Social Security income.



For example, a grandmother who is over 65 and living with her adult children is not counted towards the household size or composition; nor is her income (e.g., from Social Security benefits) counted as part of household income. Households that consist of only elderly or adults with work-limiting disabilities are excluded altogether for the same reasons. Households defined as “group quarters,” such as individuals living in shelters or institutions, are also not included. In total, this study includes **2,257,674 New York City households**.

## STEP 3: COMPARE HOUSEHOLD INCOME TO INCOME BENCHMARK

To determine if a household has adequate income to cover each household members' basic needs, the 2018 Self-Sufficiency Standard for New York City is used. Earnings for each household member are summed and inflated to 2018 dollars to determine total household income. Total household income is then compared to the calculated Standard for the appropriate family composition and geographic location. Regardless of household composition, it is assumed that **all members of the household share income and expenses**. Household income is also compared to the U.S. Census Bureau's poverty threshold to calculate whether households are above or below poverty.

Household Income



Self-Sufficiency Standard



Adequate Income

Household Income > Self-Sufficiency Standard

OR

Inadequate Income

Household Income < Self-Sufficiency Standard

# Executive Summary

Two in five working-age New York City households—over 905,000—lack enough income to cover just the necessities, such as food, housing, health care, and child care. This translates to over *2.5 million men, women, and children struggling to make ends meet in New York City*. Yet only a third of that number are poor according to the federal official poverty measure. Consequently, a large and diverse group of individuals and families experiencing economic distress are routinely *overlooked and undercounted*.

Many of these hidden poor find they earn too much income to qualify for most supports, yet are still struggling to meet their basic needs. To make things even worse, their efforts are exacerbated by the reality that housing, health care, and other living costs are rising faster than wages in New York City.

To document these trends, we use the Self-Sufficiency Standard. The Standard measures how

much income is needed to meet families' basic needs at a minimally adequate level, including the essential expenses faced by workers, but without any public or private assistance. Once these costs are calculated, we apply the Standard to determine how many—and which—households lack enough to cover the basics. Unlike the official poverty measure (OPM), the Standard is varied both geographically and by family composition, reflecting the higher costs facing some families (especially child care for families with young children) and the geographic diversity of costs between New York City boroughs.

This series of briefs updates the 2014 report, **Overlooked and Undercounted: The Struggle to Make Ends Meet in New York City**. *The Overlooked and Undercounted 2018* findings are explored through six briefs, along with interactive maps, dashboards, policy recommendations, and a data file of tables by borough.

## Overlooked and Undercounted 2018

The *Overlooked and Undercounted 2018* findings are explored through a series of research briefs. The series contains six briefs plus key findings, recommendations, and a technical brief, along with interactive maps, dashboards, and a data file of tables by borough. The following briefs, key findings, and more can be explored online at [www.unitedwaynyc.org/self-sufficiency-2018](http://www.unitedwaynyc.org/self-sufficiency-2018).

1. Defining Self-Sufficiency in New York City
2. A City Evolving: How Making Ends Meet has Changed in New York City
3. Race, Ethnicity, and Citizenship: The Impact on Making Ends Meet in New York City
4. Gender and Family Structure: The Impact on Making Ends Meet in New York City
5. Employment, Occupations, and Wages: The Impact on Making Ends Meet in New York City
6. Work Supports: The Impact on Making Ends Meet in New York City

## Defining Self-Sufficiency in New York City (BRIEF 1)

Although varying by place, it is expensive to live anywhere in New York City in 2018.

- One adult with one school-age child needs a minimum annual income ranging from about \$51,000 in the Bronx up to \$86,000 in South Manhattan.
- For a Bronx family of three, this minimum is about \$76,000, which is almost four times the official poverty measure (\$20,780) and double what a minimum wage job pays.
- All boroughs rank among the top 12 most expensive large cities in the country.
- For families without children, housing is by far the largest expense; for those with children, especially for those with young children needing child care, housing and child care typically total more than half the budget.

Two out of five New York City households (excluding the elderly and disabled) have incomes below the Standard, while only 14% fall below official poverty thresholds.

- There is considerable variation by borough: South Manhattan, Staten Island and Northwest Brooklyn have the lowest percentages below the Standard

**14%** of households in NYC live below the official poverty threshold

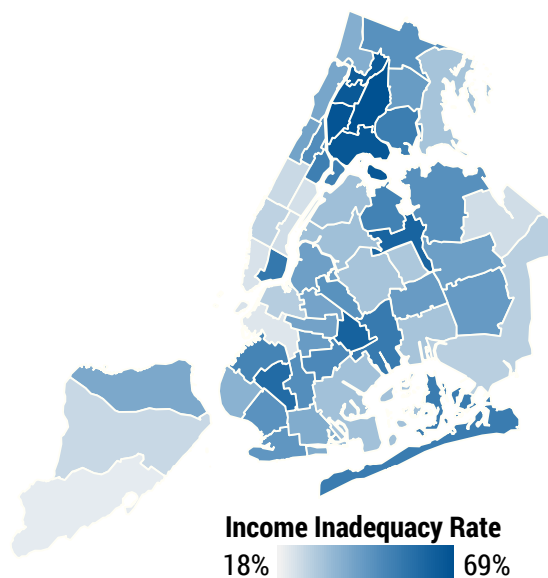


**40%** of households in NYC live below the Self-Sufficiency Standard



(28%, 28% and 31%, respectively), while the Bronx has the highest percentage (55%), followed by Brooklyn (Excluding Northwest) at 45%, North Manhattan (44%), and Queens (38%).

- There is even more variation in the rate below the Standard by community district within boroughs, ranging from 18% (in Staten Island) to 69% (in the Bronx).



A profile of households below the Standard reveals that those lacking adequate income are diverse:

- 84% have at least one worker in them, three-fourths of whom are full-time workers.
- Of the households below the Standard in New York City, slightly more than half (51%) are households with no children, while 24% are married-couple households with children, 21% are single-mother households, and 4% are single-father households.
- Only 7% receive cash assistance, and less than one-third receive SNAP.
- More than one-third are Latinx, about one-fourth are African-American, one-sixth are Asian American, and over one-fifth are White.
- Almost half have some college or more, while only about one-fifth of householders lack a high school degree.
- Almost three-fourths are citizens, native or naturalized.



A City Evolving: How Making Ends Meet has Changed in New York City (BRIEF 2)

The cost of living according to the Standard has risen at nearly three times the rate of wages, as well as growing faster than official inflation.

- Between 2000 and 2018, the Self-Sufficiency Standard for a family with one adult, one infant, and one school-age child increased by 87%. In contrast, wages have only increased 31% over the same period of time.
- Budget items that increased the most on average across borough were housing (111%), child care (91%), transportation (92%), and food (68%).
- Despite the slowdown in the economy, when many people experienced job loss, decreased hours, and stagnant wages, the cost of living continued to rise in New York City.

As the unemployment rate in New York City dropped from 9.4% in 2012 to 4.8% by the end of 2016, one would expect a significant drop likewise in the percentage of households below the Standard. However, the percentage of households

with inadequate income only fell slightly, from 42% in 2012 to 40% in 2016.

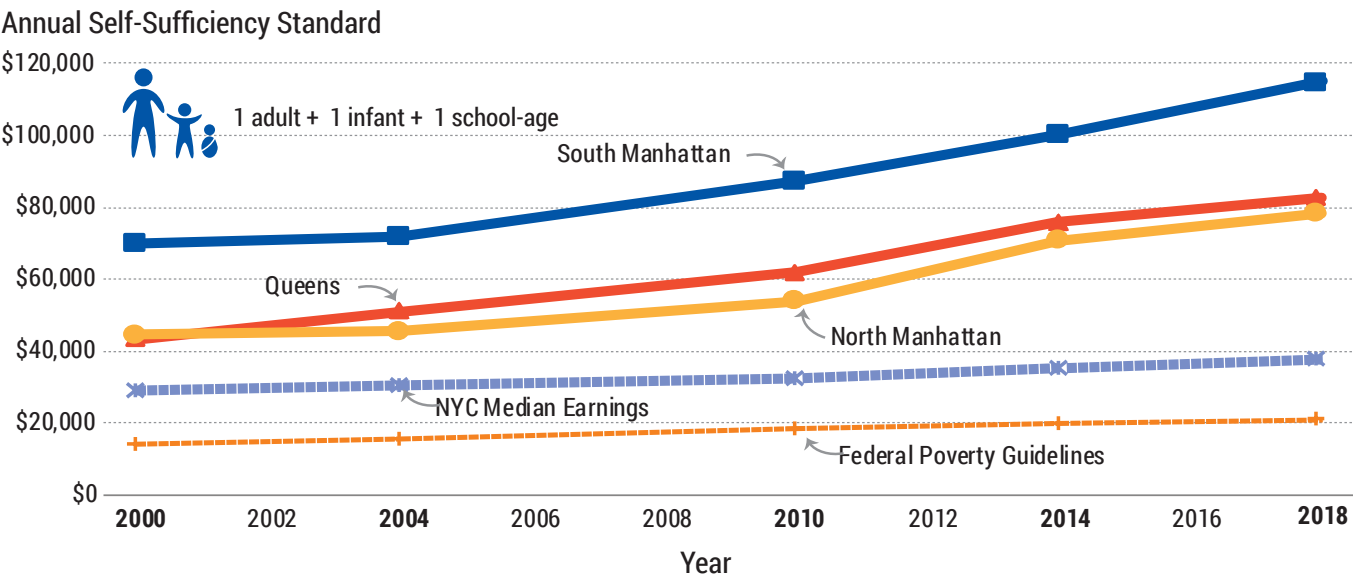
- The two-percentage point decrease in households below the Standard since 2012 primarily represents households who were below the official poverty measure, which decreased from 16% to 14%. That is, while the number of families in poverty according to the OPM has decreased, virtually the same percentage of families (25.7% and 25.8%) are above OPM poverty thresholds but below the Standard, and thus remain *overlooked and undercounted*.

Households below the Standard in New York City in 2016 are better educated and fewer have children than in 2012.

- Reflecting overall demographic shifts, households below the Standard in New York City in 2016 include slightly more childless households (+3.5%) and fewer households with a householder lacking a high school education (-4.4%) than in 2012.
- By far the largest change in the profile, however, is that 11% more householders below the Standard have health insurance coverage in 2016 compared to 2012.

Wages in New York City are Not Keeping up with Rising Costs

The Self-Sufficiency Standard for a family with one adult, one infant, and one school-age child increased by 87% on average, between 2000 and 2018. In contrast, wages have only increased 31%.



**Race, Ethnicity, and Citizenship: The Impact on Making Ends Meet in New York City (BRIEF 3)**

**People of color are disproportionately likely to lack adequate income, particularly Latinx households.**

- Overall, the rates of income inadequacy for every race/ethnic group of color are double or more than the rate for Whites, which is just 24%.
- More than half of Latinx households (56%) have inadequate income. If they are of Mexican origin, two-thirds lack adequate income. Native-born Latinxs and those of South American origin have the lowest rates of income adequacy (44% and 45%, respectively).
- Other race/ethnic groups also have higher than average rates of income inadequacy: Asian and Pacific Islanders (44%), Black or African American (47%), and All Other (two or more races, Alaskan Native, and American Indian) (41%).

**Nearly half of New York City householders are foreign-born, and they bear a disproportionate share of income inadequacy.**

- While only 33% of native-born New Yorkers lack adequate income, 43% of naturalized citizens and 57% of non-citizens lack adequate income.

- Nearly two-thirds of native-born Latinxs in New York City are Puerto Rican, of whom 52% lack adequate income.
- Almost four-fifths of Asian households are foreign born: if they are naturalized citizens, their income inadequacy rate (41%) is near the citywide average of 40%, but if they are non-citizens, 61% lack adequate income.

**Even in a diverse area such as New York City, English proficiency is key to the ability to make an adequate income.**

- Those who do not speak English well have twice the rate of income inadequacy (64%) compared to those who do speak English well (33%).
- Those who are linguistically isolated (all household members over 14 years of age speak a language other than English and speak English less than very well), if Spanish speaking, have an income inadequacy rate of 73%, and if an Asian or Pacific Island language, 67%.



**There are 905,063 households living below the Self-Sufficiency Standard in New York City**



**78%** of NYC householders below the Standard are persons of color



**56%** of NYC householders below the Standard are foreign born



**35%** of NYC householders below the Standard struggle with English



**Gender and Family Structure: The Impact on Making Ends Meet in New York City (BRIEF 4)**

Children, particularly young children, are associated with higher rates of income inadequacy.

- Households with children have income inadequacy rates of 55% (59% if the youngest child is under four) compared to 32% for childless households.
- While 44% of married couples with children lack sufficient income to meet basic needs, the percentage rises to 58% for single fathers, and 75% for single mothers.

The combination of being a woman, a single mother, and a person of color results in the highest levels of income inadequacy.

- 83% of Latina, 74% of African American, and 64% of Asian single mothers lack adequate income. For mothers of color with the youngest child under four, the rate of income inadequacy is even higher, at 85%, reflecting the high cost of child care.
- Within each racial/ethnic group, single-mother households have income inadequacy rates that are 10 to 33 percentage points higher than married-couple households with children.

While increased education leads to reduced levels of income inadequacy for all groups, for women, especially women of color, the impact of higher educational achievement is less than for White men.

- Non-White women with less than a high school education have an income inadequacy rate of 82%, which drops to just 27% with college or more; for White men, the drop is from 65% to 15%.
- While single mothers have the highest rates of income inadequacy, rates of insufficient income drops from 91% for single mothers without a high school degree to 50% for those with a bachelor’s degree or more.

Even with similar levels of work, the disadvantages associated with being a single mother in the labor market results in higher levels of income inadequacy than married-couple or single-father households.

- Among households with children and just one worker but working full time, year round, income inadequacy rates are higher for single mothers (75%) than married couples with children (44%) and single-father households (63%).



