Women Who Attended President Kennedy's Equal Pay Act Signing Ceremony

Dr. Dorothy Height -- National Council of Negro Women -- lives in Washington, D.C. Business address: 633 Penn. Avenue, N.W. WDC 20004 (202) 737-0120. Dr. Height's office has been contacted and put on notice of a **possible** June 10 White House event. Dr. Height's scheduler, Christine Toney, has **penciled** the event in on her schedule.

deceased

Senator Maurine Neuberger -served as Democrat, Oregon, approximately 81 years old, living in Portland, Oregon . (503) 227-7927 Res: 3000 North West Cornell Rd. Portland. Oregon 97210

deceased

Congresswoman Edna Kelly, Democrat, New York. Lives in Alexandria, Virginia, 91 years old. Res: 1205 Belle Vista Drive. Alexandria, Virginia 22307 (703)768-5716

not well

Congresswoman Martha Griffiths - 86 years old, served as Democrat, Michigan,. (810) 784-8181 Res. Address: 73600 Church Street, P.O. Box 909, Armada, Michigan 48005

Congresswoman Catherine D. May -served as Republican from Washington State, 84 years old, last known to live in Palm Desert, California .(after 2 weeks of investigations, could find no other information).

Dr. Minnie Miles,-- National Federation of Business and Professional Women's Clubs-- according to the NFBPW, she is approimately 85/86 years old, **needs wheelchair**, very lucid, still active, lives at 27 Beech Hills. Tuscaloosa, Alabama.35404 H(205) 553-4463 w(205)348-4767.

Annette Kane 202 682 0334 x 105

~~Miss~~ Margaret Mealey,-- National Council of Catholic Women -- according to the NCCW, she is approximatley 75-80 years old and was in good health at their last convention in October 1997. Miss Mealy now lives at 1483 Wellington Street, Oakland, California. 94602 (510) 530-7719.

Mrs. Mary Chittenden, Legislative Director of the General Federation of Woman's Clubs is living at 1218 Karobee Court. Casselberry, Florida 32708 (407) 699-0425

ALL other congresswomen listed on the 1963 agenda are DECEASED.
Mrs. Joseph (Pearl) Willen, National Council of Jewish Women is Deceased
Miss Mary Anderson, 1st WB Director, Deceased, Mrs. Carolyn Davis, UAW is deceased.

Legislative Ref. Service
Cynthia Miller
226 5205

"Equal Pay" for Women: Its Effect

An important day for employers and women workers: Thursday, June 11—effective date of the law that requires equal pay for women who do the same jobs as men.

Federal agents were getting ready to begin checking payrolls of employers to see whether they were complying. Some employers were making last-minute checks to see for themselves.

When Congress passed the law last year, employers were given until June 11 to make any adjustments required.

Where there is a union contract, the effective date is to be June 11, 1965, or earlier if the contract expires before then.

What to expect. Just what, in practical terms, is the effect of the Equal Pay Act, for employers and for women?

To find out, staff members of "U. S. News & World Report" made spot checks around the U. S. In general, the survey showed this:

1. Many employers used the waiting period to grant pay raises to women who were paid less than men. Others revised jobs or job descriptions so that men and women no longer are assigned to identical tasks.

2. Most employers said they already have been paying men and women the same rates. Union contracts with equal-pay clauses often were cited.

3. Many changes still were to be expected, especially among smaller firms. It will take time to educate the small businessman who may be covered by the law. On the other hand, employers in many instances said there are so many loopholes in regulations that firms which study the rules will be able to get around the equal-pay idea.

Enforcement. Policing of the Equal Pay law is to be handled by inspectors of the Wage-Hour Division of the Department of Labor. Firms covered by the Wage-Hour Act—prescribing minimum wages and the 40-hour week—must comply with the new rule.

Many firms, the survey showed, have taken a good look at their pay practices in the past year. Some changes have been made, to avoid possible violation.

A bank in Detroit, for example, said it discovered some of its women tellers were getting less than men. So, an official said, starting salaries were equalized at $300 a month. Women had been starting at $285.

Another Detroit bank reported it had pegged its starting rate for tellers at

(continued on next page)

CHANGES OF ADDRESS

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crimes that would bar a man from union office.' Jury tampering, however, was not put on the list.

