



Follow-up: House Bill 221 – House Civil Justice Committee Questions

The following information and resources have been compiled by The Ohio Women's Public Policy Network in follow-up to the questions asked by committee members during the June 4th hearing in the House Civil Justice Committee hearing on House Bill 221. For any additional questions, resources, or follow-up, please reach out to Erin Ryan at ryan@innovationohio.org or 440-382-2900.

Representative Lanese's question concerning the data compiled on equal pay/wage gap

- **[The National Partnership for Women & Families: Quantifying America's Gender Wage Gap by Race/Ethnicity](#)** - *This Fact Sheet delves into the wage gap experienced by women of color, and it specifically highlights how U.S. Census Bureau data is used to estimate the wage gap:*
 - "Data from the U.S. Census Bureau reveal the size of that gap among women who hold full-time, year-round jobs by race/ethnicity. The cents-on-the-dollar difference adds up, resulting in lost wages that mean women have less money to support themselves and their families."
- **[Market Watch - "Why male uber drivers earn more than their female colleagues"](#)**
 - "Women Uber UBER, +1.01% drivers earn 93 cents on the dollar compared to men, according to a recent study distributed by the National Bureau of Economic Research. **"The uniqueness of our data — knowing exactly the production and compensation functions — permits us to completely unpack the underlying determinants of the gender earnings gap,"** the researchers wrote."
 - **"Indeed, there are only two occupations where women's median earnings are slightly higher than men's,** while there are 107 occupations in which women's median earnings were 95% or less than men's for the same jobs. Women working as "dining room and cafeteria attendants and bartender helpers" and "wholesale and retail buyers, except farm products" slightly out-earned men. Overall, women's median earnings are lower than men's in nearly all occupations, the Institute for Women's Policy Research concluded. "The highest paid occupations have the biggest gender gaps and the lowest paid occupations that have the smallest gaps, the report found. This reflects median weekly earnings of \$770 for all female full-time workers and \$941 per week for men."
- **[PayScale.com: The State of the Gender Pay Gap 2019](#)** - *This site interfaces with business leaders and HR professionals to help dive into what the gender pay gap is,*

particularly for women of color, and solutions businesses can employ to close the gap. It also includes a methodology tab to help explain how their results were reached:

- **What is the gender pay gap once all compensable factors such as experience, industry and job level are accounted for?** It's still not zero. In fact, when men and women with the same employment characteristics do similar jobs, women earn \$0.98 for every dollar earned by an equivalent man. In other words, a woman who is doing the same job as a man, with the exact same qualifications as a man is still paid two percent less. Unfortunately, this controlled wage gap has only shrunk by a miniscule amount of \$0.008 since 2015.
- **Data from the Bureau of Labor Statistics** show that women tend to be overrepresented in occupations such as Healthcare, Personal Care & Service, Education, Office & Administrative Support, and Community & Social Services — typically lower-paying occupations. Meanwhile, men are overrepresented in higher paying occupations like Engineering and Computer Science.”
- Between January 2017 and February 2019, nearly 1.8 million people took PayScale's online salary survey, providing information about their industry, occupation, location and other compensable factors. They also reported demographic information, including age, gender, and race. **We leveraged this sample to provide insights into the controlled and uncontrolled gender pay gap.**

Representative Hicks-Hudson's question on the benefits for employers

- [Salesforce: 2019 Salesforce Equal Pay Update](#) - A blog post from the company *Salesforce discussing importance of equal pay practices and other equity-based policies for their workforce, and why it is good for businesses:*
 - **Recruitment benefit:** “Every year we conduct a pay audit we learn something new that helps us continue to improve upon our process. This year, we've incorporated equal pay directly into our annual employee compensation process. But it's not enough to address pay during compensation planning. We're looking at every aspect of the employee journey to help level the playing field, starting with the recruiting process. We don't ask the question, ““what is your current compensation?”” but rather ““what is the compensation you expect?””
- [The National Partnership for Women & Families: FactSheet - The Paycheck Fairness Act](#)
 - **For employees, the Paycheck Fairness Act would:** Protect against retaliation for discussing salaries with colleagues; Prohibit employers from screening job applicants based on their salary history or requiring salary history during the interview and hiring process; Require employers to prove that pay disparities exist for legitimate, job-related reasons; Provide plaintiffs who file sex-based wage discrimination claims under the Equal Pay Act with the same remedies as are available to plaintiffs who file race- or ethnicity-based wage discrimination claims under the Civil Rights Act; Remove obstacles in the Equal Pay Act to facilitate plaintiffs' participation in class action lawsuits that challenge systemic pay discrimination; and Create a negotiation skills training program for women and

