



**TESTIMONY OF  
THE EXECUTIVE DIRECTOR OF THE  
WOMEN'S CITY CLUB OF NEW YORK  
TO THE WOMEN'S ISSUES COMMITTEE,  
CHAired BY COUNCIL MEMBER JULISSA FERRERAS**

June 10, 2013

My name is Taina Bien-Aimé and I am the Executive Director of the Women's City Club of New York or WCC. The WCC is a non-profit, non-partisan, multi-issue civic organization founded by suffragists in 1915. Our mission is to improve the lives of New Yorkers by helping to shape public policy and promoting responsible government. The WCC is also a member of the Women's Equality Act Coalition New York City Regional Steering Committee. We would like to thank City Council Member Julissa Ferreras, Chair of the Women's Issues Committee, for her leadership in the efforts to pass a resolution regarding the Women's Equality Act in New York State.

Eleanor Roosevelt, a formidable New Yorker and one of the WCC's early members, was the architect of the Universal Declaration of Human Rights, which states that "All human beings are born free and equal in dignity and rights,...regardless of sex..."

Within this human rights framework, it is well established that legal discrimination against women can lead to violence against women and that our government has an obligation to ensure that all of its citizens, including those born female, enjoy inalienable and indivisible rights. The Women's Equality Act is a critical step towards that realization. Consisting of over 800 New York-based organizations, members of the Women's Equality Act Coalition, including the WCC, are urging New York to pass this groundbreaking legislation and the City Council to pass a resolution in its favor.

The Women's Equality Act is a 10-point piece of legislation that would help New York move closer to equality for women. It must pass in its entirety. New York can no longer discriminate against pregnant women in the workplace or against victims of domestic violence in search of housing. New York cannot justify exempting any employers from the law should they engage in sexual harassment. New York can no longer afford the unacceptable fact that today, on the 50<sup>th</sup> anniversary of the Equal Pay Act, women still earn .84 cents for each dollar her male colleagues make and if she is Black or Latina, that economic disparity drops to .69 and .60 cents, respectively. How can New York, once a leader in women's rights not meet the federal government's standards in legislating a woman's right to make decisions about her reproductive health? New York must align its antiquated law on abortion with federal law. Nothing more, nothing less. According to a recent Quinnipiac University poll, the vast majority of New Yorkers believe that women have a right to choose. The legislators of New York must be aligned with the wishes of New Yorkers.

Finally, New York must strengthen its human trafficking laws through the Trafficking Victims Protection and Justice Act (TVPJA), Part H of the Women's Equality Act. In past years, we have come to understand better that human trafficking is a violent crime and how critically important it is to provide quality, holistic services survivors so desperately need. The proposed legislation aims at targeting traffickers, pimps and perpetrators, as well as seeking justice for human trafficking victims, particularly for sex trafficked children.

The Women's Equality Act is comprehensive legislation that shows that we cannot parse out women's rights. It is also recognition that if New York does not legislate against discrimination, then it condones inequality.

The WCC would like to thank the City Council for its leadership, time and work on promoting and protecting women's rights in law and in practice. Thank you.

Taina Bien-Aimé  
Executive Director, Women's City Club of New York (WCC)  
June 10, 2013

New York City Council – June 10, 2013 1:00PM

**Statement by Linda C. Hartley**

Member, Equal Pay Coalition – NYC and NYS Women's Equality Coalition  
Board Vice President, Development - New York Women's Agenda  
Former Board President, Women In Development  
President, Hartley Consulting, Inc. - Strategic Development for Nonprofits



*President John F. Kennedy signed the Equal Pay Act into law on June 10, 1963. He said the new legislation would end the "unconscionable practice of paying female employees less wages than male employees for the same job." (Credit: Abbie Rowe, White House Photographs. Courtesy of John F. Kennedy Presidential Library and Museum, Boston)*

In 1963, women were paid 59 cents for every dollar men were paid. Today, that figure is 77 cents. In 50 years, we have made 18 cents worth of progress nation-wide.

New York Women's Agenda is a coalition of over 100 women's organizations and advocates in metropolitan New York. We founded the Equal Pay NYC Coalition in 2004, representing another 40 organizations in addition to our upstate sister coalition, the New York State Pay Equity Coalition, and we are now part of the steering committee in support of the Women's Equality Act, representing over 1,000 businesses and nonprofits across the state.

