

NEW YORK CITY BAR ASSOCIATION

PUBLIC HEARING ON PAY EQUITY
September 19, 2019



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3 NEW YORK CITY BAR ASSOCIATION
4 PUBLIC HEARING ON PAY EQUITY
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1 PROCEEDINGS
2 MR. MALDONADO: Hi, I am Roger
3 Maldonado. I am the president of the New York
4 City Bar Association. Welcome to the House
5 Association for tonight's public hearing on
6 pay equity.
7 I want to first commend the Committee on
8 Sex and Law chaired by Mirah Curzer for having
9 brought to this house the persons who are
10 going to be testifying tonight and the members
11 of the city government who are co-sponsoring
12 this event. One of the things that is
13 important to the City Bar -- and we have 150
14 committees, so the Sex and Law Committee is
15 one of many -- is to be able to work on issues
16 that are important to not just lawyers and not
17 just City Bar members, but to members of the
18 communities within which we live and work.
19 And I cannot think of a better example of
20 bringing together committee members,
21 government officials, and members of the
22 community to talk about an issue that is of
23 incredible importance to anyone who is
24 employed; pay equity in the workplace.
25 Tonight's hearing is designed to elicit

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2 from the persons who will testify their views
3 of what has worked, what advancement has
4 occurred within pay equity in the workplace,
5 the individual needs of specific persons that
6 must be taken into account within, you know --
7 with regard to pay equity. Best practices,
8 who has come up with systems that actually do
9 work to ensure there is pay equity. And
10 finally -- well, not finally but certainly
11 what challenges remain, what is still not
12 working well. That must be addressed if we
13 are going to truly achieve pay equity.
14 I want to give specific recognition to
15 the city government entities that are here;
16 the Commission on Gender Equity which is
17 primarily responsible for having brought us
18 together with you here tonight, Commission on
19 Human Rights, and the Department of Consumer
20 and Worker Protection. I was speaking to
21 Commissioner Jacqueline Ebanks and to Mirah
22 Curzer about the need for follow up on this
23 issue and I offered -- I said -- and as I
24 understand it, after all of the testimony
25 tonight there is going to be a written report

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2 that the City Bar Association will assist with
3 and then there will be a convening. And my
4 invitation to the commissioner and to the City
5 Bar committees is please come back. We look
6 forward to having the opportunity to host you
7 again where we can present the findings that
8 result from tonight's testimony and have
9 further discussion on what is the best way
10 forward.
11 So we look forward to hearing what you
12 have to say and to continuing to work with you
13 to truly achieve pay equity in the workplace.
14 Enjoy the evening.
15 (Applause.)
16 MS. EBANKS: Good evening, everyone. I
17 am Jacqueline Ebanks and I am executive
18 director of New York City's Commission on
19 Gender Equity, also known as CGE. So thank
20 you, thank you for being here tonight and. I
21 want to express our gratitude to Roger, the
22 New York City Bar, and the Sex and Law
23 Committee for your partnership on this event
24 and for hosting us in this incredible facility
25 tonight.

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2 Tonight would not be possible without
3 team members at three city agencies and I want
4 to start by thanking them. And I am going to
5 ask them to raise their hands as I name them
6 because, you know, what you see as finished
7 product begins very often from just simple
8 thoughts and ideas and folks sitting in a room
9 and then people breathe life into it by the
10 number of hours that they work and the phone
11 calls that they take and the meetings that
12 they have. So I want to acknowledge the
13 tremendous work of the staff at the Commission
14 on Gender Equity; Gail, Matt, Chancey and
15 Helen. They will just raise their hands.
16 They are busy doing other things. We have
17 partnership with the Commission on Human
18 Rights; Edwin, Dana, Nico, Alicia, Max,
19 Vincent Amonita. And DCWP Department of
20 Consumer and Worker Protections; Marian and
21 Canjila. And of course our colleagues at the
22 City Bar, Mirah and Melissa. This certainly
23 is impossible without your leadership and
24 without your persistence over the past few
25 months to make this happen.

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2 I also have to thank Commissioner
3 Malalis who is the chair and commissioner of
4 New York City Commission on Human Rights and
5 Commissioner Salas who heads the Department of
6 Consumer and Worker Protection. I have to
7 thank them for their tremendous and continued
8 leadership and partnership in this
9 administration. We are proud to be a part of
10 an administration that has over 50 percent
11 women and persons of color in significant
12 leadership position, executive leadership.
13 And our fierce partnership gives us these
14 incredible products and so --
15 (Applause.)
16 MS. EBANKS: -- it's a real joy to work
17 on this team. These two agencies are integral
18 partners in fulfilling the mayor's vision to
19 make New York City the fairest big city in the
20 nation.
21 So before you leave, please visit our
22 tables. Loads of information are there for
23 you. Take them, share with your colleagues.
24 Winter is coming up, good reading when the
25 nights are cold. So avail yourself of the

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2 materials.
3 I want to tell you a bit about the
4 Commission on Gender Equity. Our goal is to
5 work every day to break down barriers to
6 equity for all New Yorkers regardless of
7 gender identity, gender expression, or
8 background. We do that with a team of 32
9 commissioners and these commissioners, 26, are
10 appointed by the mayor and five are appointed
11 by the speaker of the city council. I am
12 fortunate tonight to have Beverly Tillery,
13 Ellyn Toscano, and Sashas Anuja who will be on
14 our panel and who sit on our commission. In
15 the audience and somebody who will be
16 testifying we have Bev Neufeld, founder and
17 president of PowHer New York.
18 As Roger said, we are here tonight to
19 learn more about and to accelerate our
20 progress on gender pay equity. It is a
21 challenge that persists in New York City and
22 around the globe. Some figures say we have
23 another two centuries to go before we achieve
24 it, to which we say we are not going to live
25 that long so we are not satisfied with that

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2 statistic and, you know, it got several of us
3 to thinking. In March of this year, CGE
4 Commissioner Bev Neufeld, myself, and Gail at
5 the commission, you know, we were discussing
6 another equal payday rally that we were going
7 to hold in April. And that day is very
8 important. It's the day that represents the
9 average amount of time it takes a woman to
10 make the same amount that her white male
11 counterpart did the year prior. And while we
12 recognize the importance of equal payday and
13 that we need to continue to highlight it and
14 we need to use it to raise the challenges and
15 awareness of the issue and we need to have
16 equal payday rallies in order to call us all
17 to action, we knew however that we had to find
18 other ways to strategically accelerate the
19 change that we would want to see, the
20 transformal change that this requires even as
21 we recognize that New York City has made
22 tremendous strides over the past six or so
23 years by instituting progressive policies and
24 practices that seek to advance equity in the
25 workplace and close the gender racial gap.

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2 We have had tremendous leaders in the
3 field and I want to acknowledge the presence
4 of city council member Helen Rosenthal who is
5 a commissioner on the Commission of Gender
6 Equity, but also chair of city council's
7 Committee on Women and Gender Equity. And
8 with leaders like councilwoman Helen
9 Rosenthal, New York City has passed the salary
10 history ban, the first of its kind in the
11 nation. We have Family Sick and safety/Safe
12 Leave. We are busy, fiercely busy ensuring
13 workplaces are free from sexual harassment.
14 And we work to ensure that all New Yorkers
15 live their lives in an economically secure
16 way, live their lives safely and in a healthy
17 way. But the pay gap persists and so we also
18 know that when we view the pay gap with an
19 intersectional lens, it is much more severe
20 for women of color. An average women in New
21 York City makes 89 cents on the dollar
22 compared to their white male counterparts, but
23 for women of color, Asian, black, Latina
24 women, they make 82 cents, 66 cents and 56
25 cents respectively. And so this

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2 intersectional lens really gives us another
3 layer of the complexity of this issue. But
4 the intersectionality is not only around
5 gender and race; it also relates to a person's
6 status as a caregiver, or it relates to your
7 status -- relates to the field in which you
8 work, or it relates to whether or not you have
9 a job that's unionized or not, and many other
10 factors.
11 So what we want to do today is to look
12 at the complexity of this and to hear from
13 everyday citizens. As you live in your
14 workplaces, as you work in your workplaces,
15 what can we do to eliminate the gender pay gap
16 in New York City; what have we left undone;
17 what is the impact of some of the laws that we
18 have passed already? So what we are saying is
19 we can't do this work without you. And
20 tonight I want to thank you for choosing to be
21 here, whether you are only attending to hear
22 testimony, whether you are actually giving
23 testimony, or whether you have submitted
24 testimony in writing. We appreciate your
25 support. We know that the gender pay gap has

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2 implications today and it will have
3 implications for generation to come. It feeds
4 the persistent racial and gender wealth gap.
5 It really is about our individual well-being,
6 it is about the well-being of our families, it
7 is about the collective well-being of our
8 communities, and of this great city. So
9 therefore as persistent as the gender pay gap
10 is, we need to be doubly persistent to
11 eliminate it.
12 And so with that, and with a sense of
13 our charge tonight, what I want to do is bring
14 to the podium Fatima Goss Graves, president
15 and CEO of the National Women's Law Center.
16 Fatima has spent her career working across the
17 areas of economic security, education, health
18 and reproductive justice, and workplace
19 fairness to advance opportunities for women
20 and girls. We are thrilled to have her here
21 tonight. I am delighted to meet her in person
22 and grateful that she made this about a stop
23 for us.
24 (Applause.)
25 MS. GRAVES: Well, I am thrilled to be

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2 here as well. Thank you. Thank you for
3 having me. And thank you to all of you for
4 having this event, the New York Commission on
5 Gender Equity to the Department on Consumer
6 Rights to the Department of Consumer and
7 Worker Protection. It's a real privilege to
8 open this public forum and I am grateful to
9 all of you for having this public forum.
10 As she said, my name is Fatima Goss
11 Graves and I am president and CEO at the
12 National Women's Law Center. It's an
13 organization that has worked to transform the
14 lives of women and girls for almost five
15 decades and has campaigned for equal pay
16 almost since its founding. But even with
17 almost five decades under our belt, I am here
18 to say tonight that we are really at an
19 extraordinary moment on the issue of equal
20 pay. No longer are we spending as much time
21 doing what I used to have to do, when I first
22 started doing this work was really spending
23 most of my time debating whether there was a
24 pay gap at all. That the data came out last
25 week was a strong reminder where we stand on

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 2 that front and you heard some of that data as
 3 well.
 4 The thing to know in addition to the
 5 data you have already heard is that that pay
 6 gap has largely been stagnant over the last
 7 decade. And really the effects, even though
 8 New York does better overall than some states
 9 in this country, you notice I did not say it
 10 does well or -- it just does better than some
 11 states, the wages for black and brown women
 12 when we start to put some numbers around them
 13 are even more startling. So in New York it
 14 means that black women over the course of a
 15 lifetime are losing over \$900,000 to the pay
 16 gap and for Latinx it's over a million and
 17 those are life changing numbers. But despite
 18 these frightening statistics, I want to talk
 19 tonight about why I feel sort of optimistic;
 20 because of the longtime organizing work and
 21 story-sharing and advocacy at all levels in
 22 this work has brought us to a new moment, we
 23 are now at a point where in this country the
 24 celebration of the U.S. Women's National
 25 Soccer Team exciting victory was met with both

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 2 chants of both U.S.A. and chants of equal pay.
 3 And actually to me those chants total together
 4 were really perfect because they were a
 5 reminder that equal pay, pay and core values
 6 of equality and dignity are ones that are
 7 really actually ingrained in the fabric of the
 8 ideals of this country so they should have
 9 happened together. And the collective demand
 10 that we do better for the soccer players was
 11 about them, but it was also about doing better
 12 for all women.
 13 And that is where we find ourselves
 14 today. We find ourselves in the moment where
 15 the fight for equal pay and really the fight
 16 for the pay gap, to close the pay gap,
 17 generally is really a conversation about the
 18 overall measure of our ability to work with
 19 equality and dignity. So I want to take us
 20 back just a little bit. Our equal pay laws
 21 which are really made up at the federal level
 22 around a mix of the Equal Pay Act which was
 23 passed in 1963 and then the following year the
 24 Civil Rights Act passed in 1964, they were
 25 really the first federal laws in history to

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 2 address gender discrimination in this way
 3 together. And it's been about a decade since
 4 congress itself passed the Lilly Ledbetter
 5 Act, which restored the ability for workers to
 6 challenge pay discrimination as long as they
 7 were continuing to be paid unfairly or were
 8 close in time to that period. And what we
 9 have learned is that those baseline and core
 10 protections against discrimination in pay by
 11 themselves are not going to be enough. When I
 12 think about why women are paid less, in part
 13 it's because they can be. They can be paid
 14 less because of the secrecy that surrounds pay
 15 allows employers to maintain unequal pay
 16 systems and systems that are fueled by bias.
 17 And they can be paid less because our equal
 18 pay laws just are not strong enough. And it's
 19 around those two areas where I have been
 20 superexcited to see states and employers
 21 showing up and not waiting for congress to
 22 finally get its act together to keep pace with
 23 the cultural wave demanding that women truly
 24 be able to work with equality and dignity in
 25 this country. So it's states like New York

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 2 which has been making changes and then New
 3 York City which I believe can drive the change
 4 that we need.
 5 Here are some of the ways that states
 6 are taking this on. Around the problem of pay
 7 secrecy which has made it too easy for
 8 employers to hide pay disparities and to treat
 9 their workers unfairly, there have been a
 10 number of important efforts that sort of
 11 follow efforts at the federal level. At the
 12 federal level our Equal Employment Opportunity
 13 Commission has a data collection measure that
 14 would be transformative if ever implemented,
 15 but states around the country aren't fully
 16 waiting here either. They are taking steps by
 17 requiring things like equal pay certifications
 18 or pay data collections. Others are looking
 19 at important work happening abroad and I think
 20 that that will be a good lesson for them to
 21 see what they could potentially implement here
 22 to bring pay disparities to light and have
 23 transparency be an important driver in closing
 24 the pay gap. Some states also have taken
 25 steps to limit the number of reasons that

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2 employers can pay men and women different
3 wages for doing the same job.
4 One of the features of our current equal
5 pay laws allow employers to justify paying men
6 and women different wages for the following
7 reasons: For things like seniority and merit
8 and quantity and quality of production which
9 are sort of lockstep ideas, but there is this
10 vague provision in the law called factor other
11 than sex. And what has happened over time is
12 that vague provision, some employers has taken
13 it as a notion to pay women less really for
14 any old reason as long as they don't say it's
15 sex. And unfortunately many courts have
16 failed to closely scrutinize the explanations
17 that employers have provided. And so you have
18 employers doing things like pointing to women
19 making less in the market as a reason for
20 paying women less at their workplace, which
21 just sounds like discrimination to me. You
22 have had other employers doing things like
23 pointing to the fact that they believe that
24 men negotiate better, even though study after
25 study has really disrupted the idea that

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2 either women never negotiate or when they do
3 they are penalized. If you try to negotiate
4 like a man, then you are actually seen as
5 demanding and other stereotypes about women
6 that don't serve them well. There is research
7 on the perfect way to negotiate. It doesn't
8 involve a smile, in case you are curious. But
9 what I have been inspired by is -- are the
10 States taking that information and sort of
11 moving forward and working to pass new laws
12 and protections. And so it was thrilling that
13 New York passed this ban on salary history so
14 that employers aren't salary matching in this
15 way and using the fact that you were paid less
16 in your last job to mean that you are going to
17 be paid in your next job and the next job
18 after that. That sort of idea really
19 entrenched lower pay for women, so disrupting
20 that I think is going to be very important.
21 Not just here, but it's spreading around the
22 country.
23 But here is what we know: Being paid
24 equally really should not depend on ZIP code
25 and it also shouldn't depend only on having a

