

# Legal Connections



POWERED BY THE COLUMBUS BAR ASSOCIATION

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## A CHANGING PAY EQUITY LANDSCAPE

In recent years, pay equity has been at the forefront of our national conversation about the workplace. Ohio, in particular, has one of the largest gender wage gaps. Women in Central Ohio earn just 78 cents to every dollar earned by a man, with women of color seeing an even greater disparity. This puts Columbus even lower than the national average.

Despite this, women are participating in the workplace at a rate of 63 percent and make up just over half of our population locally.

Both federal and state laws prohibit pay discrimination on the basis of sex. Under the Equal Pay Act, employees must receive equal pay for equal work. To add to the concern of lawsuits, a rise in pay equity laws has created compliance challenges for employers, as each new law and jurisdiction has its own set of rules. Some states have even passed laws that prohibit, or limit, an employer from seeking salary history from



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applicants. The rationale is that low pay can follow employees throughout their careers, resulting in a systemic reduction in their earning power.

To help employers navigate and comply with this growing patchwork quilt of pay equality laws, Fisher Phillips recently launched its own interactive **pay equity map** (<https://www.fisherphillips.com/equity>), a web-based tool that allows employers to explore state- and city-specific pay equity laws by clicking each state on the map.

So, how can employers stay out of the legal fray and help close the pay gap within their own workforce? First, they should stop requesting salary histories from applicants and, instead, ask applicants about salary expectations and provide a salary range for open positions. Next, employers should conduct an audit to identify any existing pay gaps and determine whether corrective action is necessary. In addition, employers

should review their existing pay policies regarding how compensation decisions are made, including any factors that could result in pay disparities. This could involve factors like business mergers, department acquisitions or cost-of-living differences. If experience is a guide, these audits often will yield pay disparities. Of course, many are based on legitimate justifications. For those that defy legitimate explanation, however, a corrective action plan should be developed.

Although it will take time to close the gender wage gap, employers can use these proactive measures to help bring about more objective pay practices and promote equal opportunities for their employees – ultimately, leading a more engaged workforce. ■

*“We are proud to support the advancement of women in the legal profession through our partnership with the Women Lawyers of Franklin County. Join us on May 3 for a more in-depth discussion about Gender Disparity in the Workplace.”*



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**PAY EQUITY:**  
There are seven “protected classes” in the state of Ohio:

- Race • Color
- Religion • Sex
- Age • Ancestry
- National origin

Source: Fisher & Phillips LLP

### CONTINUING LEGAL EDUCATION

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**WANT TO LEARN MORE ABOUT KEEPING YOUR CYBER SAFE? JOIN US FOR OUR 2018 TECH SHOW ON MAY 17: CBALAW.ORG**

## CYBER SECURITY INSURANCE: HOW TO COVER YOUR BUSINESS

With the constant barrage of cyber security breaches hitting the news every day, it should come as no surprise the latest cyber risk studies are projecting that nearly every small business will suffer a cyber security breach at some point. According to the National Cyber Security Alliance, upwards of 60 percent of small- and medium-sized businesses that suffer a cyber security breach will fail within six months of the breach. Businesses that have a cyber security breach often fail because they lack the

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financial resources and expertise to recover.

Cyber risk insurance is designed to equip businesses with financial protection and expert resources to recover from cyber security breaches. Unfortunately, buying cyber risk insurance can be complicated. The coverage, rates and underwriting vary radically from insurer to insurer, which can make procuring the right protection a daunting task. Small businesses evaluating cyber risk insurance should consider the following:

### Evaluating coverage

Cyber risk insurance policies generally include coverage for third-party legal liability and first-party direct losses. Don't try to navigate the coverage nuances yourself. Hire a cyber risk insurance broker and request help evaluating coverage for network security and privacy liability, media liability, data restoration expense, business interruption, extortion and fraudulent funds transfer. And ensure coverage applies to prior acts, outsourced systems, accidental events and rogue employees.

### Selecting Limits

When selecting a limit, use the tools offered by your broker such as peer benchmarking information and cyber security breach calculators.

### Minimum Requirements

Insurers have minimum cyber security standards such as antivirus protection, firewalls, encryption, and backups. Make sure your business meets the minimum security standards before purchasing coverage. ■



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**Upcoming notary seminar at the CBA: May 5 @ 9:00am**

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