

By Senator Joyner

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1 A bill to be entitled
2 An act relating to employment discrimination; creating
3 the Helen Gordon Davis Equal Pay Protection Act;
4 making legislative findings relating to equal pay for
5 equal work for women; recognizing the importance of
6 the Agency for Workforce Innovation and the Commission
7 on Human Relations in ensuring equal pay; requiring
8 the Agency for Workforce Innovation to conduct studies
9 and provide information to employers, labor
10 organizations, and the public concerning the means
11 available to eliminate pay disparities between men and
12 women; creating the Governor's Recognition Award for
13 Pay Equity in the Workplace; requiring that the award
14 be made annually to businesses in this state which
15 have engaged in activities that eliminate the barriers
16 to equal pay for equal work for women; requiring the
17 director of the agency and the chairperson of the
18 commission to work cooperatively with the Executive
19 Office of the Governor to create eligibility criteria
20 for employers to receive the award; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Equal pay recognition; awards.-

26 (1) SHORT TITLE.-This section may be cited as the "Helen
27 Gordon Davis Equal Pay Protection Act."

28 (2) LEGISLATIVE FINDINGS AND INTENT; DUTIES OF AGENCY FOR
29 WORKFORCE INNOVATION AND COMMISSION ON HUMAN RELATIONS.-

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30 (a) The Legislature finds that women have entered the
31 workforce in record numbers over the past 50 years. Yet, despite
32 the enactment of the Equal Pay Act in 1963, many women continue
33 to earn significantly lower salaries and pay than men for equal
34 work. These pay disparities exist in both the private and
35 governmental sectors. In many instances, the pay disparities are
36 the result of continued intentional discrimination against women
37 or the lingering effects of past discrimination against women.

38 (b) The Legislature further finds that the existence of
39 such pay disparities:

40 1. Depresses the wages of working families who rely on the
41 wages of all members of the family;

42 2. Undermines the retirement security of women, which is
43 based on wages women earn while in the workforce;

44 3. Prevents the optimum use of available labor resources;

45 4. Continues to spread and perpetuate, through commerce and
46 the instrumentalities of commerce, among workers in all states;

47 5. Burdens commerce and the free flow of goods in commerce;

48 6. Constitutes an unfair method of competition in commerce;

49 7. Leads to labor disputes that burden and obstruct
50 commerce and the free flow of goods in commerce;

51 8. Interferes with the orderly and fair marketing of goods
52 in commerce; and

53 9. Deprives female workers of equal protection on the basis
54 of gender in violation of the Fifth and the Fourteenth
55 Amendments to the United States Constitution.

56 (c)1. The Legislature further finds that artificial
57 barriers to the payment of equal wages continue to exist decades
58 after the enactment of the Fair Labor Standards Act of 1938, s.

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59 29 U.S.C. 201 et seq., and the Civil Rights Act of 1964, 42
60 U.S.C. s. 2000a. These barriers have resulted, in large part,
61 because the federal Equal Pay Act has not worked as Congress
62 originally intended. Improvements and modifications to the law
63 are necessary to ensure that the act provides effective
64 protection to those subject to pay discrimination on the basis
65 of their gender.

66 2. The Legislature finds that eliminating such artificial
67 barriers would have positive effects, including:

68 a. Providing a solution to problems in the economy created
69 by unfair pay disparities;

70 b. Substantially reducing the number of working women
71 earning unfairly low wages, thereby reducing the dependence on
72 public assistance;

73 c. Promoting stable families by enabling all family members
74 to earn a fair rate of pay;

75 d. Remediating the effects of past discrimination on the
76 basis of gender and ensuring that in the future female workers
77 are afforded equal protection; and

78 e. Ensuring equal protection under s. 2, Article I of the
79 State Constitution.

80 (d)1. The Legislature finds that the Agency for Workforce
81 Innovation and the Commission on Human Relations have important
82 and unique responsibilities to help ensure that women receive
83 equal pay for equal work.

84 2. The Agency for Workforce Innovation shall:

85 a. Collect and make publicly available information about
86 women's pay;

87 b. Ensure that companies receiving state contracts comply

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88 with antidiscrimination and affirmative action requirements of
89 this state relating to equal employment opportunity;

90 c. Disseminate information about women's rights in the
91 workplace;

92 d. Help women who have been victims of pay discrimination
93 obtain a remedy; and

94 e. Be proactive in investigating and prosecuting violations
95 of laws requiring equal pay, especially systemic violations, and
96 in enforcing all mandates of those laws.

97 3. The Commission on Human Relations is the primary
98 enforcement agency for claims made under the Equal Pay Act, and
99 shall issue regulations and guidance on appropriate
100 interpretations of the law.

101 4. As a result of a stronger commitment by the Agency for
102 Workforce Innovation and the Commission on Human Relations to
103 their responsibilities, more effective remedies, and increased
104 information about the provisions added to the Equal Pay Act of
105 1963, this section, and wage data, women will be better able to
106 recognize and enforce their rights.

107 (e) The Legislature recognizes that certain employers have
108 already made great strides in eradicating unfair pay disparities
109 in the workplace and their achievements should be recognized.

110 (3) RESEARCH, EDUCATION, AND OUTREACH.—The director of the
111 Agency for Workforce Innovation shall conduct studies and
112 provide information to employers, labor organizations, and the
113 public concerning the means that are available to eliminate pay
114 disparities between men and women. These efforts shall include:

115 (a) Conducting and promoting research to develop the means
116 to expeditiously correct the conditions leading to pay

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117 disparities;

118 (b) Publishing and otherwise making available to employers,
119 labor organizations, professional associations, educational
120 institutions, the media, and the public findings resulting from
121 studies and other materials relating to eliminating pay
122 disparities;

123 (c) Sponsoring and assisting state and community
124 informational and educational programs;

125 (d) Providing information to employers, labor
126 organizations, professional associations, and other interested
127 persons on the means of eliminating pay disparities; and

128 (e) Recognizing and promoting the achievements of
129 employers, labor organizations, and professional associations
130 that have worked to eliminate pay disparities.

131 (4) THE GOVERNOR'S RECOGNITION AWARD FOR PAY EQUITY IN THE
132 WORKPLACE.—

133 (a) The Legislature establishes the Governor's Recognition
134 Award for Pay Equity in the Workplace, which shall be awarded
135 annually to businesses in this state which have engaged in
136 activities that eliminate the barriers to equal pay for equal
137 work. The ceremony to recognize the employers shall be organized
138 in such a way so as to encourage proactive efforts by other
139 employers to equalize pay between men and women performing the
140 same work.

141 (b) The director of the Agency for Workforce Innovation and
142 the chairperson of the Commission on Human Relations, in
143 cooperation with the Executive Office of the Governor, shall
144 create criteria for employers to be eligible to receive the
145 award. The criteria shall include a requirement that an employer

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146 must have made substantial efforts to eliminate pay disparities
147 between men and women and deserves special recognition as a
148 consequence of such efforts. The director shall establish
149 procedures for applications, regional ceremonies, and
150 presentations of the award.

151 Section 2. This act shall take effect July 1, 2010.