



Salary History Ban

Toolkit

AAUW





Salary History Ban Toolkit

Structure of This Toolkit

- **Overview**

- A general overview of our advocacy, covering what “salary history” means, why use of salary history should be discontinued, and general information of why we strongly encourage legislative advocacy.

- **Advocacy Strategies**

- Communicating with elected officials, Grassroots & Grasstops

- **How We Respond**

- Specific steps we encourage members to use as a foundation as you formulate your advocacy plan





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- Cultural & Gender Stereotypes & Bias

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- **Advocacy Strategies**

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- Grassroots & Grasstops

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- Step 2: Identify Our Elected Targets
- Step 3: Present Our Case: Telling the Story
- Step 4: Pay Attention





Relying on salary history to set future salary assumes that prior salaries were fairly established in the first place.



AAUW believes that the practice of using **salary history** in the **hiring process** can have **major repercussions** in **perpetuating the pay gap** many women and people of color face in their careers.

Why Should Asking for **Salary History** Be Eliminated from the Hiring Process?

Using **Salary History** (which may have been tainted by bias) means **discriminatory pay** follows workers

- Wherever they go
- Whatever their job

Not to mention their ability

Did you know?

At the current rate of progress, the gender pay gap will not close until 2111. We can't — and won't — wait that long.



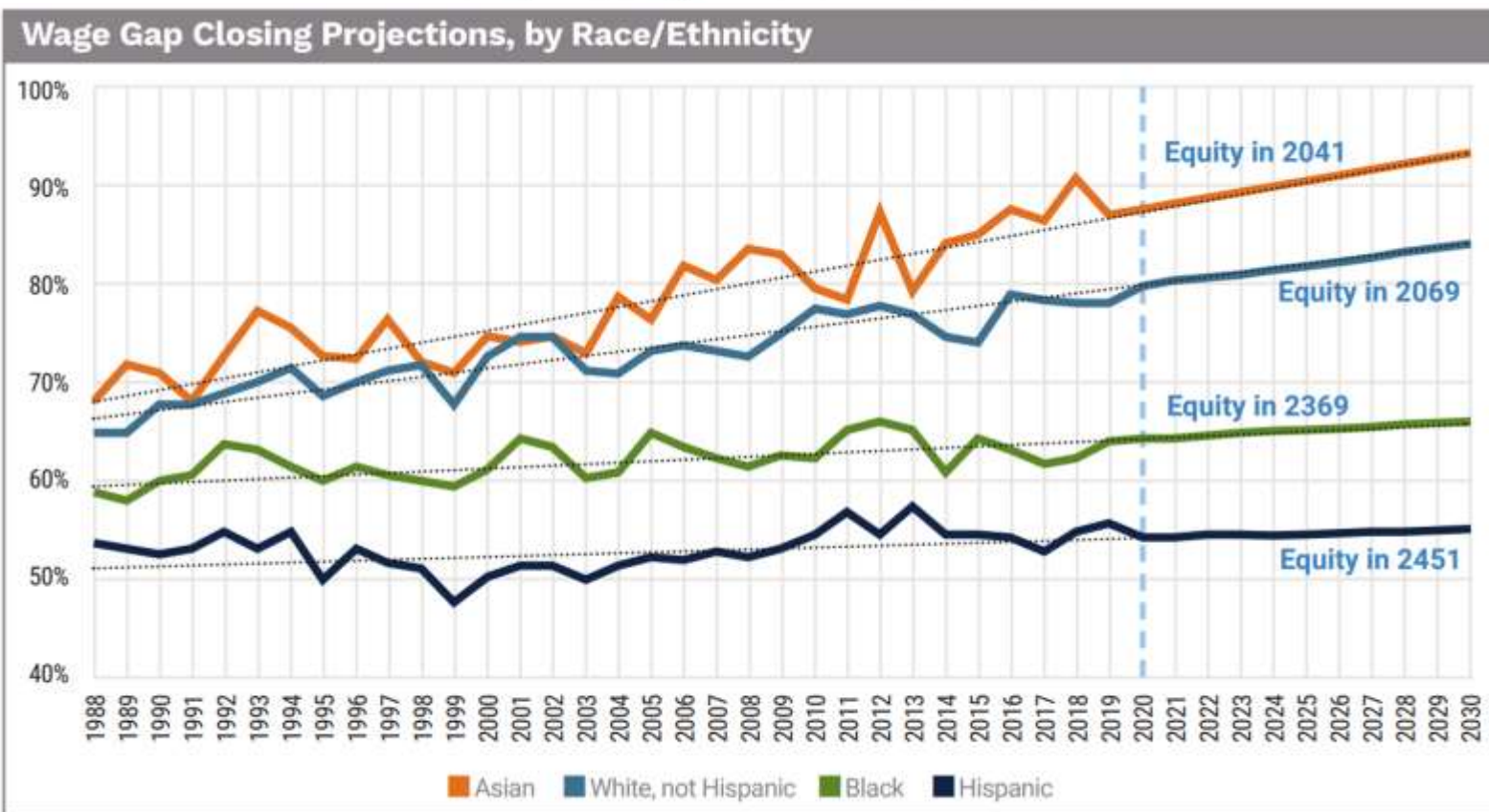
Persistent Inequity

Women working full time in the U.S. are still paid just 83 cents to every dollar earned by men — and the consequences of this gap affect women throughout their lives. The pay gap even follows women into retirement: As a result of lower lifetime earnings, they receive less in Social Security and pensions. In terms of overall retirement income, women have only 70% of what men do.

Cultural Stereotypes & Biases



Women of color also contend with long-standing and offensive race- and gender-based stereotypes that continue to depress their wages. Some of these stereotypes have changed over time—especially for Asian women, who are now subjected to the model minority myth.



Source: Earnings data from U.S. Census Bureau (2020), Current Population Survey, 2020 Annual Social and Economic Supplement. Wage projections based on calculations done by AAUW.



Structural Problems Demand Structural Solutions

The practice of using **salary history** in the hiring process is a structural problem that demands **structural solutions**. Over the last century impactful legislation, such as the Social Security Act, the Fair Labor Standards Act, the Equal Pay Act, the Civil Right Act, and the Family and Medical Leave Act, has put important protections and standards into place.