girls

- [Chron article - What Are The Benefits of Equal Pay for Women and Men?](#)
 - **Improves Employee Retention:** "One of the other benefits of equal pay is that it can help you remain competitive when it comes to retaining talented employees. If your female employees are among the most skilled and high-performing at your company, you have to pay them the same rate as your male employees to keep them from bolting to another company. With pay equality, you signal to your female workers that you intend to reward them for their performance the same way you would reward their male colleagues. Talented employees that are well-compensated are much less likely to seek greener pastures."
 - **Attracts a Higher Talent Pool of Applicants:** "Finding employees that are good at their job is another of the major benefits of equal pay. When prospective female employees know that your company has a reputation of pay equality, you are much more likely to expand the pool of qualified candidates. This is true whether you are hiring young female employees who have just graduated from college or older female employees who are re-entering the workplace. If you are competing with another business for the best female employees, pay equality could be the difference that sets your company apart and makes it the desired destination for the most qualified candidates. Highly qualified candidates may be more likely to consider working for a company, if they believe opportunities for economic growth will be available to them, as they demonstrate their value, regardless of their gender."

Representative Galonski's question on the impact of the gender wage gap for women trying to make partner in a law firm

- [The Balance Careers - Understanding the Gender Wage Gap in the Legal Profession](#)
 - **The Wage Gap Among Equity Partners Has Widened:** This may seem surprising since an increasing number of women (and men) are starting to speak out about the wage gap and the lack of females at the tops of firms and companies, but the wage gap of equity partners at law firms has widened. This is in large part because the number of female equity partners across law firms has barely increased in recent years, but is also showing the lack of pay increase that women get once they are at the top."
 - **Female Lawyers are Paid Less No Matter How Long or Hard They Work:** In a report released by Sky Analytics, a legal invoicing company, it was confirmed that women at law firms can work more hours and have more years of experience, but they are still earning less money than their male counterparts. This is in large part because they are billed at often significantly lower rates than men. The report also showed that women bill an average of 24 minutes more each day than men do. These statistics highlight the fact that while women work more, men still make more money.
- [Bloomberg: Female Law Partners Face 53 Percent Pay Gap, Survey Finds](#)

- Studies on gender and the law have concluded that women attorneys are underrepresented in partner ranks and are paid substantially less than their male counterparts. Women lawyers in the MLA study, which was based on responses of some 1,400 lawyers at the largest law firms, were paid one-third less than their male counterparts.

Representative Seitz question on how the legislation would interface with the current claims being filed

- As addressed by LSC during the hearing: The Ohio Civil Rights Commission would be required to operate the tip-line. Currently, the OCRC has structures in place to allow for Ohioans to file individual or group charges of discrimination for investigation. *Anonymity is not required, however it is an option option for those who may fear retribution from their employer for filing a complaint of wage discrimination.*
- Currently, OCRC may investigate written complaints. This legislation would allow for a system to be in place for people to make an anonymous claim if that is the only way for them to file a claim, without fearing retaliation. There are systems in place to being to investigate the claims, however, this legislation would protect the confidentiality of the person filing the complaint.

Representative Crossman's question on the actual implementation of this bill and Chair Hambley's question on similar program in Rhode Island

- **[RI Department of Labor and Training - "R.I. Launches Pay Equity Tip Line, Website \(Released by the governor\)"](#)**
 - "The tip line, 401-462-WAGE (9243), is operated by the state Department of Labor and Training (DLT). One of DLT's duties is to protect the state's workforce by enforcing labor laws and investigating wage complaints and hiring violations. Employees with information about pay disparity in the workplace also may file a complaint on the DLT website by clicking on the Equal Pay for Equal Work icon and completing the online form. While the form may be filled out anonymously, the more information provided will help DLT examine the claim."
- **[The Providence Journal - "R.I. Launches Pay Equity Tip Line for suspected gender-based wage discrimination"](#)**
 - "Calls and complaints can be made anonymously, but providing more information will help the department investigate the claim, the release said. Staff members are trained in handling anonymous calls, the release said. "This tip line will help our investigators find instances where employers are violating fundamental principles of fairness so we can do something about it," said Scott R. Jensen, the governor's nominee to lead the department. The department's work force regulation and safety team will operate the tip line, follow up on leads, and investigate complaints, the news release said."
- **[Example of RI Pay Equity Complaint Form](#)** - Demonstrates the full extent of what is investigated following a complaints