Leading Teamsters said privately that Mr. Hoffa will be replaced by the union's executive board if the conviction and sentence stand.

One of these officials, Charles Bell, president of the Washington, D. C., Teamsters, said so in public. There had been some speculation that, even in prison, Mr. Hoffa might try to hold on to his job.

Mr. Bell was asked whether Mr. Hoffa could run the union from prison. "I know damn well he can't," Mr. Bell replied. Mr. Bell said the union will not consider Mr. Hoffa guilty, however, unless he loses on appeal.

If Hoffa job is open—. There is yet no general agreement on Mr. Hoffa's eventual successor. Several possibilities are being discussed, including: Thomas E. Flynn, Washington, D. C., sixth vice president; John O'Rourke, of New York, fifth vice president; and John T. O'Brien, of Chicago, first vice president.

Unless Mr. Hoffa is ousted by the executive board, his present term runs until 1966. The executive board itself might suspend him, or call a special convention to elect a new president.

If Mr. Hoffa should lose the top union job, history would be repeating itself. Mr. Hoffa in 1952 helped Dave Beck win the union presidency. In 1957, Mr. Beck was under federal indictment for filing a false tax return—he was convicted and sent to prison—and Mr. Hoffa was the fast-rising young Teamster leader. He forced Mr. Beck out of the presidency and took the job for himself. Now the tables appear to be turning on Mr. Hoffa.

On Equal Pay For Women

Employers now can get a line on how the Government will interpret the Equal Pay Act of 1963 when it goes into effect on June 11.

This legislation set forth general rules aimed at forcing employers to pay women the same wages or salaries as men for the same kind of work. Details of the rules were left for the Labor Department to develop.

The official details are due in a few weeks. On March 11 some clues were offered by the man in charge of administering the law, Clarence T. Lundquist. Mr. Lundquist made these points:

Some 27.5 million men and women

(continued on next page)

[continued from preceding page]

. . . Equal-pay law applies if jobs are essentially alike

now covered by the Wage-Hour Act's minimum-wage regulations will be covered by the equal-pay rules.

If men and women in the same shop are "performing equal work on jobs essentially alike," they are to be paid the same wages or salaries.

But the law applies only where the jobs held by men and women require "equal skill, effort and responsibility" and where the jobs are performed under similar conditions.

Thus, men can draw more pay than women if only men are employed in one job classification and only women in a dissimilar classification.

Same title: different pay. Jobs bearing the same titles do not necessarily require the same pay. Thus, men and women may be hired as "retail clerks," but the men sell electrical appliances

. . . Added pay is legal for man with extra responsibility

and the women infants' clothing. The jobs may not require equal pay.

A man and a woman may spend two thirds of his or her work time doing the same job. Their other duties may be different. So may their pay.

Men and women on the same assembly line can be paid different rates if the man has to lift the completed product off the line.

Or a man might be paid more because on occasions he has to assume extra responsibility.

Male clerks who decide when personal checks may be cashed also may be paid more than women clerks who otherwise do the same work. This situation also could be reversed if it is the woman employe who makes the decision.

Differences in pay between men and women can exist, too, when based on a seniority system, a merit system, piecework plan or some factor other than sex.

Trends in Labor

► **Voting "no union."** A U. S. court of appeals upheld a lower-court ruling that workers must be given a chance to register a "no union" vote in bargaining elections on railroads and airlines. Nonunion employes of United Air Lines thus won another round of their court battle to force the National Mediation Board to include the "no union" line on ballots cast under the Railway Labor Act. Ballots in other industries permit a "no union" vote.

► **Strike over automation.** Union objections to setting type through use of perforated tape and computer resulted in a strike of the Typographical Union at a book-printing plant in Binghamton, N. Y.

► **Unions in South.** Figures show that labor unions have a harder time winning bargaining elections in Southern States. A survey by the National Labor Relations Board showed unions lose about 5 per cent more elections in the South than in other sections.

► **Kaiser plan.** Employes of Kaiser Steel Corporation received in January the smallest savings bonus since their sharing plan began in March, 1963. The average worker under the plan got $35 for the month, compared with $49 in December. The latest payment amounted to 20 cents an hour for time worked under the plan.