When I first joined the board of New York Women's Agenda in 2000, I wrote the organization's first policy statements on both reproductive rights and pay equity. The pay equity policy statement began with noting that it was almost four decades since President Kennedy signed the Equal pay Act into law. Here we are 13 years later, and women have gained 5 cents nation-wide, with the needle barely moving for African-American and Hispanic women, each gaining about a 1 penny toward pay equity since 2000.

<http://blog.nationalpartnership.org/index.php/2013/06/the-equal-pay-act-turns-50-the-times-they-have-been-changin/>

While the numbers are better in New York, it is still not enough, and we cannot afford to wait another 50 years to close the gap at this rate.

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## **New York City Council Testimony – Women’s Issues Committee Hearing**

Good Afternoon

I am Avalyn Simon, President of the New York Coalition of 100 Black Women. Today we observe the 50th Anniversary of the Equal Pay Act. Seven years into the passage of this act, in 1970, twenty-six women gathered to lay the framework for the NYCOBW. At the heart of their concern and what has become the mission of the Coalition were equality and fairness for women, and the advancement of women’s issues, particularly black women.

Since the founding of our organization there have been advances in the cause of women's equality. However, there is still a great deal of gender-based disparities and discrimination that exist in our State and Nation. I am here today to join the hundreds of other organizations who collectively represent millions of New Yorkers to state publicly the Coalition's support of Governor Cuomo's 10 Point Women's Equality Agenda and to call on NYS' elected officials to vote for the passage of this act that will give women greater power in dealing with domestic violence; pregnancy, housing, source of income and family status discrimination; that will strengthen human/sex trafficking laws; allow for attorney fees in employment, lending and credit discrimination cases; stop sexual harassment in the workplace; achieve pay equity; and protect reproductive health.

Time does not permit me to delve into the implications of all 10 aspects of the agenda; however, I beg you indulgence, today on the 50<sup>th</sup> Anniversary of the Equal Pay Act, to elaborate briefly on the disparity in pay and its implications for women of color, who are faced with a double wage gap, meaning that while all women are paid less than white men for equal work, women of color, Black, Hispanic, and Asian women earn even less than their white women counterparts. This is further compounded by the fact that women of color are more likely than their white counterparts to be breadwinners for their families or share that responsibility with a partner. Nationally, women on average earn 77 cents to every dollar a man earns for comparable work, a gender gap of 23 percent. African American and Hispanic women earn just 64 cents and 55 cents, respectively, for

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every dollar a man earns.<sup>1</sup> This has many immediate and long-term implications: less money for necessities such as housing, food, education and health; much less in accumulated retirement benefits; and a huge barrier to wealth accumulation. Closing the wage gap would afford a working African-American woman more than two years' worth of food, nearly 10 months' worth of mortgage and utilities payments, approximately 16 months of rent, more than three years' worth of family health insurance premiums or 4,549 additional gallons of gas, each year.<sup>2</sup> According to economist, Heidi Hartmann, president of the Institute for Women's Policy Research, it would have a stimulus effect that would grow the U.S. economy by at least three to four percentage points.

This is a historic opportunity for our NYS lawmakers to help level the playing field in bringing about gender equality, to empower women with the tools and opportunity to reach their full potential, and to once again put New York State at the forefront of advancing the agenda for women. The NYCOWB strongly supports the Women's Equality Act. Thank you.

Submitted  
Avalyn P. Simon  
President  
New York Coalition of One Hundred Black Women, Inc

The New York Coalition of One Hundred Black Women is the founding chapter of the Coalition of One Hundred Black Women which was founded in 1970 in New York City. It is a 501c (3) not-for-profit organization, which over the past forty years have advocated on behalf of women and their families, and through its programs and activities aims to improve the lives of women and girls.

**Contact**

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<sup>1</sup> US Census Bureau data

<sup>2</sup> National Partnership for Women and Families

**New York City Council,  
Testimony in Support of Resolution on Women's Equality Agenda  
(T2013-6392)**

**Joan Malin, President and CEO  
Planned Parenthood of New York City  
June 10<sup>th</sup>, 2013**

Good morning. My name is Stephanie Demmons and I am testifying on behalf of Joan Malin, President and CEO of Planned Parenthood of New York City. I am pleased to be here today to provide testimony in support of this resolution championing the Women's Equality Agenda. This resolution will reinforce that New York State must lead our nation in progressive legislation and policies that uphold the lives of all women.