**There are 905,063 households living below the Self-Sufficiency Standard in New York City**



**57%** of NYC households below the Standard are headed by women



**49%** of NYC households below the Standard are households with children



**21%** of NYC households below the Standard are headed by single mothers; 4% by single fathers



## Employment, Occupations, and Wages: The Impact on Making Ends Meet in New York City (BRIEF 5)

**It is low wage rates, not lack of work effort, that results in inadequate income.**

- 84% of New York City households (excluding elderly and disabled) below the Standard have at least one worker, and two-thirds of these have at least one full-time year-round worker.
- Those above the Standard work about 5% more hours than those below, but their wages are more than double that of those below the Standard on average (\$33.52 per hour vs. \$12.89 per hour). Increasing work hours of those below the Standard to the level of those above would close only 3% of the earnings gap; increasing the wage rates, however, of those below the Standard to the wage rates of those above would close 92% of the earnings gap.

**The number of adults, and the amount of work, affects income adequacy rates.**

- If one adult is working full-time, 28% have insufficient income, but if only part-time, 70% have insufficient income.
- Two adults, both working full-time results in only 9% of households having inadequate income; if one is full time and the other part time, 27%; if both are part time, 60%, and if only one is working part time, 84% of those households have inadequate income.

**Income inadequacy rates vary substantially by race/ethnicity, so that people of color must work more to achieve the same levels of self-sufficiency as Whites.**

- In households with one full-time worker, one-third of White, but two-thirds of Latinx households lack adequate income.

**As work effort increases (both number of workers and number of hours worked), income inadequacy rates decrease, but returns to work effort are less for people of color.**

- Even among households with two (or more workers), income inadequacy rates differ significantly by race/ethnicity, with only 12% of White but 42% of Latinx households with two or more workers lacking adequate income. The rates for Black (28%) and Asian (34%) households with two (or more workers) fall between those of White and Latinx households.

**Wage rates do not differ by gender as much as by race/ethnicity.**

- Overall, employed women householders' median hourly wages are 86% of those of men householders; below the Standard, there is almost no difference by gender in wage rates.
- However, the wages rates of Latinx householders average 51% of the median hourly wage rates of White householders, and Black householders 63%, while Asian householders average 70% of the median wage rate of White householders.

**Adults who are in households below the Standard are concentrated in relatively low-wage occupations.**

- Of the top 10 occupations in New York City, only two—nurses and general & operations managers—have wages above the Self-Sufficiency Standard for a three-person family in Brooklyn (Excluding Northwest).
- Overall, it is not so much occupational concentration or segregation, by race/ethnicity or gender, that accounts for low earnings of those below the Standard, but rather the very different wage rates of specific jobs within given occupations that contributes substantially to low incomes.
- Of the top 20 jobs held by workers above the Standard, 10 of those jobs are also among the top 20 jobs held by workers below the Standard. However, the wage rates are very different, even for the shared occupations, suggesting that it is the specific jobs, not the overall occupation, that result in too low earnings for workers below the Standard.

## Work Supports: The Impact on Making Ends Meet in New York City (BRIEF 6)

The cost of living in New York City is expensive. For families with young children, the cost of housing and child care combined typically make up half of the family's budget.

- Housing is typically the largest single expense for families, the cost for a two-bedroom unit (including utilities) ranges from \$1,315 per month in North Manhattan to \$2,970 per month in South Manhattan.
- Full time child care for infants is \$1,300 per month, a considerable cost burden for families with very young children; even for children in Pre-K or school-age, costs are \$677 per month.
- Food costs more in New York City than most other places and varies greatly within the city, with groceries costing 66% more in Manhattan than the Bronx.
- Health care costs range from \$178 for a single adult per month to about \$500 for a family with one adult and two children.

When high costs exceed income, families experience hardships, often being forced to choose between which basic need to meet, and which to do without, with near and long-term consequences.

- Three-fourths of households below the Standard are housing-cost burdened, *while more than half (54%) pay more than 50% of their household income for housing* ("severely housing-cost burdened").
- When low-income children are not in subsidized child care, they are more likely to be held back in grades K-12.
- Limited food budget means families will skip meals or select less healthy items so they can pay for fixed-cost budget items, leading to poorer quality diet, decreased health outcomes, additional stress, and burden on food budgeting.

The universal Pre-K program for four-year-olds reduces child care costs by about one-half (comparable to school-age before and after school

care), lifting about 3,500 families above the Self-Sufficiency Standard.

- Adding three-year-olds to this program, as is now being piloted, would lift a total of 5,600 families above the Standard.

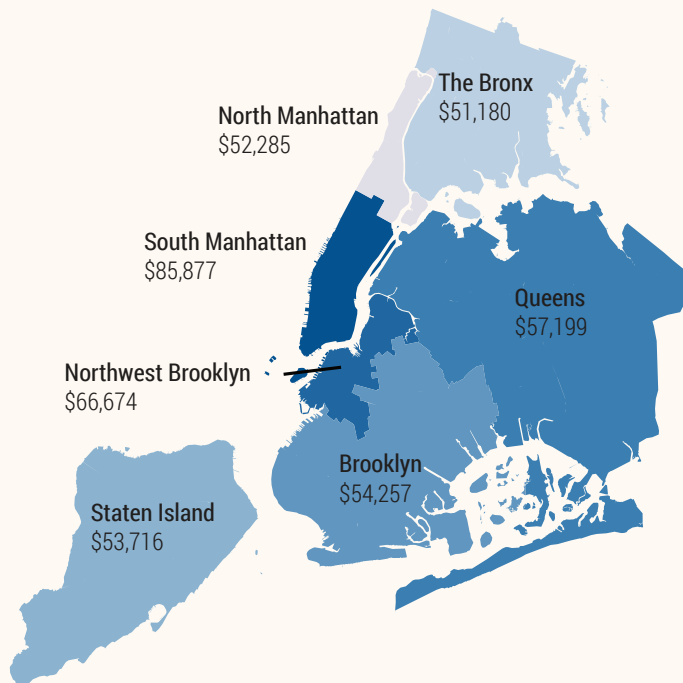
Government work supports—such as Medicaid, housing vouchers, child care subsidies, and food assistance—supplement inadequate wages and are crucial for helping families meet their basic needs. They also enable and support employment. Unfortunately, these supports are not available or accessible to all who need them.

- Approximately one-third of households below the Standard receive SNAP (formerly food stamps) to help meet their nutritional needs. However, many households below the Standard have incomes too high to be qualify.
- Largely due to the expansion of Medicaid and other provisions through the Affordable Care Act, health insurance coverage increased from 84% to 91% of all households between 2012 and 2016. Those not covered include many who are foreign-born, as well as, those where employers don't offer affordable health insurance.
- At the minimum wage, a single parent with two school-age children in the Bronx can only cover 48% of her expenses. That is, her "wage adequacy" is less than half of what she needs to cover her basic expenses. However, with the help of child care assistance, she can cover 62% of her needs. Adding food assistance reduces her groceries budget and raises her wage adequacy to 66%. With the additional help of Medicaid and the Child Health Plan, which reduce her health care costs, her wage adequacy rises to 78%. If she also receives help with housing costs, she can cover all of her family's basic needs. In 2019 the minimum wage will increase to \$15 per hour. This will increase her base wage adequacy from 48% to 55%, as well as increase with each additional support.

# Wages are Not Keeping Up with Expenses

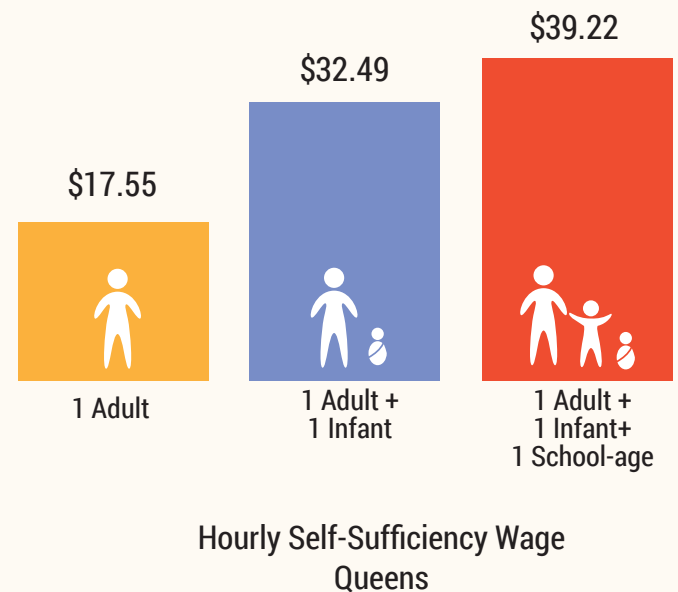
## The Cost of Living Varies By Location

The Standard varies across, and within, New York City boroughs. An adult with a school-age child needs \$51,180 to \$85,877 annually to meet basic needs depending on borough.



## The Cost of Living Varies by Family Type

Reflecting the high cost of child care, households with young children have the highest Self-Sufficiency Standards. For example, a single adult in Queens needs a full-time job earning \$17.55 per hour to meet basic needs. However, an adult with one infant needs to earn \$32.49 per hour to be self-sufficient.



## The NYC Self-Sufficiency Standard increased 87% on average

The costs of basic needs increased at nearly three times the rate of wage increases between 2000 and 2018



But wages only increased 31%





# Households at Risk for Income Inadequacy



## Households with Children Have a Greater Risk of Not Meeting their Basic Needs

The presence of children, especially young children, in a household almost doubles the likelihood of having inadequate income. The combination of being a woman, having children, and solo parenting is associated with the highest rates of income inadequacy—*particularly for single mothers of color.*

### NO CHILDREN

Married Couple or Men (no spouse)

18% 37%

White

Women (no spouse)

25% 45%

Non-White

### YOUNG CHILDREN

Married Couple or Single Father

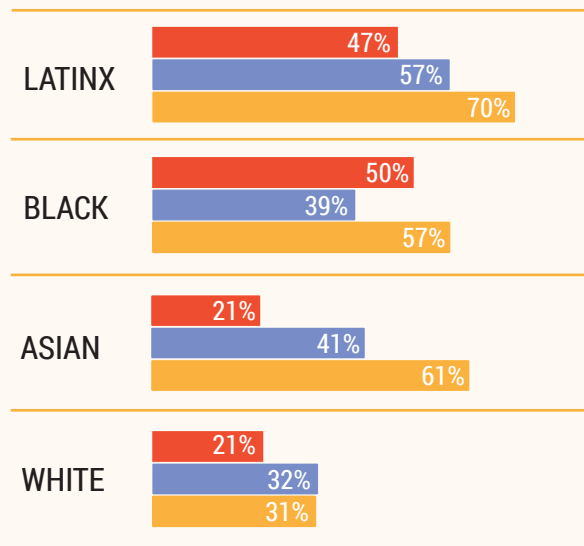
38% 60%

Single Mother

64% 85%

Income Inadequacy Rate

## Income Inadequacy Rate



## People of Color are More Likely to Lack Adequate Income, Especially Non-Citizens

Across family composition, educational attainment, and work status, people of color experience high income inadequacy rates—*particularly without citizenship.*

Latinx householders who are not citizens have income inadequacy rates that are 39 percentage points higher than householders who are White non-citizens.



Native born



Naturalized



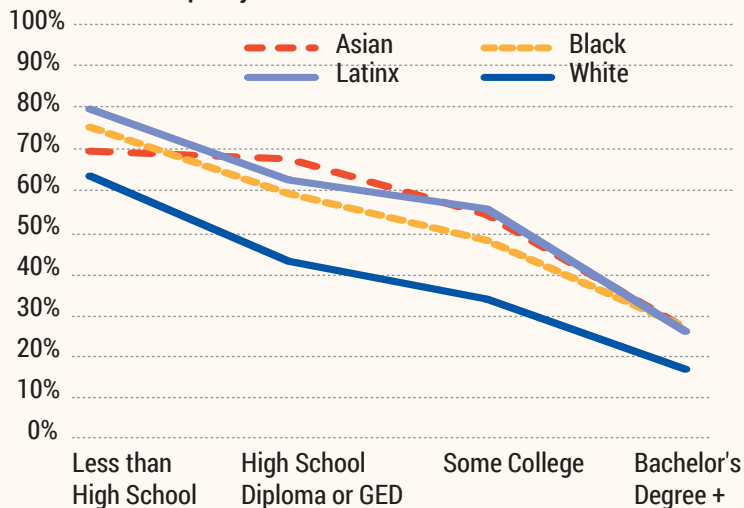
Not a citizen

## A High School Diploma is Not Enough to Lower Risk of Income Inadequacy

While increased education lowers income inadequacy rates, at each educational level, income inadequacy rates are still higher for people of color. Latinx householders with less than a high school education experience an income inadequacy rate that is 17 percentage points higher than White householders who lack a high school degree (80% vs. 63%).



## Income Inadequacy Rate



# Work Does Not Guarantee Income Adequacy

## New York City Wages are Falling Short



Only **TWO** of the top ten occupations in the NY-NJ-PA Metropolitan Area have median wages above the Standard for a family with 1 adult, infant & 1 school-age child in Brooklyn (excluding NW).