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2 perfect employer. We need fundamental change
3 at the federal level and the pressure coming
4 from the States will be an important part of
5 making that happen. So that's why we have
6 been campaigning for the Paycheck Fairness Act
7 which would strengthen the Equal Pay Act,
8 prevent employers from retaliating against
9 workers who try to discuss their pay, limit
10 employers' use of salary history in hiring,
11 and limit reasons employers can pay unfair
12 wages. It would also require explicitly that
13 the Equal Employment Opportunity Commission
14 collect compensation data from employers
15 helping to increase pay transparency and
16 uncover pay discrimination. And if you have
17 been following the litigation from the
18 National Women's Law Center against this
19 administration, it's clear we need an act of
20 congress to buttress that.
21 Finally to match these much-needed
22 changes to equal pay, we as a country also
23 need to take the critical steps to make it
24 possible for workers on their day to day to
25 truly experience all work as safe and

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2 equitable and dignified. That also is an
3 equal pay issue and in truth if we separate
4 them, we are missing the real problem. And
5 that also will require us to do a deep
6 understanding of the fact of who is actually
7 in the workplace now and acknowledge the fact
8 that women, the majority of them, are both
9 engaging in work and engaging in care. It's a
10 thing the vast majority of them do, and that
11 is especially true for black and brown women.
12 So that's why policies like raising the
13 minimum wage, including having one fair wage
14 for tipped workers, having fair and
15 predictable work schedules and access to
16 affordable and high-quality child care, are so
17 important. That is why things like paid
18 Family and Medical Leave and stronger
19 protections against workplace harassment and
20 enforcements and protections against pregnancy
21 discrimination are so important. It's simply
22 unacceptable that women continue to be
23 punished in the workplace for their
24 reproductive decisions, including giving
25 birth, including raising and caring for loved

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 2 ones, including working hard to provide for
 3 their families.
 4 You know, in many other developed
 5 nations they have, more or less, tested a lot
 6 of the ideas that feel sometimes hard in parts
 7 of this country. I just think we deserve
 8 better and we are ready to turn up the volume.
 9 Very recently the World Economic Forum Global
 10 Gender Gap Index suggested that girls in
 11 America today will have to wait until the year
 12 2227, 2227 to achieve fully equal pay. I am
 13 confident we can achieve it much sooner than
 14 that, but it will be up to people like you in
 15 this room to keep pushing it all forward and
 16 shape a very different reality.
 17 So thank you all for having me tonight
 18 and I am excited about the hearing.
 19 (Applause.)
 20 MS. EBANKS: Okay. 2227 and that is not
 21 a television show.
 22 I want to acknowledge the interpreters
 23 in the room. And first thank you so much,
 24 Fatima, for your wonderful remarks. We have
 25 American Sign Language Service interpreters

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 2 and we also have the CART print word on the
 3 screen, but in the back we have French and
 4 Spanish language interpreters if you need
 5 that. And of course the deficit here is that
 6 I can't say this in French and Spanish. But
 7 if you need to have interpretation in French
 8 and Spanish, the headsets are at the table so
 9 please feel free.
 10 And with that, as we take our own
 11 challenge to ensure that New York City leads
 12 in eliminating the pay gap, I want to invite
 13 my fellow panelists to the table. And I will
 14 be joined by Commissioner Malalis,
 15 Commissioner Salas, Commissioner Toscano,
 16 Tillery, and Anuja. Please come. And our
 17 first speaker tonight will be Jennifer Klein,
 18 Times Up Now. We are just simply -- you will
 19 be informed by one of our colleagues here when
 20 you go next. I am introducing Jennifer and
 21 then you will all follow Momita. Thank you so
 22 much.
 23 Welcome, Jennifer.
 24 MS. KLEIN: Before I begin: I want to
 25 thank Jacqueline Ebanks, executive director of

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 2 the commission, for chairing this hearing and
 3 all the commissioners for the opportunity to
 4 speak before you.
 5 My name is Jennifer Klein and I am the
 6 chief strategy and policy officer at Times Up
 7 Now. Together with corporate leaders
 8 lawmakers and leaders across industries and
 9 sectors, Times Up Now is working to change our
 10 culture and policies in the private and public
 11 sectors. Times Up Now is working to change
 12 our culture and policies in the private and
 13 public sectors so that work is safe, fair, and
 14 dignified for women of all kinds. Sexual
 15 harassment, a major problem, something that
 16 the EEOC estimates around 85 percent of women
 17 will experience over the course of their
 18 careers. But while sexual harassment is a
 19 pressing problem, it's also a symptom of
 20 greater inequities that exist for women at
 21 work. Only by rooting out structural
 22 inequality can we truly end sexual harassment
 23 and make these abuses a thing of the past.
 24 The pay gap is a key barometer for both
 25 measuring those inequities and starting to

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 2 correct them. This is a moment for leaders to
 3 take bold action to close the pay gap and
 4 level the playing field so that all people
 5 regardless of race, gender, or socioeconomic,
 6 status can thrive.
 7 New York City has been a leader. In
 8 2017, for example, the city banned salary
 9 history questions in job interviews which
 10 perpetuates the pay inequities women have
 11 experienced in prior jobs. And in 2019, the
 12 city raised the minimum wage to \$15 per hour
 13 which will protect the most vulnerable
 14 low-wage workers, the majority of whom are
 15 women. The New York City is also filling gaps
 16 in state and federal law with universal pre-K,
 17 paid family leave, and laws prohibiting sexual
 18 harassment, pregnancy discrimination, and
 19 caregiver biases. Given the city's
 20 leadership, it comes as no surprise then that
 21 New York State has the third smallest median
 22 pay gap in the country, an example of what's
 23 possible when the public sectors puts women
 24 and working people first.
 25 But while we are making steady

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2 incremental progress across the country, the

3 truth is that government cannot solve this

4 problem unilaterally which is why I will be

5 focusing today on private sector reforms. And

6 that starts with calling on companies to step

7 up and pay up to close the gender and racial

8 pay gap. There is no quick fix to the pay

9 gap, but there are concrete steps companies

10 can take to promote women's safety and equity

11 all while retaining and attracting and

12 retaining top-notch talent.

13 First, companies should conduct an

14 annual assessment of the median payback in

15 their workforce. That's the key metric that

16 reflects the totality of the pay problem by

17 evaluating not only the difference between

18 what men and women earn in the same job, but

19 also what women and men earn in the aggregate

20 across the institution. This reflects the

21 prevalence of men in leadership positions

22 relative to women. Then companies should

23 report the results and be transparent about

24 the steps they will take to close the gap.

25 The city and this commission are well-placed

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2 to develop tools to support companies that

3 want to conduct annual assessments and want

4 guidance or resources. Second, companies

5 should post salary ranges for job

6 classifications. This ensures transparency

7 when people walk into interviews and helps

8 protect women from being underpaid when they

9 get the job. Third, companies should improve

10 recruitment, hiring, promotion and retention

11 processes to promote gender balance and reduce

12 unconscious bias and other barriers. And last

13 but not least: Companies should institute

14 corporate policies, including paid parental

15 and medical leave, child care mentoring, and

16 leadership development to ensure all employees

17 have the tools and support they need to

18 thrive.

19 I want to take a moment to commend this

20 commission for your deliberate efforts to

21 close the pay gap and urge you to continue on

22 this path with your leadership and oversight.

23 Just as median pay data is crucial to

24 understand whether companies are treating

25 their employees fairly, analyzing how New York

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2 City's own median pay data stacks up is just

3 as crucial to ensuring that all genders are

4 valued, promoted, and paid equally. City

5 workers and taxpayers deserve to know whether

6 all city employees are being compensated

7 fairly. A city audit examining median pay

8 would help gauge how far we have to go. This

9 commission should also urge companies to take

10 a pledge to achieve median pay parity. We

11 have seen the power of the corporate sector

12 with companies like Citigroup, the first U.S.

13 company to proactively conduct and release a

14 median pay gap analysis. And this commission

15 has the opportunity to push companies in right

16 direction.

17 Finally, we look forward to working with

18 the commission in changing the conversation

19 around equal pay. This is about so much more

20 than, quote/unquote, equal pay for equal work.

21 It's about the structural forces that hold

22 women back at work, the unequal care giving

23 responsibilities, the lack of comprehensive

24 paid leave in the United States and, yes,

25 old-fashioned gender discrimination. No more

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2 excuses. It's time for all of us to admit not

3 only that we have a problem, but to commit to

4 building a more equitable workplace for

5 everyone. The clock is ticking. Let's go.

6 Thank you.

7 MS. EBANKS: Thank you so much,

8 Jennifer.

9 Number 2.

10 MS. MIDDLETON: Again, I want to say

11 thank you panelists for having me at this

12 important meeting. My name is Gloria

13 Middleton, president of Communication Workers

14 of America, Local 1180. My union represents

15 9,000 active city administrative workers, the

16 majority of whom are female and minorities and

17 almost 6,000 retirees.

18 I am here today to speak about pay

19 equity, making sure that all city workers,

20 especially women and minorities, receive the

21 compensation they are entitled to for the work

22 that they do. We all know that salaries and

23 compensation packages should not be tied to

24 the color of your skin, your gender, your

25 sexual orientation, or your religion. They

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 2 simply and clearly should be in direct
 3 correlation to the work expected of you in
 4 your given title. That's just common sense,
 5 but in New York City the most progressive city
 6 in America, that common sense was nowhere to
 7 be found. That is until Local 1180 took the
 8 rein and filed a lawsuit against the city
 9 bringing the problem to light.
 10 Our case goes way back to December, 2013
 11 when my union filed charges with the federal
 12 Equal Employment Opportunity Commission
 13 against the Bloomberg administration based on
 14 the fact that the wages of administrative
 15 managers we represent were being grossly
 16 suppressed. These administrative managers had
 17 been in the city's managerial pay plan prior
 18 to Local 1180 becoming their union and it
 19 appeared that the minimum salaries had been
 20 suppressed once women and people of color
 21 started being placed in the title. At the
 22 same time that the minimum wage was being
 23 suppressed, the maximum wage for the title was
 24 increased. We also noticed that women of
 25 color were at the minimum, while men and

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 2 whites tended to be at the maximum. The
 3 salary range started at \$53,000 and went to
 4 more than \$150,000. Yes, almost \$100,000
 5 difference just based on the color of your
 6 skin, your gender, or both. The entire
 7 history of our EEO case is quite lengthy and
 8 would take hours to delve into. If you are
 9 interested in the entire timeline, it's in our
 10 website www.cwa180.org.
 11 However, I will tell you now that in
 12 April 2015, the EEOC found in our favor that
 13 there was reasonable cause to believe there
 14 was widespread discrimination against women
 15 and people of color in the title
 16 administrative manager throughout all city
 17 agencies with more than \$246 million. After
 18 years of stonewalling by the city and the
 19 fight of our lives, Local 1180 accomplished
 20 what we set out to on behalf of our
 21 administrative managers, level the playing
 22 field. We won.
 23 (Applause.)
 24 MS. MIDDLETON: With a few too many
 25 trips to court behind us, we are now currently

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 2 waiting for the city to begin issuing checks
 3 to members who face discrimination. Two years
 4 ago Mayor de Blasio said that it is
 5 "Unacceptable that we are still fighting for
 6 equal pay for equal work." The mayor of the
 7 greatest city and most progressive city has
 8 admitted the ongoing unfairness, yet not
 9 enough is being done. We need change. We
 10 need all workers regardless of gender, race,
 11 color, religion, sexual orientation, or
 12 anything else for that matter to be paid
 13 equally for equal work. That's the bottom
 14 line.
 15 (Applause.)
 16 MS. SENTENO: Good evening. My name is
 17 Marrisa Senteno and I am with the National
 18 Domestic Workers Alliance. I am a New York
 19 co-director and I want to thank you all for
 20 having us here today.
 21 So the National Domestic Workers
 22 Alliance is the nation's leading voice for
 23 dignity and fairness for millions of domestic
 24 workers in the United States. NDWA leads
 25 several campaigns and coalitions to advance

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 2 the rights of domestic workers by advocating
 3 for increased labor protections, racial
 4 justice, gender equity, and humane immigration
 5 policies. We have a New York chapter with
 6 over 3,000 participants and a New York
 7 coalition of over a dozen affiliate members
 8 which are active community-based organizations
 9 that have domestic workers as part of their
 10 membership base.
 11 I just want to talk a little bit about
 12 what we are seeing on the ground about gender
 13 pay equity and domestic work. Domestic
 14 workers are unique in the pay equity gap,
 15 because historically domestic workers have
 16 been excluded from basic labor protections.
 17 When most of our country's labor laws were
 18 being designed, domestic workers were
 19 deliberately left out. Workplace standards
 20 like minimum wage, overtime pay and
 21 protections against sexual harassment in the
 22 workplace were rarely extended to domestic
 23 workers, if at all. All of these exclusions
 24 created a breeding ground for exploitation and
 25 inequity, where issues like wage gap and

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2 sexual harassment and lack of safety on the
3 job became the rule rather than the exception.
4 Domestic workers in New York are mostly
5 immigrant women of color and the exclusion of
6 rights stem from institutionalized racism and
7 the legacy of slavery. There is no real
8 parity to domestic work because it's a role
9 held almost exclusively of low-wage women and
10 their undervalued labor. In New York, we have
11 -- we passed the New York Bill of Rights,
12 which was historic in that it is the first
13 state in the entire country to pass a labor
14 rights extending to domestic workers. But
15 that means that we have to work really hard to
16 educate the society that care work is seen as
17 women's work. It's the work that is so
18 undervalued because at this time traditionally
19 underpaid and gendered in terms of
20 responsibilities. And since it's ten years
21 since the passage of the New York Bill of
22 Rights, we have worked really hard to address
23 implementation and enforcement of these
24 rights. It's not nearly enough time or
25 resources to undo the generations of wage

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2 disparity among domestic workers. We see that
3 over a lifetime, domestic workers lose out on
4 income as it's passed down to the next
5 generation. This is work that is passed down
6 from mother to daughter to granddaughter. And
7 that the time that is stolen, the wages that
8 are stolen, are then passed on to the next
9 generation of domestic workers. We see that
10 equalizing pay in the care industry is more
11 than making men and women's wages the same;
12 it's about shifting the way we think about
13 care and the women who do care for us.
14 I would like to recommend that we pass
15 the inclusion of domestic workers in the human
16 rights law against discrimination in the
17 workplace, which is Intro 339. It's still
18 legal to discriminate against domestic workers
19 in the home place in New York City. We need
20 to pass personal pay time with the inclusion
21 of domestic workers. We need to provide
22 community service support and extended care
23 support targeting domestic workers and their
24 families. We need to provide a social safety
25 net, basically create an entire infrastructure

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2 and ecosystem and continue providing budgeting
3 for the Department of Consumer Worker
4 Protections, because we have been doing some
5 great co-enforcement work. We want to be able
6 to continue those, piloting these inroads into
7 enforcing and having access to rights for
8 domestic workers.
9 I also have laid out some other
10 recommendations, but thank you very much for
11 listening to me.
12 (Applause.)
13 MS. SACKMAN: Hi, my name is Bobbie
14 Sackman and I am here tonight on behalf of the
15 Radical Age Movement.
16 I want to thank you for holding this
17 hearing tonight. I am here to talk about age
18 justice issues of older women of -- including
19 older women in the feminist agenda, because
20 they keep leaving us out and it's time to
21 expand the women's agenda beyond our
22 reproductive rights. That means age 50 plus,
23 doesn't it, and a little bit before, right? I
24 am stretching it, right? So I am really here
25 to talk tonight about age discrimination in

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2 the workplace.
3 And just really quickly, I am not going
4 to go through the testimony as you see it.
5 It's full of a lot of statistics and data.
6 Just some highlights. Thousands of women in
7 New York City over age 50 face multiple
8 economic and age justice issues. There is --
9 we are living the history of pay equity being
10 unfair. Women are aging into poverty. It's
11 our generation, 50 to 80-whatever and older,
12 90. So lessons of this pay equity are being
13 lived out and what are we doing about it, what
14 are we looking at? There's rampant age
15 discrimination in the workplace. You will see
16 a little later in the testimony Councilwomen
17 Margaret Chin, the Aging chair, just a week
18 ago introduced a legislative package into city
19 council the first time historically addressing
20 age discrimination in the workplace. And I am
21 asking all of you in your positions and -- all
22 of you in your positions to please take this
23 on. This is a group of women that have
24 remained invisible for far too long. People
25 are in quiet desperation. They are losing

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2 their jobs, they can't get jobs, they are not

3 promoted. You probably know somebody in this

4 position.