► **Arbitration.** The U. S. Supreme Court ruled that a union did not surrender its right to arbitration of grievances because of an alleged strike violating a no-strike agreement. The union denied that a strike occurred. The Iowa Supreme Court had ruled that a strike resulted in loss of arbitration rights.

► **"Free speech."** An employer's speech to his workers was held to interfere with a bargaining-rights election. A U. S. court of appeals upheld the NLRB's decision that the speech violated the "free speech" section of the Taft-Hartley Act by instilling fear that jobs would be lost if a union won.

► **Strikes in January.** The Labor Department reported there were 370 strikes in January resulting in loss of 1,010,000 man-days of work. The December score was slightly lower. Strike idleness, however, was less than half that of January, 1963.

. . . Not too many pay raises expected from Equal Pay Act

the women's rate. A man taking the job now starts at the women's pay scale.

In other cases, employers sometimes arranged to assign only women to certain departments, so that there can be no comparison with men's rates.

Another type of change: Descriptions of jobs were revised to assign different duties to men and women. If the duty is different, the rate of pay can vary.

The survey showed, however, that most larger companies felt they were in compliance before the law was enacted.

Automobile manufacturers said their union contracts require equal pay for women. The companies said equal-pay rules of management long had been in effect for nonunion clerical workers.

Job descriptions eyed. An official of the Wage-Hour Division remarked: "It's making employers more conscious of job descriptions. We are encouraging them to keep written descriptions to back up pay rates."

In San Francisco, a spokesman for retail stores reported the new law "will have no impact at all on us," because contracts specify pay on a job basis, without regard to sex.

A spokesman for employers in New York predicted the new rules will not have much effect on employment conditions there. He pointed out that New York already has a similar law.

More doubt as to the future effects, however, were voiced by a West Coast electronics-firm official. He said:

"What this law means depends on how Government interprets 'equal.' If they enforce it to the nth degree, many employers will reword job descriptions to avoid this. We are waiting to see how it will be enforced."

Many exceptions are provided in the law, various employer spokesmen pointed out. Most of them felt that not too many pay raises will be forthcoming because of the new rules.

Trends in Labor

▶ **Libel suits barred.** The New Jersey Supreme Court held that employers and unions cannot sue each other for libel in connection with statements made in labor disputes. The court said that federal labor law applies in such disputes and guarantees a "free flow of information."

▶ **Rail-wage demand.** A pay increase of 50 cents an hour and five-week vacations for men with 20 years' seniority will be sought by the Railroad Trainmen's Union in negotiations with the nation's railroads.

▶ **Cost-savings plan.** The monthly bonus for hourly-paid workers under Kaiser Steel Corporation's cost-savings plan dropped to an average of 9 cents an hour in April, lowest since the plan went into effect early last year. Highest rate so far: 66 cents an hour.

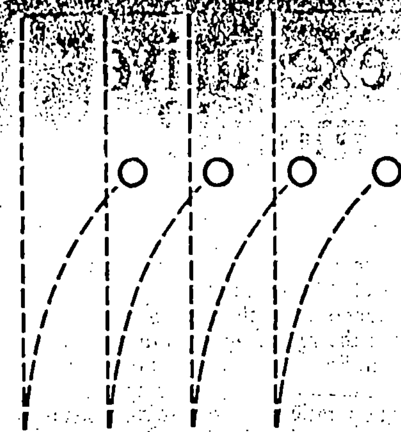
▶ **Union election.** William Pollock was re-elected president of the Textile Workers Union of America. He also swept in his slate for executive-board posts, defeating an opposition group that controlled the board.

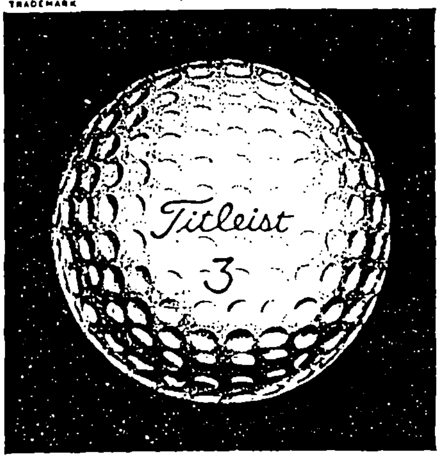
▶ **Work force cut.** The work force will be cut by almost 50 per cent at a packing plant of Armour & Company at Kansas City, the management said. Slaughter operations are to be moved to a newly purchased plant. About 720 employes will be offered transfers to Armour plants in other cities.