**84%** of NYC households\* below the Standard have at least one worker

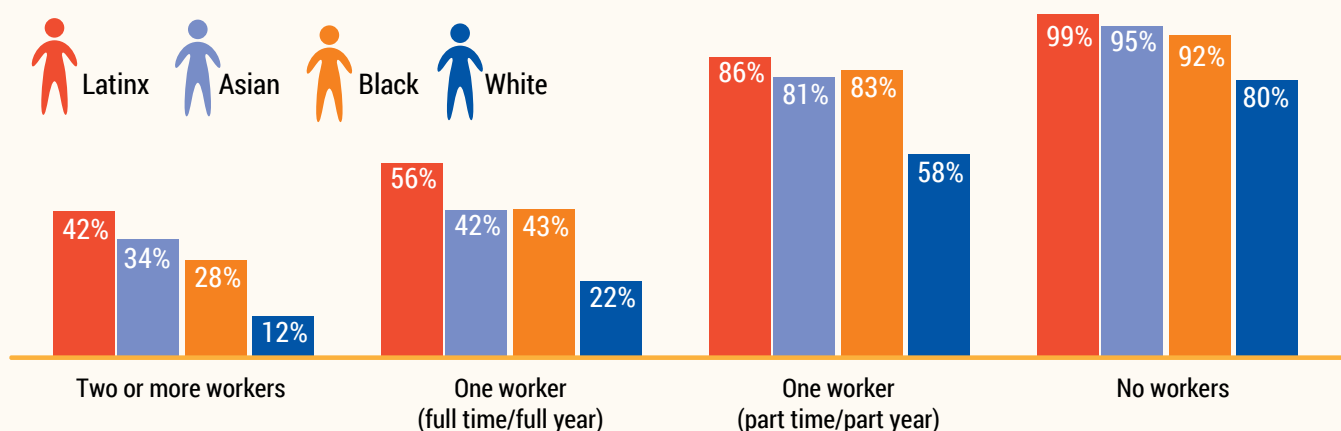
**66%** of those households have at least one full-time year-round worker.

*\*The data excludes the elderly and disabled*



## For Most Families One Full-Time Worker is Not Enough

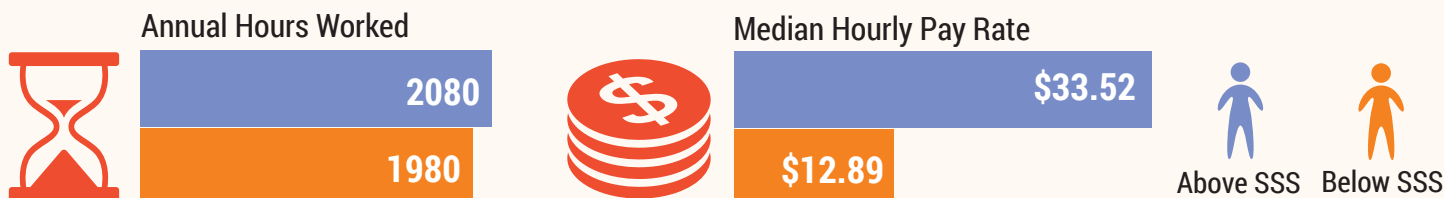
As work effort increases (both number of workers and number of hours worked), income inadequacy rates decrease, but returns to work effort are less for people of color. Even when there are two or more workers, 42% of Latinx households have inadequate income.



Percentage of Households Below the Self-Sufficiency Standard

## Wages, Not Hours, Have Largest Impact on Wage Adequacy

Increasing the work hours of those below the Standard to the level of those above would only close **3%** of the earnings gap, while increasing the wage rates without changing hours worked, would close **92%** of the earnings gap.





# Policy Landscape

Several government policy actions taken since the last Self-Sufficiency Standard was published in 2014 have meaningfully contributed to economic improvements for New York City families and underscore the value of good public policy. At the top of this list is the steady increase in New York State's minimum wage since 2013 when the state acted to raise it above the federal minimum wage level of \$7.25 an hour. By 2019 all New York City workers will be covered by a \$15 minimum wage. Raising the wage floor in such a concerted way largely explains the 11 – 12% wage increases for the lowest-paid third of the city's workforce since 2013. This policy change made a powerful difference for many New Yorkers, but it is critical to note that even an hourly wage of \$15 does not constitute a self-sufficiency wage for most New York City households across the five boroughs. Furthermore, we need to ensure these gains are not lost over time as living costs continue to rise and acknowledge that the current minimum wage increases have left out tipped workers in New York City that receive a subminimum wage.

Other impactful policy changes include:

- New York State enacted one of the best paid family leave policies in the country in 2016, with the law taking effect at the beginning of 2018.
- The Rent Guidelines Board made a real dent in New York City's housing affordability challenges starting in 2013 by tightly limiting allowable rent increases for a million rent-stabilized apartments.
- In 2014, New York City undertook a dramatic expansion of full-day universal pre-kindergarten, known as Pre-K for All. As the report estimates, over 3,500 more families with a four-year-old are no longer counted as below the Standard because of the budget reduction provided by the City's Pre-K for All program. The City's pilot 3-K for All, which would expand free preschool to 3-year-olds as well, could further impact the nearly 50,000 households in New York City with 3-year-olds with incomes under the Standard.
- In June 2017, the City instituted free-universal school lunch for all 1.1 million New York City School students, which translates into an estimated \$300 a year in savings per student per family each school year.
- As part of the 2018 budget agreement, the City Council and the Mayor funded the "fair fares" policy agenda of providing half-price transit fares for as many as 800,000 low-income New Yorkers.
- Under the federal Affordable Care Act, considerable progress was achieved in reducing the number of New Yorkers without health insurance from 9.3% of New Yorkers being uninsured in 2015, to 7.2% of New Yorkers uninsured in 2017.<sup>1</sup>

Benefits from these policy changes have reached many New York City workers and their families but the incomes of millions of New Yorkers still fall short of what is needed to make ends meet. To preserve and push forward the progress that has been made in New York City to date, it is critical to be vigilant against adverse federal policy actions that have in some cases already started to reverse these gains.

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<sup>1</sup> U.S. Census Bureau, 2017 American Community Survey 1-Year Estimates

# Policy Recommendations

With 40% of households in New York City living below the Self-Sufficiency Standard, it is clear more must be done to help move low-income New Yorkers toward self-sufficiency. This report's recommendations for policy changes focus on increasing wages and decreasing cost of living to significantly reduce the number of people living below the Standard or just above it. This report acknowledges that the challenges facing those below the Standard are complex and interdependent. As such, we call on leaders across all sectors—government, philanthropy, educational institutions, the private sector, and the not-for-profit world—to examine practices, mobilize colleagues, and become part of the solution for advancing self-sufficiency in New York City.

Between April and August 2018, a series of cross-sector working groups comprised of 32 issue experts from across New York City convened to develop an initial list of policy recommendations driven by *Overlooked and Undercounted 2018*. These were winnowed down to include recommendations that fit the following criteria:

1. Policy changes that would be most impactful on increasing income
2. Policy changes that would be most powerful in reducing major nondiscretionary costs
3. Policy changes that would reach a broad audience, inclusive of traditionally marginalized populations
4. Policy changes that advance coordinated and interconnected solutions
5. Policy changes that have already gained traction legislatively and/or have established public support

## EARNINGS & WORKING CONDITIONS

The cost of living in New York City has risen at nearly three times the rate of wages. Of working age households (excluding elderly and disabled) with incomes below the Standard, 84% have at least one worker, and two-thirds of these have at least one full-time year-round worker. Although some New Yorkers work less than full-time, increasing work hours of those below the Standard to the level of those above would close only 3% of the earnings gap; increasing the wage rates would close 92% of the earnings gap. Furthermore, the Self-Sufficiency Standard report underscores that the gender and racial wage gaps make achieving a self-sufficiency income even more difficult for women and people of color.

**Increase wages to align with the true cost of living.** The greatest driver of increased self-sufficiency is higher wages. The state minimum wage will reach \$15 for all workers on December 31, 2019.<sup>1</sup> While New York has made significant progress through its recent minimum wage increases, it is critical that these gains are not lost over time. **We recommend the following actions:**

- **Index the \$15 minimum wage annually to keep pace with inflation and maintain the value of the wage increase over time.**
- **Eliminate the tipped wage credit.** (Note: The Governor has requested a review by the NYS Department of Labor).<sup>2</sup>

### **Address wage gap for women and people of color.**

According to recent analysis, if women and people of color were to receive wages equal to those of men for comparable jobs, poverty among working women and their families would be cut in half and add a staggering \$513 billion to the national economy.<sup>3</sup> Women and people of color are more likely to work in sectors, occupations and specific jobs that pay lower wages. This is particularly true in the child care and human services sector workforce, where insufficient wage rates are often driven by

government contracts. Many of these jobs are essential and cannot be replaced with technological advancement or use of artificial intelligence. **We recommend the following actions:**

- **Increase wage transparency in order to reveal racial and gender disparities in both the public and private sectors for the same jobs.**
- **Engage City government, employers and other institutions in a private-public partnership to work collaboratively to reduce gender and racial wage gaps.**
- **Provide more than one year of funding to enable nonprofits with state human service contracts to cover the minimum wage increase.** While the City has provided additional funding for the next year to bring all human service contract employees wages up to the new minimum wage, this funding is inadequate to address the subsequent wage compression, and should be expanded to address the later inequity. Not doing so will make retention of experienced and committed workers a challenge.
- **Expand funding to develop career ladders for nonprofit human services workers under contract to the City of New York.** The career ladder system for 10,000 child care workers (funded in the City's 2015 budget) is up and running and can serve as a model. The City should move forward to design and implement a similar system that well-serves the career advancement needs of other human services workers, ensuring that this indirect city workforce has improved opportunities to see their pay rise as they acquire additional training, education and experience.

#### **Fund targeted workforce development training programs.**

Technological advances and globalization are changing which jobs are in high demand and which might move elsewhere. Given these workforce trends, it is crucial to understand what are the occupations that local industries and services will demand, and how can we support New Yorkers in skilling up toward those occupations. In addition, apprenticeships programs are a great way of getting

a foot in the door or changing career tracks, but women and people of color are underrepresented in these programs due to lack of access and insufficient wage or stipends. **We recommend the following actions:**

- **Identify and fund evidence-based workforce development and training programs that help all workers skill up and prepare for a changing job market.**
- **Build pathways to apprenticeships, internships, fellowships and other nontraditional, temporary positions for women and people of color by expanding recruiting, providing a livable wage and other strategies to promote greater access for traditionally underrepresented groups.**

## **BENEFITS AND SUPPORTS**

By supplementing inadequate wages, government work support programs—such as Medicaid, housing vouchers, child care subsidies, and food assistance—provide access to key resource that enable and support employment. However, current eligibility policies create a hardship for some families striving to increase earnings through what is known as the “cliff effect”—when a small increase in a household’s income surpasses the eligibility threshold, resulting in the family losing eligibility for public assistance programs. Often, the value of a lost or reduced benefit can exceed the small increase in wages. While this “cliff effect” plays out differently depending on the specific benefit, it is especially stark for child care and housing subsidies.

**We recommend the following actions:**

- **Reduce the cliff effect for child care and housing by creating more of a “slope” rather than a sudden drop off in benefits.** For example, taper off benefits rather than ending them abruptly.
- **Oppose the Department of Homeland Security’s proposed rule to re-define “public charge.”** Immigrants and their families should be able to access SNAP, Medicaid, and housing assistance

without jeopardizing their path to permanent residency.

- **Enhance local low-income tax credits including the State and City's Earned Income Tax Credit (EITC), Household Credit, and Child and Dependent Care Credit, particularly when refundable.**

## HOUSING

Housing is typically the largest single expense for families. This budget item increased 111% on average between 2000 and 2018—the item with the single largest increase over time. Housing is unaffordable for three-fourths of households below the Standard and the availability of housing assistance is extremely limited with lengthy wait lists. A significant housing cost burden too often leads to stark choices: doubling up, inadequate housing, or homelessness.

**Renew and strengthen rent regulation laws.** New York City's 966,440 rent-stabilized apartments (44 percent of occupied rentals) protect tenants from high rent increases and give them the right to renew their leases. Though not an income-tested program, regulated units provide below-market housing to about 400,000 low-income New Yorkers. However, rent regulation has been systematically weakened over the years. Currently, tenants have a limited time window to verify whether they are charged legal rents and the process to obtain information about rental history can be cumbersome. **We recommend the following actions:**

- **Repeal high rent vacancy deregulation, which allows apartments to exit rent stabilization when the rent in a vacant unit reaches a threshold, currently set at \$2,733.**
- **Eliminate the vacancy bonus, which allows for rent increases of about 20 percent when a new tenant signs a new stabilized lease.** Because apartments have a high rent deregulation threshold, in practice, the vacancy bonus provides

an incentive for landlords to encourage tenant turnover.

- **Reform the preferential rent provision to require landlords to offer rent-stabilized tenants renewal leases at rents based on the rent actually paid under the previous lease, not a higher registered rent.**
- **Establish a unified public database for stabilized rental units to streamline access to key information and increase transparency for prospective and existing tenants, researchers, and policy advocates.**
- **Strengthen enforcement of rent stabilization laws through increased resources and oversight.**

**Strengthen current eviction and homelessness prevention supports.** With about 62,000 people in New York City's shelter system, there is an urgent need to scale up the rent assistance program. Existing programs fall short due to the maximum subsidy per household being too low to cover market rents and lengthy waitlists. However, positive steps recently announced by the City to consolidate and remove time limits on many rent assistance programs available to homeless families should help. In addition, the City's groundbreaking Right to Counsel program launched in 2017, will give all low-income (up to 200 % of the FPL) tenants facing eviction access to legal services by 2022. Most cases in the City's housing court are initiated by landlords who typically have representation while the vast majority of tenants do not. As a result, unjust and preventable evictions are commonplace, especially in neighborhoods with rising rents. **We recommend the following actions:**

- **Expand the small rental assistance expansion pilot, now targeting only 240 households, in the 2018 State budget.**
- **Expand the Right to Counsel program.** Include connecting tenants to attorneys before court and raising the income threshold to the Self-Sufficiency Standard to ensure it reaches every tenant in need.