5 Caregiver responsibilities. Every time

6 you say child care, please say home care.

7 This is across the lifespan. Women lose out

8 on Social Security when they, you know, leave

9 the workforce to raise their kids and then to

10 take care of elderly parents and relatives,

11 but we don't say it in the same breath.

12 Please do. Personal bankruptcy skyrockets

13 after age 65 due to inadequate income and

14 medical bills and these are people on

15 Medicare. Think about that when we talk about

16 Medicare for all. Nationally five years from

17 now, women age 55 are projected to be 25

18 percent of the women's labor force. The

19 message is we are part of the future too. If

20 you are being fired, if you are being told to

21 get lost it means you have no place anymore

22 and demographically, socially, emotionally,

23 you name it, this is devastating. And so it's

24 time to say that older adults are part of the

25 future too. We don't age the same way other

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2 generations have aged and, yes, we need the

3 money.

4 So that's -- you know, I am not going to

5 go through the whole package. It involves the

6 Human Rights Commission and we met the other

7 day. Thank you for that roundtable we had and

8 the meetings I have had with you, Jackie. And

9 I just want to say, please let's be able to

10 move forward so that there is a feminist

11 agenda across the lifespan.

12 Thank you.

13 (Applause.)

14 MS. EBANKS: Can you -- Bobbie, can you

15 just state the package?

16 MS. SACKMAN: Sure, always glad.

17 So there is one to develop an anti-agism

18 curriculum to educate the workforce not only

19 in city agencies, we would like to see it in,

20 you know, anybody that the city contracts

21 with. This sort of mirrors sexism and

22 antiracism, et cetera. There's one to

23 implement a public awareness campaign on age

24 discrimination in the workplace. So when I

25 see those posters about women that are

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2 pregnant, I want to see something next to it

3 about older women. There is Human Rights

4 Commission I know is already working, thank

5 you, on developing a testing protocol. The

6 establishment of an office of older worker

7 workforce development. People need training,

8 but they also need wraparound supports and

9 establishing a task force to further study

10 this and make recommendations.

11 Thank you for the time.

12 (Applause.)

13 MS. PENN: Hi, I am Faye Penn. It's

14 funny to put my back to so many people. I am

15 the executive director of Women.NYC, which is

16 a city government agency which is designed to

17 amplify the city's programs and services for

18 women and also launch our own.

19 Thank you, Jackie, the commission on

20 gender equity. Thank you, commissioners. And

21 thank you for everyone who is testifying

22 today. And, Bobbie, thank you for bringing

23 the issue of aging women to the fore of this

24 conversation on pay equity.

25 I wanted to just throw out a statistic

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2 that I read recently, which is that men reach

3 peak earning potential at 55 and women reach

4 it at 44. So our earning potential is

5 declining ten years earlier than our male

6 counterparts. I wanted to talk today about

7 how New York shows how a city can lead the way

8 in promoting gender equity.

9 First, I wanted to talk a little bit

10 about Women.NYC. It was launched by the City

11 of New York in 2018 to amplify city programs

12 and launch new ones. One of our current

13 efforts is Ask For More, which is a program to

14 educate 10,000 New York City women in salary

15 negotiations through free workshops in the

16 five boroughs as well as online. In our

17 workshops, you will learn what in addition to

18 a smile will help you achieve that promotion

19 or raise that you are seeking. In

20 partnerships with other agencies and

21 nonprofits, Women.NYC programs have offered

22 free tech training to mothers who have taken

23 time off to raise their families. We are

24 investing in minorities and women-led startups

25 through a dedicated venture fund, who are

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2 funding finishing grants for females creatives
3 with the Mayor's Office of Media and
4 Entertainment. And we are working toward
5 creating equity in our public art spaces
6 through a public art program called She Built
7 NYC.
8 I wanted to talk a bit about the
9 international context that Fatima mentioned,
10 the World Economic Forum numbers which are
11 pretty striking. Since 2006 the World
12 Economic Forum has issued a ranking of
13 countries based on gender-equity benchmarks.
14 They assess each countries' economic
15 participation and opportunities, educational
16 attainment, health and survival, and political
17 empowerment. In 2018 the country that ranked
18 as the most gender equal by the World Economic
19 Forum, can anyone guess what that was?
20 Iceland, exactly. This is a country that is
21 fully committed to closing the gender wage gap
22 and has stated it plans to do so by 2022.
23 Last year Iceland became the first country to
24 levy penalties against companies that have a
25 gender wage gap. Companies have until 2021 to

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2 take action before they are fined. Not far
3 behind Iceland is Norway, Sweden, and Finland
4 countries that have generous family leave and
5 progressive family support programs. Lest you
6 think that only Northern European companies
7 rank highly, Nicaragua, Rwanda, Namibia and
8 the Philippines help round out the top ten.
9 Does anyone know where the United States was
10 on the World's Economic Forum's ranking. 51,
11 right behind Zimbabwe, Bangladesh, Mozambique,
12 and Mexico. Times Up, okay. Simply put it,
13 will be 61 years before gender parity is
14 achieved in Western Europe, but it will be 165
15 years before there is equity in our own
16 country. This cannot simply be left to the
17 private sector to work out. On a world scale,
18 our unequal participation in the workplace
19 cost the global economy trillions and we know
20 the current Whitehouse is not likely to take
21 the lead. It promptly dismantled Obama's
22 equal pay rule because it was burdensome for
23 corporations. Fortunately, some other folks
24 talked about the work that the de Blasio
25 administration has accomplished to help level

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2 the playing field.
3 I just want to cite the Commission on
4 Gender Equity, which is working to make New
5 York City an even more equitable employer
6 while taking aim more broadly at
7 discrimination against women, girls,
8 transgender, and nonbinary individuals. I
9 also wanted to highlight the incredible WENYC
10 program at the Department of Small Business
11 Services, which has become an international
12 standard bearer for how a city can support
13 female business owners and aspiring ones and
14 many more agencies, including the Mayor's
15 Office of Media and Entertainment, by doing
16 their part as well. But there is still room
17 to improve.
18 And because I am out of time, I want to
19 lend our support to the various initiatives
20 that My Times Up colleague discussed in terms
21 of fostering corporate equity, investing in
22 promoting women leaders, particularly women of
23 color, putting more women on boards and
24 fostering work life balance for all employees,
25 including those taking care of aging folks.

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2 We have seen that when advocates shine a light
3 on the economic and human costs of inequity,
4 change is possible.
5 Just one statistic for you: As recently
6 as 2012, one in 8 S&P 500 companies had
7 all-male boards. This year the last remaining
8 all male-board on the S&P 500 went extinct.
9 This change only happened because
10 organizations like Catalyst Alliance For Board
11 Diversity and others folks in this room shined
12 a spotlight in this room and advocated for
13 change. Women.NYC is proud to be an agent for
14 change in helping women of this city to reach
15 their full potential and we are proud to work
16 with all of you to make the gender pay gap a
17 vestige of the past.
18 Thank you.
19 (Applause.)
20 MS. LUKE: Good evening, everybody.
21 Thank you so much, commissioners, for this
22 opportunity to talk about gender equality and
23 the gender payback.
24 My name is Mary Luke and I am wearing
25 three hats today. The first one is as a board

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2 member of PowHer New York. And I am so proud

3 to be working with Bev Neufeld, one of your

4 commissioners who work closely with the

5 commission to publish this wonderful report on

6 "Leveling the Playing Field, Best Practices For

7 Gender Pay Equity in the Workplace." This is

8 a report that is not only relevant to

9 New York, it really sets best practices for

10 the whole country and, in fact, for the world.

11 The second hat I am wearing is for UN

12 women. I am the co-president of the Metro

13 New York Chapter of UN Women. And as probably

14 many of you know, not everybody, UN Women is

15 the global advocate for women's empowerment

16 and gender equality. And as part of that

17 role, one of the most important pillars is the

18 pillar of women's economic empowerment. We

19 are a member of the Equal Pay International

20 Coalition of which PowHer is also now a member

21 and that really give us the global platform.

22 We are a partner with ILO, the International

23 Labor Organization, as well as the OECD which

24 is the Organization for Economic Cooperation

25 and Development. And with these three

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2 international institutions, one of our big

3 goals is to bridge and reduce the gender pay

4 gap. And UN Women indeed made a pledge that

5 by 2030, we would be raising awareness and

6 drawing global political attention to the

7 concrete advancement of this agenda.

8 One of the big projects of UN Women now

9 is called UN Women. We empower through

10 responsible business conduct in G7 countries.

11 And this gives us the opportunity to work with

12 all of the G7 countries to look at the best

13 practices around Europe and to share those.

14 And so I am going to be sharing a couple of

15 case studies from that project.

16 So before I go there, I just want to

17 make a few points about what will it take to

18 make gender pay parity a reality for all women

19 around the world. The first has already been

20 mentioned. It's really about strong

21 government commitment to gender equality. We

22 need strong laws, we need strong policies; we

23 can't do it without that. We clearly need

24 strong leadership to change culture and norms

25 for gender equal and safe workplaces and

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2 that's leadership in the workplace, leadership

3 in government. We also need plans of action,

4 we need concrete plans based on -- it can't be

5 time's up. Really?

6 All right, I am going to give a couple

7 of case studies, if you don't mind. The Gap

8 was the first Fortune 500 company to confirm

9 that it paid men and women equally across all

10 locations and that's because they had

11 gender-friendly environments, they had a

12 culture of collaboration, support for women,

13 they also had managers who had clear criteria

14 to position employees appropriate in their pay

15 range. They gave manager data, they had

16 transparency. They had a budget to make

17 adjustments and pay. They also had the same

18 hiring and recruitment; no salary history was

19 required and they had transparency.

20 My second case is in Iceland and it's

21 about parental leave, which is really

22 important. And so in Iceland they have -- get

23 this, they have three months paid leave for

24 the woman or the mother, they have three

25 months for the father, and then they have

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2 three months of shared equal. And what it

3 turns out is that it's so important to have

4 paid leave for both parents. It matters how

5 the paid leave is being used. Women tend to

6 take longer leaves and men take shorter

7 leaves, which leaves women at a disadvantage

8 and it's because of all the household duties.

9 Salary matters because men have higher

10 salaries, they take less leave. And culture

11 is also a big factor. And even in Iceland, we

12 have men who basically are discriminated

13 against for taking pregnancy leave.

14 So the last thing I want to say is I

15 want to talk about one major recommendation is

16 about CEDAW. We need strong policies and laws

17 in place as the foundation for gender

18 equality. Many of you know that the

19 Convention on the Elimination of All Forms of

20 Discrimination Against Women is a global human

21 rights treaty that's been signed by all

22 developing countries except for the U.S. And

23 it includes that women have equal rights to

24 work with men which includes pay, promotions,

25 training, health, and safety. So we are

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 2 encouraging New York to adopt the CEDAW Act so
 3 that it can be used as one of the frameworks
 4 for advocating for pay equity.
 5 So thank you very much.
 6 (Applause.)
 7 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 an organization
 12 called WomenWerk. WomenWerk is a women
 13 empowerment nonprofit based here in New York
 14 City. Our goal is to organize women of color
 15 to build equity and inclusion. I am here
 16 today really to talk about some of the things
 17 we have learned at WomenWerk in the last year
 18 and a half. Our research isn't new. A lot of
 19 great data is out there about the systemic and
 20 root cause of pay inequity. What I am here to
 21 do is put on my consulting hat. I actually
 22 also work for Deloitte Consulting, so in my
 23 strategy practice I always try to look at the
 24 root causes of things. And I think that would
 25 be the framework that I recommend for the

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 2 commission and commissioners here today.
 3 First of all, one thing that comes up in
 4 all of our conversations at WomenWerk in the
 5 last year: We have been really amazed to
 6 share the platform and stage with EEOC
 7 Commissioner Charlotte Burrows with our
 8 partners at WeWork, with our friends at South
 9 By Southwest, and with our colleagues who are
 10 also deeply committed to this issue at Ladies
 11 Get Paid, raising up this conversation
 12 multiple times because it shouldn't just be in
 13 April or if you are a black woman, August, if
 14 you are a Latino woman, in November when you
 15 are talking about equal pay.
 16 So we 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. We are not
 21 a socialist country, but we can borrow some of
 22 the best practices of our European partners
 23 who are forcing organizations both private and
 24 public to share and keep pay data. This is
 25 only needed when the EEOC would actually be

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 2 able to look into a complaint. As it stands
 3 today, when a women has to visit the EEOC
 4 office and is complaining about pay inequity
 5 what will really happen is one of two things;
 6 one, she will be told that the data wasn't
 7 collected or was not collectible because the
 8 organization or agency actually does not keep
 9 clear records of who is being paid what at
 10 what salary title and under what
 11 administrative title. This is something we
 12 can fix. The payroll office pays everyone
 13 here the right amount, not a dollar short, so
 14 they have that information. The root cause is
 15 that we are not connecting our data sets
 16 across the city. This is something that can
 17 be easily solved. In an age where we have
 18 bailed out our big banks for taking risks, I
 19 think we can figure out the technical solution
 20 to that issue. So pay transparency number,
 21 one.
 22 The second is: So when you are
 23 underpaid, what do you do, what typically
 24 happens in EEOC cases? And I am sharing this
 25 really not at any direction from anyone, but I

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 2 have been told through stories that one EEOC
 3 office at the federal level is deeply
 4 understaffed. As many of you know,
 5 Commissioner Burrow's office was sitting at
 6 twelve executives across the country. She now
 7 sits with three people in her office because
 8 it's underbudgeted and underfunded I am sure
 9 intentionally. The thing that happens when
 10 you are underpaid that you might want any help
 11 for and I think you guys can be allies to
 12 women across the city in better protections
 13 around the language in our current laws. New
 14 York City not only needs a local version of
 15 the Paycheck Fairness Act which is very
 16 explicit about ways to protect women better,
 17 but we also need to get rid of things like
 18 title seniority and past experience which is
 19 all tied to past salary history. If we say we
 20 don't want salary history to be a reason, we
 21 need to look for why we still have those
 22 protections for companies today.
 23 Thank you.
 24 (Applause.)
 25 MS. PALMER: Good evening. Thank you,

