



**TESTIMONY OF CATHERINE E. WALTERS, ESQ. ON BEHALF OF  
THE PENNSYLVANIA BAR ASSOCIATION  
PUBLIC HEARING REGARDING AMENDMENT OF THE  
PENNSYLVANIA EQUAL PAY LAW  
PENNSYLVANIA SENATE DEMOCRATIC POLICY COMMITTEE  
MAY 18, 2026**

Chair Miller, Senator Collett, Senator Santarsiero and members of the Committee: thank you for the opportunity to submit testimony on behalf of the Pennsylvania Bar Association in support of modernizing Pennsylvania’s Equal Pay Law (“PEPL”) to make it more relevant and accessible for all Pennsylvania workers, especially women.<sup>1</sup> Today, I appear on behalf of the more than 20,000 members of the Pennsylvania Bar Association. I also offer my perspective as an attorney who specializes in management-side labor and employment law and as Chair of the PBA’s Labor & Employment Law Section.

When the federal Fair Labor Standards Act of 1938 (“FLSA”) was amended in 1963 to include the federal Equal Pay Act (“EPA”), Pennsylvania was one of 22 states that had already enacted an equal pay law of its own.<sup>2</sup> It took almost 60 years for all 50 states and the District of Columbia<sup>3</sup> to enact equal pay laws, with Mississippi rounding out that milestone in 2022, just three years after Alabama. Even so, many states have expanded their equal pay protections well beyond those contemplated by the EPA in 1963: as of May, 2026, 22 states and the District of Columbia have enacted statewide salary history bans, and 17 of those states and the District of Columbia have also enacted statewide pay transparency laws that require some form of wage or salary range disclosure in recruitment and job postings. These laws are intended to disrupt the perpetuation of individual and systemic wage discrimination, particularly gender and racial pay gaps, by leveling the compensation playing field for job seekers and job changers. Pennsylvania has not yet enacted a statewide salary history ban or a pay transparency requirement; however, several municipalities within Pennsylvania have done so. Despite this, Pennsylvania employers who recruit in locales where these laws do apply are already subject to these requirements and many have shifted to full transparency nationwide.

One of the glaring flaws in the PEPL is that it does not protect the majority of Pennsylvania workers. Four years after the federal EPA was passed, Pennsylvania amended the PEPL in 1968. This amendment actually reduced access to the PEPL by removing from coverage “persons...subject to section 6 of the Federal Fair Labor Standards Act,” that is, the section that includes the EPA. Because the FLSA covers most workers in the United States, the PEPL applies only to a small subset of Pennsylvania workers not engaged in interstate commerce, typically employees of small local businesses that do not meet federal coverage thresholds. As a result,

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<sup>1</sup> The PEPL prohibits discrimination in pay on the basis of sex; however, for purposes of this inquiry, our focus is on women and the gender pay gap in Pennsylvania.

<sup>2</sup> The PEPL was enacted in 1959 and became effective in 1960.

<sup>3</sup> The District of Columbia does not have a single, standalone equal pay law but instead prohibits wage discrimination through its broader Human Rights Act; it recently added the Wage Transparency Omnibus Amendment Act, effective in June, 2024.



unless they are covered under some other federal or state contracting requirements, most Pennsylvania women are not covered by the PEPL and are relegated to the federal EPA, the Pennsylvania Human Relations Act and Title VII of the Civil Rights Act of 1964 if they need to seek legal recourse for wage discrimination.

Although state and federal equal pay laws continue to guide employer pay practices, the world of work has changed extensively over the last six-plus decades. The need to modernize the PEPL to make it more relevant and accessible to today's Pennsylvania workforce, especially women, has come into sharper focus as progress towards closing the gender pay gap has begun going backwards and the gap re-widens.