I want to first thank the Chair of the Women's Issues Committee, the Honorable Julissa Ferreras, for introducing this resolution and holding this hearing. I also want to especially thank our Council Members who have already signed onto Resolution T2013-6392. PPNYC's Board, staff, and our patients are grateful for your leadership. I also want to take this opportunity to recognize Council Speaker Christine Quinn for her continued leadership on women's issues. We look forward to our continued work with Speaker Quinn and the New York City Council to improve the lives of New Yorkers.

For almost a century, Planned Parenthood of New York City (PPNYC) has offered high-quality, affordable health care services to New York City's women, men, and adolescents. Planned Parenthood provides the full range of confidential reproductive health services and counseling to the women, men, and teens of New York City. During 2012, over 50,000 patients from all boroughs made nearly 85,500 visits to our health centers with a specific focus on preventive care. The broad spectrum of services provided this past year included lifesaving breast and cervical cancer screenings, birth control counseling and provision, gynecological exams, HIV testing, male reproductive services, testing and treatment of sexually transmitted infections (STIs), and both medical and surgical abortion care.

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Planned Parenthood of New York City

Here in New York we have an historic opportunity to provide national leadership by passing the Women's Equality Agenda – legislation that secures the rights of women in the state of New York, and affirms reproductive health care as basic and essential care. Right now New York's outdated laws mean that women here could potentially lose many of their current reproductive rights and freedoms.

And that's not the only problem that the Women's Equality Agenda seeks to amend. Right here in the state of New York, women who are pregnant or have children continue to face discrimination in the workplace, and women are five times more likely than men to be sexually harassed. One in four women will experience intimate partner violence in her lifetime. In addition, women are five times more likely than men to be sexually harassed, and one in four women will experience intimate partner violence in her lifetime.

New York has the power to solve many of these problems by simply amending provisions in the state law. The Governor's proposal is a groundbreaking attempt to provide opportunity to women from all walks of life in all corners of the state, so that all women can participate fully and equally in society.

Women support the WEA. In a recent Siena poll 80% of New Yorkers support the WEA and New Yorkers stand with Governor Cuomo on abortion 3 to 1. The numbers speak for themselves.

We must bring Governor Cuomo's 10-point Women's Equality Agenda to a vote in the NY State Legislature now! Constituents want to, and expect to see their elected representatives stand up for the women of this state.

Last week, members of the over 850 organization-Women's Equality Act coalition representing the five boroughs here in New York City brought 4 full buses of activists, over 200 people to rally in the Capitol and meet with legislators. We joined hundreds of other groups from across New York State. The sheer number of New Yorkers making the trek to Albany to show their support for the Women's Equality Agenda is a testament to the overwhelming support for this Agenda.

Planned Parenthood of New York City

Planned Parenthood of New York City thanks the New York City Council for calling for a vote on the Women's Equality Act in New York State, knowing that reproductive health is not a marginal issue, but in fact central to the real lives of women and families in NYC.

Today, we applaud the New York City Council for taking the lead in moving Resolution T2013-6392 forward, and hope that New York City can serve as the national model for championing women's health.





**NARAL  
Pro-Choice New York**

**Testimony of NARAL Pro-Choice New York  
before  
The New York City Council  
Committee on Women's Issues  
regarding  
Resolution calling upon the New York State Legislature to pass,  
and the Governor to sign, the Women's Equality Act.  
June 10, 2013**

Good afternoon. Thank you, Chairwoman Ferreras and members of the Committee for offering the opportunity to speak in favor of Resolution T2013-6392. My name is Emily Kadar and I am the Government Affairs and Advocacy Manager at NARAL Pro-Choice New York. We are a political and advocacy organization that works to ensure that every woman has the right and ability to make whatever reproductive health decisions are best for her life and her family. This includes preventing unintended pregnancy, bearing healthy children, and choosing safe, legal abortion. NARAL Pro-Choice New York is also a member of the New York Women's Equality Coalition – 850 organizations, labor unions, religious groups, and businesses across New York State that have joined together in support of the Women's Equality Act, a groundbreaking ten-point plan that was recently sent up to the State Legislature by Governor Andrew Cuomo.

The Women's Equality Act addresses the many ways in which the gender inequity currently enshrined in state law harms women and prevents them from achieving their goals. The WEA would strengthen pay equity, orders of protection, and anti-human trafficking laws, and better protect low-income individuals, survivors of domestic violence, pregnant women, and parents from discrimination in New York State. The proposed law also recognizes that in order to have equal opportunities, a woman must be able to protect her reproductive health without state interference.