**Invest in Public Housing.** The New York City Housing Authority (NYCHA) provides affordable housing, with rents set at 30% of household income, for over half a million city residents. Following decades of disinvestment from all levels of government, the authority is struggling for survival as it faces physical decline and an enormous backlog of needed capital improvements to its aging infrastructure, estimated to cost \$31.8 billion.<sup>4</sup> Residents must cope daily with accelerating deterioration—leaking roofs, failing elevators, fragile plumbing, crumbling facades, toxic mold, vermin, and broken boilers. **We recommend the following actions:**

- **Provide an infusion of resources and management reforms to preserve this source of affordable units.**

## CHILD CARE

The presence of children, especially young children, in a household almost doubles the likelihood of having inadequate income. This is in part because child care is one of the biggest budget items for families with children: average monthly costs of full-time care are over \$1,300 for infants, just over \$1,000 for 3-year old children, and \$677 for preschool and school-age children over 4 years old. High child care costs are a significant factor leading to higher rates of income insufficiency for households with children: 55% of households with children are not self-sufficient, compared to 32% of childless households. Access to stable, year-round full day child care promotes self-sufficiency by enabling parents to work, attend school or participate in workforce training activities.

**Increase access to affordable child care.** Only 14% of income eligible infants and toddlers (up to age 3) can currently receive subsidized early childhood education in New York City due to a lack of vouchers and center slots.<sup>5</sup> New York City's universal Pre-K program has made significant strides in reducing some child care costs for working families. In the 2017-2018 school year, 67,881 children were enrolled in full-day Pre-K, saving families an average of \$10,000 annually on childcare costs. According

to the Standard, New York City's universal Pre-K program for four-year-olds reduces child care costs by about one-half, lifting about 3,500 families above the Self-Sufficiency Standard. As of the school year 2018-2019, 3-K for All will be available in 6 out of 34 districts; if it were expanded citywide, it would decrease costs of child care for nearly 50,000 households in New York City. Furthermore, many low-income families participate in EarlyLearn NYC, New York City's full-day, full-year 0-5 early childhood program. And yet, these programs are still not yet reaching all those who need them. **We recommend the following actions:**

- **Increase the number of child care vouchers to cover the cost of care for low-income families and ensure that these vouchers are more evenly distributed across high-need communities.**
- **Fully fund 3-K for All to expand the program citywide.**
- **Ensure the continued availability of full-day, full-year programs for families including families of children 0-2 years old.**

**Implement strategies to support child care access for families that work non-traditional hours.** Parents who work nights, weekends, attend school, or who have irregular schedules—often at jobs that have lower pay and fewer benefits—have limited child care options.<sup>6</sup> Affordable child care at places of work supports career growth and contributes to employee retention. Furthermore, integrating child care centers into neighborhood sites such as public housing community centers, settlement houses and community colleges enables parents to pursue educational opportunities and expand opportunities for well-paying jobs. **We recommend the following actions:**

- **Fund child care centers that operate non-traditional hours.**
- **Incentivize businesses to provide child care for employees either through on-site centers or as a benefit.**



- Enact proposed legislation to pilot on-site, subsidized child care for municipal city employees.<sup>7</sup>

**Improve quality of child care.** The teachers, directors and staff at city-contracted community-based early childhood education programs are paid salaries significantly less than their counterparts in public educational institutions. Salary parity would help providers attract and retain qualified staff, which would improve the quality of early child care. This would also move the early childhood educator workforce toward Self-Sufficiency (see Workforce Development recommendations). **We recommend the following actions:**

- Ensure early childhood educators receive salaries and benefits that are comparable to those of teachers with similar credentials in school-based programs.

## FOOD

Over 1.2 million people in New York City, nearly one-third of whom are children, experienced food insecurity in 2015.<sup>8</sup> Unlike other basic needs, the grocery budget can be reduced, or supplemented with private assistance, such as through visits to food pantries or a collection of community established food programs. The result of this “flexibility” is a poorer quality diet, decreased health outcomes, additional stress and burden on food budgeting, decreased adults’ work performance, and negative impact on children’s academic achievement and health levels.

**Lower food costs.** Food costs more in New York City than most other places across the country and the difference in food costs is even more dramatic across the boroughs. Using the same family type, purchasing groceries in Manhattan will be 66 percent higher than in the Bronx. The Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, provides critical nutritional support for low-wage workers and reduces food insecurity rates. **We recommend the following actions:**

- Continue City efforts to simplify SNAP application and recertification processes including improving data sharing among city and state agencies so that New Yorkers can apply for several benefits simultaneously.
- Expand funding and awareness for SNAP nutrition incentives, including the City’s Health Bucks program, that increases the affordability of healthy food, and explore expanding participation in the SNAP program by food retail stores, CSAs, and food cooperatives.

### Increase access to affordable healthy food options.

In 2016, only 31% of families below the Standard received SNAP. Many other families that struggle simply do not qualify for SNAP because the income eligibility standards use the federal poverty guidelines, which limit access to food assistance in high-cost places. Without this critical food assistance program, families turn to the emergency food system and a host of community-driven food solutions to make ends meet. **We recommend the following actions:**

- Strengthen the emergency food system through full funding of the City’s Emergency Food Assistance Program (EFAP), the State’s Hunger Prevention and Nutrition Assistance Program (HPNAP), supporting pantry choice models and funding administrative and operational support costs.
- Ensure SNAP purchases are accepted at all varieties of fresh food outlets, from farmers’ markets to cooperative stores.

## HEALTH CARE

Without health insurance, seeking appropriate medical care is too often delayed until health and financial status is more severely impacted, pushing households further from self-sufficiency. Much progress has been made in recent years under the ACA and New York State actions to expand Medicaid and other affordable health care programs in extending health insurance coverage.

**Expand access for uninsured New Yorkers including immigrant and undocumented residents.** Of households below the Standard, 14% lack health insurance. Three-fourths of those householders are foreign born and 62% are non-citizens. Of the estimated 665,000 New York City residents (8 percent) who lacked health insurance coverage in 2016,<sup>9</sup> most of those not eligible for Medicaid or ACA subsidies, are undocumented. **We recommend the following actions:**

- **Expand outreach through the NYC Health + Hospital Corporation's Options program that provides reduced and affordable medical fees to reach more of the uninsured.**
- **Re-open the City's Action HealthNYC that operated on a demonstration basis in 2015 and 2016 to provide uninsured immigrants and others with access to coordinated primary and preventive services.**

#### **Ensure equity in New York State's Indigent Care Pool.**

In New York City, further efforts are needed to ensure the continued financial viability of the Health + Hospitals network of safety net hospitals that provides the bulk of care for the city's low- and moderate-income communities, communities of color, and undocumented immigrants. Safety net funding for hospitals is partly addressed through New York State's Indigent Care Pool that allocates upwards of \$1 billion annually in Disproportionate Share Hospital Funding. The public safety net hospitals have come under financial pressures partly because of increased patient numbers and assuming a greater responsibility for poorly reimbursed inpatient services like mental health services and substance abuse treatment.<sup>10</sup> **We recommend the following actions:**

- **Support State legislation to establish an enhanced safety net hospital program to target enough medical assistance payments to the mainly public hospitals which serve the uninsured or Medicaid recipients.<sup>11</sup>**

## **Endnotes**

1. For businesses with 11 or more employees, \$15 will be required as of December 31, 2018.
2. New York State would join the seven other states (AK, CA, MN, MT, NV, OR, and WA) that do not have a sub-minimum wage for tipped workers (including those in restaurants, car washes, and nail salons.)
3. The Institute for Women's Policy Research (IWPR). (March 28, 2018) *The Status of Women in the States: Economic Impact of Equal Pay by State*. Washington, DC. [http://statusofwomendata.org/wp-content/uploads/2016/02/SWS-Equal-Pay-and-Poverty\\_final.pdf](http://statusofwomendata.org/wp-content/uploads/2016/02/SWS-Equal-Pay-and-Poverty_final.pdf)
4. STV AECOM PNA – A Joint Venture. (March 25, 2018) *Physical Needs Assessment 2017*. Report prepared for New York City Housing Authority, New York City. <https://www1.nyc.gov/assets/nycha/downloads/pdf/PNA%202017.pdf>
5. Citizens' Committee for Children and Campaign for Children. September 2015. *NYC's Early Childhood Education System Meets Only a Fraction of the Need*. [http://www.campaignforchildrennyc.com/wp-content/uploads/2015/09/Child-Care-Need-2015\\_final.pdf](http://www.campaignforchildrennyc.com/wp-content/uploads/2015/09/Child-Care-Need-2015_final.pdf)
6. "Who Minds the Kids When Mom Works a Nonstandard Schedule?" Maria E. Enchautegui, Martha C. Johnson, Julia Gelatt. Urban Institute, 2015.
7. Jorgensen, Jillian. "Letitia James pushes pilot daycare program for city workers' kids." *New York Daily News*, 25 April 2018, <http://www.nydailynews.com/new-york/letitia-james-pushes-pilot-daycare-program-city-workers-kids-article-1.3952925>
8. Feeding America, 2015.
9. U.S. Census Bureau, 2017 American Community Survey 1-Year Estimates.
10. Community Service Society, January 2018. "Unintended Consequences: How New York State Patients and Safety-Net Hospitals are Shortchanged."; Barbara Caress and James Parrott. October 2017. On Restructuring the NYC Health + Hospitals Corporation, Preserving and Expanding Access to Care for All New Yorkers, a report to the New York State Nurses Association.
11. This legislation was passed in both 2016 and 2017 (A07763 in 2017) but vetoed by Governor Cuomo.

# Glossary of Key Terms

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**American Community Survey (ACS).** The ACS is a sample survey of over three million addresses administered by the Census Bureau. The ACS publishes social, housing, and economic characteristics for demographic groups covering a broad spectrum of geographic areas with populations of 65,000 or more in the United States and Puerto Rico.

**API.** The abbreviation API is used in some of the tables and figures for Asian and Pacific Islander householders.

**Official Poverty Measure (OPM).** There are two versions of the OPM. When this study uses OPM to reference the number of households in poverty, we are referring to the thresholds calculated each year by the Census Bureau to determine the number of people in poverty (often referred to as poverty thresholds). When this brief uses the OPM in terms of programs or policy, we are referring to the federal poverty guidelines, developed by the Department of Health and Human Services (HHS), used by federal and state programs to determine eligibility and calculate benefits (often noted as the federal poverty guidelines, or FPG). Note that Census Bureau poverty thresholds vary by household composition, i.e., the number of adults and the number of children in a household, while the HHS poverty guidelines only vary by household size.

**Household.** The sample unit used in this study is the household, including any unrelated individuals living in the household. When appropriate, the characteristics of the householder are reported (e.g., race/ethnicity, citizenship, educational attainment). When a variable is reported based on the householder it may not reflect the entire household. For example, in a household with a non-citizen householder, other members of the household may be citizens.

**Householder.** The householder is the person (or one of the persons) in whose name the housing unit is owned or rented or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees.

**Income Inadequacy.** The term income inadequacy refers to an income that is too low to meet basic needs as measured by the Self-Sufficiency Standard. Other terms used interchangeably in this brief that refer to inadequate income include: “below the Standard,” “lacking sufficient (or adequate) income,” and “income that is not sufficient (or adequate) to meet basic needs.”

**Latinx.** Latinx refers to Hispanic/Latinx ethnicity, regardless of race. Therefore, all other race/ethnic groups used in this brief are non-Hispanic/Latinx. Note that Latinx is a gender-neutral or non-binary alternative to Latino or Latina for persons of Latin American origin.

**Person of Color.** Due to smaller sample sizes of some racial/ethnic groups, some analyses in this brief compare White (non-Hispanic/Latinx) householders with non-White householders (including Latinx/Hispanic householders). The text uses the terms non-White and people of color interchangeably to refer to households in which the householder is not White.

**Self-Sufficiency Standard (SSS).** The SSS measures how much income is needed for a family of a certain composition in a given county to adequately meet their basic needs without public or private assistance.

**Single Father/Single Mother.** A man maintaining a household with no spouse present but with children is referred to as a single father. Likewise, a woman maintaining a household with no spouse present but with children is referred to as a single mother. Note the child may be a grandchild, niece/nephew, or unrelated child (such as a foster child).

## Explore Online

*Overlooked and Undercounted 2018* findings are explored through a series of briefs. The series contains six briefs plus policy recommendations, along with interactive maps, dashboards, and a data file of tables by borough. Explore more at [www.unitedwaynyc.org/self-sufficiency-2018](http://www.unitedwaynyc.org/self-sufficiency-2018).



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Dr. Diana Pearce developed the Self-Sufficiency Standard while she was the Director of the Women and Poverty Project at Wider Opportunities for Women (WOW). The Ford Foundation provided funding for the Standard's original development.

The conclusion and opinions contained within this brief do not necessarily reflect the opinion of those listed above, WCECA, or United Way of New York City. Any mistakes are the author's responsibility.

## About the Center for Women's Welfare

The Center for Women's Welfare at the University of Washington School of Social Work is devoted to furthering the goal of economic justice for women and their families. Under the direction of Dr. Diana Pearce, the Center focuses on the development of the Self-Sufficiency Standard and related measures, calculations, and analysis. For more information about the Center call (206) 685-5264. This brief as well as all other state reports, and all Self-Sufficiency Standard datasets, can be found at [www.selfsufficiencystandard.org](http://www.selfsufficiencystandard.org).

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We appreciate the Working Group participants and their agencies for their support and assistance in the development of policy recommendations stemming from *Overlooked and Undercounted 2018*.

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September 19<sup>th</sup>, 2019

**Pay Equity Testimony for the Commission on Gender Equity:**

I would like to thank the Chair of the Commission on Gender Equity for hosting this hearing today, and I look forward to testimony from New Yorkers on how their employment opportunities, financial security, and well-being have been unfairly impacted by discrimination on the basis of their gender identity and gender expression.

As Co-Chair of the Women's Caucus and a member of this Commission, I am proud to be a part of a body which has passed historic legislation that breaks down the deeply entrenched and unjust practice of pay inequity. Even before I took office, the Women's Caucus fought for the passage of the salary history ban in 2016 in order to break the cycle of underpaying women. Thanks to this legislation, prospective employers can no longer ask applicants about their former salaries, a practice which perpetuated the wage gap by tying women to their previous, disproportionately low salaries. We have also worked to hold the city accountable by requiring salary information be published to ensure transparency across the board. In 2018 we passed legislation that requires the Mayor's Office of Data and Information to examine differences in salary across gender, ethnicity, and race to root out inequality. Even with these victories, we are still confronted with barriers to economic equity, as this is an issue shaped by institutional racism and gender bias.