During 2025 and so far in 2026, a slew of Executive Orders, federal job cuts, cuts to social support systems and other drastic federal policy changes eliminated decades of civil rights gains, not only for women but for many protected classes. The sudden elimination of affirmative action programs for females and minorities, eradication and suppression of diversity, equity and inclusion programs in virtually all employment sectors, dismantling of long-standing presumptions of disadvantage in federal and federally funded contracting for women- and minority-owned businesses, clawbacks of federal contracts and grants, extensive job cuts, dismantling of human services programs, elimination of access to multiple types of healthcare assistance funding, refusal by the Department of Labor to enforce minimum wage and overtime protections for direct care workers (the majority of whom are women), and other drastic federal policy overhauls, has had a direct impact on women remaining in the workforce and is contributing to widening the gender wage gap.<sup>4</sup>

With all of the drastic changes at the federal level and their negative impact on women in the workforce, it has become apparent that women can no longer rely on the federal government to take, or at least maintain, steps that supported wage growth for women in the past. As a result, the states, including Pennsylvania, must step into that void and provide more support for their female workforce to counter the impact of federal directives.

For example, although Pennsylvania has suspended some gender- and race-based DBE goals for federally funded projects to comply with federal mandates, Governor Shapiro has continued working to dismantle barriers facing small diverse businesses, including women-owned businesses, through initiatives such as the Department of General Services' Micro and Midsize Business Programs and expanded small business revenue thresholds that increase access to state prime contracts using race-neutral criteria. In addition, the Governor's Advisory Commission on

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<sup>4</sup> According to tracking data from the U.S. Census Bureau and independent compensation analyses, the gender wage gap hit its all-time narrowest point in 2022 when women were earning 84 cents for every dollar earned by men; however, the gap began to widen again after the effects of the COVID-19 pandemic finally flattened out, that is, after numerous women who had left the workforce during the pandemic returned to the workforce. After that, wage growth began to slow again, and the average woman working full-time, year-round now earns 81 cents for every dollar earned by a man. When evaluating all workers (including part-time and seasonal), the gap drops further to 76 cents on the dollar. With respect to hourly wage rates, the Economic Policy Institute reports that after narrowing to a historical low gap of 18% in 2024, the average hourly gender wage gap widened to 18.6% in 2025.



Women continues to advance initiatives focused on workforce participation, childcare accessibility, economic and pay equity, violence prevention, and expanding opportunities for women in traditionally male-dominated fields such as trades, construction, and STEM.

These are just some steps that Pennsylvania has taken to assist small diverse businesses and individuals, and these steps should help to preserve, if not enhance, opportunities for them going forward. In the meantime, a broader focus on women in the workforce is needed, with a goal of helping them by not only levelling but also elevating the compensation playing field. To help achieve that goal, I would like to highlight two proposed changes to the PEPL recommendation by the PBA:

1. Removing the Federal Fair Labor Standards Act exclusion. As discussed earlier, the vast majority of private-sector workers in Pennsylvania are covered by the FLSA. Removing this exclusion will vastly expand access and ensure all workers in Pennsylvania are able to seek legal action for wage discrimination under state law.
2. Prohibiting employers from making salary history inquiries in an attempt to prevent “anchoring” of offers to prior low wages. The concept is that if a worker was underpaid in a prior job, potentially due to discrimination or other factors, using prior pay as a factor in determining a new job offer embeds that inequity into future wage offers. Salary history bans interrupt this cycle by requiring employers to set compensation based on the requirements of the job and the candidate’s skills and experience, rather than the candidate’s prior compensation that may reflect inequities.

While large sectors of the business community are resistant to restrictions on how they run their businesses, expanding covered classes and establishing salary history protections can ultimately benefit both sides of the equation by improving internal equity and enhancing communication, trust and retention.

Evidence supports the premise that salary history bans improve pay outcomes for people who change jobs. Recent studies using job posting data and national survey data reflect that after salary history bans took effect, pay for job changers rose overall, with larger estimated gains for women (about 6%) and for non-white workers (about 6–8%). Another study of early statewide salary history bans found the gender earnings ratio increased by about 1% based on people who had recently switched jobs.