Federal, state and local officials all play a vital role in addressing discrimination in **employment**. But these legal protections have not yet ensured equal pay for women and men. Over time, loopholes emerge and we learn more about how discrimination works, leading to the need to update and strengthen our laws.



WHO Elected Officials at City/County Level

WHY The use of asking salary history in the hiring process negatively impacts women as they often need to drop out of the workforce due to childbearing, elder care, and more. Also, persons who have been laid off or have worked for a non-profit can be impacted. Hiring staff prefer to hire at the lowest wage possible.

WHAT **Passing a law or ordinance can reduce the use of this practice.**
Tracking the related data and experiences after the fact is necessary.

Case example

Kansas City: Code of Ordinances, Sec. 38 - 102

It is unlawful for an employer or agent to:

- Inquire about the salary history of an applicant for employment
- Screen job applicants based on their current or prior wages, benefits, or other compensation, or salary histories, including requiring that an applicant's prior wages, benefits, other compensation or salary history satisfy minimum or maximum criteria; or
- Rely on the salary history of an applicant in deciding whether to offer employment to an applicant, or in determining the salary, benefits, or other compensation for such applicant during the hiring process, including the negotiation of an employment contract; or
- Refuse to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his or her salary history to an employer.

There are exceptions and prohibitions in relation to this ordinance, to learn more please visit:

[City of Kansas City - Section 38-102](#)

Identify **Our** Goals: Collecting Data & Stories

Understanding and effectively utilizing both stories and data can help you develop a strong and balanced case for what you are advocating for. Data can tell us that around 326,000 people in Kansas City have been affected by the use of salary history in their hiring process, but that doesn't convey how the use of salary history in the hiring process actually impacted a woman's personal success, or what it feels like on a daily basis, to the people experiencing it. A personal testimonial from someone can tell us that one person has experienced a domino effect of low wages being offered from one job to the next due to the carrying over of a previous salary or the development of an offer based on a previous salary.

Is this something experienced by just a few people in the area, or is this much more common? Without one or the other of these pieces, you're leaving out a part of the story. By combining data and testimonial, you can communicate what the use of salary history in the hiring process can mean on a personal basis, and how many other people are likely in similar situations.

Engage Branch members

Find 2 or 3 members and assign them like size cities to research information about how they manage to get their jurisdiction to ban the use of salary history in the hiring process. Every city/county is different.





