

FIGHT FOR PAY EQUITY: A FEDERAL ROAD MAP

In 2017, median annual earnings for men in California were \$52,487 compared to \$46,783 for women — **an earnings ratio of just 89 percent, or 1st out of all states and the District of Columbia**, according to the most recent census data. The gap is worse for most women of color and working mothers. With Congressional gridlock at the federal level, states are working to enact their own legislation. Check out which provisions California still needs to pass to help close the gap.



Use this guide to help navigate your rights in the workplace while we continue to work towards closing the wage gap.

PROTECTIONS

- Include equal pay or employment discrimination provision
 - Where is this located in section 1197.5 of the California Labor Code? **Section (a)**
- Cover all or most employees
 - Section (a)
- Include protected classes in addition to sex
 - Section (b), e.g. race or ethnicity
- Prohibit retaliation/discrimination for taking legal action to secure equal pay
 - Section (k), subsection (1)
- Prohibit retaliation/discrimination for discussing/disclosing wages
 - Section (k), subsection (1)
- Prohibit using salary history in hiring
 - Section (a), subsection (4)
 - Section (b), subsection (4)
- Make salary range available
 - *Section (k), subsection (1)
- Prohibit job tracking based on sex
- Prohibit reducing another employee's pay to comply with law

OCCUPATIONAL SEGREGATION

- Include comparable work/substantially similar standard
 - Section (a)
 - Section (b)
- Include mechanism to guide and enforce pay adjustments

DEFENSES/REBUTTLES

- Narrow reasons employers can use to justify pay differences\
 - Section (a), subsection (1)
- Require consideration of less discriminatory practices
 - Section (a), subsection (1)(D)
- Prohibit agreement to a lesser wage as a defense

REMEDIES

- Require liable employer to pay employee's damages
 - Section (c)
- Require liable employers to pay additional penalties for multiple violations
- Require liable employer to pay employee's costs and attorney's fees
 - Section (h)

PROCEDURES

- Permit Class action lawsuits or joined claims
 - Section (g)
- Explicitly reset statute of limitations if continuing violation
- Include private right of action
 - *Section (f)

PREVENTATIVE MEASURES

- Require employers to keep records of wages
 - Section (e)
- Require employers to collect data on pay gap
- Create state advisory committee on pay equity
 - Section (d)
- Sponsor state education and training programs, such as salary negotiation

The rights listed above can be found in section 1197.5 of the California Labor Code accessible at <https://tinyurl.com/CALaborCode1197-5>.

* = not explicitly stated, but implied from the given section

To learn more, check out AAUW's helpful resources at www.aauw.org/fairpay
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