Increasing pay transparency can also improve equity in the workplace. A study from the National Bureau of Economic Research found that posted salaries increased by an average of 3.6% following the enactment of transparency laws and that self-reported earnings for workers in transparency jurisdictions rose by approximately 1.3% more than in states without such laws. Some observations include that job postings that include salary data receive 50% more applications than those without salary data, and that workers report that they are more likely to consider a job if the pay range is listed up front. Other research suggests that pay transparency, particularly when



employers provide pay ranges, improves wages for job changers as well as for first-time job seekers by changing negotiating dynamics and reducing the information gap. The National Women’s Law Center has determined that pay range transparency helps close wage gaps by giving applicants clearer reference points and reducing reliance on past pay as a bargaining anchor.

While modern pay equity practices may contribute to improving pay for women and other historically lower-paid workers, it is important to be clear about what these protections can and cannot achieve. Pay transparency helps to ensure that within a specific role, workers have access to pay information, and salary history bans make it less likely that their compensation will be “anchored” to prior low pay, thus perpetuating inequities; however these policies do not, by themselves, change the fact that many women are disproportionately concentrated in lower-paid occupations and industries, that is, they are occupationally segregated for reasons that changes in the law cannot eliminate.

Beyond this, workforce development programs are not fully accessible for many of the populations they are intended to help because of barriers to participation in those programs. For example, many people cannot enroll in or complete training without help addressing practical barriers such as transportation, child and dependent care, scheduling, and up-front costs of fees, tools, or testing. While some of these programs provide for supportive services to enable participation, for example, assistance with transportation and child care, these supports do not necessarily continue once the participant completes training. In addition, participants often hit “benefits cliffs” where a modest increase in earnings or training stipends can trigger the reduction or loss of supports like SNAP or Medicaid. This creates a disincentive to work more hours or accept pay increases because the additional compensation does not make up for the loss of benefits and other assistance. Some practical solutions to this conundrum can include benefits screening and counseling, short-term transportation assistance such as gas cards and transit passes, child care scholarships aligned with training schedules, and other “bridge” or transitional supports that phase down gradually so that participants are not financially punished for completing training and moving into higher-wage work.

All of this is not to suggest that the problem of occupational segregation, bias against working mothers and caregivers, and outright pay discrimination is too extensive to solve and that nothing will work so why do anything. To the contrary, these problems must be attacked from all directions, and Pennsylvania has an array of options available to help it do so. The Pennsylvania Bar Association supports several proposals for modernizing the PEPL, including(1) extending the statute of limitations to mirror the federal EPA and the Lilly Ledbetter Act; (2) including new prohibitions on old behaviors such as (a) using salary history of job seekers to negotiate lower wages thereby perpetuating gender discrimination and the gender pay gap, and (b) retaliating against employees for discussing compensation; and (3) providing access to the PEPL’s remedies



for all women in Pennsylvania’s workforce, not just those few who are not covered by the federal EPA.<sup>5</sup>

While legal reform will not resolve the deeply entrenched social, economic and institutional drivers that contribute to the inequalities intended to be addressed by modernization of the PEPL, reform and expansion of legal protections for Pennsylvania women will help to level and ultimately elevate the compensation playing field for them as they seek to change jobs, seek their first jobs, or seek legal recourse for pay discrimination. By ensuring that female job seekers are not denied access to legal remedies enjoyed by women in virtually all of the states surrounding Pennsylvania, Pennsylvania can strengthen its workforce and make it more attractive to employers and workers alike.

For all of these reasons, the Pennsylvania Bar Association respectfully requests the General Assembly support comprehensive reform to the Pennsylvania Equal Pay Law to better address the needs of Pennsylvania’s evolving workforce and workplace practices.

Thank you for the opportunity to testify on this important issue; I would be pleased to address any questions you may have.

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<sup>5</sup> Please refer to the May 18, 2026 Testimony of Brenda Harkavy, Esq. on Behalf of the Pennsylvania Bar Association for a more expansive and thorough discussion of the Pennsylvania Bar Association’s position on comprehensive reform of the Pennsylvania Equal Pay Law.