



Legislative Testimony  
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**Written Testimony Supporting  
House Bill 5386, An Act Concerning Various Pay Equity and Fairness Matters and  
Senate Bill 15, An Act Concerning Fair and Equal Pay for Equal Work**

Senator Gomes, Senator Miner, Representative Porter, and distinguished members of the Labor and Public Employees Committee:

My name is Kaley Lentini, and I am legislative counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 5386, An Act Concerning Various Pay Equity and Fairness Matters. The ACLU-CT also supports Senate Bill 15, An Act Concerning Fair and Equal Pay for Equal Work, but we believe that the language in House Bill 5386 is preferable to that in Senate Bill 15 and encourage the committee to use the stronger language in House Bill 5386 in whichever bill or bills pass out of the committee.

The ACLU of Connecticut works to ensure that all women have equal access to employment, free from discrimination. We oppose discrimination based on sex and gender stereotypes and on pregnancy and parenting. We oppose discrimination in the form of barriers to women working in male-dominated fields, and the systemic undervaluing of work in fields dominated by women. And we work to challenge unfair employment practices that disproportionately harm women suffering from intersecting forms of discrimination, including discrimination on the basis of race, ethnicity, national origin, and religion. The gap in pay between women and men reflects these and other forms of discrimination. As of 2016, Connecticut's wage gap was worse than the national average—on average, women in Connecticut are paid only 79% of what men are paid. This gap is even more pronounced among women who face intersecting forms of discrimination; nationwide, Latinas are paid 54% of what white men are paid; Black women are paid 63% of what white men are paid; Native Hawaiian and Pacific Islander women are paid 59% of what white men are paid; and American Indian and Alaskan Native women are paid 57% of what white men are paid. The pay gap also increases with age, and it exists across workers of all educational levels. Connecticut can and must take meaningful steps to eradicate this form of discrimination against women.

House Bill 5386 would take meaningful steps toward combatting the gender pay gap by prohibiting public and private employers from asking a prospective employee about their wage and salary history before that prospective employee has accepted an offer of employment. This is an incredibly important provision, because it will not allow past gender discrimination in an employee's wage and salary to influence an employer's offer of employment. This will help to stop the vicious pay gap cycle that can stunt women's earnings.

This bill would also prohibit courts from awarding compensatory or punitive damages in a case against an employer for pay inequity if the employer completed an equal pay analysis within three years prior to the employee filing the suit and eliminated any wage differentials that were found for the employee. As a result, House Bill 5386 would incentivize employers to examine their pay practices and rectify any wage differentials between employees of different genders. However, the language would allow a court to award two years' worth of back pay to the employee if a disparity is found. This is good public policy, as it provides a just remedy for employees who have been paid inadequately and allows employers the opportunity to improve themselves by performing an analysis of their pay practices.

This bill would also prevent an employee's "time spent on leave due to a pregnancy-related condition or protected family and medical leave" from reducing their seniority. It is important that employees be able to take time away from work to care for themselves and their families without punishment.

House Bill 5386 would provide for the remediation of past and current discriminatory practices that devalue the work of women and perpetuate the cycle of women being underpaid. The ACLU-CT strongly encourages the committee to support House Bill 5386. We also encourage the committee to amend Senate Bill 15 to include the enhanced protections and remedies included in House Bill 5386.