Only a few weeks ago, my colleagues and I commemorated Black Women's Equal Pay Day. Not only do Black women earn, on average, 65 cents to a white man's dollar, but in order to make the same salaries their male counterparts make in a fiscal year, they would have to work an additional seven months. This comes out to over \$24,000 of lost income for women of color in New York City, and it is a glaring reminder that the work and economic contributions of women remain severely undervalued.

As we continue to strive to improve the economic mobility of women, we know that this work would not be possible without the shared experiences and advocacy of many of you here today. As a Commission, we are striving to ensure that the work of women, non-binary, transgender, and gender non-conforming individuals is fairly recognized, and I thank you all for your participation today.

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GENDER EQUITY**

**COMMITTEES**  
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SMALL BUSINESS

**Remarks: Commission on Gender Equity Pay Parity Hearing  
September 19, 2019**

Good evening -- I'm Helen Rosenthal and I'm proud to chair the Committee on Women and Gender Equity at the New York 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 organizing this hearing, and thank you to all who are testifying today.

Our committee will be paying close attention to what is learned today. We're especially interested in how existing pay equity policies have performed, and we 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 is 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.

The impacts of pay inequity are profound. It directly affects children because women are the sole or co-breadwinners in half of American families.

It is also a senior issue. As we learned at a recent City Council hearing -- by the time women in New York City reach their 80s, almost one-in-four 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 the workforce to care for family members.

Part of the solution to wage inequity is eliminating gender-based harassment. Women, and Lesbian, Gay, Bi, Trans, and Gender Non-Conforming people cannot achieve economic empowerment if they are being harassed and abused at work, plain and simple.

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' right 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 able-ism across society.

My colleagues and I will keep pushing forward legislation and other initiatives that will help close our wage and opportunity gaps once and for all. We are not going to wait for economic justice.

All we are fighting for is fairness. The days of paying women a lower salary -- especially black women, Latina women, and trans women -- must come to an end. Just as the days of paying marginalized workers like immigrants and people with disabilities, must come to an end.

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

**COMMISSION ON GENDER EQUITY  
PUBLIC HEARING ON PAY EQUITY  
SEPTEMBER 19, 2019**

My name is Bobbie Sackman of the Radical Age Movement. On behalf of thousands of older women in NYC living in quiet desperation because they can no longer find employment and struggling daily with economic insecurity, I would like to thank Jacquelyn Ebanks, Executive Director, Commission on Gender Equity, Commissioner Carmelyn P. Malalis, City Commission on Human Rights and Commissioner Lorelei Salas, Department of Consumer and Worker Protection for holding this important hearing on pay equity. The older adult population's rapid growth in NYC has led to older workers becoming a major part of our city's future and workforce. Thank you for understanding the impact of pay equity and age discrimination by including issues of older women in today's hearing. ***The time for including age justice issues of older women in a feminist agenda across the lifespan has come.***

Radical Age Movement is a non-profit based in New York City that rejects long-standing misinterpretations of aging. Our goal is to end these misperceptions and skewed attitudes toward aging so that people of all ages, races, classes, genders, and sexualities can participate productively in areas of cultural, professional and community life. Simply put, Radical Age Movement (RAM) was founded to confront ageism in its myriad of forms – economic security, workplace discrimination, health care, protecting the safety net including Social Security, Medicare and Medicaid, cultural and societal discrimination and stereotypes, internalized ageism and other parts of life.

**Thousands of older women, age 50+, across New York City face multiple economic and age justice issues:**

- ✓ *Lessons of the history of pay inequity are being lived out by older women.* As thousands of older women in NYC age into poverty, we can witness the financial devastation pay inequity has on the generations over the course of their work life.
- ✓ *Rampant age discrimination, age 50+, in the workplace.* Nationally, more than one-half of adults in their early 50s experience involuntary job separation – they're fired. Further detailed data is delineated later in this testimony. Since no NYC or NY state study has ever been done on the extent of age discrimination in the workplace, we have only national statistics to use.
- ✓ *Caregiver responsibilities* forcing women to forgo promotions or all too often to leave their jobs thereby losing quarters in the Social Security system leading to lower benefits. Time out of the workplace for child care has the same impact. Women often get hit at both ends of their caregiving life.
- ✓ *Personal bankruptcy skyrockets after age 65* due to inadequate income and medical bills. These are individuals already on Medicare. A national study reports that Medicare for All would decrease poverty by 22% as low income Americans spend one out of 5 dollars on health care. This makes Medicare for All a profound anti-poverty program as well as a way to establish an affordable, accessible health care system for all. There is a link to an article below. This could also hold true for the NY Health Act, legislation for a single payer bill that includes long term care.

<https://jacobinmag.com/2019/09/medicare-for-all-poverty-out-of-pocket-expenses>

**Nationally, only five years from now in 2024, women, age 55+, are projected to be 25% of the women's labor force** which is double their share from 2000. The Bureau of Labor Statistics reports that two times as many age 55+ women as women age 16-24, by 2024, will be in the workforce. Women age 65+ make up roughly the same percentage of the female workforce as older men do of the male workforce. **Clearly, older women are part of the future too!**

**Addressing age discrimination in the workplace:** On September 12, 2019, Councilwoman Margaret Chin, Chair, and Councilwoman Diana Ayala, Aging Committee, introduced a groundbreaking legislative package comprised of 5 bills:

- ✓ Intro 1685 - Developing an anti-ageism curriculum to educate the workforce in all city agencies and organizations the city contracts with. This could follow the model of anti-racism, sexism and homophobia. Education will help foster a cultural shift in addressing ageism that needs to take place.
- ✓ Intro 1684 - NYC would implement a public awareness campaign on age discrimination in the workplace.
- ✓ Intro 1695 - The CCHR would develop a testing protocol.
- ✓ Intro 1694 - The establishment of an office of older worker workforce development
- ✓ Intro 1693 - Establish a task force to further study and make recommendations to the City Council and the Mayor

This package would go a long way to leverage the authority the Mayor's office and City Council have to confront age discrimination in the workplace. NYC has an opportunity to be a leader nationally in sending out the message that this isn't how we do business here.

We are asking all participants in this hearing, government officials, legal experts, advocates and others, to support this legislative package actively. Please campaign actively by including this package in your city budget/legislative agenda and coalition work. Those of you in the Mayor's office can raise this internally. Raise this legislation in meetings with Councilmembers and the Mayor's office.

This is the first time in the city's history that we are seeking to legislate change regarding age discrimination in the workplace. Any woman's agenda in NYC and discussion of pay equity and economic equality must include the needs of older women.

#### **NATIONAL DATA ON AGE DISCRIMINATION IN THE WORKPLACE:**

*A new 2018 AARP national study, "The Value of Experience: Age Discrimination in the Workplace Persists", surveyed 3900 older adults, reported:*

#### **Older workers reported that age discrimination in the workplace is common:**

- ✓ About three in five older workers (61%) have either seen or experienced age discrimination in the workplace.
- ✓ Unemployed respondents are more likely than employed respondents (74% vs. 61%) to say they have seen or experienced age discrimination.
- ✓ Women are more likely than men (64% vs. 59%) to say they have seen or experienced age discrimination.
- ✓ African Americans/Blacks are more likely than Hispanics/Latinos and Whites to say they have seen or experienced age discrimination (77% vs. 61% and 59%, respectively).

#### **When asked to identify why they were "not getting hired and hearing negative remarks about older age are the most commonly reported or experienced types of age discrimination":**

- ✓ Not getting hired for a job you applied for because of your age
- ✓ Heard negative remarks related to your older age from a colleague



- ✓ Passed up for a chance to get ahead because of your age
- ✓ Heard negative remarks related to your older age from a supervisor
- ✓ Laid off, fired or forced out of a job because of your age
- ✓ Denied access to training or professional development opportunities because of your age

A December 28, 2018 investigatory article by Pro Publica in collaboration with the an Urban Institute study, “If You Are Over 50, Chances Are The Decision To Leave A Job Won’t Be Yours”, further uncovered the depth of age discrimination in the workplace and its economically devastating impact. **Some highlights are:**

- ✓ **Slightly more than one-half of adults in their early 50s** who are working full time, full year with a long-term employer subsequently experienced an employer-related involuntary job separation.
- ✓ **Only 1 in 10 of these involuntarily separated workers ever earned** as much after their separation as before.
- ✓ **Median household income fell 42 percent** following an employer related involuntary job separation,
- ✓ **Median household income at age 65 for workers** who experienced an involuntary separation was 14 percent lower than for those who did not.
- ✓ **56% of workers over age 50 leave their jobs involuntarily** due to layoff or business closing, job dissatisfaction or unexpected retirement.
- ✓ **8% leave their jobs due to personal reasons** including health and family concerns.
- ✓ **Median income fell slightly more for people of color and for less-educated adults** because they generally received less income outside of earnings; on average, they had less savings than others
- ✓ **Older women who experienced an employer-related involuntary separation generally lost a smaller share of household income than men** – but they experienced a 38% income loss, not so different than the 42% loss for men, and it is due to women earning less.
- ✓ **Forced retirements increased over time for both men and women and for all educational and racial and ethnic groups.** Between 1998 and 2014, the share of new retirees who reported being forced or partly forced to retire increased most for men (60% for men, 50% for women), for African Americans, and for people who did not attend four or more years of college.

**How important is all this to NYC’s workforce and economy? At Radical Age Movement, we declare that we are part of the future too! What’s good economically for older women is good for NYC! That couldn’t be any clearer than the rapid growth in the percentage of the workforce over 55:**

Victoria Lipnic, Acting Chair, U.S. Equal Employment Commission, noted after the 50<sup>th</sup> anniversary (2017) of the Age Discrimination in Employment Act (ADEA), it is the oldest cohort of workers that will comprise the most rapid increase in the coming decades. The ADEA has been watered down by a Supreme Court decision that set a higher standard for proving discrimination than other forms of discrimination such as race and gender, leaving the burden on individual workers. Nationally:

- ✓ **Workers, age 65+, are projected to grow by 75% by 2050**, while the 25-54 cohort will grow by just 2%. Anyone who is 33+ today, will be 65+ in 2050. **Action taken today to end ageism in the workplace will benefit the younger generations coming up.**
- ✓ **Only five years from now in 2024, women, age 55+, are projected to be 25% of the women’s labor force** which is double their share from 2000. The Bureau of Labor Statistics reports that two times as many age 55+ women as women age 16-24, by 2024, will be in the workforce. Women age 65+ make up roughly the same percentage of the female workforce as older men do of the male workforce.

Please see the attached working policy agenda. We applaud Councilwoman Chin for breaking ground on this issue and ask that the Women’s Committee work as a vocal and close ally to the Aging Committee’s legislative

and budgetary initiatives on age discrimination in the workplace. **Make 2020 the year of confronting age discrimination in the workplace.**

**Another economic hardship facing older women is the increasing number of personal bankruptcies among those New Yorkers over age 65. Two primary reasons are inadequate income and health care costs.** *A study released August 18, 2018, by Indiana Legal Studies Research, "Graying of U.S. Bankruptcy: Fallout from Life in a Risk Society", reports:*

*"Using data from the Consumer Bankruptcy Project, we find more than a two-fold increase in the rate at which older Americans (age 65 and over) file for bankruptcy and an almost five-fold increase in the percentage of older persons in the U.S. bankruptcy system. **The magnitude of growth in older Americans in bankruptcy is so large that the broader trend of an aging U.S. population can explain only a small portion of the effect. In our data, older Americans report they are struggling with increased financial risks, namely inadequate income and unmanageable costs of healthcare, as they try to deal with reductions to their social safety net.** As a result of these increased financial burdens, the median senior bankruptcy filer enters bankruptcy with negative wealth of \$17,390 as compared to more than \$250,000 for their non-bankrupt peers. For an increasing number of older Americans, their golden years are fraught with economic risks, the result of which is often bankruptcy."*

*Not surprisingly, the 2018 AARP study on age discrimination in the workplace, reported that among older workers who need to continue working, age 60-74, a whopping 86% reported "need the money". Given the ever increasing cost of living in one of the most expensive cities in the country, it is likely "need the money" will continue to grow.*

Thank you for the opportunity to testify today at this important hearing. United we can maximize the vast leverage New York City has to protect older women from age discrimination in the workplace and preventing personal bankruptcy – bringing older women off the financial cliff.

Bobbie Sackman, MSW  
Steering Committee, Radical Age Movement  
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**Principles and Policies: Age Justice in the Workplace**  
**Age Justice: Economic Security, Not Insecurity**  
**February 2019**

1. **Raising public awareness of age discrimination in the workplace for workers over age 50** – Age discrimination in the workplace is a rampant, but hidden crisis. Public awareness can be raised through advocacy, educational forums, research, and empowering individuals to organize and speak up for age justice. The workplace is a critical economic and social/cultural institution in American society. Being walled out is leaving thousands in financial hardship and invisible. This also includes raising the overall impact of ageism in society on all of us. Develop a neighborhood based “know your rights” awareness campaign including a public transit campaign about age discrimination in the workplace.
2. **City policies prohibiting employment discrimination based on age** - Through utilization of its pension funds, job training and employment programs, city contracts, RFPs and other services, New York City can establish policies prohibiting employment discrimination based on age. Age discrimination in the workplace is an economic barrier preventing older New Yorkers from earning the income they need to live in NYC and support others. This has an individual and community impact.
3. **Human Rights Commission** – Work with the NYC Human Rights Commission to expand and strengthen its legal services and outreach ability to protect individuals from age discrimination in the workplace. People over age 40 are a protected class.
4. **Research and data collection and its economic impact** – Research to collect data and information on the scope, consequences of age discrimination in the workplace and solutions. Collecting stories from those individuals who have experienced age discrimination to show trends and empower those being discriminated against. Utilization of this research to establish anti-discrimination policies and laws in New York.
5. **Supporting older workers in city programs/policies** – Include older workers, age 50+, in all city employment and training programs. Develop an older worker employment/training opportunity program. Develop a funding stream for entrepreneurs, age 50+.
6. **Working in coalition for age justice** – Collaborating with coalitions advocating for social justice in the workplace and equal opportunity. Coalitions working on job development and discrimination, women’s issues, anti-racism, immigrant rights and other economic justice groups. Older women have experienced the lack of gender parity for pay in the workplace throughout their career. Many have also lost compensation due to time taken off for caregiving of children and older parents, spouse and other relatives.
7. **Media coverage** – Working with the media to raise their awareness of the importance of the stories around age discrimination in the workplace and the need for solutions leading to change. Putting a human face on the discrimination by encouraging individuals to tell their stories.