New York has always been a trailblazer when it comes to the pursuit of equality. New York State legalized abortion back in 1970, three years before the Supreme Court did so nationally through *Roe v. Wade*. The 1970 law allows women to obtain abortions before 24 weeks, and permits later abortions in cases when a woman's life is at risk. However, the state never revised its abortion law after *Roe v. Wade* was decided, creating an

incongruity between state and federal law. The Women's Equality Act offers clear language to fix that inconsistency: "The state shall not deny a woman's right to obtain an abortion as established by the United States Supreme Court in the 1973 decision *Roe vs. Wade*."

By bringing our law in line with the federal standard, women and providers will have the assurance that *Roe v. Wade*'s protections for a woman's health are the standard here in New York, as well. The Women's Equality Act will mirror *Roe* in stating that abortion is always permissible "when the fetus is not viable or when necessary to protect a woman's life or health as determined by a licensed physician."

We have a unique but short window in which to improve the lives of New York women and make history for our state and for the nation. Passing the Women's Equality Act will set an example for the rest of the country that progressive policy around women's health and rights is possible. We can provide a path to protect against the backwards trend on reproductive rights happening in states around the country, as well as protect against any reversal of *Roe* by the Supreme Court. As states continue to pass draconian restrictions on abortion and birth control, and undermine women's ability to be equal players in society, now is the time to take a stand, to protect the rights of New York women, and to provide a way forward to the rest of the nation. NARAL Pro-Choice New York is thrilled to support the New York City Council as it considers this resolution in support of the Women's Equality Act.

# **eliminating racism empowering women**

**ywca**

Hello, my name is Martha Kamber, and I am the CEO of the YWCA of Brooklyn. I would like to thank the Women's Issue Committee for the opportunity to testify on behalf of the Women's Equality Act. The 21 YWCA's of NYS support the Women's Equality Agenda because we see the devastating consequences of gender inequality and violence against women every single day.

The YWCA of Brooklyn is the largest provider of affordable housing in downtown Brooklyn, with 299 units for low-income and homeless women. Virtually all of our residents are survivors of domestic violence and/or sexual assault. Most were homeless before coming to the ywca, often because they were fleeing intimate partner violence or struggling with the emotional consequences of trauma. Without the foundation of a safe, affordable home, women and their children cannot heal from past traumas, rebuild their lives, and move on to a brighter future. WEA is not a bill designed to protect the human rights of women; this is a bill that also protects the human rights of their children and subsequently, entire communities.

Women comprise half of the population of NYS and without pay equity, a workplace free of sexual harassment and violence, and accommodations for pregnant women we cannot progress. 37.6% of female-headed households with children live in poverty in New York State. This is not only shameful, it robs the next generation of vital resources

they need to become productive members of society. When women are empowered everyone benefits.

Let's be clear, WEA is not proposing special treatment for anyone – it is simply leveling the playing field so that New Yorkers have a fair chance.

Testimony before the New York City Council

June 10, 2013

Submitted by Elizabeth Gedmark, Law Fellow, & Dina Bakst, Co-Founder & Co-President of  
A Better Balance: The Work & Family Legal Center

Good afternoon. My name is Elizabeth Gedmark, and I am an attorney with A Better Balance: The Work & Family Legal Center. A Better Balance is a New York-based legal advocacy organization dedicated to promoting fairness in the workplace and helping workers across the economic spectrum care for their families without risking their economic security. A Better Balance also hosts the Families @ Work Legal Clinic, where we partner with the prominent New York employment law firm, Outten & Golden, to assist low-income working New Yorkers with pregnancy discrimination, caregiver discrimination, pay discrimination, and other related issues. We receive calls from men and women across the tri-state area as well as from individuals all over the nation in response to our advocacy efforts.

I want to start by thanking the New York City Council for convening this hearing to discuss the New York State Women's Equality Act (WEA). This testimony will primarily focus on three vitally important provisions of the Women's Equality Act: pregnancy discrimination, family status discrimination, and pay equity. However, A Better Balance, a member of the Steering Committee of the New York for Women's Equality Coalition, strongly supports all ten points of the Women's Equality Act. When a woman is empowered in different areas of her life, such as at work, feeling safe in the home, and her healthcare decisions, she will be better able to participate in the economy and earn what she deserves. Because of this we urge the New York City Council to pass a resolution supporting the Women's Equality Act, Program Bill #9.

