

**Testimony of Cary Brown, Executive Director of the Vermont Commission on Women
House Committee on Government Operations
January 29, 2021**

Re: H122, an act relating to boards and commissions

Good morning. My name is Cary Brown, and I am the Executive Director of the Vermont Commission on Women. Thank you for inviting me to speak with you regarding H122 and its proposed changes to the Vermont Commission on Women's authorizing statute.

I'd love to start with a bit of an overview of the Commission for those of you who may not be familiar with our work.

The Vermont Commission on Women is an independent state agency composed of 16 commissioners, appointed by multiple appointing authorities, and drawn from throughout the state from diverse backgrounds. An Advisory Council, representing a range of partnership organizations, provides information and assists the Commission. Staff includes an Executive Director, a Research Policy Analyst who is also a Business Manager, and a Projects & Communications Coordinator.

The overall purpose of the Vermont Commission on Women is to advance rights and opportunities for women and girls in Vermont.

To accomplish our purpose, VCW conducts research and study of issues affecting the status of women in Vermont; advises and consults with the executive and legislative branches of State government on policies affecting the status of women in Vermont; educates and informs business, education, State and local governments, and the general public about the nature and scope of sex discrimination and other matters affecting the status of women in Vermont; serves as a liaison and clearinghouse between government, private interest groups, and the general public concerned with services for women.

Some examples of our work include:

Our **Change the Story partnership**, an initiative formed with the Vermont Women's Fund and Vermont Works for Women to advance women's economic equity, has compiled and reported the most comprehensive data on women's economic well-being in Vermont through five reports of varying focus. It has included in-depth work with employers who are changing their workplaces to increase equity; created "conversation cards" around gender equity and sexual harassment that have been used by groups and individuals throughout the state; and raised awareness of and engagement with gender equity across Vermont.

We created and maintain the **Workplaces For All** website and campaign, to provide detailed and comprehensive information about sexual harassment and workplace discrimination. The website

connects resources across the state and provides employees and employers with extensive information and resources.

Our **Equal Pay Compact** invites employers in Vermont to sign on with a pledge to take action increasing gender equity in their workplaces and communities. Approximately 175 Vermont businesses have signed on.

We publish regular **issue briefs and informational publications** on our website providing information and analysis of topics such as domestic violence in the workplace, the rights of pregnant employees, equal pay and workplace discrimination laws, child marriage, taxation of menstrual supplies, the prohibition on requiring salary history in job applications, the gender wage gap, and conditions for incarcerated women.

We engage in **public education** by addressing issues or publicizing current data through presentations and workshops to groups around Vermont, via media in interviews, articles and commentary, and on our social media channels. Our newsletter, VIEW, serves as a statewide community newsletter and calendar, spreading word of hundreds of events or announcements every year.

We maintain an **information and referral service** for Vermonters. This includes both an on-line resource guide that helps Vermonters help themselves, and individual consultation that helps people find the most appropriate and most local resource to resolve their issue. These interactions help us identify gaps and take action. We often use our handbook, [The Legal Rights of Women in Vermont](#), first published in 1978, to help clients understand their rights and responsibilities.

Most recently, we have focused on compiling and reporting on data and information regarding the **disproportionate impact of the COVID-19 pandemic on women** in Vermont, through publications, presentations, and a regularly updated data dashboard.

One of the notable things about the Vermont Commission on Women is our statutory prohibition against our funds being used for legislative or administrative advocacy. The Vermont Commission on Women is, as far as we can tell, unique in all of State government in having such statutory language. No other commission, agency, department, or board has this expressed prohibition. The effect is to single out the State's body that is devoted to advancing rights and opportunities for women in Vermont, with no clear and compelling benefit derived by the State.

HISTORY and BACKGROUND

The Vermont Commission on Women existed only in Executive Orders from 1964, when it was created by Governor Hoff, to 2002. In 2002, the General Assembly created the authorizing statute to move it permanently into Vermont law. It was at this time that the language about legislative and administrative advocacy was added.

In speaking with people who were present at the time, it appears that the process was less than completely smooth. It was done at the end of the session, moved very quickly, and involved a fair amount of bargaining in the final hours. My understanding is that there was a feeling among many that the Commission, with all members having been appointed by the Governor, was by design overly partisan. To address this, the appointments were divided between the Governor, the Speaker of the

House, and the Senate Committee on Committees. It seems possible that adding the language about advocacy was a further attempt to ward off potential partisanship on the Commission.

VCW'S STATUTE IN CONTEXT OF SIMILAR INDEPENDENT COMMISSIONS

While this portion of our statute is unique, our position as an independent commission within State government is not. The Human Rights Commission and the Ethics Commission are two examples of independent commissions staffed by State employees, like VCW, but who do not have any language regarding advocacy in their authorizing statutes. Both of these commissions, also like VCW, provide critical information, research, perspective, and voices to the legislature and the administration that allows them to be more effective in their work. Again, like VCW, neither of these two bodies answer to the Governor, and are under no obligation to represent the administration's position on policy. Only the Commission on Women has this specific language.

IMPACT ON VCW'S WORK

In our statute, legislative or administrative advocacy is defined very specifically, and very narrowly. It is defined as:

- a) employment of a lobbyist as defined in 2 V.S.A. chapter 11, or
- b) employment, establishment, or maintenance of a lobbyist position whose primary function is to influence legislators or State officials with respect to pending legislation or rules.

We do not employ a lobbyist, and we have no position among our staff whose primary function is to influence legislators or State officials with respect to pending legislation or rules. By these actions (or non-actions) alone, we believe we are fully in compliance with our statutory limitation.

In order to avoid the appearance of noncompliance, we draw even wider boundaries around our activities. Our work is designed to be informative, educational, and advisory in nature. We provide research, data, information, and resources to assist the Executive and Legislative branches in their work. When we provide legislative testimony, its nature is informational.

However, in response to our statute, even more expanded limitations have been placed on us in our contracting processes. We have been restricted from entering into contracts with organizations that do any lobbying, ever, on any issue, even though the lobbying is not done for us. This runs counter to the definitions given in our authorizing statute, and, as far as we know, is not a standard that is applied to others in State government. As one example, the State has had a contract – for services other than lobbying - with the Lake Champlain Regional Chamber of Commerce, which is an organization that has a strong and active lobbying presence. In one instance, after many rounds of back-and-forth negotiations within the State contracting process and receiving more than one “no” response, we were ultimately able to settle on a uniquely crafted provision specifying that no funds from our contract would be used for lobbying purposes. This was for a contract that clearly outlined the work to be done, which included no lobbying.

Thank you for your time. I am happy to answer any questions or to provide any further information that I can.