

How Minnesota Passed a Massive Economic Security Law for Women



by [Erin Matson](#), Editor at Large, RH Reality Check

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The law provides an expansive host of benefits, including requirements that employers provide simple accommodations for pregnant workers. To get a better sense of this law and the strategy that made it win, *RH Reality Check* spoke with Debra Fitzpatrick of the University of Minnesota Humphrey School of Public Affairs. ([Equal pay via Shutterstock](#))

With state legislatures spending an enormous amount of time debating and often passing measures that *restrict* women's rights, it stands out as remarkable when a governor uses his or her pen to sign a piece of legislation that does something *good* for women. But that is just what has happened in Minnesota, where the Women's Economic Security Act ([HF 2536](#)) went into effect [August 1](#).

The law [provides](#) an expansive host of benefits, including requirements that employers provide basic accommodations for pregnant workers, and protections for mothers who need to express breast milk. It raises the minimum wage, and provides a number of protections intended to address the economic consequences of domestic violence, stalking, and sexual assault, including an expansion of unemployment insurance and allowing employees who are victims of violence

to use paid sick time. It [requires](#) private businesses with 40 or more employees seeking state contracts above \$500,000—that’s about [1,000](#) state contractors—to have an “equal pay certificate” verifying that the average compensation for employees in similar positions do not vary by gender. It contains provisions similar to those within the [stalled](#) federal [Paycheck Fairness Act](#), such as not allowing employers to retaliate against employees for discussing their wages. It provides funding to promote increased employment of women in highly paid industries where they are dramatically underrepresented, including construction. (Currently, [6 percent](#) of construction companies in the state are owned by a woman.)

“Nothing else like this is happening in the nation,” Lee Roper-Batker, president of the Women’s Foundation of Minnesota, was [quoted](#) saying in the *Star Tribune*.

To get a better sense of this law and the strategy that made it win, *RH Reality Check* spoke with Debra Fitzpatrick, program director at the Center on Women and Public Policy at the University of Minnesota Humphrey School of Public Affairs, which was a founding member of a broad coalition of women’s organizations and progressive groups working to pass this law. A transcript of that conversation follows.

RH Reality Check: Congratulations! Economic discrimination against women is discussed a great deal, but it’s not often we see such a large package of solutions-oriented legislation enacted. Is there something unique about Minnesota that made the Women’s Economic Security Act happen?

Debra Fitzpatrick: I can’t understate enough that legislative leaders decided that women voters mattered. That’s in twofold ways important. First, women as voters are being seen as a bloc that’s going to be important to winning elections. Second, there was increased recognition that women’s incomes are really important to families and the future of the State of Minnesota. I like to think we have some fairly progressive, thoughtful legislators here.

RHRC: Let’s start by digging into this new law. How do parents and caregivers stand to benefit?

DF: One of the key aspects of this bill is a recognition that in most families everybody is working and everybody is doing caregiving. And while our families have changed, our workplaces haven’t really adapted. This law requires employers to take a hard look at whether their employment practices are prejudiced against parents, which affects fathers as well. Minnesota has among the highest workforce participation rates for women in the country, and it’s grown the most for women with children under the age of 6.

The law increases unpaid leave from six weeks to 12 weeks for men and women. It provides basic accommodations for pregnant women, such as water and food breaks. It adds pregnancy to accepted unpaid leave opportunities for employees who are covered under the Minnesota [Family Leave Act](#). This is important because the federal [Family and Medical Leave Act](#) only applies to businesses with 50 employees; our state law goes down to businesses with 20 employees. A big part of this law is supporting new parents. Nursing mothers must have space to breastfeed and express milk. It provides protections against retaliation for taking advantage of these opportunities under the law. Those are the main things affecting families and caregivers.

RHRC: The legislation also addresses violence against women, which is more often considered in the frames of criminal justice or public health. Why is it important to require employers to provide allowances for victims of domestic violence, sexual assault, and stalking?

DF: We know that violence against women has significant economic consequences for women, including an ability to keep jobs and be productive in spite of violence. The pieces of the act that allow those women who are victims of sexual assault or stalking to access unemployment insurance can keep their families stable. What we've seen is that if women who are victims of domestic violence have no sick leave to deal with these issues, they have to quit their job and that just compounds their problems. If they don't have access to unemployment insurance, it makes it a lot harder for them to escape a perpetrator.

RHRC: The Women's Economic Security Act contains provisions very similar to the federal Paycheck Fairness Act, which would bar employers from firing employees over discussing wages, and creates mechanisms for collecting data. Consistently Republicans have blocked this bill from debate. Yet the overall package passed in Minnesota had bipartisan support. What is the takeaway?

