

How to enforce the proposed wage equality ordinance generates discussion

The Bethlehem Gadfly Wage equality March 2, 2020

 Latest in a series of posts on wage equality 

Wage Equality Memo (1)

Last time we looked at Councilman Callahan's proposed wage equality ordinance and listened to him fill in the rationale and the background for the ordinance.

The basic idea is that this ordinance (which is gaining nationwide acceptance) hopes to free women from the spiraling trap of beginning their work careers at a low salary while they progress in their careers.

Gadfly expects that you will see this proposal as a good idea, one in which Bethlehem would be in step with such legislation occurring and already completed around the country. And certainly no one at the Human Relations Committee meeting last Tuesday (Chair: Councilman Callahan; members: Councilwomen Van Wirt and Negrón; guest: Councilwoman Grace Crampsie Smith) had anything but support for the basic thrust of the proposed ordinance.

But Councilwoman Van Wirt had questions about a specific piece of the proposal, the enforcement piece, as well as suggestions for an addition to it.

Let's listen. <https://youtu.be/mClIM7-Ag3c>

Always essential in Gadville that you go yourself to the primary source, but here is a much selected record of the discussion between Councilpeople Van Wirt and Callahan. Don't depend on another's selection. And tone of voice in the discussion is important too.

Paige Van Wirt:

- I'm fully behind the energy and the idea.
- Without a doubt I appreciate your concern for this matter at hand.

- I do have concerns.
- This is the second time around . . . I was wondering if you could tell us why it didn't pass that time and what efforts you've done to address those problems.

Brian Callahan:

- The Human Relations Commission [HRC] had some issues with how it would be implemented.
- We [BGC and solicitor John Spirk] worked it out that they won't be involved.

PVW:

- Why did you have them involved in the first place? What was their role going to be?

BGC:

- We decided . . . there was a way without getting the City department involved, which they thought would be burdensome
- A compromise was made so that it could go straight to the magistrate.

PVW:

- And how is Philadelphia's ban enforced?

BGC:

- They have a \$2000 fine right now.

PVW:

- But they use a Human Relations Commission.

BGC:

- Our [HRC] didn't want to deal with it.

PVW:

- That's one of my major concerns is a City like Philadelphia that has enormous resources in order to help people . . . They have a commission in place that does all of this leg-work.
- I am concerned that the people in our community do not have that resource.
- I am concerned about the ramifications of this ordinance without a proper methodology for vetting and handling the concerns.

BGC:

- Well, I'm all ears for listening if you have any amendments that you'd like to make.

[Mr. Spirk explained that since there was no City department to handle this, "the only enforcement mechanism left was with the individual . . . who would have to go to the magistrate . . . A private individual could go and file a complaint." What that would result in is a fine, not compensation to the victim.]

PVW:

- When we were in the throes of deciding who would be the next Council president, you called me up and said you'd be willing to vote for Olga if I supported this act, and I told you then and there that I could not support this act as it was written because there were substantive problems with it, and I urged you to contact me, Olga, and Grace because we have over 100 years experience as women who have been in the work force, so that we could work on some solutions that would make this a workable act, and I didn't hear anything from you. And so we're sitting here today without any changes to the same thing I had problems with before. Without you reaching out to the working women on Council and asking how can I make this a more valid, useful, and meaningful ordinance for the women of Bethlehem. I didn't hear it, so it's hard for me to jump in and say let's add an amendment. We've never had a conversation, and, yes, I do have some real ideas about how to make this a more valuable document . . . including rules within a company about employees not allowed to share salary information. I think that's a much more enforceable, more valid, and easier to understand for businesses than this one . . .

While I support the effort behind this, I have grave concerns about how it will roll out in the City and what resources would be available to women who experience violations of this ban. I'm always willing to sit down with you and work on these ordinances.

BGC:

- I welcome any amendments that you'd like to make. I did talk with you about supporting Olga for president, I never heard back from her, but I did hear from you.

PVW:

- I encouraged you to talk with me so that we could work on something that could get passed.

BGC:

- I'm all ears . . . You have to understand that this ordinance is basically the same exact ordinance that has been passed by twelve different states and multiple huge cities.

PVW:

- Right, and we're Bethlehem.

BGC:

- I think what we need to do is not look at this as business people but as City Council people looking out for women of the City.

PVW:

- If we are going to enact this type of ordinance, we've got to get it right . . . It needs collaborating, especially with the women on Council who have had extensive experience here. So I'm willing to sit down out of committee.

BGC:

- Let's talk about it now. And if you have an amendment, we can add it.

PVW:

- This is not the time to add an amendment, I don't have it drafted, I would like to look at other laws . . . Mr. Callahan, the time to do this was before this committee meeting.

BGC:

- Ms. Van Wirt

PVW:

- Dr. Van Wirt

BGC:

- Councilwoman Van Wirt, ok, in here you're a Councilwoman . . . I heard through the grapevine that you weren't in support of this . . . you could have reached out . . . If you care about the ordinance and doing what's right for the City, then this is the time right now to throw out some amendments . . . If you don't want to, take some time . . . and you may vote against it. If you don't like it and Councilwoman Negrón doesn't like it, pass it through to Council with a negative recommendation. That's all you have to do. And then we have time . . . before we have to vote on it. And you are going to have a full month to come up with any different amendments that you would like. I think what you want to do is you want to stall it and table it.

PVW:

- You're assigning motives to me . . . I cannot support this for the reasons I have outlined.

There is some behind-the-scenes politics at play here (horse-trading on the Council presidency), some failed diplomacy (forwarding a proposal about working women without full collaboration of Council's working women), and a procedural conflict over passing the ordinance to Council in (to some) a flawed state or fixing the (to some) flaws in committee and then passing it on to Council.

to be continued . . .