

**CITY OF BETHLEHEM**

**Inter-Office Memorandum**

**SUBJECT:** Proposed Ordinance – Wage Equality  
**TO:** Members of Council  
**FROM:** Bryan G. Callahan, Member of Council  
**DATE:** January 22, 2019

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Attached is a proposed Ordinance to address wage equality in the City.

In Pennsylvania, women are paid 79 cents for every dollar a man makes, according to a United States Census Bureau 2015 report. Women of color are paid even less. African American women are paid only 68 cents to the dollar paid to a man, Latinas are paid only 56 cents to the dollar paid to men, and Asian women are paid 81 cents to the dollar paid to men. I find these statistics unacceptable and have been working for several months on legislation to ensure that everyone is paid fairly and equitably.

Since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities. I will propose as part of this legislation that salary offers by employers doing business in the City of Bethlehem are to be based upon the job responsibilities of the position sought and not based upon the prior wages earned by the applicant, as this practice continues to put women at an economic disadvantage.

I plan to announce the proposed Ordinance at a press conference on Thursday, January 31, 2019 at 4:00PM in Town Hall. I would plan to have this added as a Communication on the February 5, 2019 City Council agenda.

  
Bryan G. Callahan, Member of Council

CC: J. Spirk, Jr., Esq.  
Mayor

BILL NO.

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 145 OF THE CODIFIED ORDINANCES ENTITLED  
BETHLEHEM HUMAN RELATIONS COMMISSION.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Section 145.01, of the Codified Ordinances of the City of Bethlehem, which reads as follows:

**145.01 Purpose and Declaration of Policy.**

A. In order to ensure that all persons, regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and the use of public accommodations, and to have equal access to post-secondary educational institutions, it is necessary that appropriate legislation be enacted.

B. It is hereby declared to be the public policy of City of Bethlehem to foster the employment of all individuals in accordance with their fullest capacities regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, use of guide or support animals and/or mechanical aids, and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals and to safeguard their rights to public accommodation and to secure housing accommodation and commercial property without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids, and to have equal access to post-secondary educational institutions without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.

~~C.~~ Nothing in this chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle or religious view. To the contrary, it is the intention of this chapter that all persons be treated fairly and equally, and it is the express intent of this chapter to guarantee fair and equal treatment under the law to all people of the City of Bethlehem.

~~D.~~ This chapter shall be deemed an exercise of the police power of the City of Bethlehem for the protection of the public welfare, prosperity, health and peace of the City.

Shall be amended to read as follows:

#### 145.01 Purpose and Declaration of Policy.

A. In order to ensure that all persons, regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and the use of public accommodations, and to have equal access to post-secondary educational institutions, it is necessary that appropriate legislation be enacted.

B. It is hereby declared to be the public policy of City of Bethlehem to foster the employment of all individuals in accordance with their fullest capacities regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, veteran status, mental or physical disability, use of guide or support animals and/or mechanical aids, and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals and to safeguard their rights to public accommodation and to secure housing accommodation and commercial property without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids, and to have equal access to post-secondary educational institutions without regard to actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.

#### **C. Findings. The City Council of Bethlehem finds that:**

**1. In Pennsylvania, women are paid 79 cents for every dollar a man makes, according to a United States Census Bureau 2015 report. Women of color are paid even less. African American women are paid only 68 cents to the dollar paid to a man, Latinas are paid only 56 cents to the dollar paid to men, and Asian women are paid 81 cents to the dollar paid to men.**

**2. The gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination, according to the National Committee on Pay Equity.**

**3. In August of 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history.**

**4. Since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services.**

**5. Salary offers should be based upon the job responsibilities of the position sought and not based upon the prior wages earned by the applicant.**

**D.** Nothing in this chapter shall be construed as supporting or advocating any particular doctrine, position, point of view, lifestyle or religious view. To the contrary, it is the intention of this chapter that all persons be treated fairly and equally, and it is the express intent of this chapter to guarantee fair and equal treatment under the law to all people of the City of Bethlehem.

**E.** This chapter shall be deemed an exercise of the police power of the City of Bethlehem for the protection of the public welfare, prosperity, health and peace of the City.

SECTION 2. That Section 145.03, of the Codified Ordinances of the City of Bethlehem, which reads as follows:

145.03 Unlawful Practices.

A. Discrimination in housing, employment, public accommodations or access to educational institutions is prohibited under this chapter.

~~B.~~ Retaliation against any individual because such individual has opposed any practice forbidden by this chapter, or because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this chapter is prohibited under this chapter.

~~C.~~ Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this chapter is prohibited under this chapter.

Shall be amended to read as follows:

145.03 Unlawful Practices.

A. Discrimination in housing, employment, public accommodations or access to educational institutions is prohibited under this chapter.

**B. Prohibition on Inquiries into Wage History.**

**1. It is an unlawful employment practice for an employer, employment agency, or employee or agent thereof:**

- a. **To inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this Chapter.**
- b. **To rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history to the employer, employment agency, employee or agent thereof.**

**2. This subsection (B) shall not apply to any actions taken by an employer, employment agency, or employee or agent thereof, pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of wage history for employment purposes.**

**3. For purposes of this Section 145.03 "to inquire" shall mean to ask a job applicant in writing or otherwise, and "wages" shall mean all earnings of an employee, regardless of whether determined on time, task, piece, commission or other method of calculation and including fringe benefits, wage supplements, or other compensation whether payable by the employer from employer funds or from amounts withheld from the employee's pay by the employer.**

**C.** Retaliation against any individual because such individual has opposed any practice forbidden by this chapter, or because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this chapter is prohibited under this chapter.

**D.** Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this chapter to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this chapter is prohibited under this chapter.

SECTION 3. That all Ordinances and all parts of Ordinances inconsistent herewith be, and the same are, hereby repealed.

Sponsored by \_\_\_\_\_

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PASSED finally in Council on the       day of       ,       .

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President of Council

ATTEST:

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City Clerk

This Ordinance APPROVED this       day of       , 2018

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Mayor