▶ **Subcontracting.** A U. S. court of appeals upheld a lower-court ruling that General Electric must submit to arbitration a union grievance case over subcontracting plant-expansion work to an outside firm.

▶ **Hall of honor.** The U. S. Labor Department established a hall of honor to pay tribute to employers and unions with long records of industrial peace. The first plaque honored Hart, Schaffner & Marx, clothing firm, and the Amalgamated Clothing Workers Union for 50 years without a strike.

▶ **Plumbers' strike.** Industrial plumbers earning up to $4 an hour went on strike for higher pay in northern Michigan.





Working women, such as this auto worker, form one-third of the labor force

LABOR

Fairer wages for the fair sex

An extension of the Fair Labor Standards Act makes it illegal to pay women less than men for equal work. But 'equality' may prove difficult to define

Starting next week, "vive la différence" no longer applies—so far as federal wage regulations are concerned. Henceforth, if women and men hold down equal jobs, they must be paid the same wages.

That's the word that has been going out to some 1.1-million employers who come under new federal rules that bar wage discrimination because of sex among their 24-million employees. Approximately 7.5-million women will be covered.

Necessity. An equal pay law had been considered by Congress off and on for 20 years. It was finally passed last June, the Labor Dept. says, "as part of our fundamental wage philosophy to set wage rates in accordance with the requirements of the job itself." The department noted that women now constitute one-third of the labor force.

The new provision applies only to employers already covered by the Fair Labor Standards Act, though it's also expected to push wages higher in industries not covered by the Act. Certainly, this has been true in the past for the Act's minimum wage and overtime rules—and Congress keeps adding to the list of industries it covers.

Fair warning. In preparing for the new law, the Labor Dept.'s Wages & Hours Div. has used the one-year "grace period" to warn employers what was coming—and to give them 12 months to get their pay practices into line. Once the law becomes effective, any further changes to escape its provisions are forbidden.

Violators will be ferreted out by the division's team of 950 investigators, the same team that oversees the basic minimum wage and overtime provisions. In 1963 alone, the division handled 54,000 investigations, including 20,000 complaints filed by employees. It is authorized to make regular, on-site payroll checks.

The same system will be used to enforce the equal pay rules. However, because the law contains some qualifying conditions on what constitutes equal work, and because of the difficulty of defining job conditions, enforcement is certain to create headaches for both employers and the Wages & Hours Div.

Case by case. For instance, the law specifically excepts seniority and merit system pay practices, and systems where pay is adjusted to the output of work. However, even in these cases, sex must not be a factor.

In general, job classifications are less important than actual work performed. For instance, employees selling electrical appliances and those selling infants' wear might be considered to have substantially different jobs—and therefore receive different pay—while clerks selling men's wear and those selling infants' wear might be considered equal.

In further breakdowns, Wage-Hour enforcers must somehow determine equal skill (experience, training, education, and ability), equal effort (which could include extra physical effort on the part of male employees), and equal responsibility. The basis for an acceptable pay differential on grounds of responsibility could be that the higher-paid employee is authorized to accept personal checks. Paying higher wages because he turns out the lights at the end of a business day would be unacceptable.

Friendly persuasion. Wage-Hour Administrator Clarence T. Lundquist emphasizes that his division will seek voluntary compliance.

He adds, however, that employers who attempt to comply with the law, once it becomes effective, by trimming some wages to make them equal with others will be considered in violation; wages are to be equalized up, not down. Violators may be sued for back pay by the Secretary of Labor, either on his own or at the request of an employee. The employee also may sue on his own for back pay, plus an equal sum in damages. **End**

3 min 2

UP - 3 - 2
PR 4
POTUS - 2

FIRST LADY HILLARY RODHAM CLINTON
EQUAL PAY EVENT
THE WHITE HOUSE
JUNE 10, 1998

It's a pleasure to welcome all of you to the White House -- particularly for an event that speaks so directly to the concerns of women aross our country, and at every level of our society. This year, as many of you know, is the 150th anniversary of the women's rights movement -- which was sparked when a group of courageous and patriotic women in Senecca Falls declared: "We hold these truths to be self evident: that all men and women are created equal."