For further information, please contact Bobbie Sackman, Radical Age Movement,  
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# New York City Commission on Gender Equity

**Salesforce Equal Pay Assessment Testimony**

**September 26, 2019**

The Salesforce logo, which consists of the word "salesforce" in a white, lowercase, sans-serif font, centered within a blue, cloud-like shape with multiple rounded lobes.

**salesforce**



## About Salesforce

Salesforce is the global leader in customer relationship management (CRM), bringing companies closer to their customers in the digital age. Founded in 1999, Salesforce enables companies of every size and industry to take advantage of powerful technologies—cloud, mobile, social, blockchain, IoT, and artificial intelligence—to connect to their customers in a whole new way.

Salesforce is committed to a set of core values—trust, customer success, innovation, and equality of every human being. These values and our corporate culture have propelled us to the top of Fortune’s World’s Best Workplaces list, as well as Forbes Most Innovative Companies for nine years in a row.

Salesforce is headquartered in San Francisco with over 45,000 employees globally, is currently #240 out of the Fortune 500 (2019), and is publicly listed on the New York Stock Exchange as CRM (2004).

### Salesforce in NYC

New York has been core to Salesforce’s growth and since 2006, we’ve called the city home. Today, we have over 1,100 employees in Salesforce Tower New York located at 1095 Avenue of the Americas right at the foot of Bryant Park. This summer, we opened the most sought after space in the building, the top floor (41st), known as the Ohana Floor. Core to our values of giving back to the communities in which we live and work; and instead of dedicating this space for executive offices, we took an innovative approach to this one-of-a-kind floor with jaw dropping views of all of NYC. During the day, the space is open to employees and their guests to enjoy. On weeknights and weekends, we provide the Ohana Floor free of charge to nonprofits to host charitable fundraisers, receptions and special events that have a focus on humanitarian, social, education or environmental causes.

We have also adopted four public schools in the New York City area: Brooklyn Collaborative, PS 277, PS 51, and Dual Language Middle School utilizing our Circle the Schools model, where we develop relationships with principals and faculty to level the playing field so that students from underrepresented areas can fulfill their greatest potential accessing the resources and expertise they deserve. Each school is matched with a Salesforce executive sponsor and a team of employees who participate in volunteer activities throughout the year. We give every employee 56 hours of Volunteer Time Off each year, and last year our New York City employees volunteered over 35,000 hours in their communities.



## Salesforce & Equality

Equality is a core value at Salesforce. We believe that businesses can be powerful platforms for social change and that our higher purpose is to drive equality for all. Creating a culture of equality isn't just the right thing to do, it's also the smart thing. We know that diverse and inclusive companies are more innovative and better positioned to succeed.

We strive to create workplaces that reflect the communities we serve and where everyone feels empowered to bring their full, authentic selves to work. We are taking action across four key pillars; Equal Pay, Equal Opportunity, Equal Rights and Equal Education to champion equality for all.

- **Equal Pay:** Four years ago, Salesforce made a commitment to ensure equal pay for equal work. Since then, we've spent over \$10 million to address any unexplained differences in pay between men and women globally, as well as race and ethnicity in the U.S. We'll continue to focus on equality, diversity, and inclusion at all levels, and review employee compensation on an ongoing basis.
- **Equal Opportunity:** Salesforce supports 12 employee resource groups, called Equality Groups, to provide a community for underrepresented groups and their allies, offer professional development and mentoring opportunities, and empower employees to be responsive equality leaders in their community. We also have an executive sponsor program for our Equality Groups, by which our leaders partner with individual Equality Groups to help elevate the voices within each community, champion their initiatives, and speak up on their behalf when needed. One in two employees are in an Equality Group.
- **Equal Rights:** We advocate for Equality in the communities where we live and work, including:
  - **Discriminatory legislation:** We have taken stances against discriminatory legislation that impacted our employees in Indiana, Georgia, North Carolina and Texas.
  - **Marriage equality:** We have advocated for marriage equality in countries like the U.S. and Australia.
- **Equal Education:** To date, we have donated nearly \$70 million to San Francisco and Oakland Unified School Districts to accelerate STEM curriculum. We also committed to 100,000 employee volunteer hours in education in the 2019-2020 school year. As a result, SFUSD enrollment of girls in computer science has increased 2,000 percent, and enrollment of underrepresented groups in computer science has increased 6,600 percent.



# Salesforce's Equal Pay Assessment

In 2015, Salesforce was one of the first companies to take a public stance on pay equity. We vowed to review employee compensation on an annual basis to ensure everyone is paid equally for equal work, and close any gaps that existed. In 2017, we expanded the scope of our assessment to evaluate salaries and bonuses globally. We also looked at unexplained differences in pay for not only gender, but also race and ethnicity in the U.S.

## *What worked?*

### *Assembling a cross functional team and getting alignment from the top*

Based on our experience, equal pay starts by making it a core value and a corporate priority. As with any major organizational change, we had to get buy-in from the top. Equal pay at Salesforce wouldn't have happened without the support, trust, and championing of Marc Benioff and Keith Block. It's the CEO that sets the tone and accountability, and ultimately shifts the behavior down the management chain. Workplace equality is a business

imperative with real ROI. It not only helps attract and retain the best talent, but also helps foster a more engaged workforce, which ultimately makes our customers more successful.

Every year we conduct a pay audit we learn something new that helps us improve upon our process. We put employees in comparable roles into groups and analyzed salaries of those groups to determine whether there were statistically significant wage differences between women and men. We based our analysis on objective factors that determine pay, such as job function, level and location. If there were unexplained differences, salary adjustments were made for both men and women as needed.

Pay equity is a moving target, especially for growing companies in competitive industries. It must be consistently monitored and addressed.

Salesforce will continue to focus on equality, diversity and inclusion; we have incorporated equal pay directly into our annual employee compensation process.

## *How did we evaluate?*

### *Start with the data.*

Equal pay is not a one-and-done fix, especially in a competitive industry. Every year we conduct our internal pay assessments, we learn more about the circumstances that contribute to pay inequality, such as legacy industry practices, pay inequities from prior positions, acquisitions, and external changes in the job market. At Salesforce, we work to proactively address them all.

Once you've made a commitment to ensure equal pay, start with the data. Every company has HR data available that will help identify the blind spots. At Salesforce, data helps us make faster and smarter talent decisions - from equal pay and internal mobility to IT questions and on-boarding.

Companies can look at every aspect of the employee journey to help reduce pay inequalities, starting with recruiting. For example, we don't ask the question, "what is your current compensation?" but rather "what is the compensation you expect?" Beyond recruiting, we're examining the full employee life cycle experience - from interviewing to promotions, bonuses and parental leave, to ensure equality throughout the whole employee journey.

*What challenges remain?*

*We are a constantly growing and evolving company. We need to constantly assess our methodology and approach to keep up with the change.*

## Conclusion

We're proud of our equal pay efforts to date, but we know we can't do this alone. We all need to join together to change old paradigms, and make sure no one is getting left behind. That's really the heart of equality. We are proud of the progress we're making, and we will continue to innovate on our work in this important area. There's a lot of work to be done to ensure that pay equality is a reality, not just at Salesforce, but in every organization.

### Additional Resources

- [2019 Equal Pay Assessment](#)
- [2018 Equal Pay Assessment](#)
- [2017 Equal Pay Assessment](#)
- [2016 Equal Pay Assessment](#)
- [How to Fix Gender Inequality at Your Company, From the HR Exec Who Helped Close Salesforce's Pay Gap](#)





## United State of Women Testimony on Gender Pay Equity

### New York City Pay Equity Public Hearing

September 19<sup>th</sup>, 2019

New York City

Presented by the USOW Ambassadors for New York State:

*Bethan Saunders, I Geena Cruz, Jaslin Kaur, Meaghan Davis, Chantal Follins, Jan Baker*

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The United State of Women Ambassadors for New York are grateful for the opportunity to contribute to this Pay Equity Hearing today. We thank the Commission on Gender Equity, Commission on Human Rights, Department of Consumer and Worker Protection, and New York City Bar Association for convening this hearing on such a critical issue affecting women across our city and state. We are honored to be among advocates, researchers, and others who are fighting for pay equity.

The United State of Women shares the NYC Commission on Gender Equity's commitment to creating a more effective, systemic, and sustained approach to eradicating racial and gender discrimination found in policies and systemic barriers that fuel income inequality for all women.

Through this testimony, we aim to convey the critical importance of the fight for gender equity, in addition to USOW's commitment of support for the NYC Commission of Gender Equity's work on closing the pay gap. The USOW Ambassadors of New York offer their support and community to reach this goal. Through this statement, we will map out the short and long term consequences of pay inequity and how stakeholders can work to address these issues.

#### I. The United State of Women and Pay Equity

To begin, the [United State of Women \(USOW\)](#) is a national organization dedicated to **connecting, convening, and amplifying voices in the fight for gender equity**. USOW amplifies the work of organizations and individuals at the forefront of the fight for women's equality, and provides tools, access and connections that help women see and step into their power to break down the barriers that hold women back.

As part of USOW's mission to engage activists and grassroots organizations in local communities, USOW created the [Ambassador program](#). USOW Ambassadors convene local leaders, organizations and activists in their community to collectively identify a one-year goal and commit to taking tangible actions for change. Ambassadors aim to bring together key stakeholders in local communities to discuss how to move forward for gender equity in their respective communities. In New York, the United State of Women has five ambassadors representing both New York City, across Manhattan, Brooklyn, Queens, The Bronx, and New York State with an Ambassador located in Rochester.

The USOW Ambassador program embodies the goal that full gender equality will only be possible when the women who know their community best are supported in their efforts to lead the movement for change from the ground up. Every global indicator suggests that when you raise up women, you raise up entire communities – **USOW Ambassadors strive to do just that.**

#### II. The Wage Gap in New York: What the Research Tells Us

Overall, a woman makes 82 cents for every dollar a man earns. Yet, more importantly, USOW wants to emphasize how the gender wage gap is much wider for women of color. Data reveals that nearly all women of color face larger disparities in earnings versus that of what white, non-Hispanic men and women are paid.

Nationally, women of color are subjected to these pay inequities:

- Asian women earn 90 cents for every dollar compared to white, non-Hispanic men;
- Black Women earn 62 cents for every dollar compared to white, non-Hispanic men;
- Latinas earn 54 cents compared to white, non-Hispanic men and,
- Native American women earn 57 cents to every dollar compared to white, non-Hispanic men.\*

*\*Updated data for Native women will be released on September 26<sup>th</sup>.*

While New York State has one of the lowest gender pay gaps in the nation, USOW believes we still have more work to do. The United State of Women and its Ambassadors are committed to working with local communities and advocates to narrow and close the gender pay gap. Any gender pay gap is an injustice impacting not only women and their families today, but also generations of women in the workforce to come.

The research on gender pay equity in New York paints a clear picture of the pay inequity we must continue to fight against. For example, New York City Comptroller Scott M. Stringer's April 2018 report *Power and the Gender Wage Gap: How Pay Disparities Differ by Race and Occupation in New York City* showed that while women make less on average than men in New York City, the gender wage gap is significantly larger for women of color.

A few statistics from this insightful report we would like to highlight in this testimony:

- In 2016, Black women working full-time in New York City made 57 cents for every dollar paid to white, non-Hispanic men—roughly \$32,000 less on average.
- The wage gap for Black women in New York City is larger than for Black women in New York and the U.S.—43 cents compared to 34 cents and 37 cents, respectively. If New York City were to observe its own local Black Women's Equal Pay Day, it would be October 3<sup>rd</sup>, a full nine months into the year.
- Over a 40-year career, the median full-time working Black woman in New York City would lose on average over \$1,274,000 in earnings due to the gender wage gap. She would have to work an additional 30 years to attain the same earnings as her white, male counterpart.
- If the gender wage gap were closed, the more than 350,000 Black women working full-time, year-round in New York City in 2016 would have collectively contributed around \$11.2 billion more in earnings to the local economy.

This data makes it abundantly clear that more work needs to be done to combat structural and social barriers to equal pay, particularly for black women.

Taking a step back and looking at the pay gap for women of color across New York State, the numbers are startling:

- As of July 2019, the New York State wage gap for women of color is .89 to every \$1 a male non-Hispanic makes
- At the NY State level, Black women working full time, year round are making only .66 for every \$1 paid to their white, non-Hispanic male counterparts.
- For Latinas, this figure is lower at .56 cents, for Native Hawaiian and Pacific Islander women it is 62 cents, and for Native women it is 58 cents.
- While Asian women working full time, year round are typically paid only 89 cents for every dollar paid to their white, non-Hispanic male counterparts, the wage gap is substantially larger for some subgroups of Asian women.

As long as the wage gap persists, the economic security of women of color, and the overall economic strength and health of our communities, will be greatly compromised. Additionally, the gender pay gap reinforces generational disparities in wealth and constrains economic activity in communities across New York City.

The United State of Women applauds the organizations who have done this ground breaking research to highlight the gender pay gap and urge continued action on local and state levels to address it.

### **III. Taking Action to Close the Gender Pay Gap in New York City**

The United State of Women share the Commission on Gender Equity's commitment to eradicating the pay gap for all women in New York through concerted action. USOW employs a holistic approach in our action and speak in solidarity with organizations that work in the gender pay equity space.