## INTRODUCTION

Women make up almost half of the workforce<sup>1</sup> and families rely on women's salaries to make ends meet: Women are the primary or co-breadwinners in almost two-thirds of families<sup>2</sup> and a recent Pew Research study found that 40% of American families have a woman as the primary or sole breadwinner.<sup>3</sup> This research confirms that New York's families and New York State's economy depend on women being treated fairly in the workplace. On the 50<sup>th</sup> anniversary of the enactment of the Equal Pay Act, my testimony will highlight three urgently needed provisions of the Women's Equality Act.

## PREGNANCY DISCRIMINATION

**New York needs strong measures to support pregnant women in the workforce.** New York must work to increase the participation of women, including pregnant women, in the workforce. Three-quarters of women entering the workforce in our country will be pregnant and employed at some point in their lives.<sup>4</sup> Some of these women—especially those in physically strenuous jobs—will face a conflict between their duties at work and the demands of pregnancy. Pregnant women are pushed out of their jobs and often treated worse than other employees with similar

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<sup>1</sup> Catalyst, *Statistical Overview of Women in the Workplace*, (Dec. 2011), <http://www.catalyst.org/publication/219/statistical-overview-of-women-in-the-workplace>.

<sup>2</sup> Heather Boushey & Ann O'Leary, *The Shriver Report: A Woman's Nation Changes Everything: Executive Summary*, (Oct. 2009), [http://www.americanprogress.org/issues/2009/10/womans\\_nation.html](http://www.americanprogress.org/issues/2009/10/womans_nation.html).

<sup>3</sup> Wendy Wang, Kim Parker, & Paul Taylor, *Breadwinner Moms: Mothers Are the Sole or Primary Provider in Four-in-Ten Households with Children; Public Conflicted about the Growing Trend*, (May 2013), [http://www.pewsocialtrends.org/files/2013/05/Breadwinner\\_moms\\_final.pdf](http://www.pewsocialtrends.org/files/2013/05/Breadwinner_moms_final.pdf).

<sup>4</sup> Alexandra Cawthorne & Melissa Alpert, *Labor Pains: Improving Employment and Economic Security for Pregnant Women and New Mothers*, (Aug. 2009), [http://www.americanprogress.org/issues/2009/08/pregnancy\\_support.html](http://www.americanprogress.org/issues/2009/08/pregnancy_support.html).

limitations & disabilities because the law does not explicitly guarantee reasonable accommodations for conditions related to pregnancy and childbirth.<sup>5</sup>

- A pregnant retail worker in New York City was rushed to the emergency room when she fainted on the job because her boss would not let her drink water.
- A pregnant cashier on Long Island could not get a stool to sit on and had to spend 8-10 hour shifts on her feet.
- An airline worker at JFK airport was pushed onto unpaid leave after her doctor gave her a lifting restriction, despite the fact that light duty was available for non-pregnant temporarily disabled employees.<sup>6</sup>

**The Women’s Equality Act would codify and clarify that the New York State Human Rights Law protects pregnant women who need minor adjustments at work.** One provision of the Women’s Equality Act would explicitly require employers to provide a reasonable accommodation to the known medical conditions related to pregnancy and childbirth of an employee, unless doing so would create an undue hardship. This law is necessary to provide a proactive tool for pregnant women and ensure equal treatment under the law. Recent court decisions have added great confusion about this protection and legislative clarity is essential.

**Need for greater legal clarity has been recognized across the country.** California’s decade-old law guaranteeing pregnant women reasonable accommodations in the workplace has been

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<sup>5</sup> Dina Bakst, *Pregnant, and Pushed Out of a Job*, N.Y. Times, (Jan. 30, 2012), available at: [http://www.nytimes.com/2012/01/31/opinion/pregnant-and-pushed-out-of-a-job.html?\\_r=0](http://www.nytimes.com/2012/01/31/opinion/pregnant-and-pushed-out-of-a-job.html?_r=0).

<sup>6</sup> *Why We Need the Pregnant Workers Fairness Act: Stories of Real Women*, [http://www.abetterbalance.org/web/images/stories/Documents/fairness/Why\\_We\\_Need\\_the\\_Pregnant\\_Workers\\_Fairness\\_Act\\_-\\_Stories\\_of\\_Real\\_Women-2.pdf](http://www.abetterbalance.org/web/images/stories/Documents/fairness/Why_We_Need_the_Pregnant_Workers_Fairness_Act_-_Stories_of_Real_Women-2.pdf); shortened link: <http://bit.ly/PHaDQT>.

used countless times to help workers stay healthy and keep their jobs.<sup>7</sup> Connecticut, Hawaii, Louisiana, Alaska, Texas, and Illinois also explicitly require certain employers to provide some accommodations to pregnant employees.<sup>8</sup> Proposed federal legislation (the Pregnant Workers Fairness Act) has garnered broad support from over 100 organizations.<sup>9</sup>