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 2 thank you very much for hosting me. My name
 3 is Meggie Palmer and I am the CEO and founder
 4 of PepTalkHer.
 5 I emigrated to the United States about
 6 two-and-a-half years ago. And so like so many
 7 others I chose New York City not because of
 8 the tall buildings or the great food, but
 9 because of the progressive sound of the city.
 10 A city with the right devotion to debate
 11 legislation and action on an issue that really
 12 matters to me, pay equity. I founded
 13 PepTalkHer after my own experience in my
 14 former life as a journalist of pay inequity.
 15 Frustrated, I decided to try and do something
 16 about it and so PepTalkHer was born. We
 17 provide inhouse training to Fortune 500
 18 companies and we also support a community of
 19 more than 15,000 women who are generally
 20 mid-career aspirational professional women.
 21 We built an app to help these women and
 22 underrepresented people to help them build
 23 the skills that they need to get a better and
 24 fairer deal at work. Our community tells us
 25 that they often have no idea if they are paid

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 2 fairly or not. They tell us that fear often
 3 holds them back from negotiating. And they
 4 tell us that even if they build up the courage
 5 to ask for a raise or promotion, they struggle
 6 with knowing properly how to successfully
 7 close that discussion. And so we built the
 8 PepTalkHer app.
 9 I am proud to tell that you we launched
 10 the app with Vogue at a summit just a few
 11 months ago. Using the Nudge theory of
 12 psychology, the app prompts users twice a week
 13 to enter their wins and their successes so
 14 that they can document them. These
 15 statistics, these anecdotes, and the images
 16 that users can record can then be used as
 17 qualitative and quantitative data when they
 18 advocate for a raise or for a promotion. Our
 19 users tell us that they have noticed an
 20 increase in their sense of self-worth because
 21 they are refocusing and reflecting on the
 22 positives rather than the failures. One of
 23 our users successfully negotiated a \$60,000
 24 pay raise after using the app and dozens have
 25 e-mailed us to tell us they have had

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 2 promotions as a result. Our data shows that
 3 tracking success and promoting those wins does
 4 make a difference.
 5 Also necessary to making a big
 6 difference is the role in legislation in
 7 companies, as so many of my colleagues today
 8 have spoken about. Transparency in pay is
 9 crucial. A recent study by the Harvard
 10 Business Review show that is where wage
 11 transparency is mandated, the wage gap
 12 narrows. And indeed we have seen this in
 13 Denmark where companies with more than 35
 14 employees are required to report on their pay
 15 data based on gender and they actually saw a
 16 shrinking of the pay gap by 70 percent as a
 17 result of this. We advise the community today
 18 to request New York companies introduce
 19 transparent pay bans alongside clear criteria
 20 for promotional opportunity, but most
 21 importantly we really love to see it mandated
 22 that companies conduct pay analysis annually
 23 with this data maybe publicly available.
 24 Evolution will not happen in the dark. We
 25 need a shining light of public scrutiny placed

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 2 on this issue.
 3 While the levers of change are still
 4 sadly predominantly in the hands of men, we
 5 ask this committee to actively engage allies.
 6 In my native country of Australia, the Male
 7 Champions of Change program has helped
 8 activate and give prominence to this issue
 9 that we are discussing today. It activates
 10 influential leaders, often CEOs, to support
 11 and step up alongside us to further drive
 12 change across the private and government
 13 sector. We know the fight for equality will
 14 need to utilize both micro and macro levers
 15 and we are proud to be among the dedicated
 16 people in this room today working to create
 17 this change. Enough of the debate and delay
 18 tactics. It's time for action.
 19 Thank you.
 20 (Applause.)
 21 COMMISSIONER MALALIS: Ms. Palmer, hi.
 22 Can I just ask you a question. Hi,
 23 congratulations on the launch of your app.
 24 It's a few months ago and you have 15,000 in
 25 your PepTalkHer community right now?

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 2 MS. PALMER: That's right.
 3 COMMISSIONER MALALIS: Where do you
 4 advertise?
 5 MS. PALMER: We don't advertise,
 6 actually. We started grassroots maybe three
 7 years ago just on social media and it's grown
 8 from here. I mean, we are self-funded; we
 9 have not taken any venture money. We are
 10 impact driven, but for-profit business. And
 11 it's so really been just word of mouth,
 12 partnerships, people in our community tell
 13 other people. We would love to be able to
 14 afford to advertise, but we can't afford it
 15 right now.
 16 COMMISSIONER MALALIS: Do you see any
 17 patterns in demographics?
 18 MS. PALMER: So in terms of our
 19 community, it's 91 percent female. In terms
 20 of the app users, it's about 85 percent female
 21 identifying. We do know there are some men
 22 who are using the app because they have
 23 e-mailed us and told us that they suffer from
 24 imposter syndrome. A lot of them identify as
 25 gay, actually, because they have e-mailed me

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 2 and told me that.
 3 In terms of patterns, I mean, I know
 4 there have been several studies done that some
 5 of my colleagues talked about earlier that
 6 showed that actually women do ask for raises
 7 at the same levels. Our community anecdotally
 8 tell us that they don't actually always have
 9 the confidence to ask those questions. I am
 10 not sure of the sample size of all of the
 11 Harvard studies at that level, but certainly
 12 mid-career. So they tend to be 25 to 40 years
 13 old and -- yes.
 14 COMMISSIONER SALAS: Did you say
 15 something about demographics on race?
 16 MS. PALMER: We don't track race in the
 17 app, but -- no, we don't track that. The
 18 community itself anecdotally, it's very
 19 diverse our community. But I don't have the
 20 specific statistics on that because we don't
 21 ask the question when people register, but
 22 that's something we might look to add in.
 23 COMMISSIONER ANUJA: So I think you and
 24 Nekpen talked about the importance of salary
 25 transparency in job descriptions. We heard

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 2 earlier from the Women.NYC that's investing
 3 quite a bit in salary negotiation. Not that
 4 it's a zero sum game, but I am curious about
 5 your thoughts in terms of the strategy that
 6 the city should pursue in investing in salary
 7 negotiation. I think I hold an assumption
 8 that that sort of people who know how to
 9 negotiate are better negotiators.
 10 I wonder to what extent that serves all
 11 of us and so I think: How do we think about a
 12 strategy as a city around salary transparency
 13 being something that big companies should
 14 champion or the city should champion in
 15 addition to need for increasing the skill set
 16 of the workforce around salary negotiation?
 17 Just curious if you have thoughts on that.
 18 MS. PALMER: Absolutely, and feel free
 19 to add something.
 20 I mean, yes, we feel like education is
 21 super important. You know, there are so many
 22 women out there who are amazing negotiators
 23 and they will never need training and that's
 24 fabulous and those are not the women that need
 25 us.

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 2 So the people that are part of the
 3 PepTalkHer community don't always have the
 4 confidence. They do need ongoing education
 5 and they certainly need a community of people
 6 who they feel like they could continuously
 7 engage and ask questions with so they can kind
 8 of just continue that momentum I suppose from
 9 those training programs going forward.
 10 Because I think what we hear from them, again
 11 anecdotally from our sample size of 15,000, is
 12 it's isolating. And when there are
 13 situations, you know, when you find out you
 14 are being underpaid, when you are threatened
 15 with being sacked because you are pregnant,
 16 those are isolating experiences and fear
 17 creeps in. And perhaps, you know, some of the
 18 rational negotiating skills that maybe you
 19 have had in your head in the past aren't
 20 necessarily front of mind in that moment.
 21 Yes, that sort of scary moment I suppose in
 22 their career.
 23 COMMISSIONER ANUJA: Thank you.
 24 MS. PALMER: Thank you for having me.
 25 MS. OSUAN: Commissioner Anuja, that's a

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2 great question about how sort of where do we

3 support women in their journey for salary

4 negotiations. One of the biggest things we

5 are participating with Community Voices Heard

6 now, to survey over 5,000 women of color

7 across New York City -- and if you are

8 interested in taking that survey, please come

9 see me afterwards. But one of the biggest

10 things is that a lot of women who are women of

11 color in our communities told us they were

12 really nervous to negotiate salary. They are

13 afraid the offer will be rescinded and I think

14 to a certain degree that fear is not

15 unfounded. I don't think people woke up

16 saying I want to leave \$50,000 on the table

17 which was the gap I had to negotiate with my

18 current role.

19 So that being said, I am glad that many

20 organizations are trying to train more women.

21 We don't have the funding in WomenWerk

22 unfortunately to do that, but our members are

23 very interested in this. We just had our last

24 event at WeWork on the topic of achieving pay

25 equity for black women and I would say 50

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2 percent of the women who came up and testified

3 told us that they do not have a sense of sort

4 of how to begin negotiating. Because at the

5 point that they start negotiating some of the

6 women said they found out they were already

7 underpaid, which historically is always an

8 issue; so how do you research what's a fair

9 pay, how do you structure that dance of

10 negotiating. And so, as some of us know very

11 well in this room, is something that I think a

12 lot of people would stand to gain. And if we

13 are honest, nobody teaches us that unless they

14 have a mentor. And, unfortunately, some women

15 have not had those mentors.

16 MS. EBANKS: Thank you.

17 Next.

18 DR. CARTER: Good evening, everyone.

19 Thank you for the invitation to give testimony

20 on the issue of pay equity in New York City

21 communities. My name is Dr. Leeja Carter and

22 I am representing Black Women's Blueprint this

23 evening. Founded in 2008, Black Women's

24 Blueprint works to place black women and girls

25 lives and struggles squarely within the

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2 context of larger racial justice concerns and

3 is committed to building movements where

4 gender matters in social justice organizing,

5 so that all members of black communities

6 achieve social political and economic equity.

7 One in five women are sexually assaulted

8 while in college, with one out of every four

9 female undergraduates experiencing some form

10 of sexual assault before graduation. Further

11 when and where available, only 16 percent of

12 survivors report utilizing campus services.

13 Pay equity is a complex issue. And while

14 higher education can bring an increase in

15 earnings, the gender pay gap is larger among

16 white men and black women who possess a

17 college degree. Contributing to the pay gap

18 is the lack of accommodations for student

19 survivors, specifically black women who

20 experience gender-based violence and sexual

21 assault. Women who experience either on or

22 off campus violence are more likely to

23 withdraw from academics, experience emotional

24 distress, report anxiety and depressive

25 symptoms, amongst others that I have listed

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2 here.

3 My testimony today is to center the

4 experiences of black women in college. Black

5 women, college students, and survivors who

6 need their institutions to provide effective

7 support services and comprehensive

8 accommodations to survivors throughout their

9 college career. While the pay gap is still

10 wide among those who have received a college

11 degree, the percentage of those who don't

12 graduate contributes to pay disparity. As an

13 advocate and academician working in higher

14 education for over a decade, I witnessed the

15 ways in which colleges and universities have

16 provided support for survivors as well as have

17 missed the mark in providing adequate

18 accommodation to survivors as they work to

19 complete their educations. I see why people

20 took this off. However, there are ways in

21 which we can improve campus support for

22 survivors, including holding universities

23 accountable for ensuring that their services

24 are tailored to the needs of survivors so as

25 to encourage their use. This means creating

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 2 reasonable accommodations for survivors; not
 3 just making accommodations the responsibility
 4 of faculty, department chairs or deans, but
 5 creating comprehensive accommodations that
 6 spans the entire university and campus
 7 community. Developing survivor-led programs
 8 for policies and for students. Monitor and
 9 support research to generate evidence-based
 10 programs to support student survivors
 11 experiences so that way they can complete
 12 their academics. Work with multiple campus
 13 stakeholders in developing a robust
 14 accommodations policy and support services and
 15 also engage survivors in economic mobility
 16 conversations.
 17 We are grateful to the commission for
 18 calling this hearing to give further light and
 19 conversation and hope to create necessary
 20 change that benefits women in our city.
 21 Thank you.
 22 (Applause.)
 23 MS. ROSENTHAL: Good evening, I am Helen
 24 Rosenthal. I am proud to chair the Committee
 25 on Women and Gender Equity in the New York

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 2 City Council. Thank you to the Commission on
 3 Gender Equity, Commission on Human Rights,
 4 Department of Consumer and Worker Protection,
 5 and the New York City Bar Association for
 6 hosting this hearing. And, thank you to
 7 everyone who is testifying today. It's really
 8 some amazing people I am seeing in the
 9 audience so, thank you.
 10 The Committee on Women and Gender Equity
 11 will be paying very close attention to what is
 12 heard today. We are especially interested in
 13 how existing pay equity policies have
 14 performed and we will need more information
 15 about how pay inequity is affecting people
 16 with disabilities, immigrants, women of color
 17 and other particularly vulnerable workers.
 18 As has been said many times it's
 19 unacceptable that in 2019 in the wealthiest
 20 country in the world, the U.S. remains plagued
 21 by wage disparities. As we know, the gaps are
 22 especially pronounced for Latina and black
 23 women who are forced to confront both racism
 24 and sexism. It is also a senior issue. As we
 25 learned at a recent city council hearing by

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 2 the time women in New York City reach their
 3 eighties, almost 1 in 4 are living in poverty.
 4 This is the result of many factors including a
 5 lifetime of salary inequity and reduced
 6 retirement income, as well as time outside of
 7 the workforce to care for family members. In
 8 fact, one of the principals at a school in my
 9 district is pregnant with her second child and
 10 just called me to say that unfortunately she
 11 is leaving the school and will continue to
 12 work part time at the Department of Education.
 13 But of course while I am so proud for her and
 14 happy for her, I know that this will affect
 15 the amount of money she will get in Social
 16 Security for her retirement.
 17 Part of the solution to wage inequity is
 18 eliminating gender-based harassment. Women
 19 and lesbian, gay, bi, trans and
 20 gender-nonconforming people cannot achieve
 21 economic empowerment if they are being
 22 harassed and abused at work, plain and simple.
 23 And I was just hanging out with our future
 24 generation of workers, amazing students at
 25 CUNY many of whom fall into those categories,

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 2 and it gives us all a sense of urgency. Last
 3 year the city council took forceful action
 4 against workplace harassment because every
 5 New Yorker deserves a safe and welcoming
 6 workplace where they can climb economic and
 7 professional ladders. Another part of the
 8 solution is defending workers rights to
 9 organize. When workers have real
 10 representation, they are far better equipped
 11 to secure fair wages. The way forward is
 12 clear. We need workplace democracy. We need
 13 to increase diversity in leadership, whether
 14 unions, corporate boards or governing bodies.
 15 And we must continue to break down barriers of
 16 racism, sexism, and ablism across society.
 17 Thank you to the hundreds of
 18 community-based organizations, labor unions,
 19 and so many others who are helping to lead
 20 this fight. It's terrific to see everyone.
 21 Thank you.
 22 (Applause.)
 23 MS. COATS: Good evening. I am Shari
 24 Coats. I am deputy general counsel for
 25 Deloitte and I am proud to be here

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2 representing Deloitte, so thank you for having

3 me.

4 I am particularly pleased to be

5 representing Deloitte because inclusion is

6 foundational to our culture. It is part of

7 our values; it's embedded in what we do. We

8 were the first professional services

9 organization to establish a women's initiative

10 and a diversity initiative back in 1993 when

11 we started. And we have continued ever since,

12 not forgetting about our priorities. A lot

13 has changed in the last 30 years, but a couple

14 of things are constant and that is our

15 leadership commitment to the issues and

16 continued commitment to remember that we need

17 to continuously evolve on the issues of

18 inclusion and gender equity. Pay equity

19 cannot and should not be viewed as a one-time

20 fix. It's a very complex issue, as many

21 people have identified. And it doesn't matter

22 what size scale or complexity of the

23 organization you are in.

24 One of the reasons I am here today is to

25 talk about our perspective as a business, but

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2 we also don't forget about the perspectives of

3 small business and the resources that all

4 businesses have. They may differ and the

5 challenges that each business can accomplish

6 or overcome are different, you know, depending

7 on the size and the resources that they have

8 available to them.

