June 9, 2016

Dear Legislators,

As organizations committed to economic opportunity for all Delawareans, we write to express strong support for HB 314, 316, and 317. We commend Delaware’s on-going efforts to foster the economic security of Delaware women and their families. Women in Delaware continue to be paid less than men, disproportionately face discrimination at work based on their caregiving responsibilities at home, and are at risk of having their employers take adverse action against them because they disagree with their employees’ decisions about whether and when to have a child. These three bills address these discriminatory workplace practices. HB 314 promotes pay transparency, allowing women to identify and challenge pay discrimination; HB 316 ensures women are not penalized at work for their personal reproductive health care decisions; and HB 317 prohibits employment discrimination based on family caregiving responsibilities.

Policies that ensure women can enter and remain in the workforce and receive equal pay are essential to the economic security of women and families. Women are breadwinners or co-breadwinners in nearly two-thirds of American families and continue to bear a disproportionate share of caregiving responsibilities. These bills will help protect women from workplace discrimination that can threaten not just their economic well-being, but their whole family’s. We urge you to support all three of these bills which work together to protect women against workplace discrimination.

**HB 314 is crucial to closing the wage gap for all women in Delaware.**

Women in Delaware typically make 81 cents for every dollar made by a man, comparing all women who work full-time year-round with all men who do so. The pay gap for women of color is particularly severe. In Delaware, African American women make 69 cents for every dollar a white, non-Hispanic man makes, while Latina women make only 56 cents. These lower earnings have a serious impact not only on women, but on the economic security of families and contribute to the 12.8 percent poverty rate for women in Delaware.

Delaware already prohibits pay discrimination, but many employers have policies and practices forbidding employees from discussing or inquiring about pay. These sorts of punitive pay secrecy policies allow pay discrimination to go undetected and helps perpetuate the gender wage gap. HB 314 will strengthen Delaware’s protections against pay discrimination by making it unlawful for employers to prohibit or retaliate against employees for discussing pay with their co-workers. When workers are able to discover pay disparities without fear of losing their jobs, they can go to their employers and attempt to address any disparities internally, avoiding litigation. And employers are incentivized to identify and remedy pay disparities themselves, increasing fairness in compensation and, again, reducing the need for costly litigation.

By passing this measure, Delaware would join the 14 states (plus the District of Columbia) that have enacted explicit protections to ensure that workers can discuss their wages without fear of retaliation, and would follow the lead of the federal government, which recently extended such protections to employees of federal contractors.
We encourage you and your colleagues to vote in support of HB 314 to ensure that women in Delaware have the tools to identify and challenge pay discrimination and to strengthen women’s right to equal pay for equal work.

**HB 316 ensures a woman's personal, private health care decisions do not impact her job security.**

Women across the country have been punished, threatened, or fired for using birth control, for pursuing pregnancy through the use of assisted reproductive technology, and for having sex outside of marriage. HB 316 protects women against this type of discrimination by specifically prohibiting employers from taking adverse actions against their employees because of an employee’s reproductive health decision. It would ensure that an employer does not use personal religious beliefs to discriminate against employees, threatening their job stability and economic security.

By explicitly prohibiting discrimination based on an employee’s reproductive health decision, HB 316 is essential to ensuring that such discrimination does not fall into a loophole in existing Delaware law. Delaware has been at the forefront of protecting employees from discrimination in the workplace, and this bill would strengthen Delaware’s existing non-discrimination protections.

Delaware citizens must be protected against employer discrimination in all aspects of their lives. We encourage you and your colleagues to vote in support of HB 316. A woman’s decision to have an abortion, use birth control, or get pregnant through the use of in vitro fertilization is personal and should never impact her job security. Deciding whether and when to have children is a decision of enormous economic consequence and women must be able to make that decision without fear of repercussion in the workplace.

**HB 317 prohibits discrimination in employment based upon an individual’s caregiving responsibilities.**

Employees should be evaluated at work on their performance, not on their responsibilities at home. But individuals who have primary responsibilities for family caregiving—and mothers in particular—often face discrimination at work. For example, an employer may refuse to hire a job applicant after asking her about whether she has children; may demote a mother after she returns from maternity leave; or may pass a working parent over for a promotion based on the stereotype that parents are less reliable. Caregiver discrimination also affects the growing number of individuals caring for elderly relatives.

Caregiver discrimination is particularly pernicious when it harms the employment opportunities for a family’s primary breadwinner. Women continue to do the majority of caregiving for children and other family members, even as they are also primary breadwinners in 4 of 10 families with children. In Delaware, 30.6 percent of female-headed families live in poverty and can least afford such discrimination.

For working mothers, caregiver discrimination is often based upon gender stereotypes about mothers’ competence and commitment at work. These stereotypes can affect
women’s paychecks. Indeed, women overall in Delaware typically make 81 cents for every dollar made by a man, but a mother who works outside the home full-time, year-round typically makes only 70.3 cents for every dollar paid to fathers.

By passing HB 317, Delaware would join the federal government, five states, and over 65 localities that passed legislation or taken other steps to address discrimination based on family responsibilities. We encourage you and your colleagues to vote in support of HB 317 to ensure the economic security of families in Delaware.

**Conclusion**

The undersigned organizations urge you to support these bills – HB 314, 316, and 317 – that are critical to advancing Delaware women’s equality, opportunity, and economic security.

Sincerely,

National Women's Law Center

A Better Balance

American Association of University Women

Delaware American Association of University Women

Delaware Commission for Women

ACLU of Delaware

Henrietta Johnson Medical Center

Congregation Beth Emeth

Delaware Americans for Democratic Action

National Coalition of 100 Black Women-Delaware Chapter