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**“Women in the Legislature & The Courts: Fighting Against Mandatory Arbitration and
For Equal Pay”**

1 PM - April 27, 2017

-Good afternoon. I am pleased to be here to discuss an extraordinarily important issue, one that has been a topic of discussion for many years but that has dominated discussions in Trenton for the last several months. That is pay equity.

-The federal Equal Pay Act was signed into law more than 50 years ago to guarantee equal pay for men and women for the same work in the same establishment.

-That law was enacted in 1963, when women were paid 59 cents for each dollar a man earned.

-We have seen progress since that time, albeit slow progress.

-I began my work several years ago to address some of the barriers that exist in the effort to close the pay gap between men and women in this state.

The Lilly Ledbetter Fair Pay Act

-We had a foundation of work to build upon. In 2009, President Obama signed into law the Lilly Ledbetter Fair Pay Act. It was the first law he signed upon taking office, which demonstrates the significance of this issue.

-The law was named for one of the few women in management at the Goodyear Tire Company in Gadsden, Alabama.

-Nineteen years after she was hired to her position, Lilly Ledbetter learned through an anonymous note that she had been paid thousands of dollars less than men doing the same work.

-Ledbetter filed suit, but was unable to recoup the lost wages due to expiration of the statute of limitations – which began on the first day she got the paycheck that was the result of discrimination.

-The federal Lilly Ledbetter Fair Pay Act extended the time period in which individuals can bring pay discrimination claims, resetting the statute of limitations each time a discriminatory paycheck is issued.

-This gave individuals who suffered wage discrimination the ability to have their cases heard. It was a significant step forward for this country, but left gaps in the law that need to be addressed.

The Gender Wage Gap

-In 2017, women in New Jersey and across the country still earn less than men for the same work.

-The latest figures from the National Women's Law Center show that women in New Jersey make 82 cents for each dollar a man earns – a little better than when I started on this journey several years ago. Nationally, the law center says women make 80 cents to a man's dollar.

-For minority women, the disparity is even greater. African-American women in New Jersey make 58 cents for every dollar paid to white men, according to NWLC, and Latinas in the state make 43 cents for every dollar a white man brings home.

-Women are paid less at every level of education. Those without a high school degree earn \$844,520 over a 40-year career, while men with the same education level earn \$1.2 million over their 40-year career.

-Women with a doctorate degree are paid 77 percent of a man's earnings, and with a master's degree 73 percent, the NWLC reports.

-The National Women's Law Center also found that the wage gap starts early. College graduates experience a wage gap as soon as one year out of college, according to one study. It also has a significant impact on lifetime earnings, and on families, since women are the primary breadwinners in 41 percent of families with children, the center reported.

-There's been a great deal of debate on this issue, both nationally and in New Jersey. We've heard justifications for why the pay gap exists: women prioritize family, they work in less strenuous jobs and they don't negotiate hard enough.

-And we have certainly debated the statistics, and heard claims the pay gap is actually not as large as the numbers show.

-But a gender pay gap does exist – and that has not been disputed. In fact, research shows that it exists in 98 percent of occupations.

Pay Equity Legislation In New Jersey

-Last year, I introduced and the Legislature passed a bill to help address the inequities that exist. The legislation was approved with bipartisan support in both houses of the Legislature.

-The bill sought to strengthen state law. It required that women be paid equal salaries to men for doing 'substantially similar' work – getting rid of loopholes that could allow unequal pay if employees have different job titles or are doing the same job but in a different setting.

-Under the bill, if a different rate of compensation was paid, it would have to be justified by factors other than gender. This means that employers operating under a seniority system or a merit system, or basing pay on factors such as education or experience, would be allowed to pay a different rate, but they would have to demonstrate that the differential is for a legitimate reason.

-It would provide in state law that the statute of limitations for filing a claim resets each time a paycheck is issued as a result of discrimination. And it would allow the victim of wage discrimination to recoup all of the pay lost due to discrimination, rather than just two years as provided for under current state and federal law.

-Further, it would allow for triple damages, providing a disincentive for businesses to discriminate and to consider the penalty simply as 'the cost of doing business' should an employee win a discrimination case in court.

-It would prohibit retaliation by employers against workers who disclose information about their compensation to co-workers. Finally, it would require that state contractors report information on gender, race, job title, and compensation to the state.

-Governor Christie conditionally vetoed the Legislation.

The Continued Fight for Equal Pay

-The governor recommended removing provisions that allow for transparency when it comes to workers' salaries. He wanted to eliminate provisions that give employees the ability to bring a pay discrimination challenge if they have a different title from a male colleague, but are doing essentially the same work, and to get the back pay and compensation they deserve.

-Significantly, instead of allowing a victim of discrimination to recoup all of the lost wages due, the governor recommended keeping the limit on back pay at the current two years. He said there was "no reason" to go beyond that. We disagreed.

-In January, the Senate held a vote to override the governor's conditional veto. Democrats hold the majority 24-16 in the Senate. We need three-fifths of the Legislature for a successful override – so in the upper house, we need 27 votes.

-Six Republicans voted with us to pass the original bill, meaning if those members voted in support of the bill for a second time, we would have had enough votes for the override. Just two Republicans voted with us, so we pulled the bill from a vote.

-I have worked for the last several months with the Governor's Office and with my Republican colleagues to reach a meaningful compromise on the legislation.

-We've discussed various aspects of the bill and come close to an agreement; but we have yet to see eye to eye on all of the issues.

-So we are continuing to discuss changes with a goal of getting to a bill that we can all agree on. My position is that any changes must maintain the integrity and intent of the legislation. But failing to take action is unacceptable.

-Women are not asking for more pay than their male colleagues. They are only asking for equality.

-As one of my colleagues stated during our debate in the Senate, we should not have to march for equal pay in 2017.

-So I am continuing my work.

California's Equal Pay Act

-There is evidence that pay equity laws do make a difference and where they have taken effect, the sky has not fallen.

-In California, a similar pay equity law took effect in January of 2016, requiring equal pay for employees who perform “substantially similar work” and protecting employees from retaliation for discussing their wages, among other provisions.

-The new law has had the positive effect of compelling businesses to review their own practices when it comes to pay equity.

-A number of large companies in California conducted audits of their employees' salaries, and legislators in that state point to this action as evidence that the law has created change.

-After the law was enacted, a San Francisco software company 'Salesforce' announced that it would spend \$3 million on salaries to address gender-based pay discrepancies found in a company audit.

-I believe transparency and accountability on the part of businesses will go a long way. But we also must ensure that victims have a reasonable opportunity to challenge wage discrimination and to collect the lost wages and be compensated for the damages they suffered.

-I will leave you with one last statistic. The Institute for Women's Policy Research found that if “progress” to close the wage gap continues at the same pace it has over the last 50 years, it will take until 2059 for women to reach pay parity. For women of color, it will take even longer.

-It is my sincere hope that we can speed the process. Thank you.