Much of America's history is the story of that ongoing struggle for equal justice and opportunity. Since Elizabeth Cady Stanton, Susan B. Anthony and so many others made that brave statement a century and a half ago, each generation has produced its own visionary leaders; each generation has experienced ~~both~~ the disappointment of failure and the exhilaration of progress; and each generation has worked together to move this nation forward -- by lifting up the lives of its citizens.

Today, we come together to commemorate one of those milestones in women's --- and America's -- history: the 1963 signing of the Equal Pay Act by President John F. Kennedy, which outlawed wage discrimination on the basis of sex. At the time, women ~~were entering the workforce in record numbers -- yet too often, they~~ faced limited opportunities -- and dramatically lower salaries than their male counterparts. We're here to celebrate President Kennedy's historic step toward equal opportunity for women -- and to recognize talk about ~~some of~~ the progress that women have made in the workplace since that time. But we'~~re also here to~~ underscore ~~that~~ how much still remains to be done to fulfill that promise made 35 years ago today.

In a photograph of that ceremony -- that we have reproduced for this event -- we see standing beside President Kennedy some of the great women leaders of that generation -- who had dedicated their lives to fighting for fuller rights -- and better conditions -- for women and minorities. One of the women present at that ceremony was Dorothy Height -- who was president of the National Council of Negro Women, and a key figure in the civil rights movement at that time. And we are very pleased and honored to have here with us today.

I want to recognize Dorothy -- not only for being such a powerful advocate on behalf of women and minorities so many years ago -- but even more for her tireless work since then to improve the lives of women and families -- particularly those in the African American community. Without the drive and persistence of women like Dorothy Height -- and so many working women over the years who have struggled for better conditions and higher wages and more respect -- we would not be standing here today. We owe them all an extraordinary debt of graditude.

Twenty five years ago, when I entered the workforce, I found far greater opportunities than my mother and the women of her generation, and my daughter and her generation will have

Yolanda?

even greater choices.. Today, women in every sector of our society are making important strides -- taking great pride and satisfaction at being breadwinners for their families, and a growing part of the American workforce.

Yet as I meet with working women across the country, I also hear the voices of frustration and worry and anxiety. I hear about the difficulties they're having of balancing the demands of work and families; about how hard it is to find decent child care they can trust and afford; about the discrimination women feel at the workplace, and the sense that their work is not valued. And what I have learned -- and what has been confirmed in a recent study by the AFL-CIO -- is that equal pay is at the top of the working woman's agenda. And it's a concern that cuts across every income level, every generation, every race, and every region of the country.

America's working women want the same things all of us want. They want respect. They want equal pay. They want to be good mothers and good workers. And they have told us -- in no uncertain terms -- that they want to close the gap in wage discrimination -- which falls so heavily on women of color, and older women.

Equal pay is a matter of fundamental fairness. It's at the heart of the American dream. And today, we stand united in our commitment to redeem that promise for America's working women. But this is not just a woman's issue. This is very much a family issue as well. If we end pay discrimination against women, their family incomes will rise; and working parents would have more to spend on daily grocery shopping; or education for their children; or greater savings for their retirement years. Equal pay could also mean that working parents could spend a little extra time with their families -- instead of taking on another part time job to help make ends meet. And we know how invaluable that time spent together can be for a family.

Ensuring every citizens has the tools and the opportunity to live up to his or her fullest potential is this nation's greatest challenge. Particularly in today's world, we can't afford to leave anyone behind. And as we have done so many times at critical moments in our nation's history -- we can -- and must -- meet this challenge together.

And now, I would like to introduce --- who has done so much to bring us together ....

Rep. ~~Congressman~~ Eleanor Holmes Norton.