During our flagship summit in Los Angeles last year, we engaged women, girls, and allies from across the country through inspiring mainstage sessions, issue-breakouts, opportunities to connect with leading fellow changemakers, and an interactive center with organizations and women-owned businesses.

Over two days in May, thousands of women and allies convened in Los Angeles to inspire and be inspired, to motivate and be motivated, to teach and to learn. As part of this conference, we elevated the issue of gender pay equity through several impactful and action-focused panels on how to address the gender pay gap. We hope these panels will provide frameworks and ideas for how to bring changemakers together on this critical issue.

- **Investing in Women: We Are the Ones We've Been Waiting For**
- **The Future of Women & The Future of Work**  
*Panelists from:* SEIU Local 2015, National Domestic Workers Alliance; Caring Across Generations, The Workers Lab, National Domestic Workers Alliance
- **In the Red: Wealth Inequity is a Bigger Crisis Than We Think**
- **The Important of Investing in Black Women**  
*Panelists from:* Mayor of Compton, Trans Sistas of Color Project-Detroit, Black Futures Lab
- **Our Bottom Line: Prioritizing Women Our Work and Workplaces**  
*Panelists from:* Northwestern Mutual, The Wing, Postmates, Cultural Changemakers
- **What Do Women Need to Make It at Work?**  
*Panels from:* Parent Voices CA, National Partnership for Women & Families, US Partnership on Mobility from Poverty, LIFT
- **AAUW Work Smart Salary Negotiation**

In addition to our national efforts to elevate gender pay equity, USOW provides support and resources to our USOW Ambassadors as they organize and advocate on a local level. The USOW Ambassadors of New York are committed to working with both the City, State and local organizations to drive change for women and girls across the city.

A path toward closing the wage gap requires action on all levels of society. Despite the federal Equal Pay Act of 1963 and other protections for women, experts from the Institute for Women's Policy Research warn that women and men will not reach pay parity until 2059.

The USOW Ambassadors for New York urge action to help gender inequities and close existing pay gaps and highlight the following important next steps:

- **Guarantee access to a living and family-sustaining wages:** Although the minimum wage is now reach \$15 per hour in New York City, the City should promote additional strategies to raise wages, strengthen protections, and address the devaluing of jobs in which women, particularly women of color, are overrepresented.
- **Strengthen enforcement of anti-discrimination laws and practices:** Despite the fact that NYC has some of the strongest anti-discrimination laws in the country, discrimination continues to hold women and girls back. To this end, oversight and enforcement of current statutes must be a greater focus for regulators.
- **Create and expand equitable access to affordable child care and paid leave:** Access to crucial resources like child care and paid time off for care of sick relatives will be crucial for improving women's economic stability and closing the pay gap. For examples, expanding access to subsidized child care, especially for women who have nontraditional work schedules (very common for service-sector jobs) can make a material change in the lives of women across New York City.

In conclusion, the United State of Women and the Ambassadors for New York reiterate their support for the New York City Commission on Gender Equity's work to eradicate the pay gap. We thank the Commission for hosting this vital hearing and the opportunity to testify. We look forward to working together on this and many other important issues impacting women and girls in our city.



**To:** New York City Commission on Gender Equity, New York City Commission on Human Rights, New York City Department of Consumer and Worker Protection, and the New York City Bar Association

**From:** Marrisa Senteno, Allison Julien – NDWA’s New York Co-Directors  
([Marrisa@domesticworkers.org](mailto:Marrisa@domesticworkers.org), [Allison@domesticworkers.org](mailto:Allison@domesticworkers.org)),

**Re:** Testimony Submitted for New York City’s Public Hearing on Pay Equity

**Date:** September 19th, 2019

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## Introduction

The existing gender pay gap that exists for women workers across the United States has proven to be a barrier from allowing women workers and their families to reach their full potential. According to the AAUW and based on the most recent data provided by the US Census Bureau, the average pay gap for women workers is 82 cents to the dollar paid to white, non-Hispanic male coworkers.<sup>1</sup> The pay gap is 62 cents and 54 cents to the dollar for Black and Latina workers respectively.<sup>2</sup> In New York, the average wage gap is approximately 87 cents to the dollar.<sup>3</sup> The gap is an average of 55.9 cents for Latina workers<sup>4</sup> and 64.7 cents for Black women workers<sup>5</sup> in New York.

More than 2 million domestic workers are employed in the United States. The majority of these workers are women, with a high concentration of Black and Latina workers. The data reflects that Black and Latina women workers are heavily concentrated in low-paying jobs, including domestic worker, contributing to the overall average gap that these women workers face.

Additionally, domestic workers are among the lowest paid, least protected women workers in our nation. Taken together, the pay gap has a negative impact on the domestic workers’ ability to meet their

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<sup>1</sup> <https://www.aauw.org/article/stagnant-gender-pay-gap-numbers/>

<sup>2</sup> See 1.

<sup>3</sup>

<https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/03/Women-Lifetime-Losses-State-by-State-2019.pdf>

<sup>4</sup>

<https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/03/Latina-Women-Lifetime-Losses-State-by-State-2019.pdf>

<sup>5</sup>

<https://nwlc-ci49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/03/Black-Women-Lifetime-Losses-State-by-State-2019.pdf>

basic needs, save for the future, pay for our contribute to their children's education and to accumulate wealth over the course of their careers. The amount of paid that is lost over the course of a 40-year career for a Black woman and a Latina women workers ranges between more than \$900,000 and over \$1 million dollars.<sup>6</sup>

Given these facts, it is important to understand who domestic workers are, how domestic workers are organizing to win rights, the ways by which domestic workers are uniquely impacted by the pay gap and strategies for closing the pay gap for domestic workers and their families. As the city considers the measures that it will take to address these pay disparities, it is important to understand that a one-size fits all approach will not lead to equity for all workers, particularly in sectors where fewer basic rights exist and multiple vulnerabilities compound to rob workers of fair and equitable conditions.

## **I. Background: About the National Domestic Workers Alliance (NDWA)**

The National Domestic Workers Alliance (NDWA) is the nation's leading voice for dignity and fairness for the millions of domestic workers in the United States. Founded in 2007, NDWA works for the respect, recognition and inclusion in labor protections for domestic workers, most of whom are women. The alliance is powered by over 60 affiliate organizations, plus our local chapters in Atlanta, Durham, Washington DC and New York City and individual worker members, of over 80,000 nannies, housekeepers and direct care workers in 36 cities and 17 states.

NDWA leads several campaigns and coalitions to advance the rights of domestic workers by advocating for increased labor protections, racial justice, gender equity and humane immigration policies.

We have a NY Chapter with over 3000 participant workers and a NY Coalition of over a dozen affiliate members which are active community based organizations that have domestic workers as part of their membership base. Our New York Chapter focuses on organizing domestic workers, campaigns, workforce development and enforcement of domestic worker rights.

At NDWA, through our NY Chapter's labor rights enforcement campaign domestic worker leaders have spoken to well over 1000 workers in the past year, screening over 250 of them for workplace violations, and supporting about 100 workers seeking justice in cases brought forward through our monthly legal clinic in 2018 alone. Through our work, we collect the stories and experiences of what domestic workers experience in workplaces throughout New York City.

## **II. New York Domestic Workers Win a Bill of Rights**

The NYS Domestic Worker Bill of Rights was signed into law on August 31, 2010, marking the culmination of a seven-year grassroots organizing campaign led by Domestic Workers United and the New York Domestic Workers Justice Coalition. The first legislation of its kind, the Bill of Rights closed gaps in labor laws that had left domestic workers with fewer rights than other workers in the state and added new protections. It has inspired a national movement and Hawaii, California, Massachusetts, Oregon, Connecticut, Illinois, Nevada, New Mexico and Seattle have also passed new protections for domestic

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<sup>6</sup> <https://nwlc.org/resources/the-lifetime-wage-gap-state-by-state/>

workers in the past 9 years. This year, we launched a national Bill of Rights to address the lack of protections at a national level.

### **III. NDWA New York Chapter's Domestic Worker Rights Enforcement Program**

Over the past 4 years, NDWA has worked with our local affiliates to explore the following strategies in pursuit of a more worker-led, community supported enforcement process:

1. Prioritize leadership development among domestic workers that prepares and utilizes them as key actors in supporting peers through the enforcement process. In 2015, we began to develop the Groundbreakers leadership program, in which cohorts of 4-6 worker leaders from different organizations and communities are trained in systematic worker outreach and as worker rights enforcement navigators. The latter training equips them with the knowledge and skills to facilitate community education workshops, issue spot & identify when workers have potential cases, complete a pre-intake interview, and peer-coach workers partaking in a legal clinic for the duration of their case. We have trained 26 Groundbreakers thus far.
2. Work collaboratively with government agencies who share values and vision alignment, to explore how to leverage our collective resources and mechanisms to increase our capacity to bolster enforcement as a system, and not just an instance. On the part of government agencies this could include offering up agency-supported outreach efforts, research, public hearings and events, and ability to lend additional staff capacity or services provision.

In turn, we strive to establish that community-based organizations that work with domestic workers and employers are central to government enforcement processes. Together, our organizations provide invaluable expertise and skills. There is also a formal role for us beyond outreach and joining government-led efforts. The programs, information and services that are offered by domestic worker organizations are often the first and most complete support that a worker is able to encounter when coming forward with egregious violations, such as sexual harassment. Domestic workers need the best support possible in order to move forward with a claim and to support their needs while mitigating negative consequences as a result of filing claims.

NDWA has had success in collaborating with the city's Division of Paid Care to produce three city wide domestic worker convenings. The last of which, was a regional convening hosting over 250 domestic workers and advocates from New York and New Jersey. These types of collaborations can help us spread the word to domestic workers about their protections under the existing anti-sexual harassment laws. In addition to worker education, NDWA has helped develop a pilot for a mediation clinic within the Department of Consumer and Worker Protections to help domestic workers and employers address certain kinds of wage disputes that can be resolved without harming the employer-employee relationship. As a part of this effort, we have engaged in a series of coordinated outreach and domestic workers' information sessions to improve access to the city's services.

3. Strengthening sector-specific knowledge among government enforcement agency investigators is very important. Key to this is helping investigators understand and practice how to work with very vulnerable populations, and to gather and assess evidence in a fair way. This is of course in confluence with supporting workers to understand the enforcement process, having a realistic perception around timeline and expectations for follow-up, and ensuring the power differential between their employers and them are mitigated, or eliminated if possible during the investigation. This is of particular importance in enforcing anti-sexual harassment law in the domestic workplace as there is no human resources department that a worker can turn to when filing a complaint of an offending employer.
4. Work towards developing metrics for measuring the progress in domestic worker rights enforcement efforts and surfacing patterns in systemic violations and barriers to successful enforcement.

#### **IV. What we are seeing on the ground about gender pay equity and domestic work**

As indicated in the introduction, domestic workers are uniquely impacted by the gender pay gap because historically domestic workers have been excluded from basic labor rights protections. Domestic workers in NY are mostly immigrant women of color and the exclusions from rights stem from institutionalized racism and the legacy of slavery. When most of our country's labor laws were being designed, domestic workers were deliberately left out. Workplace standards like a minimum wage, overtime pay, or 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 theft, sexual harassment and lack of safety on the job have become a rule rather than an exception. Thus, there is no surprise that domestic workers are not compensated fairly for their work, if it all. Cumulatively, this underpayment or lack of payment contribute to the loss in paid income over the course of workers' career, and the existing pay gap over the course of a domestic workers' career.

Understanding the true wage gap for domestic workers is difficult. First, since domestic workers are not covered by most basic employment protections, they do not file complaints in an attempt to recover their lost or unpaid wages. Second, even where protections do exist, it is often difficult to educate domestic workers about their rights because of their isolated work situation. Lastly, if workers do know their rights, it is sometimes difficult for them to know how to assert their rights.

The other challenge is that there is a direct negative correlation to other kinds of abuses against domestic workers because of their gender. For example, domestic workers report sexual harassment by their employers at high rates. In some cases, employers make wages contingent upon demands for sex or other harassing behavior. Some employers may promise higher wages if a worker submits to sexual demands or might retaliate against a worker for failure to comply. Some domestic worker leaders report quitting their jobs without pay because of gender based violence, including workplace sexual violence by

their employers, and losing all of their pay because they made the choice to protect themselves from this harm rather than endure it, ultimately, causing them to lose wages and the job.

Some naysayers dispute the pay gap calculation, particularly where there is no male counterpart to compare the wages to in a particular workplace. Given that domestic workers are employed behind closed doors in private homes and are often the only employee working in a home, some argue that there is no male worker to compare wages with. However, due to the fact that domestic workers are often paid off the books and many employers require workers to disclose their prior salary, domestic workers often start with zero when applying for jobs outside of the domestic workforce, even if they have been employed for many years as a domestic worker. Thus, placing them far behind the earning curve of other employees.

A report published by the Department of Consumer and Worker Protections, established that home-based paid care work is a rapidly growing field of employment in New York City and across the country. This is particularly true of home-care workers and we know that housecleaning and nannying are fields of work that are both essential work and also not going to become automated in the near future.

Of the over 3000 domestic workers who are participating in our NDWA NY Chapter we have learned that domestic work is often intergenerational. This work is passed down from mother to daughter and then again to granddaughter. Many of our members have done the work their mothers have done. In order to help their mothers pay the bills, girls and teenagers enter the domestic workforce to help their mothers clean homes, care for children, care for siblings, and care for elders.

Many domestic workers have expressed that they do not want their daughters to work as domestic workers. They understand that domestic worker is highly undervalued and that the workers are extremely overworked. When we think about why domestic workers are so underpaid in comparison to other labor done by male counterparts, we have to think how care work itself is valued or undervalued.

Care work is seen as women's work, work that in the home is traditionally unpaid and gendered in terms of responsibilities. Care work was also the basis of building capital in our society when it was done by enslaved people, enslaved women who were forced to do unpaid reproductive labor. When that work turned to paid work done by women of color, that same work was also excluded from most labor protections.