Advocacy Strategies: **Communicating** with Elected Officials

Personal visits are a highly effective way of helping elected officials. Elected officials are supposed to represent you, and welcome visits from constituents. Repeatedly meeting or speaking with elected officials or their staff is an excellent way to develop a strong relationship, so that you can become one of their go-to resources when a vote is coming up related to your issue.

- **Request/Schedule a Meeting**

- Schedule 3-4 weeks in advance; let staff know who you are, that you are with AAUW, and that you would like to share important data you have collected as it relates to the use of salary history in hiring practices. Be flexible!
- As you prepare, invite advocates, practice your script, send some information in advance (stories, data, fact sheets)
- Follow-up with a thank you note or e-mail (restate your position), also respond with any promised correspondence (answers to questions, etc.)



Advocacy Strategies: Grassroots & Grasstops

Grassroots

Generally defined as “the basic source of support from the ground up,” grassroots advocacy includes organizing, mobilizing, and engaging the public to advocate for themselves. The value of this form of advocacy is that it is driven by the people. It is grounded in the belief that people matter and that their collective voices are powerful in influencing elected officials and in shaping policies at all levels of government.

Grasstops (community leaders)

Grasstops are activists or members of an organization or geographic area that have a high professional and/ or public profile, may be part of the “political family” for a decision maker, and can raise public attention or influence decision makers through established connections.





Identifying **Our** Goals

Who Elected Officials at City Level

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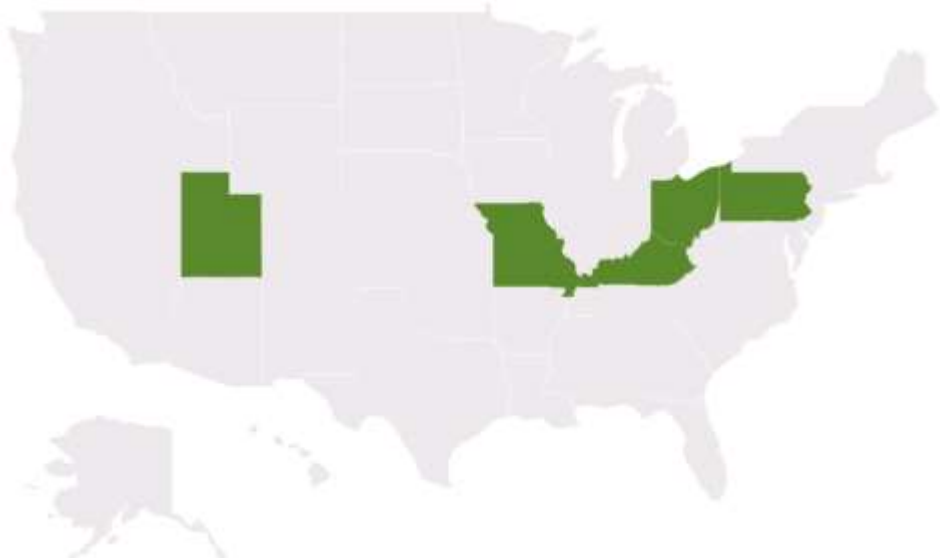


How We Respond



Step 1

Get two-to-three AAUW Branch members to help and let each one pick one of the cities on the list below and look up the information and write up the findings to share at the elected bodies. Schedule a committee meeting or full legislative bodies meeting. **Some jurisdictions require all such proposals to go through their committee structure.**



- **Louisville, KY** all city agencies
- **Kansas City, MO** all employers in the city with more than six employees
- **St. Louis County, MO** all employers in the county
- **Cincinnati, OH** all employers in the city with more than fifteen (15) employees
- **Toledo, OH** all employers in the city with more than fifteen (15) employees
- **Philadelphia, PA** all employers in the city
- **Pittsburgh, PA** all city agencies
- **Salt Lake City, UT** all city agencies

How We Respond

Step 2

At the same time, look for and secure the support of one or two elected officials to put this proposal on their schedule.



How We Respond



Step 3

Present your case; each member tells the story of one successful jurisdiction. The AAUW leader summarizes the presentation with a request for legislation to ban the use of salary history in the hiring process.





How We Respond

Step 4

For measures like these, attending legislative hearings and constant watchdogging with your sponsors are required to get the action to the final decision-making bodies vote.

Make sure you design a way to check to see if the jurisdictions continue to carry out the intent of the legislation.