4-cosponsors
(1) AFL-CIO + nat'l ~~task~~ Campaign for Pay Equity

(2) National Committee on Pay Equity as well.
(3) ~~members~~ of ~~Congress~~
(3) congressional leadership

for their part in coalition to advance ~~equal~~ pay issues campaign

HRC

You Can Win!

In 1997, Home Depot and Publix Supermarkets each agreed to pay more than $80 million to settle major lawsuits charging them with sex discrimination against thousands of working women. The lawsuits alleged that, among other things, the companies had assigned women to lower paying jobs, refused to give them raises, denied them promotions and treated men better in other ways as well.

On a smaller scale, in November 1997 a jury ordered Oregon State University to give back pay and other monetary damages to a woman who was fired from coaching the women's softball team there and replaced by a man in 1993. The jury found that throughout the coach's tenure the university paid her less than male coaches, discriminated against the women's athletic program and retaliated against the woman coach because she challenged discriminatory practices.

What Else Can You Do?

- **Support efforts to bring "pay equity" to your workplace.** "Pay equity" means paying equal wages for jobs of equal value to a company. You and your co-workers (or your union) can encourage your employer to implement a pay equity policy, including a job evaluation system that reviews and compares the education, skills and experience needed to perform different jobs. Your employer then may adjust pay rates so that jobs of equal value to the company are paid equally—regardless of who holds them. In addition, your union can include pay equity among its bargaining demands. Unions have won hundreds of millions of dollars for women and men by bargaining for pay equity.
- **Support new federal and state laws designed to strengthen protections against pay discrimination and bring pay equity to the workplace.** Organize your friends and co-workers to urge your U.S. senators and House members to vote for the Fair Pay Act or other proposals that may be introduced in Congress to require employers to end pay discrimination against women. And push your state legislature to enact similar pay equity protections.
- **If you work for a state or city government**, find out whether efforts have been made to end pay bias against public employees. Many have. As of 1996, 45 state governments had taken some type of pay equity action, ranging from simple studies to actual pay adjustments. If your state or city hasn't taken action to end pay bias against its own employees, tell your state and local officials that you want your tax dollars to go to equal pay for working women!

Join the Working Women Working Together Network to get useful information and the opportunity to make a difference. Call 1-888-971-9797.

For more information about pay discrimination and how to end it, contact the Coalition of Labor Union Women, 202-785-7200; the National Committee on Pay Equity, 202-331-7343; the National Employment Lawyers Association, 415-227-4655; the National Employment Law Project, 212-285-3025; the Women's Legal Defense Fund, 202-986-2600; the U.S. Department of Labor's Fair Pay Clearinghouse, 1-800-347-3741; or the 9to5 Job Problems Hotline, 1-800-522-0925.

It's Time for Working Women to Earn Equal Pay

Fact Sheet

Equal pay has been the law since 1963. But today, 35 years later, women *still* are paid less than men—even when we do similar work and have similar education, skills and experience. In 1966, women were paid 74 cents for every dollar men received. That's $26 less to spend on groceries, housing, child care and other expenses for every $100 worth of work we do.

Because we're paid less now, we have less to spend on our families and less to save for our futures. And when we retire we'll earn smaller pensions than men. In 1994, women's private-pension benefits were less than half those of men—just $3,000 a year, compared with $7,800.

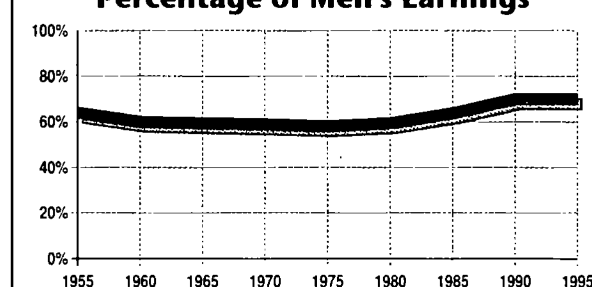
Sure, we've made progress. But not nearly enough and not fast enough. In the 35 years since the Equal Pay Act passed, the pay gap between men and women has narrowed by less than half, from 41 cents per dollar to 26 cents. And research by the Institute for Women's Policy Research (IWPR) finds that most of the recent change is because men's real wages have been falling—not because women's have risen.

