

HB 770 WILL HARM MISSISSIPPIANS – IT MUST BE AMENDED

HB 770 is the opposite of an equal pay bill. It rubber stamps employers' decision to pay women less for equal work. It leaves Black women out. And any Mississippian who chooses to use the alleged equal pay protections in this bill would actually be left with fewer rights than they have now. **HB 770 must be amended.**

- **HB 770 expressly allows employers to pay a woman less than a man doing the same job for discriminatory reasons, specifically:**
 - *because of her salary history.*
 - i. 16 states and counting have expressly *banned* employers from relying on salary history to set pay because data shows it forces women to carry pay discrimination from job to job and perpetuates wage gaps.
 - ii. But HB 770 does the polar opposite by *allowing* employers to rely on salary history, undermining the whole point of an equal pay law.
 - *because of the “continuity of employment history.”*
 - i. This means it will be OK to pay a woman less than a man doing the same job because she took time off to have a baby or care for a sick family member. This will deeply engrain gender wage gaps into Mississippi's workforce.
 - *because of her negotiation skills.*
 - i. Study after study shows that employers perceive women more negatively than men when they negotiate. Women also tend to ask for less in a negotiation than their male counterparts, even when equally qualified. Allowing an employer to justify an otherwise unlawful pay gap based on negotiation skills will further entrench discriminatory pay gaps.
 - *because of “competition for the employee.”*
 - i. This too is deeply impacted by discrimination because there is a lot of discrimination in the market—the market favors white men, so there will likely be greater competition for men.
- **HB 770 would force Mississippians who choose to use this law to waive their protections under the federal Equal Pay Act,** leaving them with fewer rights than they currently have because the alleged protections in this bill are weaker than under the Equal Pay Act. Such a provision is likely in conflict with federal law. People should never have to choose between their rights under federal & state civil rights laws.
- **HB 770 leaves Black women out.** The bill only addresses sex-based pay inequities and, as a result, does not fully protect women of color, who have the largest wage gaps in the state and who often experience pay discrimination based on their race and sex combined.
- **HB 770 leaves many Mississippians completely unprotected** because it only applies to employees who work 40 + hrs/wk and employers with 5 or more employees. This would make Mississippi's equal pay law significantly narrower than the federal Equal Pay Act which applies to all employers and employees and should be the bare minimum standard. Part-time employees experience pay discrimination and are predominantly women, so it is especially important for them to be protected.
- **HB 770 doesn't provide a remedy for employees who are retaliated against for bringing an equal pay claim.** Protections against retaliation are a fundamental part of civil rights laws to ensure an employee can actually assert their rights and not be silenced or punished for doing so.
- **HB 770 doesn't provide adequate time for employees to enforce their rights.** Significant secrecy around pay means it often takes many years for an employee to determine if they are being paid fairly after their employer's initial discriminatory pay decision. Like under the federal Lilly Ledbetter Act, the time for bringing a claim must restart with each discriminatory paycheck an employee receives.