

# EQUAL PAY FOR EQUAL WORK ACT

## SUPPORT SB 19-85: EQUAL PAY FOR EQUAL WORK ACT

### An Economic Opportunity for Colorado

Senators Danielson & Pettersen and Reps. Buckner & Gonzales-Gutierrez

Pay inequity is a real and persistent problem that continues to affect women and their families in Colorado. Women are the primary or co-breadwinners in three-quarters of families in Colorado, and the pay gap is a major obstacle to economic security. **Moreover, closing the pay gap is an economic opportunity for Colorado at a time where unemployment is at a historic low, and employers are fighting for talented employees.**

## THE BUSINESS CASE FOR PAY EQUITY

Studies have shown that businesses perform better and achieve higher revenue with a diverse workforce. The most cost-effective way to ensure a high performing, diverse workforce is by treating existing talent equitably. **Recent data from Pipeline Equity shows that for every 7 percent in gender equity within a business there is a 3% increase in revenue.**<sup>1</sup> This increase is due to more efficient recruitment, higher performance and production, and most importantly increased retention.

Customers drive business decisions. With 85 percent of the household purchasing power in the US controlled by women, businesses are increasingly seeking a diverse workforce to best understand and market to their customers. The inability to attract and retain a diverse talent pool has long term financial consequences for businesses of all sizes.

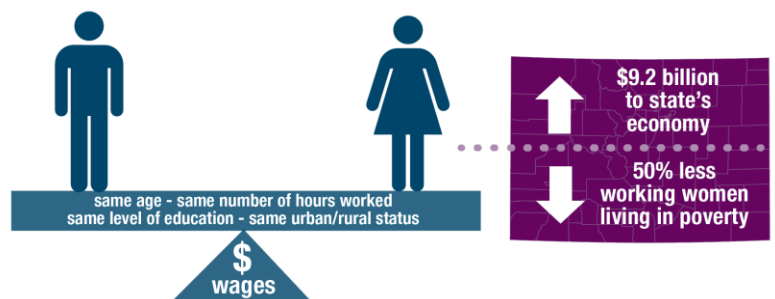
Pay equity remains elusive: if progress continues at the current rate since 1960, the state's gender wage gap will not close until the year 2057.<sup>2</sup>

## THE SOLUTION

Colorado's current equal pay statute is not an effective mechanism to support gender equity. To address the pay gap, we must address the root causes of pay disparity.

- **Implement common-sense prevention and transparency measures**
  - Advertise opportunities for promotion to all current employees
  - Disclose a proposed salary range in all job listings
  - Prohibit an employer requesting an applicant's salary history, but allow an employee to offer it as a part of a negotiation
  - Keep records of job descriptions and salary history for all employees for a reasonable timeframe

### If Colorado Achieved Pay Equity



<sup>1</sup> Pipeline Equity, "Equity for All Report", 2018

<sup>2</sup> Institute for Women's Policy Research and The Women's Foundation of Colorado, March 2018.

- **Create a Colorado solution that works for employees and employers**
  - **Ability to challenge pay disparities**
    - With employees of the opposite sex at the same employer, at any job site in Colorado in a position similar to their own
    - Within 2 years of when the disparity is discovered and recover for the full duration of the disparity not to exceed 6 years (***amended to 3 year recovery in Senate Judiciary Committee***)
    - Due to gender “plus” another status protected under the Colorado Anti-Discrimination Act
  - **Ability to challenge retaliation by employers** for good faith complaints of unequal pay
  - **Allow employers to defend against a challenge to a pay disparity** by showing it is the result of a bona fide seniority, merit or productivity-based pay system, or of education, training, experience, geographic differences, or travel requirements

## SUPPORTING ORGANIZATIONS

Colorado Women’s Bar Association  
9-5 Colorado

Women’s Foundation of Colorado  
Center for Legal Inclusiveness  
Girls, Inc. of Metro Denver

Colorado Hispanic Bar Association  
Denver MAMA (Mother Attorneys Mentoring  
Association)

Colorado Organization for Latina Opportunity and  
Reproductive Rights (COLOR)

Colorado Plaintiff Employment Lawyers Association  
Colorado LGBTQ Bar Association  
Moms Rising  
Interfaith Alliance

Violence Free Colorado  
NARAL Pro Choice Colorado  
The Women’s Lobby of Colorado  
Women’s Collaborative for Colorado  
United for a New Economy (UNE)

The Bell Policy Center  
Women in Kind

Colorado Black Women for Political Action  
Dr. Julie Seymour, The Human Joint

Colorado Nonprofit Association  
Good Business Colorado  
One Colorado  
AFL-CIO

Porchlight Real Estate

Sam Cary Bar Association

Colorado Coalition for the Homeless

Colorado Children’s Campaign

Barre3 Denver - Cherry Creek + Highlands Square

American Association of University Women of  
Colorado

League of Women Voters of Colorado

Anti-Defamation League Mountain States Region  
Boulder County

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