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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 21-S 270 — AN ACT RELATING TO LABOR AND LABOR RELATIONS February 24, 2021

The ACLU of Rhode Island strongly supports this legislation and the work of the legislative sponsors and organizations that have put this bill together to clarify and expand equal pay protections for women in our state.

According to the National Women’s Law Center, “women in the U.S. who work full time, year round are paid only 78 cents for every dollar paid to their male counterparts. But the wage gap is even larger for many women of color working full time, year round, as black women are paid only 64 cents, and Latinas only 56 cents, for every dollar paid to white, non-Hispanic men.” In Rhode Island, these gaps are even more troubling as black women typically make 57 cents for every dollar and Latina women make an average of 48 cents for every dollar paid to white men.

Closing the wage gap is essential to the economic and social growth of our state, but particularly important for women of color, who are already more likely to have lower incomes and to be in poverty than virtually all other groups.

In addition to addressing unequal pay, this bill would address other employment practices that harm women. Among other things, it would prohibit employers from asking for the salary history of a prospective employee, while allowing employees to discuss their salaries with other employees.

Studies have shown that salary history requirements systematically keep women’s wages lower by lowering the ceiling of what a woman can make relative to what she has made previously. This insidious practice keeps wages low by defining the value of an employee based not on their contributions, but on their work in the past – work that has often been undervalued and itself a symptom of unequal workplace pay.

Rhode Island has actually been ahead of the curve in recognizing problems associated with requiring job applicants to provide their past salary history. Since 1997, state law has prohibited employers from “request[ing] or requir[ing] any applicant for employment to provide copies of his or her federal or state income tax return, W-2 statement or related tax documents as a condition of consideration for employment.” R.I.G.L. §28-6.9-1. This bill merely thus takes the next small, but

logical, step in protecting the confidentiality of that information by barring employers from verbally seeking what they cannot seek through an official document.

The bill further codifies the right of employees to discuss their salaries with other employees without fear of retaliation. Although restricting such discussions has long been illegal under the National Labor Relations Act, some employers continue to believe they can prohibit employees from doing so. This bill would simply make clear employers' long-standing legal obligations in this regard.

Closing the wage gap is essential to the economic and social growth of our state. The ACLU of RI urges prompt passage of S-270.

Submitted by: Steven Brown, Executive Director