9 There are additional factors that also

10 need to be considered in the pay equity

11 discussion. That has been discussed here

12 today. I really appreciate that everyone so

13 far has mentioned these issues. It's not just

14 a gender lens that these are particularly

15 focused on; this is also the other lens of

16 different groups that people attribute

17 themselves to. It's also the

18 intersectionality of those different groups

19 that those lenses that we need to be looking

20 at gender -- excuse me pay equity. Pay

21 equity requires constant attention, as we have

22 discussed. And there are several leading

23 practices that I want to talk about. We

24 continuously want to share our best practices

25 that we believe are appropriate not just for

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2 our organization, but for many organizations

3 that we think need to be perpetuated by the

4 organizations and that we are happy to share.

5 First, year-round focus and

6 accountability. This is something that we

7 have all talked about tonight. That is

8 looking at your own compensation practices.

9 Understanding when there are some issues,

10 taking ownership of them. Building

11 transparency so that people can actually raise

12 concerns without the fear of retaliation.

13 Having a vehicle for people to raise concerns

14 and addressing those appropriately. Using

15 analytics in order to do complex analyses that

16 are needed for pay. While we have the

17 resources to do that, not everybody does. So

18 providing those types of things for

19 organizations that don't have those resources

20 would be truly beneficial. Benchmarking,

21 engaging in annual external benchmarking of

22 salaries is extremely helpful for

23 organizations. It better -- it helps to

24 better control for equity in your compensation

25 practices and helps you avoid having to rely

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2 on that prior salary information. The new

3 laws related to getting rid of prior salaries

4 are fantastic and organizations really need to

5 be eliminating prior salary from that and

6 evaluating candidates and setting compensation

7 based on skills, experience, and

8 qualifications. Education and training.

9 Things that we are doing that are particularly

10 important, our unconscious bias types of

11 training, helping people understand the

12 unconscious bias that can come into play when

13 making decisions. So making more people aware

14 of their unconscious biases that can impact

15 pay decisions and training on inclusive

16 leadership. Really building inclusive teams

17 so that people can contribute to the extent

18 that they are capable of. A lot of people

19 feel they can't contribute sufficiently

20 because they don't feel included as part of

21 the organization. And sharing experience and

22 best practices. Again, this is important for

23 us all.

24 Thank you for having this conversation.

25 I think we all need to learn from each other

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2 and thank you.
3 MS. TILLERY: May I ask you a few
4 questions. One, I am curious to hear from you
5 if there had been any challenges in
6 implementing the salary transparency in New
7 York City.
8 MS. COATS: I think for our organization
9 because we have so many workers, it's probably
10 easier for us. I think it's harder for
11 organizations that I have talked to where they
12 don't have the data available. I hear a lot
13 about well, I don't know what this job is
14 worth so I have to ask for that information
15 because I don't know what I should be paying
16 these people. Again, we can afford to pay to
17 get that external benchmarking.
18 We also are an in industry where there
19 is like glass-door vault, fishbowl, there is
20 always talk about pay. It may be anonymous,
21 but there is a lot of talk among people and
22 what they are making, but in smaller places or
23 in industries where that doesn't exist, people
24 don't know what the job is worth. It's a lot
25 harder for those companies.

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2 COMMISSIONER ANUJA: You note it as a
3 positive for Deloitte. I am curious what
4 impact or reporting-wise anecdotally or
5 otherwise, what you have seen.
6 MS. COATS: Reporting, I'm sorry?
7 COMMISSIONER ANUJA: On the fact that
8 people now aren't asking about salary history,
9 how has that played out at Deloitte?
10 MS. COATS: I think it also just impacts
11 the pay not just at the time of hiring, but
12 educating people on what should you be looking
13 for as you continue to increase people's pay.
14 So merit increases, bonuses, et cetera, having
15 the continued conversation about what's
16 important when taking into consideration
17 someone's contributions in order to make those
18 pay decisions is valuable.
19 COMMISSIONER ANUJA: Thank you.
20 Ms. Coats, I am interested in the
21 analytics that you employ and what are you
22 testing and what sort of results?
23 MS. COATS: Sure.
24 So a lot of times what companies need to
25 do, and this is a challenge for a lot of

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2 companies, is to really understand the types
3 of things that actually do impact pay. So for
4 example it may be a specific degree or it may
5 be the geography where this person works, it
6 may be the years of experience. All of the
7 things that are legitimate business factors,
8 the types of things that we talked about. I
9 think my colleague from Times Up organization
10 talked about that and there are some things
11 that are permissible and other things that are
12 not. When you are analyzing pay, you do want
13 to take into consideration the things that are
14 permissible and control for those. It's a
15 real statistical analysis that needs to be
16 done when you undertake that. It's a complex
17 analysis, but it's really helpful to do.
18 COMMISSIONER ANUJA: Ms. Coats, do you
19 or Deloitte have data to what extent the
20 practices you have outlined here have
21 contributed in particular to closing the
22 racial wage gap or gender and racial wage gap,
23 to what extent have these practices closed the
24 wage for black and Latina women at Deloitte?
25 MS. COATS: We have not specifically

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2 done any differences in our analytics to
3 decide whether differences have been emanating
4 from some of these practices. These have been
5 practices that we have been putting in place
6 for years, but I do believe there is a lot of
7 research on that. And I can't speak to this
8 for certain, but I believe one of our research
9 entities is doing research on that very point.
10 So I can follow up on that.
11 COMMISSIONER ANUJA: Thank you.
12 MS. COATS: Thank you.
13 MS. REAGON: Thank you very much.
14 I would like to thank Jackie Ebanks and
15 the New York City Commission on Gender Equity,
16 Commission on Human Rights, and Department of
17 Consumer and Worker Protection for this
18 opportunity to speak tonight on the issue of
19 pay equity.
20 My name is Merble Reagon. I am the
21 executive director at the Women's Center for
22 Education and Career Advancement. I would
23 like to start with a statistic. If women and
24 people of color were to receive wages equal to
25 those of men for comparable jobs, poverty

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2 among working women and their families would

3 be cut in half and add a staggering \$513

4 billion to the national economy.

5 From 1970 to 2015, our Women's Center

6 has helped thousands of women to prepare for

7 further education jobs and careers. We

8 learned early on that full-time jobs didn't

9 always mean that they were earning enough

10 money to meet their family's most basic living

11 expenses. Since the year 2000 we have

12 partnered with New York City philanthropy,

13 human services agencies and, many others to

14 define exactly what income working New York

15 City families need to make ends meet,

16 depending where they live in New York City and

17 the ages of their children.

18 Over the past nineteen years we have

19 developed five New York City self-sufficiency

20 standard reports, most recently Overlooked and

21 Undercounted 2018. These reports highlight

22 the real life circumstances of 2.5 million

23 members or 40 percent of working New York City

24 families who are struggling to make ends meets

25 because their wages do not cover the cost of

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2 their basic necessities. They represent more

3 than 900,000 households in New York City and

4 for them pay equity, excuse, me is a critical

5 issue. Our report findings are divided into

6 briefs focused on differences experienced by

7 working families based on their race,

8 ethnicity, citizenship, gender, education, New

9 York City borough, and other factors.

10 One of the most important findings is

11 that since the year 2000 the actual cost of

12 living, 87 percent in New York City has risen

13 at nearly three times the rate of wages, 31

14 percent. The official inflation since 2000 is

15 just 42 percent. We worked with 32 other New

16 York City Human Services academies in New York

17 City to review the basic data and findings,

18 then collaborated to develop a series of

19 public policy recommendations designed,

20 amongst other things, to be most impactful to

21 and to reach working families most in need.

22 It goes without saying that the issue of pay

23 equity has hurt traditionally marginalized

24 populations most.

25 So I am not going to go over statistics

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2 that have already been mentioned, but I will

3 say that most of us who are here this evening

4 do not need to be persuaded that in addition

5 to pay equity, there are other public policies

6 that will contribute to improving the

7 financial security of low-wage working

8 New Yorkers by reducing major nondiscretionary

9 costs, reaching a broader audience, inclusive

10 of marginalized populations, and by advancing

11 coordinated and interconnected solutions. For

12 the details, we encourage the panelists and

13 others to review the proposed public policy

14 recommendations and our key findings and

15 recommendations, many of which have already

16 been mentioned by people who have spoken.

17 Finally, we do applaud the historic

18 Equal Pay legislation passed in New York State

19 and New York City. However while New York

20 State has extended the Pay Equity Act to all

21 protected classes, we strongly recommend that

22 New York State and New York City for both

23 employers and workers that the necessary

24 education, training, oversight and enforcement

25 resource be made available to ensure that the

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2 new regulations and legislations have the

3 intended benefits for the intended

4 beneficiaries.

5 Thank you for this opportunity.

6 (Applause.)

7 MS. TILLERY: I have a question for you.

8 I am curious in your report you talk about

9 race ethnicity, looking at, you know, a number

10 of factors. Do you look at all at sexual

11 orientation and gender identity?

12 MS. REAGON: We do briefly. Our purpose

13 is to demonstrate that these issues impact

14 different communities in different ways and

15 some more dramatically than others. That is

16 absolutely something that we would take up in

17 our next iteration.

18 MS. TILLERY: Okay, thank you.

19 MS. REAGON: Thank you.

20 Any other questions?

21 Thank you.

22 (Applause.)

23 MS. NEUFELD: Hi, I am Bev Neufeld.

24 Sorry about that, I have a cold. I will do my

25 very best. I am Bev Neufeld and I am

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2 president and founder of PowHer New York.
3 And I want to thank so many of the
4 partners who are here today; UN Women, a
5 Better Balance, Legal Momentum, you haven't
6 come up yet, the Women's Center, Times Up,
7 National Domestic Workers Alliance. We are
8 all together in this work and we come together
9 across sectors, across issues because this is
10 such complicated work. I also want to say
11 that I am a proud member of the Commission on
12 Gender Equity, and I am also the head of
13 co-chair of the Mobility Committee. And this
14 is the "Leveling the Paying Field" that we
15 produced together, so you can find that
16 online. We kind of ran out of copies, it's so
17 popular. So I have written a bit of treatise.
18 It's there for you to read, so just really the
19 high points for me.
20 Almost everything has been covered in
21 terms of numbers, but I think what I can give
22 you a perspective on is what a difference
23 thirteen years makes. Thirteen years ago, we
24 had our first equal payday rally. It was five
25 women on the steps of City Hall wearing red,

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2 seeing red because women are still in the red,
3 right? We always say that. And thirteen
4 years later we heard "Equal Pay" being shouted
5 through the canyon of heroes, you know, when
6 our women soccer players came up and it was so
7 heartening to know that things can change,
8 things can improve. Thirteen years is a long
9 time, but in the scheme of things maybe not so
10 much.
11 So I have a lot of ideas for us in New
12 York City and I do want to say that New York
13 State and New York City has done an amazing
14 job passing laws, but we could do a little bit
15 even more. So a few of the laws that PowHer
16 wants to suggest is requiring salary ranges on
17 job postings, which has been mentioned. We
18 really need to consider requiring businesses
19 to, you know, look at and share their equal
20 pay data. That is the reason that --
21 Citibank, American Express, IBM, the reason
22 that once a year they have been revealing
23 their numbers is because they have to report
24 them in the United Kingdom. Deloitte as well
25 I think, right? So those are public reports.

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2 So our companies are reporting in UK, but they
3 don't have to report in the United States.
4 And it's so much wonderful information for
5 them so that they can close the wage gap.
6 Also, and I will talk really quickly
7 here, we ask you to look at something that is
8 so deeply rooted in why women are unequally
9 paid and that is because we have not valued
10 women's work. We undervalue women's work and
11 there is a way to calculate that to address
12 it. The minimum wage is great because
13 low-wage workers are getting more money, but
14 why is someone who is taking care of our loved
15 ones, our grandma, why is she paid less than
16 the person who is, you know, cleaning the --
17 who is a janitor in the same institution, what
18 do we value. And I think New York City could
19 pave the way on that, especially with the new
20 transparency law that has to be looked at.
21 Please support the tipped minimum wage and I
22 think better jobs for women. That is an
23 absolute must.
24 We have a really important small bill,
25 but it addresses the teen wage gap. The wage

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2 gap starts when girls are teens and it's
3 internalized that they should be paid less and
4 work more. So we really have a good job here
5 in New York City to do first the teenage wage
6 gap study.
7 The other big point is -- and I know
8 it's a city commission, but we need to
9 strengthen our human rights laws on a New York
10 State level and the way to do that is passing
11 an equal rights amendment for all, not just an
12 equal rights amendment for women. So that
13 would take into account some of the things
14 that have been brought up at the
15 intersectionality of gender, race, disability,
16 age.
17 So -- and I -- very quickly I want to
18 share that education is key, enforcement is
19 key. Congratulations for the Chipotle case
20 that really on the oh, sorry, on the fair
21 worker, that really will get employers to know
22 that they have to give scheduling notice for
23 people, but more can be done to educate the
24 workers to know they have those rights. And
25 for every bill that's passed that has workers

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 2 rights connected to it, it should be funded
 3 that we have education and outreach
 4 programming. If we pass these laws, we really
 5 need to enact them. Business as partners in
 6 change, we already talked about that and I
 7 mentioned how the UK, they are ahead of us.
 8 So we can do better.
 9 But lastly I want to say, this shouldn't
 10 be just tonight. I am really proud of what
 11 the commission has done, but I think that this
 12 has to be an ongoing conversation. We need a
 13 place to bring all this information together.
 14 We need a way to measure our progress, to
 15 measure how women are every year being done
 16 differently. So I want to put on the record
 17 that PowHer is calling for a funded central
 18 repository of information and accelerator of
 19 action which would take New York City to new
 20 heights in our war against wage inequality.
 21 Thank you.
 22 (Applause.)
 23 COMMISSIONER SALAS: Quick question, Ms.
 24 Neufeld: Do you know in what form the
 25 companies in the UK are reporting this data

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 2 publicly, is there a website or agency?
 3 MS. NEUFELD: It's actually posted on
 4 the UK website, so anyone can go in. Google
 5 it, actually, and you will find out how much
 6 people are paid and they have -- everyone is
 7 touting "Equal pay for equal work." We have
 8 closed the wage gap, but the reality is what
 9 that shows, what that particular study shows
 10 for all these companies, is that women are
 11 lumped in the bottom of the pay scale and men
 12 are at the top because they divided us
 13 quarterly. So that gives a lot of
 14 information.
 15 Thank you. Yes, anything else?
 16 (Applause.)
 17 MS. ADDATI: Thank you.
 18 Good evening and thank you very much for
 19 inviting the International Labor Organization
 20 here tonight. We are the only tripartite and
 21 standard-setting UN agency promoting decent
 22 work and social justice since 1919. We
 23 celebrate our centennial this year.
 24 Globally women continue to be paid
 25 approximately 20 percent less than men. One

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1 PROCEEDINGS
 2 way to accelerate progress is to better
 3 understand what lays behind the gender pay gap
 4 and take action on its deep root causes. So
 5 this report was published in 2018, the Global
 6 Wage Report and I have a copy for you. It's
 7 downloadable on our website, ILO.org. It
 8 shows that men are not paid more because they
 9 are better educated than woman or display
 10 higher labor productivity, very surprising.
 11 The gender -- and also confirming old ideas
 12 that the gender pay gap is a result of
 13 well-rooted prejudice and stereotyping of
 14 women in the labor markets, which often
 15 resolves into direct and indirect pay
 16 discrimination. The causes that we saw for
 17 the gender wage gap in the report include
 18 women being hired at lower salary than men
 19 even when they are better educated and hold
 20 managerial positions.
 21 The undervaluation of women's work,
 22 which you already heard in highly-feminized
 23 occupations and enterprises especially in the
 24 care economy and the motherhood, pay penalty
 25 for women taking time off or using flexible

