
BILL NO.: House Bill 14
TITLE: Equal Pay For Equal Work – Inquiring About Wages – Prohibition on Adverse Actions
COMMITTEE: Economic Matters
DATE: February 4, 2020
POSITION: SUPPORT

House Bill 14 seeks to build on the progress made in 2016 to eliminate the gender pay gap in Maryland via the Equal Pay for Equal Work Act of 2016. That law expanded the scope of our Equal Pay statute to provide protection to Maryland citizens based on their gender identity as well as birth gender, ensured that employers must provide equally favorable employment opportunities for both genders, and addressed a threshold barrier to equality: work rules that forbid discussion of wages among employees. HB 14 clarifies the original intent of that legislation, by explicitly prohibiting employers from taking adverse actions (i.e., retaliating) against an employee for inquiring about their own wages.

Under current law, it is clear that an employer may not prohibit an employee from asking about their own wages, or asking about other employee's wages. Furthermore, the law states that an employer may not retaliate against an employee for asking about a co-worker's wages. But there is a gap in the law regarding retaliation against an employee for asking about their own wages. This oversight, while technical in nature, creates confusion and clearly goes against the legislature's intent when passing the original Equal Pay for Equal Work Act of 2016.

This bill would not create any new obligations for employers; it does not expand the scope of the 2016 act beyond its original intent and does not establish new burdens or requirements. It simply closes a loophole in the law that is incongruous with the clear intent of the statute.

Despite positive changes in the law, women's incomes in Maryland still lag behind those of their male counterparts: women earn on average only \$0.86 to every dollar earned by men. For women of color, the pay gap is even larger – African American women take home \$0.69 and Latina women earn only \$0.46 for every dollar a white man makes. Our employment practices simply do not reflect the reality of today's workforce. Women are now the primary, sole, or co-bread winners in nearly 2/3 of families in Maryland. Therefore, any gender pay gap detrimentally, and unacceptably, effects Maryland's families. Until it is eliminated, women and families in Maryland will disproportionately suffer.

For the above reasons, the Women's Law Center of Maryland urges a favorable report for HB 14.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.