

Facts and Talking Points on HB 739/SB 90 for 2020

A. The Ask

HB 739 and SB 90, Discrimination in Labor and Employment, was filed this legislative session for the fourth year. Fairness and the democratic process demand that this bill receive a hearing in the Business and Professions Subcommittee. Every time the committee meets, bills that affect far fewer people are considered. This bill affects all employees, especially women, but also men. Please schedule this bill for consideration in the committee as soon as possible.

B. Rationales for Legislative Action

The latest figures on the gender pay gap in Florida show it at 15%, with a typical woman working full time making only 85% of what the typical man earns. We believe that HB 739 would help to close the pay gap.

Many women of color face a worse pay gap. Nationally, compared to white, non-Hispanic men: Black women make 62%, Hispanic women make 54%, Asian women make 89%, native Hawaiian or Pacific Islander women make 61%, and American Indian or Alaska native women make 57%.

When a woman starts out earning less than a man, the effect follows her all her life, because raises and bonuses are usually based on percentages. By the time she retires, she may not have enough to live on. AAUW-sponsored research showed that retired women suffer a tremendous gap in resources compared with men. Including all forms of income (Social Security and any retirement savings and/or pensions) men's median annual income in 2016 was \$28,212, while women's median annual income stood at \$16,222. This is a 42.5% difference in income.

There is a perception that if people work full time, they should be economically secure. Yet AAUW-sponsored research using census data shows that only back 71% of female full-time workers in Florida are economically secure. This research uses a benchmark of economic security that takes into account saving for retirement. Many of these women are occupationally segregated into low-wage work, which usually does not provide retirement benefits. For women of color, the picture is bleaker: just a little over half are economically secure.

The pay gap impacts families. According to AAUW sources, women are the sole or co-breadwinners in approximately two thirds of American families. The Institute for Women's Policy Research has determined that closing the gender wage gap would reduce poverty in families with a working woman by half.

Women control the lion's share of consumer spending. That's why the Institute for Women's Policy Research, analyzing 2016 data, concluded that if women had been paid equally it would have added \$512.6 billion to the national income.

You may be hesitant to impose more regulations on businesses. But consider that, with the decline of labor unions, an employee has no one to take their side in matters of salary and benefits at work. There is a severe imbalance of power which only the state can correct.

C. Specific Provisions of HB 739 and SB 90

Do you believe in capitalism? Under capitalism, fair prices are worked out in an environment of perfect information. If an employer imposes secrecy regarding employee salaries, the employees have no way of knowing if they are being paid fairly. HB 739 would prohibit retaliation against employees who discuss one another's salaries. 20 other states have enacted this provision.

HB 739 would also prohibit employers from asking for salary history during the hiring process. This practice holds down salaries especially for those who may have taken a low-paying job early in their career or, as is often the case for women, after taking time off to care for young children. One's past salary history is not relevant to the contribution that person can offer to the hiring company. 14 other states have enacted this provision.

HB 739 would prohibit assigning employees to less favorable career tracks based on their gender. This is sometimes known as "mommy tracking". Women employees who are less likely to be given opportunities to advance will not become the corporate leaders that America needs.