DF: One of the things that Republicans and people from the business lobby argue is that we already have equal pay laws on the books, and so further intervention is unnecessary. One of the things we supporters were able to do was communicate that was good and well, but we have to enforce our equal pay laws, and it's pretty darn hard to do so. In committee we brought up [Lilly Ledbetter](#) and how she was not able to discuss her wages with her counterparts. We had great testimony from people who said they found out from colleagues in the break room that men were making more—even though they had fewer qualifications—but that they had signed something saying they couldn't discuss wages with their co-workers, and that both workers would have been fired if they brought a claim forward.

We ran pay gap data for every legislative district in the state, and pointed out how the legislation would affect women and their families in every district. The pay gap becomes more important when you see how important women's earnings are to families' economic security. I think that's why men and women across the political spectrum are for doing something to address the pay gap.

RHRC: Businesses with more than 40 employees will be required to certify they pay men and women equally for similar jobs if they are seeking state contracts of \$500,000 or more. What would it take to advance this kind of data collection into businesses that don't complete government-sponsored projects?

DF: *[laughs]* That's a great question. For a long time we've all been trying to figure out how to advance this issue into the private sector, and how we add more teeth to our equal pay laws. Free discussion is part of that: Who is getting paid what? Part of it is changing the risk calculation for businesses. Businesses need to move toward a place where there will be consequences.

There's plenty of evidence in Minnesota that when businesses review these practices, they identify problems and fix them on a one-time basis. "Betty is not making as much as George, and

she should get a raise.” They don’t make changes systematically, and the inequities creep back in because inequalities haven’t been addressed. We need to find ways to both reward and punish businesses so they’ll do that.

RHRC: *RH Reality Check* readers in other states might be interested to know how they can replicate this at home. Are their strategies particular to this experience that you would urge advocates in other states follow?

DF: Advocates should link the increasing importance of women’s earnings to families and family stability. Research shows women are more likely to support efforts to improve their own well-being and economic security when those policies are couched in how women’s economic security advances families. For better or worse, we still don’t prioritize women for women’s sake. Further, lawmakers took notice of the importance of women’s earnings to economic vibrancy in the state.

There are a number of organizations nationally working with state-based coalitions to think about the pay gap as a key organizing principle. There is really good data on how Republicans and Democrats, and men and women, are really galvanized by the pay gap as an issue and think it is deeply unfair. Republican men might be the only demographic that does not broadly support government acting to address the pay gap.

It’s thinking broadly about the different things that contribute to the pay gap, not just overt or unconscious discrimination—such as getting women into nontraditional jobs and addressing workforce segregation. Is it that women are caregiving, and the dual demands of caregiving and working are responsible for wage discrepancies? Is it that women are working in fields that are not as valued? Trying a variety of proposals to close the pay gap is a winning approach. The pay gap is very easy for people to grasp.

RHRC: The Democratic-Farmer-Labor Party of Minnesota holds control of the house, the senate, and the governor’s office. Is progress for women really as simple as electing Democrats?

DF: *[laughs]* Well, I think that supporting legislators, both men and women, recognize that these issues are important to voters and to their own-self interest. I don’t think it’s just as simple as that. Republicans eventually came around and in the end we had really powerful votes in the house and in the senate. I have got to believe both political parties saw the polling data. This is a winning political issue at this point in our voting history. I do think it’s important to have leaders, and a lot of times they are Democrats, but we had Republicans too. That makes it more likely to continue the progress when we have bipartisan support.

RHRC: A similar [package](#) of legislation in New York state also includes provisions specific to reproductive health and rights. The Minnesota law does not, although multiple local pro-choice organizations worked to support the bill. Why weren’t reproductive health and rights included?

DF: It was a strategic decision that was informed by conversations with pro-choice organization leaders who recognized that increasing women’s economic security does give women more options to access the full range of reproductive health care. Of course reproductive health has

huge economic consequences. We decided to flip that on its head and say economics has an impact on health-care access. Even though we have a majority of Democrats in both legislatures, we do not have a pro-choice majority in our house. It was a political calculation, no question. The idea was that by advancing women's economic opportunities we were indirectly addressing reproductive health as well. The New York experience [the bill [stalled](#) over conflict on abortion rights provisions] does have a chilling effect on marrying those issues nationally.

RHRC: Is there anything else you would like to share?

DF: The fundamental piece of this in my mind is people being willing to express their interest at the ballot box. Women voters matter, and it's a good time to recognize that and make the most of it.