We see that over a lifetime of work domestic workers lose out on income that is passed down to the next generation because they are often denied their full and equal wages. There is no career ladder for which domestic workers can climb. Each job is a start from zero in which the youngest and the oldest of domestic workers are paid even less due to their perceived inexperience or age. There is no race to the top for domestic workers, and no place for promotion in the industry.



Exploitation is a standard domestic work reality. This comes in the form of real wage theft, including: non-payment of overtime work, non-payment of all hours worked as a live-in or homecare worker and theft of wages as house cleaners. This also comes in the form of pernicious over work. Women are taxed to work hard for every minute they are in the home. It can start off as a position that is advertised as child care but then quickly moves into the addition of housecleaning, cooking, laundry, pet care because these are tasks that can be done while the children are napping, or playing. This means that workers are never allowed a moment of rest, and rest taken is a strike against a domestic workers work ethic. Imagine what it looks like for domestic workers to be allowed breaks? It is deemed unacceptable. All those stolen minutes of rest breaks and lunch breaks and late nights add up in a lifetime. A sitting nanny is labeled as a lazy nanny. A housecleaner not working on her hands and knees is not efficient, and a homecare worker getting a full night's sleep is neglecting her charge.

Aside from the failure to pay domestic workers' wages, domestic workers' time is also undervalued and does not get compensated in the same way as for other types of labor. Domestic workers are not entitled to paid time off. Therefore, any leave that they have to take is unpaid leave, in addition to the general underpayment. Time is stolen from workers when they are not allowed to see their doctors for health care, when they can't take time off to recuperate from giving birth or being sick, and when they take time to grieve or celebrate life. Usually this time taken is in the form of a lay off or firing. When a domestic worker has to start a new job, she starts over again at a lower salary without paid time off. She has to prove herself over time to be worthy of a raise or extra days off. There is no way to accumulate wealth over a lifetime of experience and work. Domestic workers start off as low wage and underpaid workers and end their careers the same way.

Equalizing pay in the care industry is about more than making men and women's wages the same, it's about shifting the way we think about care and the women who care for us. Gender equality for care givers also includes improving the material conditions for the whole sector with fair and living wages and benefits that meet the needs of their families. All jobs should be dignified jobs no matter who you are or what you do.

## **VI. Current successes in collaborations**

The creation of the Division of Paid Care and the collaborations with the Department of Consumer and Worker Protections has been instrumental in helping to bring domestic worker issues to the forefront to the discussions of labor, immigration, justice and women's issues in New York City.

Domestic workers are becoming more aware of the different agencies that are part of New York City's administration and in the different ways they can engage with them. We have collaborated on convenings, outreach, focus groups and surveys with city agencies. We are piloting a mediation clinic for domestic workers to address certain types of wage conflicts. We are developing co-enforcement models that are in line with and inspire other progressive cities across the country. Over the past four years of regularly participating and providing expert testimony in city hearings have also helped to inform policies that attempt to address certain injustices for domestic workers.

## **VII. Looking forward Recommendations for addressing inequities in pay for domestic workers**

What we need to consider is that domestic work is the true backbone of our economy and there needs to be an infrastructure of support to caring for those that care for us. When you address the systemic and societal undervaluing of domestic work and care work you start to really address some of the main root causes of the gender pay inequity. Our recommendations include:

- 1) Passing the inclusion of domestic workers in the Human Rights Law against discrimination in the workplace Intro. 339.
- 2) Passing the Paid Personal Time with the inclusion of domestic workers to have 10 paid personal days a year Intro. 800.
- 3) Providing a safety net of social services, mental health services, improved health care access targeting domestic workers especially and public charge rulings have decreased participation in the life saving programs.
- 4) Providing community service support and extended care support targeting domestic worker families. This means extended hours care for domestic worker children and domestic worker families like aging parents or ailing family members.
- 5) Increasing funding to the Division of Paid Care so that they can help build that framework of support and culture shift. Increased funding to the commission on human rights and the Department of Consumer and Worker Protections to be able to develop further co-enforcement strategies and partnerships with NDWA and its affiliates.
- 6) Advocating for paid family leave for domestic workers and thinking ahead of how to support domestic worker employers in planning for the paid family leave of domestic workers.
- 7) Including domestic workers in the proposal for retirement benefits plan
- 8) Enforcing existing anti-discrimination laws, including robust trainings and investigations to include precarious workers, such as domestic workers
- 9) Committing to culture shift around the practices of overwork and exploitation of domestic workers and systemic undervaluing of their role in our society and city.

good afternoon Matthew my name is Edwin Serrano im a Security Guard and HHA. I have 2 job just to pay rent my rent is 1,500 a month pay phone internet the food a have buy every day my home address is 750 E 179 st Bronx NY 10457 I believe that as my company Sera Security should pay more dan 15 per hour i work for the company over a year companies should pay 20 per hour Minimum wages every year the rent is going up and up that Minimum wages is not enough to pay the rent is going up and up.

thank you for your time

Edwin Serrano

750 E 179 Street Bronx NY 10457

Hello, I am Connor Shaw, Political Director and Union Delegate for the International Union of Journeymen and Allied Trades, a labor Union representing over a hundred thousand members, including over 25,000 in the 5 boroughs of New York City. Our members work across many different industries, including school bus drivers, homecare aides, carting services providers, auto mechanics and many others through national Unions including, United Service Workers Union, Home Healthcare Workers of America and United Public Service Employees Union.

The IUJAT is proud to stand up on behalf of our members for good, stable middle class jobs. Part of what makes a job a 'good job' is that you are compensated fairly and equitably, and that you are not being underpaid for any reason related to your identity, including your gender, race, sexual orientation or age.

Labor Unions have a multitude of ways to protect against pay discrimination. The collectively bargained contract between the union and management almost always contains a wage scale and job rates that are a clear way to understand wage levels and serve as a guide on what you should be paid, leaving little to no room for discriminatory pay rates. Our union Collective Bargaining Agreements contain a grievance procedure, a process that allows our members to address issues like being paid the wrong rate, as well as time theft, harassment or any other possible work place violation that very well could, and unfortunately usually is, swept under the rug in non-union work environments. The union also negotiates and fights for – and it is a fight – benefits that allow for our members to live full lives outside of the workplace. Outside of directly addressing wage disparities and having an entrenched process to resolve them, the union also fights for benefits that allow our members to access healthcare, paid maternity leave, a healthy retirement and so much more.

The IUJAT is proud to stand with the Commission on Gender Equity, Commission on Human Rights, and Department of Consumer of Worker Protection in supporting equal pay for equal work.

Jewel Tolliver Testimony, 9.19.2019

Thank you for the opportunity to testify as a Local 79 Laborer and a graduate of Nontraditional Employment for Women.

NEW's construction trades pre-apprenticeship program has allowed me and thousands of other women across New York to feel the transformative power of being paid equally for equal work, thanks to union collective bargaining. Women in construction make 94% of what men make, which isn't perfect, but it's better than most industries, especially those historically dominated by men.

There are dozens of challenges still facing women in construction, as you can easily imagine. Women are often the last hired and the first fired, have trouble obtaining bathroom access and proper safety gear, and of course face a culture that can be doubtful of us, simply because of how we were born.

However, we know that we overcome those issues by bringing more women, especially women of color, into these great career paths. Representation means a fairer shot and fairer treatment. Jobsites now aren't what I would call amazing for women, but they have improved over the years, BECAUSE of more women pushing their way into the industry. And that's not something for us to rest on, that's evidence for us to keep pushing for more women to enter the trades, and to keep shifting the culture and dialogues happening in construction, for the sake of pay equity. The more women who enter the trades, the more quickly the societal cause of equal pay will advance.

In the last 10 years alone, 2,700 NEW graduates have secured employment as union apprentices, utility workers, maintenance workers, and in other blue collar career tracks, all of which offer built-in equal pay for their hard work. This built-in gender equity is the driving force behind the training and employment services NEW provides.

Union careers pay women and men equally from the first minute of their apprenticeship, to the moment they reach journey level. Just one example is my union, Laborers Local 79, of which about 15% of NEW tradeswomen are members. First year Laborers earn \$20+/hour and upon finishing their apprenticeship, earn \$40 per hour, regardless of their gender. Collective bargaining in construction trades unions allows women not just pay equity but assurances of safety, wage protection, training, advancement, a seat at the negotiating table, all elements of "work life" that have women have been denied disproportionately.

Thank you.

Kimberly Watkins  
@kimwatkinsnyc

Testimony on Pay Equity to NYC Commission on Gender Equity  
September 19, 2019

My name is Kimberly Watkins, and I want to talk about women who work in small businesses. When we talk about pay equity, it's often about the pay gap. Women are paid \$.80 on the dollar in the corporate world, but in small companies, the figure drops to \$.66. This stark reality is alarming, and it needs to change, but I actually want to talk about another facet of pay equity: financial and job insecurity among women who are employed by small businesses.

And this is where my story comes in. Twelve years ago, I was a marketing executive with a successful young company called Manhattan GMAT, a test prep boutique for MBA admissions. When it was founded, in 2001, Manhattan GMAT didn't have an office; the founder, Zeke Venderhoek, conducted interviews at Starbucks®. I was one of the first teachers he hired, then I became the first official employee of the company, as its Marketing and Student Services Director, in 2002. I did a little bit of everything back then: I made cold calls, hosted open houses, designed online ads, and tracked web users. I taped flyers to bus stops on Broadway and snuck postcards into Kaplan® books at Barnes and Noble®.

By 2004, Manhattan GMAT's full-time staff had expanded to include a finance and human resource person, a tech manager, an office manager and a small marketing and student services staff. We expanded nationally and online, so we were increasingly immersed not just with the daily operation, but also with the scaling of the marketing operation, analytics, and student services. I had a marketing budget, and met all of my revenue targets. By then the company was a multi-million dollar firm, and I was well compensated. Concerned about my long-term financial security, I periodically asked Zeke to let me invest in the company, as I believed in its future and mine along with it. But he insisted on remaining sole owner whenever I brought it up.

Two years later, the company underwent a big change. Zeke's dream had always been to start a charter school, so he hired Andrew Yang as the company's president. Andrew Yang was not at all involved in the running of the company before this time. He had taught a couple of classes, and I knew him, but I knew nothing of his work background.

Within a very short period of time after starting with Manhattan GMAT, Andrew reorganized the company, promoted me to Senior Director, and set more aggressive goals for me and my team. Andrew and I worked well together, and had a high level of mutual professional respect.

Around the same time that Andrew arrived, I was planning my wedding. The operations at Manhattan GMAT had the expected pace of a growing company, but were going very well, and I met all of my high-level growth marks despite having to select caterers and bridesmaids

dressess. In preparation for being away two and a half weeks for the wedding and honeymoon the longest I would have been away since the start of the firm, I worked non-stop to have all the pieces in place during my absence.

As Manhattan GMAT had grown and succeeded over the previous six years, people's personal lives had also evolved. The founder had gotten married, taken a two-week honeymoon to Asia, and had had his first child. The second employee, our finance manager, had also recently married and was about to start a family. I was 39, older than both of them, and I was also eager to start a family.

Two weeks later, in October 2007, jetlagged and exhausted, I was back to work. My team had performed seamlessly while I was away. But on the third day that I was back from my honeymoon, Andrew asked me to come into his office after everyone else had left. And behind closed doors, he opined that I wouldn't want to keep working as hard as I had now that I'd started this new personal chapter. That as a married woman, I'd want to focus on my new life.

Despite my hitting every single revenue mark set for me, despite not a single employment infraction over the six years, Andrew Yang fired me because I got married. And just like that, my new life was shattered. My financial security was blown to bits.

However, before I was willing to sign my termination agreement, I wanted to confirm that my departure wasn't part of a plan for Manhattan GMAT to be sold. Several incidents had led to speculation that a sale could be imminent, including a cease-and-desist letter from a competitor regarding a sample question on our website. I wanted to speak to Zeke. During multiple compensation discussions with him over the years, I had asked about buying into the company, as I believed so much in what we were creating and my role in doing so. In each case, Zeke indicated that he wished to hold 100% ownership. When I asked Zeke whether my firing was connected to a sale, he said it wasn't. He said that he remained sole owner and that he backed Andrew's choice to get rid of me. However, Andrew Yang allegedly was allowed to buy into the company and gain that financial stability of which I had been deprived.

I was an at-will employee at Manhattan GMAT. Technically Andrew could fire me without reason; however, he did give me a reason. I did not fully grasp the significance of this breach of ethics at the time and really wish that I knew then what I know now about gender issues in the workplace. My termination structured a monthly payment, worth a fraction of my compensation package, over two years, so I signed on the dotted line. We even conjured a lie about my departure, that I was willingly leaving, in order for me to save face. I was so broken, so shattered that I chose to keep a secret about my departure in order to save myself from the embarrassment.

The law does not protect employees from the greed of their employers, and I was a drag on Andrew's bottom line. He could find cheaper ways to get my work done, to get closer to the exit strategy that lie ahead: the sale of Manhattan GMAT to Kaplan®/Washington Post® for an

estimated \$88 million.

I have never spoken publicly about this. As you can probably imagine, recent events have brought these memories back with a vengeance, reopened the wounds from which I have never quite recovered. So I decided to come forward with my story. We need action on gender issues, so if the high profile individual's involvement in the story helps it gain traction, let's go for it. More than half of the work-force is employed in small businesses. Yet men reap virtually all of the financial rewards in growth sectors, mergers, and buy-outs. A good example of this is that women were awarded less than 3% of venture capital in 2018. It's high time for change.

The pay gap and job security are part of institutional patriarchy, they are part of Times Up, and part of MeToo. They are all forms of abuse against women. Andrew Yang didn't harass me physically. But he did treat me unjustly. He violated me economically. And I am ready to fight for solutions that protect women in all areas of our lives.

Thank you to the City of New York for hosting these forums.