

February 9, 2022

RE: SB 2451 → **AMEND OR VOTE NO ON SB 2451**

Dear Legislator:

The undersigned national and state-based legal advocacy, policy, and social justice organizations dedicated to challenging the legal, policy, and cultural barriers that keep women from achieving equal pay, write to urge you to **amend or vote no on SB 2451.**

As the only state in the country without an equal pay law on the books and some of the biggest gender and racial wage gaps, Mississippi urgently needs an equal pay law. But SB 2451 is not an Equal Pay bill. SB 2451 will be of no use to Mississippians since it provides far weaker protections than the protections Mississippians already have under federal law. Moreover, the bill leaves Black women behind by only addressing sex-based pay inequities, leaving vulnerable the women who experience the largest wage gaps in the state.

**SB 2451 would block victims of pay discrimination from having their case fully heard.**

The bill would put a pleading standard on victims that is much more stringent than the federal law and would wrongly shift the burden to a victim suffering pay discrimination to plead the details of an employer's pay setting practices, all information that is not likely accessible to employees.

Even more egregious, **SB 2451's employer penalties are so low it pays for an employer to violate the law.** This bill would not fully compensate victims of pay discrimination for the harm they've suffered, but would require that employers only pay victims no more than what they should have paid them to begin with, which is less than the damages that are available under federal law and an inadequate incentive for employers to even attempt to follow the law.

**SB 2451 does not ban employers from relying on salary history to perpetuate pay gaps.**

Keeping employers from asking for salary history is a proven measure to successfully combat and prevent gender and racial wage gaps from making their way into workplaces and helps protect employees from lawsuits. Research from the 16 states that have already banned relying on salary history has shown that doing so helps close gender and racial wage gaps.

**SB 2451 doesn't protect 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.

**SB 2451 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.

At this moment, all eyes are on Mississippi. If strengthening protections against pay discrimination is a priority for the state, then this bill should reflect this aspiration and include components that will actually help close the wage gap for all Mississippi workers. Mississippi needs an equal pay bill that includes race, protects all employees from retaliation, and one that protects workers from suffering from wage discriminations passed on from job to job because of their reliance on salary history. SB 2451 cannot be the standard that Mississippi adopts nor can it be the image that Mississippi provides for the country in how it values its people.

For these reasons, we stand proudly in solidarity with our Mississippi partners and urge you to amend or vote no SB 2451.

If you have any additional questions, please do not hesitate to contact Shannon Williams, Director of Equal Pay Today at Equal Rights Advocates ([swilliams@equalrights.org](mailto:swilliams@equalrights.org)), Jessica Stender, Policy Director at Equal Rights Advocates ([jstender@equalrights.org](mailto:jstender@equalrights.org)), or Andrea Johnson, Director of State Policy at the National Women's Law Center ([ajohnson@nwlc.org](mailto:ajohnson@nwlc.org)).

Sincerely,

Equal Pay Today (a project of Equal Rights Advocates)  
Equal Rights Advocates  
Mississippi Black Women's Roundtable  
National Women's Law Center  
A Better Balance  
American Association of University Women  
Justice for Migrant Women  
KWH Law Center for Social Justice and Change  
Legal Momentum, The Women's Legal Defense and Education Fund  
Methodist Federation for Social Action  
National Black Worker Center  
National Center for Law and Economic Justice  
National Committee on Pay Equity  
National Network to End Domestic Violence  
National Partnership for Women and Families  
Women Employed  
Women's Law Project