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1 PROCEEDINGS
 2 working time arrangements to accommodate care
 3 responsibilities. To address this problem,
 4 the ILO has adopted the Equal Remuneration
 5 Convention which calls for the achievement of
 6 equal pay for work of equal value. This is
 7 emphasis on equal value is very important
 8 rather than equal pay for equal or similar
 9 work because this is critical, really critical
 10 to address ending discrimination.
 11 There are several policy measures that
 12 we set out in the report and these include
 13 improving measurement methods and collecting
 14 better data including across the
 15 intersectional dimensions, adopting and
 16 enforcing adequate legal frameworks which
 17 include explicitly the recognition of the
 18 principle of pay equity, implement pay
 19 transparency, penalize wage discrimination,
 20 and address the broader unequal treatment in
 21 the payment of benefits and allowances which
 22 are an important part of the salary package
 23 which is often ignored. Also ensuring the
 24 enforcement of adequate minimum wage laws,
 25 strengthening collective bargaining and

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1 PROCEEDINGS
 2 increasing access to paid parental leave,
 3 quality and affordable child care, and home
 4 care services are also important.
 5 We heard that the ILO, UN Women, and
 6 OECD launched the Equal Pay International
 7 Coalition and I would like to highlight a good
 8 example of members, Iceland again, they are
 9 committed explicitly to end the gender pay gap
 10 by 2022 and adopted a law requiring government
 11 and companies with more than 25 employees to
 12 obtain an equal pay certification and to
 13 demonstrate that the pay systems are only
 14 based on objective considerations. And the
 15 entities failing to demonstrate pay equity
 16 face fines, which it's the sanctioned part
 17 also. And this is also important because the
 18 certification transfers the responsibility for
 19 taking equal pay from the employee to
 20 employer. Also Switzerland, Switzerland
 21 Advancing Gender Equal Pay Initiative
 22 facilitated the role of companies in meeting
 23 equal pay requirements. The initiative allows
 24 companies with at least 50 employees to
 25 perform an anonymous free of charge self-test

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1 PROCEEDINGS
 2 to assess the gender pay gap and provides for
 3 regular equal pay audits in public
 4 administration or related entities.
 5 Thank you very much for having us today.
 6 We stand ready to continue and wish you good
 7 luck for New York City.
 8 (Applause.)
 9 MS. WATKINS: Thank you. Good evening,
 10 everyone. My name is Kimberly Watkins and I
 11 am here to speak about women and small
 12 businesses.
 13 We have been talking tonight about the
 14 pay gap where in Corporate America we know
 15 that the pay gap is large, but on Main Street
 16 America it's even worse at the rate of 66
 17 cents on the dollar. And this is alarming and
 18 needs to change, but I actually want to talk a
 19 little bit about a different facet of pay
 20 equity which is job and financial security; a
 21 reality that women often face when small
 22 companies begin to thrive.
 23 And this is where my very, very personal
 24 story comes in. Twelve years ago, I was a
 25 marketing executive with a growing young

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1 PROCEEDINGS
 2 company called Manhattan GMAT. It's a test
 3 prep service for MBA admissions. I had been
 4 one of its first teachers and I was its very
 5 first employee focused on growing the company.
 6 And I did a little bit of everything, like
 7 small mom-and-pop businesses do. I was the
 8 person taping fliers to bus stops on Broadway
 9 and I even snuck postcards into Kaplan Test
 10 Prep books in Barnes & Noble. And by the time
 11 we expanded nationally and online in about
 12 five years, I was making an excellent living
 13 and I thought that I had job security.
 14 But then the founder decided that he
 15 wanted to do something else, so he hired a man
 16 to run the company. And that man's name is
 17 Andrew Yang. The impact on me was pretty
 18 positive initially. Andrew promoted me and
 19 gave me more aggressive goals and I met those
 20 goals. But about a year later on the third
 21 day that I was back from my honeymoon, Andrew
 22 Yang asked me to come into his office after
 23 everyone else had left for the day. And
 24 behind closed doors he opined that I wouldn't
 25 want to keep on working as hard as I had now

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1 PROCEEDINGS
 2 that I started this new personal chapter in my
 3 life, that as a married women I would want to
 4 focus on my new life. Despite hitting every
 5 single revenue mark set for me and despite not
 6 a single employment infraction over the six
 7 years I worked for the company, Andrew Yang
 8 fired me because I got married and just like
 9 that my new life was shattered, my financial
 10 security was blown to bits.
 11 I have never spoken publicly about this
 12 personal story. We actually conjured a lie
 13 when I left to save me from the embarrassment.
 14 But as you can probably imagine, if you know
 15 who Andrew Yang is, recent events have brought
 16 these memories back with a vengeance and
 17 reopened wounds that I have never quite
 18 recovered from. So I decided today to come
 19 forward with my story.
 20 (Applause.)
 21 MS. WATKINS: We need action on gender
 22 issues. And if the high profile of the
 23 individual involvement involved with me in
 24 this story helps us gain traction, I say let's
 25 go for it. The pay gap and job security are

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1 PROCEEDINGS
 2 part of the institutional patriarchy in this
 3 country. They are part of Times Up, they are
 4 part of Me Too. Andrew Yang didn't harass me
 5 physically, nothing like that. But he did
 6 treat me in unjustly and he violated me
 7 economically. I am ready to fight for
 8 solutions and I hope you are too.
 9 Thank you.
 10 (Applause.)
 11 COMMISSIONER ANUJA: Can I ask you a
 12 question. Thank you so much for testifying
 13 today. Your courage means a great deal for
 14 me, so thank you for telling your story
 15 publicly. Is there anything, thinking back,
 16 that you think government could have done?
 17 Was there a way for thinking about us moving
 18 forward in the product of tonight's
 19 conversation? Is there anything that local
 20 government, especially --
 21 MS. WATKINS: That's a really good
 22 question. And in my written testimony, I
 23 write a little bit about how I don't think I
 24 would have allowed this to happen to me today.
 25 I think in our climate today, I would never

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1 PROCEEDINGS
 2 have agreed to the deal that we struck and
 3 walked out of there the way I did.
 4 I do think that it's important that
 5 at-will employees understand their rights. So
 6 as an at-will employee, I could be fired for
 7 any reason. That was made perfectly clear to
 8 me throughout my tenure at the company, but
 9 Andrew Yang gave me a reason and that was a
 10 really unethical one and I didn't know what to
 11 do after that point. Now I was jet-lagged,
 12 and exhausted and I was sort of -- you know,
 13 sort of drunk on my newly-married existence,
 14 so part of it was that I -- I believed in the
 15 best, that the best would come of the change
 16 and I moved and put it past me, to the best of
 17 my ability.
 18 But I do think that local governments
 19 can be more active or more proactive in
 20 understanding how small businesses interact
 21 with their employees and to recognize that in
 22 small businesses, this more so your pay gap
 23 and that things like the statistic that only 3
 24 percent of venture capital was awarded to
 25 small businesses owned by women last year.

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1 PROCEEDINGS
 2 Men are making a lot more money with small
 3 businesses, especially when it comes to
 4 mergers and buyouts and venture capital. And
 5 so anything that we can do in terms of
 6 legislation to move in that direction for
 7 women in small business I think would be
 8 helpful.
 9 COMMISSIONER ANUJA: Thank you.
 10 (Applause.)
 11 MR. SHAW: Hi, I am Connor. I am the
 12 political director for the International Union
 13 of Journeymen and Allied Trades, a labor union
 14 representing about 25,000 members in the five
 15 boroughs. I am going to be pretty brief, but
 16 just wanted to go over some ways -- labor has
 17 been brought up a couple of times. I wanted
 18 to go over some ways where labor can be a
 19 crucial organization in protecting against pay
 20 inequality.
 21 First of all every, contract we
 22 negotiate has a job rate for every job. We
 23 represent a lot of bus drivers, home-care
 24 aides, mechanics. If you are an A mechanic,
 25 you should be making X amount of dollars an

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 2 hour. It's very easy to look at your contract
 3 and see if you are being underpaid or because
 4 of any reason; gender, sexual identity,
 5 immigration status, race. It's very easy to
 6 see if you are not getting paid what your
 7 colleagues are getting paid.
 8 And in all of our contracts, we have a
 9 grievance procedure. So if you are being
 10 discriminated against or being harassed, we
 11 have business agents and lawyers that will go
 12 in and advocate for you to your employer on
 13 your behalf. And we don't put up with any
 14 sort of inequality and labor union gets to the
 15 heart of that and tackles an inequality by
 16 having set standards of wages and ways to deal
 17 with any inequality that does arise.
 18 And then any member who is a member of
 19 our union are not at-will employees; they are
 20 just cause employees. The standard of
 21 becoming just cause where the employer has to
 22 provide cause for termination would hopefully
 23 go in a case like the tragic case we just
 24 heard about. There would be a business agent
 25 with that employer before they even finished

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1 PROCEEDINGS
2 that conversation, because clearly that's not
3 something a labor union will put up with.
4 And then traditionally one of the big
5 struggles with labor has been trying to make
6 it not a pale stale male organization, which
7 is the rap -- that's a rap the lot of labor
8 organizations get.
9 And the next person who is testifying,
10 my sister who is also from labor will talk
11 about an amazing organization that does bring
12 more women and women of color into the labor
13 movement. So I think on that, I kick it to
14 the next person testifying.
15 (Applause.)
16 MS. EBANKS: One of the things I wanted
17 to talk about is sort of: Do you do any
18 analysis around who gets overtime, night
19 differential work which could also sort of tip
20 the scales in terms of, you know, take-home
21 pay?
22 MR. SHAW: So we represent a lot of
23 different industries, so it's a little bit
24 different in all of them. But generally
25 overtime, it's done by a rotating seniority

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1 PROCEEDINGS
2 basis, so -- every say there is 20 people who
3 are working at one of our shops, the most
4 senior would have the first overtime
5 opportunity, the second most senior, and it
6 rotates through. So it's an equitable; it's
7 not decided by a foreman. That's one of the
8 reasons why we are brought in, especially for
9 a lot of auto mechanic jobs, is that the
10 overtime work is not being distributed
11 equitably. Almost all of our shops -- some
12 of it's different, but almost all of our shops
13 it's done a rotating seniority basis.
14 MS. EBANKS: Auto mechanics, what's the
15 percentage of women?
16 MR. SHAW: So auto mechanics out of our
17 -- is the least. We just did a study in New
18 Jersey, we didn't do it in New York and it was
19 18 percent which is obviously not great. We
20 hired a PR firm specifically in Jersey for an
21 apprenticeship program and I am happy to say
22 out of our ten apprentices coming next year in
23 our Jersey apprenticeship program, seven of
24 them are females. We have an apprenticeship
25 program for HVAC in Long Island and a lot of

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1 PROCEEDINGS
2 them do work in New York. This is the first
3 class that's 50/50. And that's forty
4 apprentices coming in, so twenty of them are
5 female coming in through that apprenticeship
6 program this year.
7 MS. TILLERY: I am curious about
8 something. I know that the attempt is always
9 to try to even the playing field, but there
10 are ways in which the seniority requirement is
11 actually harming people who are newer into
12 those, especially the trades? Have you all
13 thought about how to balance that for a women
14 who is coming in who is dealing with, you
15 know, men who have been in the workforce for
16 longer than her; how does that get balanced
17 out?
18 MR. SHAW: So there is no perfect silver
19 bullet that will handle that. What we do try
20 is for the HVAC which is one that I brought
21 up, we partner any -- the partner process for
22 the apprenticeship program, you are partnered
23 with a journeyman. And we try partnering with
24 somebody that if it's a person of color who is
25 going through, we will try to partner them

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1 PROCEEDINGS
2 with maybe a white journeyman coming
3 through and female coming through will partner
4 with a man and they will get to see the
5 overtime or -- but we feel the most just way
6 is through seniority, because it's objective
7 for the overtime.
8 MS. TILLERY: But it isn't when people
9 have been shut out of those careers.
10 MR. SHAW: I would be happy to listen to
11 any way we could be more just and right those
12 wrongs in contract. It's hard when you are
13 putting a contract out for full shop to then
14 put in exclusions that don't hurt the other
15 people in there, but I am happy to work with
16 -- if anybody has any creative ideas, happy to
17 work with them to make contracts more fair and
18 give people who have been held out of an
19 advantage going in because they have been
20 historically excluded.
21 COMMISSIONER MALALIS: I want to echo my
22 colleague's concerns. I think on this side of
23 the dais, we were thinking the same sort of
24 things. There are ways in which seniority --
25 it's kind of like what people sometimes think

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1 PROCEEDINGS

2 about algorithms being neutral and they are

3 not always. So -- and there are ways in which

4 seniority -- especially when you consider

5 trades that are, you know, not nontraditional

6 employment for women or people of color,

7 seniority would disparately impact them in

8 that analysis and it wouldn't be neutral. So

9 I would encourage your organization to take a

10 look at that. And we would be, at the

11 Commission of Human Rights, very happy to

12 engage you in those negotiations.

13 MR. SHAW: We will definitely look into

14 that and happy to work with anybody in

15 creative ways to address that issue.

16 (Applause.)

17 MS. TOLLIVER: Hello, my name is Jewel

18 Tolliver. I am here to represent as a

19 graduate of NEW, it's a program Nontraditional

20 Employment for Women. And I am also here to

21 represent my own labor union, Local 79

22 Laborers.

23 So first of all, thank you for the

24 opportunity to testify as a Local 79 laborer

25 and a graduate of Nontraditional Employment

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2 For Women. NEW's construction trade

3 pre-apprenticeship program has allowed me and

4 thousands of other women across New York City

5 to feel the transformative power of being paid

6 equally for equal work, thanks to union

7 collective bargaining. Women in construction

8 make 94 percent of what men make which isn't

9 perfect, but it's better than most industries,

10 especially those historically dominated by

11 men.

12 There are dozens of challenges still

13 facing women in construction, as you can

14 easily imagine. Women are often the last

15 hired and first fired, have trouble obtaining

16 bathroom access, and proper safety gear, and

17 of course face a culture that can be doubtful

18 of us simply of how we were born. However, we

19 know that we overcome those issues by bringing

20 more women, especially women of color, into

21 these great career paths. Representation

22 means a fair shot and fairer treatment.

23 Jobsites now aren't what I will call amazing

24 for women, but they have improved over the

25 years because of more women pushing their way

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1 PROCEEDINGS

2 into the industry. That's not something for

3 us to rest on. That is evidence for us to

4 keep pushing more women to enter the trades to

5 keep shifting the culture and dialogues

6 happening in construction for the sake of pay

7 equity. The more women who enter the trades,

8 the more quickly the societal cause of equal

9 pay will advance.

10 In the last ten years alone 2,700 new

11 graduates have secured employment as union

12 apprentices, utility workers, maintenance

13 workers, and in other blue-collar career

14 tracks all of which offer built-in equal pay

15 for their hard work. This built-in gender

16 equity is the driving force behind the

17 training and employment NEW services provide.

18 Union careers pay women and men equally from

19 the first minute of their apprenticeship to

20 the moment they reach journey level.