**Legislation will benefit working women, their families, their employers, and the public.**

Women who need income but lack accommodations are often forced to continue working under unhealthy conditions, risking their own health as well as the health of their babies.<sup>10</sup> Stress from job loss can increase the risk of a premature baby and/or a baby with low birth weight;<sup>11</sup> risks that may be avoided with a simple modification to keep a woman on the job. The Women's Equality Act will promote women's economic security during a critical time that is often filled with financial hardship,<sup>12</sup> and would save taxpayers money in the form of unemployment insurance and other public benefits.. Employers benefit too, from reduced turnover and increased productivity.<sup>13</sup>

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<sup>7</sup> Noreen Farrell, *Expecting A Baby, Not a Lay-Off: Executive Summary* (May 2012), <http://www.equalrights.org/media/2012/PWFA-ExecSummary.pdf>.

<sup>8</sup> Conn. Gen. Stat. § 46a-60(a)(7); Haw. Admin. Rules § 12-46-107; La. R.S. 23:342(4); Alaska Stat. § 39.20.520(a); Tex. Local Gov't Code § 180.004(b); Ill. Comp. Stat. Ann. § 775 5/2- 102(H).

<sup>9</sup> Pregnant Workers Fairness Act Letter of Support (May 23, 2013), [http://www.nationalpartnership.org/site/DocServer/Pregnant\\_Workers\\_Fairness\\_Act\\_Sign-On\\_Letter\\_1-14-2013.pdf?docID=11681](http://www.nationalpartnership.org/site/DocServer/Pregnant_Workers_Fairness_Act_Sign-On_Letter_1-14-2013.pdf?docID=11681).

<sup>10</sup> Renee Bischoff & Wendy Chavkin, *The Relationship between Work-Family Benefits and Maternal, Infant and Reproductive Health: Public Health Implications and Policy Recommendations*, (June 2008), pg. 13-17, [http://otrans.3cdn.net/70bf6326c56320156a\\_6j5m6fupz.pdf](http://otrans.3cdn.net/70bf6326c56320156a_6j5m6fupz.pdf); see also Mayo Clinic Staff, *Working During Pregnancy: Do's and Don'ts*, <http://www.mayoclinic.com/health/pregnancy/WL00035>; see also Joanna L. Grossman, *Pregnancy, Work, and the Promise of Equal Citizenship*, 98 Geo. L.J. 567, 582-84 (March 2010).

<sup>11</sup> March of Dimes, *Stress and Pregnancy* (January 2008/January 2010), [http://www.marchofdimes.com/pregnancy/lifechanges\\_indepth.html](http://www.marchofdimes.com/pregnancy/lifechanges_indepth.html).

<sup>12</sup> Almost half of all babies born in the United States are born to families receiving WIC food supplements. See Kimberly Brown, *Shocking Need: American Kids Go Hungry*, ABC News, (August 24, 2011), [http://abcnews.go.com/US/hunger\\_at\\_home/hunger-home-american-children-malnourished/story?id=14367230#.Tu-55mC4Iy4](http://abcnews.go.com/US/hunger_at_home/hunger-home-american-children-malnourished/story?id=14367230#.Tu-55mC4Iy4).

<sup>13</sup> Job Accommodation Network, *Workplace Accommodations: Low Cost, High Impact*, pg. 3, <http://www.jan.wvu.edu/media/LowCostHighImpact.doc>.



## FAMILY STATUS DISCRIMINATION

**New York must end discrimination against mothers.** Mothers earn 5% less *per child* than non-mothers, even when statistically controlling for education, work experience and other variables.<sup>14</sup> They are also less likely to be hired or promoted at work. Discrimination that prevents parents from staying at their jobs or advancing at work is a significant threat to family economic security.

The New York State Human Rights Law already bans discrimination in *housing* based on family status, but there is no similar provision prohibiting such discrimination in employment.<sup>15</sup> The Women's Equality Act would explicitly protect parents, so that mothers and fathers cannot be discriminated against at work just because they have children. The law would not require employers to accommodate parents' busy schedules; they simply must give them equal treatment.

