

SB 2451 Is Not an Equal Pay Bill and Won't Close Mississippi's Wage Gap

SB 2451 provides Mississippians far weaker equal pay protections than the already deficient protections they currently have under federal law. This bill makes it even more difficult than it already is for a victim to access justice. And, under this bill, it pays for an employer to violate the law because they will only have to pay an employee what they should have paid her to begin with—an employer doesn't have to fully compensate a victim for the harms she has suffered. The bill doesn't address race, leaving Black women out, and doesn't ban relying on applicants' salary history even though data shows that practice perpetuates gender pay gaps.

Mississippians don't need a symbolic, do-nothing law. Mississippians need a real equal pay law.

- **SB 2451 would block victims of pay discrimination from having their case fully heard.** This language puts a pleading standard on victims that is far more stringent than federal law and inappropriately shifts the burden to employees to plead the employer's case as well. Specifically, it would require a victim to plead details about an employer's pay setting practices and co-workers' backgrounds—information that is likely held closely and confidentially by employers and that victims would not have access to. This is a significant burden for victims not required under federal law. It would block many victims from having their day in court and will likely lead to more costly litigation about whether a plaintiff has adequately pled their complaint.
- **SB 2451 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.
- **SB 2451 does not ban employers from relying on salary history to perpetuate pay gaps.** Banning employers from asking for applicants' salary history is a proven, proactive measure to prevent gender and racial wage gaps from arising within workplaces and to help insulate employers from lawsuits. Such a measure has passed in 16 states and research shows it is already working to close both gender and racial wage gaps. Alabama included protections for those who refuse to answer salary history questions in their equal pay law.
- **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's employer penalties are so low it pays for an employer to violate the law.** The bill would not fully compensate pay discrimination victims for the harms they have suffered but would require instead that employers only pay victims no more than what they should have paid them to begin with, which is less than the damages available under federal law and inadequate to incentivize employers to follow the law. With these extremely limited damages, Mississippians would not have any reason to use this law and would just continue to use the federal law.
- **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.