21 Just one example is my union Laborers

22 Local 79, of which about 50 percent of NEW

23 trades women are members. First-year laborers

24 earn 20-plus an hour and upon finishing their

25 apprenticeship earn \$40 an hour, regardless of

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1 PROCEEDINGS

2 their gender. Collective bargaining and

3 construction trade unions allow women not just

4 pay equity, but assurance of safety, wage

5 protection, training, advancement, a seat at

6 negotiating tables, all elements of work life

7 that women have been denied

8 disproportionately. When you support women,

9 you support economically sustainable

10 communities.

11 Per the United States Census Bureau, the

12 second-most common family arrangement is

13 children living with a single mother at 23

14 percent. And during 1960 through 2016, the

15 percentage of children living with only their

16 mother nearly tripled from 8 percent to 23

17 percent. For these women their incomes

18 determine financial investment in schools,

19 parks, infrastructure, and civic engagement

20 within their community. The future is female

21 and we applaud New York State's effort to make

22 sure investments in the future of this state

23 and this country are made equitable.

24 Closing the gender gap will affect the

25 economy, as women and men will have equal

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1 **PROCEEDINGS**
2 money to spend at retail level, reinvigorate
3 our economy, and help both women and men
4 across industries maintain their job. And
5 taking stock of what closing the gender gap
6 can do for women, I urge this body to remember
7 and support what closing the gender gap does
8 for men as the workplace becomes safer and
9 more productive and the local economy in which
10 both men and women live prosper.
11 In construction trade unions, men and
12 women who are highly skilled, committed, and
13 have the dignity of a fair wage which is
14 reflected in the quality of their work.
15 Current and future generations of women
16 deserve equal pay for equal work. New York
17 State can and will be the leader in this
18 effort by allocating additional resources for
19 construction trade education for girls in
20 New York public schools, resources for women
21 and pre-apprenticeship programs, and increase
22 goals for female participation and register
23 apprenticeship programs.
24 Construction trade employment
25 opportunities are diverse, employing anyone

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1 **PROCEEDINGS**
2 from an electrical blueprint writer who plans
3 wiring of our skyscrapers to mason tender who
4 ensures that those same skyscrapers never
5 fall. This diversity of opportunities must be
6 communicated and made available to girls
7 across New York. Providing additional
8 resources for women in pre-apprenticeship
9 programs and increasing goals for female
10 participation and register apprenticeship
11 program also build the capacity of women to be
12 competitive, visible, and economically secure
13 in a fulfilling career.
14 **COMMISSIONER MALALIS:** Ms. Tolliver, I
15 just want to say thank you so much for
16 testifying. Women who work in nontraditional
17 workplaces for women are some of the
18 strongest, bravest, most groundbreaking people
19 I met. I say this as a former advocate for
20 employees, so thank you for your testimony.
21 **MS. TOLLIVER:** Thank you.
22 (Applause.)
23 **MS. RACKLIN:** Good evening. And thank
24 you to the New York City Bar Association for
25 hosting us tonight and to the Commission on

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1 **PROCEEDINGS**
2 Gender Equity, the Commission on Human Rights,
3 and the Department of Consumer and Worker
4 Protection for convening this hearing and for
5 the opportunity to testify.
6 My name is Meghan Racklin. I am a legal
7 fellow and law clerk at A Better Balance. A
8 Better Balance is a national legal nonprofit
9 headquartered in New York City that was
10 founded with the goal of ensuring that all
11 workers can care for themselves and for their
12 families without compromising their health or
13 economic security.
14 Fighting to close the wage gap for
15 working families, particularly for low-income
16 working women and especially woman of color,
17 have been central to Better Balance's efforts
18 since day 1. Closing the wage gap and closing
19 the gaps on women's earnings based on race
20 requires addressing multiple forms of
21 discrimination, including pregnancy
22 discrimination, caregiver discrimination, and
23 unequal compensation for equal work. My
24 written testimony explains several of these
25 overlapping factors that contribute to the

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1 **PROCEEDINGS**
2 wage gap in more detail. A Better Balance
3 also sees this up close every day through our
4 free confidential legal hotline where we speak
5 to workers who are facing these types of
6 discrimination, also often multiple forms at
7 once.
8 To address the gender wage gap,
9 Commission on Human Rights should fast-track
10 pregnancy and caregiver discrimination
11 complaints. Pregnancy is a finite period of
12 time and the accommodations workers seek are
13 necessary to ensure their own safety and to
14 ensure a healthy pregnancy. Likewise, workers
15 who also serve as family caregivers are often
16 dealing with time-sensitive urgent needs. And
17 the commission should expand its new
18 gender-based harassment unit to include
19 pregnancy accommodation complaints and should
20 prioritize caregiver discrimination complaints
21 that involve low-wage workers. The commission
22 should also dedicate resources to mediating
23 pregnancy accommodations and caregiver
24 discrimination disputes.
25 Likewise, the Commission on Human Rights

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1 PROCEEDINGS
2 should prioritize enforcement of lactation
3 discrimination laws. Without strong
4 enforcement of Local Laws 185 and 186 --
5 without strong enforcement of those laws,
6 excuse me, mothers are still forced to wean
7 their babies earlier, endure painful health
8 complications, or even lose their jobs. These
9 laws were passed to ensure that women in New
10 York City have the right to make decisions
11 that are healthiest for themselves and their
12 babies. And the Commission on Human Rights
13 should prioritize enforcement of lactation
14 discrimination laws to make sure that right is
15 meaningful.
16 We also encourage the Commission on
17 Human Rights to proactively investigate
18 companies and industries that have
19 particularly high rates of discrimination and
20 harassment, such as the retail and food
21 services industries. Increasing strategic
22 enforcement would put employers, throughout
23 these industries, on notice that harassment
24 and discrimination will not be overlooked in
25 low-wage industries.

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1 PROCEEDINGS
2 We would also ask the Department for
3 Consumer and Worker Protection to strongly
4 enforce the New York City Earned Sick Time Act
5 and the New York City Fair Workweek
6 legislation. Through our legal hotline, we
7 are still hearing regularly from workers whose
8 rights under these laws are being violated.
9 We look forward to continuing to work
10 with the Office of Labor Policy and Standards
11 at the Department of Consumer and Worker
12 Protection to build a process that really
13 works for workers by fulfilling the laws clear
14 requirement to attempt to resolve complaints
15 through mediation, which must include
16 complainants as full parties with equal status
17 to their law-breaking employers.
18 In addition to strong enforcement of
19 existing laws, New York City can and should
20 continue to pass progressive legislation aimed
21 at addressing the root cause, the gender wage
22 gap. I do have more detailed written policy
23 proposals in my testimony, but I would like to
24 particularly highlight that New York City
25 should follow New York State's lead lowering

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1 PROCEEDINGS
2 the employer threshold in the city's human
3 rights law from four to one. The city should
4 also go further than the state has acting to
5 ensure that domestic workers are affirmatively
6 protected by all relevant provisions of the
7 human rights law. This would help to ensure
8 that discrimination in all its forms cannot
9 force New York City's women out of jobs or
10 into lower paying work, and would also ensure
11 that New York City workplaces are supportive
12 of the women working there.
13 Thank you again for the opportunity to
14 testify.
15 (Appause.)
16 DR. ALAPO: Hi. Good evening. My name
17 is Dr. Remi Alapo, professor at CUNY, City
18 University of New York, and also executive
19 director of the Institute for Peace and
20 Leadership. I would like to acknowledge my
21 Borough of Manhattan Community College
22 students who are here tonight.
23 And my statement is on gender
24 differences in leadership from a
25 cross-cultural context. This statement

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2 includes the information from current research
3 from a qualitative research study which
4 explored the preferred style of leadership
5 based on three leadership and decision-making
6 styles, where the presenter got insights into
7 the experience of like-minded respondents who
8 discussed and described their leadership and
9 decision-making experiences within their
10 respective leadership context in
11 cross-cultural organizations. And the
12 research was based on, you know, this book --
13 well, the conclusion are this book titled
14 "Generation X: The Role of Culture on the
15 Leadership Styles of Women in Leadership
16 Positions."
17 As many of us know, women in the 21st
18 Century have contributed notably to various
19 organizations and have ascended to top
20 leadership positions in their respective
21 businesses and professions. Although limited
22 in many organizations and places of
23 employment, women's leadership roles include
24 opportunities in many areas such as
25 government, public and private institutions,

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1 PROCEEDINGS
2 and in areas of health, education, business,
3 and so on. Women in leadership value support
4 from the organizations and in so concluding,
5 women also in leadership positions -- even
6 though they may be looked at as women in
7 positions of power who don't have, you know,
8 interests besides just leading in
9 organizations, we have to understand in
10 cross-cultural context that women actually
11 have a lot of values. Their family background
12 plays a lot in the way they make decisions.
13 Both the national culture and family values
14 are very important in understanding
15 stereotypes and the way in which woman exert
16 themselves.
17 From my research, I looked at two
18 studies that reflected opposing views on the
19 nature of a person's culture and influence on
20 his or her leadership style. The underlying
21 argument in these studies is that in
22 organizations, the environmental factors
23 present in the society does affect the
24 leadership practices of women leaders and
25 appropriate leadership style in one culture

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1 PROCEEDINGS
2 may not actually be acceptable practice in
3 another culture. This statement also is
4 making recommendations on the need to review
5 the understanding of the context of both
6 national and family cultures.
7 The first recommendation is to
8 understand the differences between the reality
9 and the perception of a male and female
10 leadership style. The second is the
11 difficulties of accessing the behavioral
12 gender differences in a person's leadership
13 style. And the third is prevalence and
14 importance of norms, values expectations,
15 beliefs. And the fourth is the potential
16 influence or stereotypes of cultural contexts
17 based on both national and family culture.
18 My time is up, but as women leaders we
19 must value and respect both family and
20 national cultures. The family culture of many
21 of us, you know, already has assigned gender
22 roles and in concluding my research, it was
23 found that many women in leadership positions
24 do keep their culture at the back of their
25 mind and it may prohibit them from asserting

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2 themselves appropriately, given the national
3 culture of stereotypes that exist for many
4 women already.
5 And, you know, I would like to thank you
6 again and again, thanks to my students from
7 BMCC. Thank you.
8 (Applause.)
9 MS. EBANKS: One of the things we hope
10 is that we can also have gender parity in
11 leadership. Did your work find any
12 opportunity to look at not just leadership
13 styles, but does this influence politics? And
14 what I am getting at is: Is there a link
15 between a female head of a corporation and pay
16 equity in that organization or not or is it
17 too far a stretch to think about that?
18 DR. ALAPO: All of the above. First,
19 many women are ascending to leadership
20 position. And my research actually surveyed
21 women in leadership positions in organizations
22 in Nigeria and there is a fight for gender
23 equity for advancement to break the glass
24 ceiling, but due to national cultural
25 restraints and the work orientation in many

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2 organizations in Nigeria, you know, it's -- I
3 mean, we are coming along. It's not -- you
4 know, we are not on the level of standard or
5 that we need to be. We can't compare, you,
6 know Nigeria to let's say Rwanda where 50
7 percent of the Parliament automatically right
8 now they are women, yes.
9 And I spoke also -- I serve with many
10 women, you know, many minority women in New
11 York City and, you know, and we are getting
12 there, we are getting up to where we need to
13 be. But culture-wise as many of us mentioned
14 earlier, the negotiating tactics that women
15 have actually prohibits them from negotiating
16 higher. And culture also plays a lot in the
17 way that we have been raised, you know, our
18 orientation.
19 And sometimes maybe -- for example, me,
20 I have a very big Nigerian accent and
21 sometimes I think based on the view of
22 people's faces, they may not like what I am
23 saying so I will hold back. Sometimes based
24 on my gestures, I might think they find
25 offensive and then I keep quiet. So all that

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 2 has to play in terms of how we view an
 3 organization's policies; you know, the role of
 4 culture and the leadership styles of women who
 5 are in leadership positions.
 6 Yes, thank you very much.
 7 (Applause.)
 8 MS. KHAWAJA: Good evening. And thank
 9 you for convening this critical panel on pay
 10 equity. We applaud your pioneering work to
 11 tackle gender inequality in New York City, an
 12 approach that stands out to us as a national
 13 model.
 14 My name is Seher Khawaja. I am a senior
 15 attorney at Legal Momentum, the Women's Legal
 16 Defense and Education Fund, where we use
 17 strategic policy advocacy litigation and
 18 education to ensure access to equal
 19 opportunity for all women and girls.
 20 Gender-based pay inequity remains prevalent in
 21 our workplaces, particularly for women of
 22 color and women doing low-wage work. Tonight
 23 my testimony will briefly highlight key
 24 contributors, progress made, existing
 25 challenges, and policy recommendations all of

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 2 which are discussed in greater detail in my
 3 written testimony.
 4 A host of interrelated factors
 5 contribute to the persistent wage gap. First,
 6 gender and racial discrimination. Black women
 7 in New York City, and to reiterate, earn a
 8 mere 57 cents, 56 cents for every dollar
 9 earned by a white non-Hispanic man. This is
 10 appalling.
 11 Occupational segregation, second. In
 12 our city agencies, women disproportionately
 13 fill traditionally female-dominated roles
 14 where the average salary is \$1,000 less.
 15 Conversely, one of our recent clients in the
 16 private sector helped raise firm salaries in
 17 the male-dominated field where women have had
 18 difficulty gaining experience. Yet, she was
 19 paid \$15,000 less than her male colleague for
 20 the same job because she allegedly had less
 21 experience.
 22 Third pregnancy and caregiving
 23 penalties. Women are more likely to
 24 experience workplace interruptions that
 25 negatively impact their earning potential or

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 2 ability to work. As a result mothers are less
 3 likely to be hired, they receive lower
 4 starting salaries, and are perceived as less
 5 competent. One woman we assisted was forced
 6 to go on unpaid leave when placed on
 7 medically-necessary lifting restriction during
 8 her second trimester of pregnancy, which
 9 imposed debilitating financial costs that
 10 could have been avoided with reasonable
 11 accommodation.
 12 Where federal law has fallen short, the
 13 state and city have stepped up working towards
 14 creating a much-needed support structure from
 15 pregnancy accommodations, protection against
 16 caregiver discrimination, paid parental leave,
 17 a more relaxed equal pay standard, and
 18 weakened employer defenses. And in 2017, the
 19 city led the way to enact a salary history ban
 20 and the state followed suit a year later.
 21 These reforms have had an impact.
 22 When one of our clients challenged a
 23 sizeable pay differential, her employer
 24 advised her it was correctly based on her male
 25 colleagues higher prior salary. We invoked

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 2 New York City salary history ban making clear
 3 that although the law was not in effect at the
 4 time, it reflected the future trajectory for
 5 pay equity. We promptly and successfully
 6 negotiated pay parity for our client. Yet for
 7 many who call seeking help, these protections
 8 are unknown and inaccessible. Another one of
 9 our clients who requested paid family leave
 10 for her hospital employer well before her son
 11 had born had not received a determination
 12 months after his birth until we intervened.
 13 The protections we have all fought so hard for
 14 are thwarted if workers cannot reasonably
 15 obtain these benefits absent legal counsel.
 16 And to wrap up quickly, we need to
 17 engage in widespread worker outreach, meaning
 18 women in their communities through channels
 19 that they trust. Employers must be educated
 20 about their obligations and given guidance on
 21 implementing best practices such as paid data
 22 collection and annual pay audits. The city
 23 must invest in outreach and training to place
 24 women in high-demand occupations with higher
 25 salaries. The city must invest in affordable

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2 quality child care for low-wage workers who

3 experience the highest motherhood count.

4 Meanwhile we need to increase salaries in

5 occupations where women already work, increase

6 pay for low-wage workers, and eliminate the

7 unjust tipped minimum wage. We must invest in

8 more equitable comparable work systems that

9 correlates compensation to field education and

10 responsibilities.