**Protecting families is good for New York.** Alaska and Washington, D.C. already protect parents from workplace discrimination.<sup>16</sup> Federal employees are also protected from discrimination based on their status as a parent.<sup>17</sup> Localities in New York already provide this protection for certain employees, such as Ithaca, Rye Brook, and Westchester County.<sup>18</sup> New York State can be a leader on this issue and ensure that families are not penalized based on outdated stereotypes and workplace models. It will help our economy and make for better

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<sup>14</sup> Stephen Benard, In Paik, & Shelley J. Correll, *Cognitive Bias and the Motherhood Penalty*, 59 Hastings L. J. 1359, 1359 (June 2008), available at: [http://uchastings.edu/hlj/archive/vol59/Benard-Paik-Correll\\_59-HLJ-1359.pdf](http://uchastings.edu/hlj/archive/vol59/Benard-Paik-Correll_59-HLJ-1359.pdf).

<sup>15</sup> N.Y. Exec. Law § 296(2-a).

<sup>16</sup> Alaska Stat. § 18.80.220; D.C. Code Ann. § 2-1401.01-02.

<sup>17</sup> Executive Order 13152.

<sup>18</sup> Ithaca, N.Y. Code §§ 215-1 to -36 (2008); Rye Brook, N.Y. Code § 24-1 to -9 (2008); Westchester County, N.Y. Code §§ 700.01-.18 (2008); Exec. Work Order No. 5-2002.

workers and caregivers. Explicit protection would also send a strong message to employers to address discrimination pro-actively and simplify litigation.<sup>19</sup>

## PAY EQUITY

**New York women deserve fair pay.** This 50th anniversary of the 1963 federal Equal Pay Act, it is important to recognize that we still have far to go in achieving equal pay for men and women in New York State and across the country. New York women earn 83.9 percent of men's earnings on average.<sup>20</sup> For women of color, this figure is even lower—64% for Hispanic women and 79% for African American women.<sup>21</sup> As a group, full-time working women in New York lose approximately \$22,340,027,689 each year due to the wage gap.<sup>22</sup>

Equal pay for women is particularly important in these tough economic times. Millions of Americans are dependent on women's paychecks just to get by, pay their rent and feed their families. Eliminating the wage gap is incredibly important for impoverished New York families. If the wage gap were closed, working women in New York and their families would have enough money for 64 more weeks worth of food, 4.4 more months of mortgage and utility

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<sup>19</sup> The Work-Family Dilemma, A Better Balance: Policy Solutions for All New Yorkers (Barnard 2007).

<sup>20</sup> Catherine Rampell, *The Gender Pay Gap, by State*, N.Y. Times (July 13, 2010), available at: <http://economix.blogs.nytimes.com/2010/07/13/the-gender-pay-gap-by-state/>.

<sup>21</sup> National Partnership for Women & Families, *Latinas and the Wage Gap* (Jan. 2013), available at: [http://www.nationalpartnership.org/site/DocServer/Wage\\_Gap\\_for\\_Latinas\\_in\\_20\\_States.pdf?docID=11701](http://www.nationalpartnership.org/site/DocServer/Wage_Gap_for_Latinas_in_20_States.pdf?docID=11701); National Partnership for Women & Families, *African American Women and the Wage Gap* (Jan. 2013), available at: [http://www.nationalpartnership.org/site/DocServer/Wage\\_Gap\\_for\\_African\\_American\\_Women\\_in\\_20\\_States.pdf?docID=11702](http://www.nationalpartnership.org/site/DocServer/Wage_Gap_for_African_American_Women_in_20_States.pdf?docID=11702).

<sup>22</sup> National Partnership for Women & Families and AAUW, *New York: Working Women and the State's Wage Gap* (April 2011), available at: [www.nationalpartnership.org/site/DocServer/wf.epd.factsheet.NY.pdf](http://www.nationalpartnership.org/site/DocServer/wf.epd.factsheet.NY.pdf).

payments, 9 more months of rent, 3 more years of family health insurance premiums, or more than 2,000 extra gallons of gas.<sup>23</sup>

**Loopholes in our equal pay law make enforcement difficult.** Courts have interpreted the catch-all defense of “factors other than sex” so broadly that employers regularly evade liability even where sex has played a role in pay differentials between men and women. Under existing law, a defendant employer will *not* be held liable if unequal pay is based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or *any other factor other than sex*.<sup>24</sup> The WEA would require employers to meet a higher standard: (1) show that a pay differential is based on a bona fide factor, such as education, training or experience, that is truly unrelated to sex, (2) show that the pay differential is job-related with respect to the position in question and, (3) show that it is consistent with businesses necessity. This reform is necessary to put teeth into the law and allow it to solve the problem for which it was created.

