A RESOLUTION ON GENDER PAY EQUITY

WHEREAS, equity in all areas of life for all people has long been a hallmark of the National Black Caucus of State Legislators (NBCSL);

WHEREAS, the U.S. National Archives and Records Administration defines a protected class as groups that are protected from the employment discrimination by law, and include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin, people over 40, and people with physical or mental handicaps;

WHEREAS, it is discriminatory for employers to pay workers of a protected class a rate of compensation, including benefits, that is less than the rate paid to employees that are not part of the protected class for work that is substantially similar;

WHEREAS, if differences in pay exist, an employer must demonstrate that the differences are based on a system of seniority or merit, or on legitimate, bona fide factors, such as education level, training, and experience, and show that the factors are job-related and do not perpetuate a wage differential or distinction based on gender, race, or other characteristic of members of a protected class;

WHEREAS, workers need legal protection from employers taking reprisals against an employee who speaks to attorneys, fellow employees or a government agency regarding job titles, rates of pay, and personal characteristics, such as gender, race, and national origin, of current or former employees;

WHEREAS, no employer can lower salaries in order to comply with the law prohibiting pay discrimination, or require current or prospective employees to waive rights afforded them under anti-discrimination laws or any law;

WHEREAS, companies contracted to perform work for a government agency need to report on the compensation provided to their workforce to ensure compliance with laws and regulations prohibiting discrimination in salary;

WHEREAS, the legal system must ensure that proper relief is granted to individuals who have proven under the law that they have been victims of pay discrimination;

WHEREAS, American women who work full-time year-round are paid only 82 cents for every dollar paid to men, and 62 cents for black women;

WHEREAS, this wage gap translates into a loss of $10,194 in median earnings every year;
WHEREAS, over a 40-year career, black women typically earn $840,040 less than white men, Native American women $934,240 less than white men, and Latinas earn $1 million less than white men;

WHEREAS, according to a 2015 study by the Pew Research Center the average hourly wages were $21 for white men, $15 for black men and $14 for Hispanic men, showing a wide pay gap exists for minority men as well;

WHEREAS, women of color would have to work well into their 80’s or 90’s in order to catch up to what a white, non-Hispanic male made by age 60;

WHEREAS, according to Pew Research, even though women have increased their presence in higher-paying jobs traditionally dominated by men such as professional and managerial positions, women as a whole continue to be overrepresented in lower-paying occupations, and this may also contribute to gender differences in pay;

WHEREAS, as a result of a recent Federal Court ruling from the 9th Circuit, employers can legally pay women less than men for the same work based on previous differences in the worker’s salaries as long as they apply it reasonably and have a business policy it;

WHEREAS, the 45th President of the United States signed an executive order revoking a 2014 executive order created by President Barak Obama that ensured businesses that receive federal contracts to do a better job of adhering to labor and civil rights laws; and

WHEREAS, as a result of the order of President Donald Trump, businesses are no longer required to provide wage transparency and can include forced arbitration clauses to resolve sexual harassment claims.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL), supports efforts to mitigate the gender pay gap for women who are consistently facing and dealing with issues related to wage discrimination based on gender, as well as ending pay gap as based on race for men and women;

BE IT FURTHER RESOLVED, that the NBCSL urges the restoration of an executive order to ensure that businesses that receive federal contracts to do a better job of adhering to labor and civil rights laws, and further asks Congress to pass legislation to make these provisions permanent and not subject to future executive action;

BE IT FURTHER RESOLVED, that the NBCSL supports initiatives, the passage of local, state, and federal laws and programs that seek to eliminate the gap in wages paid to women based on gender, as well as ending pay gap as based on race for men and women;

BE IT FURTHER RESOLVED, that the NBCSL support federal and state legislation that ensures equal pay for all protected classes;
BE IT FURTHER RESOLVED, that the NBCSL support federal and state legislation that ensure that proper relief is granted to individuals who have been victims of pay discrimination; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Assemblymember Verlina Reynolds-Jackson (NJ) and Assemblymember Shavonda Sumter (NJ)
Committee of Jurisdiction: Business and Economic Development Policy Committee
Certified by Committee Co-Chair: Senator James Sanders (NY)
Ratified in Plenary Session: Ratification Date is December 6, 2019
Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President