11 To drive pay transparency and fairness,

12 the city must enact laws requiring employers

13 to report on pay data and diversity and

14 disclose compensation or salary ranges when

15 posting job openings. To eliminate

16 exploitative industries, labor and

17 antidiscrimination protections must apply

18 consistently to all industries and job types.

19 Women, low-wage workers need stronger

20 mechanisms to advocate for themselves and the

21 cities should continue to invest in emerging

22 organizing models such as worker cooperatives

23 to help women secure better salaries and

24 working conditions. And since poverty is

25 gendered, we must also rethink our poverty

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2 measures to account for specific ways in which

3 poverty impacts women.

4 As we tackle pay equity, we must take a

5 multifaceted approach and as we do so we

6 should have a focus on women of color and

7 women in low-wage work.

8 Thank you again for this opportunity.

9 (Applause.)

10 MS. AL SHAMMARI: Good evening. My name

11 is Suzan Al Shammari. I am a government

12 relation specialist. I am here on behalf of

13 the Arab-American Family Support Center.

14 At the center, we have been

15 strengthening families of refugees and

16 immigrants since 1994. We promote well-being,

17 prevent violence, and prepare families to

18 learn, succeed, and work. With over 25 years

19 of experience, we have developed language and

20 cultural competency serving New York City's

21 Middle Eastern, Arab, Muslim, and South Asian

22 communities. Equal Pay Day was started by the

23 National Committee on Pay Equity in 1996 to

24 highlight the gap between men and women's

25 wages. This was 23 years ago and we still

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2 have a huge pay gap to this day. Why is it

3 that in 2019, we are still unable to provide

4 pay equity for people from all across gender

5 identities, gender expressions, and

6 backgrounds?

7 As a former refugee growing up in Iraq,

8 being equal to a man was a western idea. As a

9 child I grew up thinking I have no chance of

10 equality whether it's through gender, pay, or

11 status. But here in the U.S., life is

12 supposed to be different; we are supposed to

13 be treated equally, paid equally, and the

14 color of your skin should not matter on how

15 well you can do your job. I should not have

16 to worry about being discriminated against

17 because of my last name, because of my

18 background, or because I am simply a woman.

19 But when you are applying for jobs, every time

20 I submit an application I pray I do not get

21 prejudged because of my background. Because

22 when you are looked at and described as this

23 is Susan, she is from Iraq but she is actually

24 cool, you realize there is fault in the

25 system, ideology, and society that we live in.

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2 I am just one example of the thousands

3 of refugees and immigrants that struggle

4 because of their background, gender, and

5 color. What kind of example are we setting to

6 the future generation if after all these

7 years, we are still not paying women and

8 people of color equally? It all stops right

9 here right now with you in government. You

10 can lead New York City to pay equity and lead

11 the nation by example. I am a proud citizen

12 and I love this country, but I dream of a day

13 where I don't have to think twice about my

14 gender and background when wanting to be

15 treated equally in the workforce.

16 Thank you for your time.

17 (Applause.)

18 DR. ALI: Good evening. Commissioner

19 Ebanks, Commissioner Malalis, Commissioner

20 Salas, distinguished panelists, presenters,

21 and guests, as-salamu alaykum. My name is Dr.

22 Ameena Ali. I am a veteran of the Desert

23 Storm Desert, Shield era. I stand before you

24 as a naturopathic doctor, home-birth midwife,

25 inter-disciplinarian, and interfaith fellow at

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2 the Jewish Community Relations of New York,

3 and a president elect for the Rotary District

4 of 7090. But today I come as Ameena and I

5 come because of the very great tenacity of

6 Matthew Graham, who had me on the phone for a

7 week to get me here.

8 I speak from the sisters of Zaid Ibn

9 Harith Islam Center who helped me with the

10 status and the details of this report. I

11 equally speak to you from the muted feminine

12 voices of the refugee immigrant and

13 asylum-seeking employees that serve New York

14 through pay discrepancy. The single, married

15 or young women that come to this country and,

16 specifically to New York, come with little or

17 nothing, arriving with a dream and the ability

18 to believe that things are going to get

19 better.

20 These employees come from the ethics of

21 hard work and determination, a realtime

22 example to emulate that makes each day count

23 as competent and long-term employees. The

24 mindset of many of their employers, however,

25 hire these immigrants under the complacencies

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2 of entitlement and the true belief that they

3 are the ruling faction of their life and

4 family, especially in how they treat them.

5 Under pay secrecy, these employee are asked to

6 come in for a few hours on the weekend when

7 the office is normally closed and will not

8 calculate these hours as worked on their

9 payroll.

10 Many refugees speak to the fact that

11 employers treat them as if privileged is their

12 second language to the oppressive English that

13 is spoken in demeaning work environments.

14 This is requiring them to stay just a little

15 bit later just to help me and asking them to

16 finish the work before you go home, often

17 paying them for the standard eight hours a day

18 even if the work has them there for ten hours

19 or more to finish. Asylum seekers believe

20 they are not worthy of getting proper and

21 competent safe environments to work in, and

22 still others at work, stateless citizens never

23 feel safe in believing they will ever be a

24 permanent part of any corporation or

25 organization due to the flux of their current

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2 status. These women have allowed me to create

3 the packet that is in front of you now. It is

4 a human rights policy designed to empower

5 those that are left behind, those that are

6 pushed behind, and those that are socially

7 marginalized, politically underserved, and

8 intentionally added as other, and not giving

9 them importance enough to be served.

10 As a member of the Global Alliance for

11 the Rights of Older People and as mentioned by

12 Better Balance, my work in some of these -- my

13 work with some of these women are that they

14 are over the age of 40, yet inaugural

15 birthers. That means they chose to have their

16 babies later in life and thus are stuck with

17 this stigma. They tend to be aged out of

18 careers because it's assumed they are going to

19 be required to care for this child, not going

20 to return to their career so late in life, or

21 aged out of remote work contracts or

22 telecommuting opportunities which are given to

23 younger gestational women. This

24 sub-demographic creates a growing equity of

25 deficit throughout the professional ageism by

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2 not allowing them the opportunity to stay

3 where they are career-wise with the same

4 accessibility to the upward professional

5 mobility based on their age and perceived

6 decline in employability after having a baby.

7 Because of all this, my office is now working

8 to include an equity credit program. This

9 movement is intended to inspire HR credits and

10 tax shelters to improve equity for those

11 women. It's entitled "Equity Disbursement and

12 Inclusion Protocol," which is called eDIP.

13 This will be a mandated part of the education

14 required before receiving business licensure,

15 workers' compensation insurance, or food

16 service permits.

17 At current, as 2019 ambassador for the

18 International Model UN Association and in my

19 current work with the UN Women Gambia -- oh,

20 she left -- we have developed twelve

21 sustainable humanitarian goals or she goals.

22 On the very back of the packet given to you is

23 she goal number 8 and this is entitled

24 "Triggers, Traumas, Tragedies, and Triumphs."

25 This emphasizes the moral injury and the lack

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2 of human equity we speak of. Moral injury of
3 course is the psychological social cultural
4 and spiritual aspects of trauma in an already
5 insecure mindset. It categorically deals with
6 the individual's subjective conscience that
7 lies in direct result of an act of truly
8 avoidable, yet intentional professional
9 transgression which produces profound
10 emotional shame and crippling esteem. This
11 sets up other mental or behavioral health
12 issues which can trigger debilitating efforts
13 to the extreme of worsening postpartum
14 depression when returning from pregnancy,
15 delaying the return to work because of medical
16 insufficiencies, and compounding the very
17 truth to trauma that we are testifying to
18 today.
19 I serve the unrecognized sovereign
20 tribes, the undocumented international
21 cultures, stateless, landless, and countless
22 oppressed and displaced indigenous people in
23 New York, but I come to you today to thank you
24 for your efforts in allowing me to testify.
25 COMMISSIONER SALAS: Thank you for your

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2 testimony.
3 Just a couple of things that you
4 mentioned in terms of workers staying past
5 their designated time working off the clock.
6 Those are clear violations of New York State
7 labor laws and, as you know, we should
8 definitely discuss this. We should connect
9 you to the right enforcement agencies, because
10 we want to make sure that those rights are not
11 being violated.
12 DR. ALI: This is because they are
13 afraid, they are afraid to speak up to say no.
14 Because of their status or their tentative
15 status, they are afraid to say something.
16 They will say, I will just do it today or I
17 will do it next week. And they keep doing it
18 and yet when their paycheck doesn't reflect
19 those hours, especially hours -- I mean ten,
20 minutes, okay, but again even ten minutes adds
21 up. You know, these things are not documented
22 because of fear.
23 Any other questions?
24 All right. Thank you so much.
25 (Applause.)

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2 MR. GRECU: The last, hopefully not the
3 least.
4 MS. EBANKS: Thank you so much for your
5 patience.
6 MR. GRECU: Thank you for the
7 opportunity for me to be here. I work for
8 Mercer which is the world's largest HR, human
9 resources, consulting firm. As you know,
10 Mercer is headquartered right here in
11 New York, in fact one block away from here.
12 My main responsibility as a labor
13 economist at Mercer is to conduct the equity
14 studies for many clients which employ large
15 workforces here in the City. In fact,
16 annually we conduct pay equity studies for
17 more than a hundred organizations globally,
18 covering more than 2 million people. As
19 practitioner in this area for over 20 years,
20 we have witnessed important shifts in the
21 focus of these analyses and I am here to talk
22 about a few of these shifts. All of these
23 shifts actually accelerate, in our opinion,
24 progress in closing these gaps.
25 First, the sheer number of companies

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2 looking to conduct such analysis has increased
3 significantly over the past three four years.
4 Some may be driven by state, local, or global
5 regulatory pressures or by pressures from
6 activist investors like venture capital let's
7 say, but many others are also driven by the
8 desire to improve diversity. Those
9 organizations that historically have been
10 looking at pay equity also have evolved their
11 methodologies. To me, this, there is
12 different objectives. The net effect of this
13 is the elevation of the pay equity topic to
14 priority status. The.
15 Majority of pay equity studies we
16 conduct at Mercer are focused on measuring and
17 addressing the unexplained gender and minority
18 pay gaps. These equity studies are grounded
19 in statistics relying on methods that allow
20 organizations to control for business-related
21 factors, which is to say comparing pay between
22 men and women or whites and minorities after
23 taking into account differences in employees
24 roles and contributions. However the approach
25 does not anymore simply take the

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2 representation of women and minorities in
3 different roles as given, but it also provides
4 insights about how the organizations can
5 improve representation of women and minorities
6 in higher-paid roles. These analyses are now
7 increasingly likely to be extended to focus on
8 representation itself, setting effective goals
9 as well as identifying interventions to
10 achieve those goals. In an important shift of
11 perspective, the link between pay equity and
12 pay equality is being better understood and
13 addressed by human resource practitioners as
14 well as legal practitioners.
15 Another significant change fueled by
16 recent pressures is an increased determination
17 to address the uncovered equity issues by
18 targeting budgets on disadvantaged groups and
19 spending what is required to fuel level
20 progress. Fifteen years ago when I started my
21 career and I ran my first pay equity analysis,
22 many practitioners were focused on ensuring
23 fairness of the pay adjustment process at the
24 individual level by addressing any men, women,
25 whites, minorities showing diversification

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2 from their expected pay. Whereas that process
3 ensures alignment for individuals with norms,
4 it did not necessarily address the aggregate
5 issues. Fast forward to today, almost all
6 practitioners have embraced the larger goal of
7 addressing the broad equity issues, if and
8 where found, with larger adjustment budgets
9 and prioritizing adjustments to women and
10 minorities.
11 This change is definitely at least
12 partly driven by an increased demand on
13 organizations by governments and investors for
14 disclosure. Increased interest in knowing
15 where they stand regarding pay equity and pay
16 equality, allocation of greater resources for
17 remediation, pursuing more aggressively the
18 education of the unexplained pay gaps by
19 prioritizing women and minorities, assuring
20 that there are robust regular pay review
21 processes in place, and further acknowledging
22 the next hurdles towards achieving pay
23 equality are all encouraging telltale signs
24 that many New York City companies take the
25 issue very seriously. All should move to

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2 these higher aspirations following these
3 leading organizations with whom we, at Mercer,
4 have the honor to partner.
5 Thank you.
6 MS. EBANKS: Thank you.
7 I do have one question. If this
8 commission were to consider, based on the
9 findings, a requirement around data collection
10 similar to what exists in the UK or probably
11 improved upon if necessary on context, do you
12 think that would get a lot of pushback from
13 the for-profit sector?
14 MR. GRECO: Well, pushback I think -- I
15 can't speak to that, but I can speak is that,
16 you know, definitely all of our multinational
17 clients have to submit the data in the UK. In
18 fact, UK is not the only jurisdiction asking
19 for that kind of data. France has
20 requirements for disclosures of median or
21 average pay gaps. In fact French law, French
22 regulation allows for reporting the data by
23 different levels, by different roles within
24 the company.
25 What I would say is that the pushback,

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2 if it comes, it would be about how meaningful
3 that number is in and of itself. Because
4 really both of the mean and median pay gap
5 between men and women really conflates two
6 things at the same time; one is the actual pay
7 equity, the way we define the statisticians
8 which is are the pay policy administered in an
9 objective manner without any discrimination
10 going on, and the pay equality which is what
11 is the representation of women by level, the
12 opportunity right, and a lot of other
13 testifiers here talked about that today. I
14 think we need to separate those two out and
15 maybe, you know, request to disclose both
16 unexplained pay gaps that measure pay equity
17 and then some data on representation will be a
18 better picture of what's happening. And I
19 think in that case you probably will likely
20 get, you know, more constructive pushback, but
21 still pushback.
22 MS. EBANKS: Great.
23 Any other questions?
24 Thank you. I just want to thank
25 everybody. Thank you all for your patience

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 2 for enduring tonight. I want to thank my
 3 panelist partners in this effort to ensure
 4 that New York City is, indeed, a fair city for
 5 all and I would like to say regardless of
 6 gender identity, gender expression or
 7 background. I want to thank our team members
 8 who made this possible. We really appreciate
 9 your partnership.
 10 (Applause.)
 11 MS. EBANKS: A little bit about where we
 12 go from here. Thanks to the Committee on Sex
 13 and Law in the New York City Bar, a report on
 14 the findings of this evening will be
 15 developed. We don't know when, but we will
 16 release it and at the invitation of the
 17 president tonight we will be back here to have
 18 a release of the report.
 19 In the various hats and together as
 20 commissions and departments, we are going to
 21 be looking at what we can do to move this
 22 forward. We have a fierce commitment to this
 23 issue. Both inside New York City government
 24 and in our corporations across all sectors, we
 25 want to be partners with you in driving this

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 2 change.
 3 Thank you. Have a wonderful evening and
 4 safe travels home. Thank you.
 5 (Applause.)
 6 [Time noted: 8:37 p.m.]
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1 C E R T I F I C A T E
 2
 3 STATE OF NEW YORK)
 4 : ss.
 5 COUNTY OF QUEENS)
 6
 7 I, YAFFA KAPLAN, a Notary Public
 8 within and for the State of New York, do
 9 hereby certify that the foregoing record of
 10 proceedings is a full and correct
 11 transcript of the stenographic notes taken
 12 by me therein.
 13 IN WITNESS WHEREOF, I have hereunto
 14 set my hand this 29th day of September,
 15 2019.
 16
 17
 18
 19
 20 _____
 21 YAFFA KAPLAN
 22
 23
 24
 25

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