**New York should pass the Women’s Equality Act, which would protect workers from retaliation for sharing salary information.** Pay confidentiality policies are widespread; in fact, 61% of private sector employees reported that they are discouraged or prohibited from discussing wage and salary information.<sup>25</sup> The Women’s Equality Act would make it illegal for employers to retaliate against employees because they disclosed or discussed their wages. If a woman does not know how much her male colleagues earn, it is difficult for her to know when she is the victim of wage discrimination, limiting her ability to negotiate for higher pay and earn

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<sup>23</sup> *Id.*

<sup>24</sup> N.Y. Lab. Law § 194.

<sup>25</sup> Institute for Women’s Policy Research, *Pay Secrecy and Paycheck Fairness: New Data Shows Pay Transparency Needed*, (Nov. 2010), available at: <http://www.iwpr.org/press-room/press-releases/pay-secrecy-and-paycheck-fairness-new-data-shows-pay-transparency-needed>.

what she deserves.<sup>26</sup> The Supreme Court of the United States has recognized that “[f]ear of retaliation is the leading reason why people stay silent instead of voicing their concerns about bias and discrimination.”<sup>27</sup> After nearly two decades of employment, it took an anonymous note for Lilly Ledbetter to find out that she was earning significantly less than male colleagues performing the same job.<sup>28</sup> Had an anti-retaliation bill been in effect, Ledbetter might have discovered the wage discrimination far earlier, and she could have sought a remedy without fear of recrimination

**Increased liquidated damages are critical for improving enforcement of the law.** Damages awards help to repair harm done to women and their families by helping them recover financially. Under existing state law,<sup>29</sup> a successful equal pay plaintiff may recover the lost part of her wages she *should* have been paid during the time she was receiving unequal pay and liquidated damages equal to the full amount of underpaid wages (in addition to attorney fees and prejudgment interest). The WEA would triple the amount of liquidated damages available to plaintiffs, helping employees afford representation and achieve justice.

## CONCLUSION

New York should be a leader in breaking down barriers to women’s equality and providing an environment where women can flourish. The Women’s Equality Act would have a significant impact on the long-term economic security of women and families in New York.

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<sup>26</sup> A Better Balance, *Wage Secrecy in New York: Why We Need a State Wage Disclosure Law*, (June 2011), available at: [http://abetterbalance.org/web/images/stories/Documents/fairness/factsheets/ABB\\_Fact\\_Sheet\\_-\\_Wage\\_Secrecy\\_in\\_NY.pdf](http://abetterbalance.org/web/images/stories/Documents/fairness/factsheets/ABB_Fact_Sheet_-_Wage_Secrecy_in_NY.pdf).

<sup>27</sup> See National Women’s Law Center, *Combating Punitive Pay Secrecy Policies*, April 2011 (quoting *Crawford v. Metro. Gov’t of Nashville & Davidson County*, 555 U.S. 271, 129 S. Ct. 846, 852 (2009)).

<sup>28</sup> See *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007).

<sup>29</sup> N.Y. Lab. Law § 194.

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in favor  in opposition

Date: June 10, 2013

Name: Stephanie Demmons (PLEASE PRINT)

Address: 26 Blocker Street NY, NY 10012

I represent: Planned Parenthood of NYC

Address: same as above

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Name: Elizabeth Gedmark (PLEASE PRINT)

Address: 80 Marden Lane, Suite 606, New York NY

I represent: A Better Balance

Address: same as above

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Date: 6/10/13

Name: EMILY KADAR (PLEASE PRINT)

Address: 505 8th AVE #3 BROOKLYN 11215

I represent: NARAL PRO-CHOICE NY

Address: 470 PARK AVE SOUTH, #75, NY, NY 10016

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Name: Linda O'Hartley

Address: 2550 Independence Ave

I represent: Bronx NY 10463

Address: Equal Pay Coalition NYC

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Name: AVALYN SIMON

Address: 188-11 Manjun Ave, St. Albans NY 11412

I represent: The New York Coalition of 100 Black

Address: 208 East 79th St. NY, NY 10022 Women

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Name: Martha Kaunber

Address: 454 46<sup>th</sup> St, Brooklyn NY 11270

I represent: YWCA of Brooklyn

Address: 30 Third Ave, Brooklyn NY 11217

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Date: 6/10/13

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Name: TAINA BIEN-AIME

Address: 110 WEST 94th ST #6B NYC

I represent: WOMEN'S CITY CLUB OF NY 10025

Address: 307 7th Ave NYC 10101

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