Equal Pay Is an Issue for *All* Working Women

Over the past few decades, laws barring discrimination in education and employment have helped give working women opportunities our mothers never had. Today, women work in many different fields, each requiring different skills and experience and paying different wages. But opening doors for working women has not closed the door on pay discrimination. Equal pay is a problem for *all* working women—

- For women *lawyers*, whose median weekly earnings are nearly $300 less than those of male attorneys, and for women *secretaries*, who receive about $100 a week less than male clericals;
- For women *doctors*, whose median earnings are more than $500 less each week than men's, and for the 95 percent of *nurses* who are women but who earn $30 less each week than the 5 percent of nurses who are men;
- For women *professors*, whose median pay is $170 less each week than men's, and for women *elementary school teachers*, who receive $70 less a week than men;

Women's Earnings as a Percentage of Men's Earnings



Source: Institute for Women's Policy Research. *The Wage Gap: Women's and Men's Earnings.* Note: Women's earnings as a percentage of men's earnings are based on the median annual earnings of full-time, year round workers.

One of a series of Fact Sheets produced by the AFL-CIO Working Women's Department, 815 16th St., N.W., Washington, D.C. 20006, 202-637-5064, e-mail at 104525.2207@compuserve.com or on the web at www.aflcio.org\women

• For women *food service supervisors*, who are paid about $60 less each week than men in the same job, and for *waitresses*, whose weekly earnings are $50 less than waiters'.

It's an Issue for Children and Families—and for Men, Too

Equal pay is not just a working women's issue—it's a family issue. If we ended pay discrimination against women, family incomes would rise. Working parents would have more to spend on household needs and more to save for their children's education or their own retirement security. Working parents might be able to spend less time at work and more time with their families—a change that many families would welcome.

Ending pay discrimination would help men, too. When an employer ends discrimination by raising pay for jobs traditionally done by women (nursing, for example), men in those jobs get raises as well. If we had equal pay for work of equal value, the IWPR estimates, women's pay would be 13 percent higher and men's pay would go up 1 percent. The law bars employers from lowering men's pay to correct discrimination against women.

Women Get Paid Less Because Employers Still Discriminate in Several Ways

Jobs usually held by women pay less than jobs traditionally held by men—even if they require the same education, skills and responsibilities. For example, stock and inventory clerks, who are mostly men, earn about $470 a week. General office clerks, on the other hand, are mostly women and they earn only $361 a week.

Women don't have equal job opportunities. A newly hired woman may get a lower-paying assignment than a man starting work at the same time for the same employer. That first job starts her career path and can lead to a lifetime of lower pay.

Women don't have an equal chance at promotions, training and apprenticeships. Because all these opportunities affect pay, women don't move up the earnings ladder as men do.

But Discrimination Is Against the Law

An employer who pays women less than men or denies them job opportunities just because they are women is guilty of sex discrimination. Two federal laws, an executive order and some state and local laws prohibit pay discrimination against women.

- **The Equal Pay Act:** Under the Equal Pay Act, which covers most workplaces, it is unlawful to pay women less than men for work that is "substantially equal"—that is, almost identical—unless the pay difference is based on seniority, experience or other legitimate factors.
- **Title VII:** Title VII of the Civil Rights Act of 1964, which covers employers with 15 or more workers, prohibits a range of discrimination, including paying women less than men—even when their jobs are different—if the reason for the pay difference is gender. Title VII also bars discrimination against women in hiring, promotion, training, discipline and other job aspects, and makes sexual harassment against women workers illegal.
- **Executive Order 11246:** A third measure, Executive Order 11246, is a long-standing presidential directive (which has the effect of law) that applies the protections of the Equal Pay Act and Title VII to companies that receive federal contracts.
- **State and Local Laws:** Many states and communities have their own fair employment laws and agencies that enforce equal pay protections and other prohibitions against sex discrimination on the job. These laws are similar to—and sometimes stronger than—federal laws.

How Do We Fix Pay Discrimination?

The laws that bar pay discrimination include "remedies." Proving discrimination can be hard and can take a long time. But women who win often get back pay, new job opportunities and repayment of lawyer fees and other money they spent to have their rights enforced.

What Can You Do if You Believe Your Rights Have Been Violated?

You can:

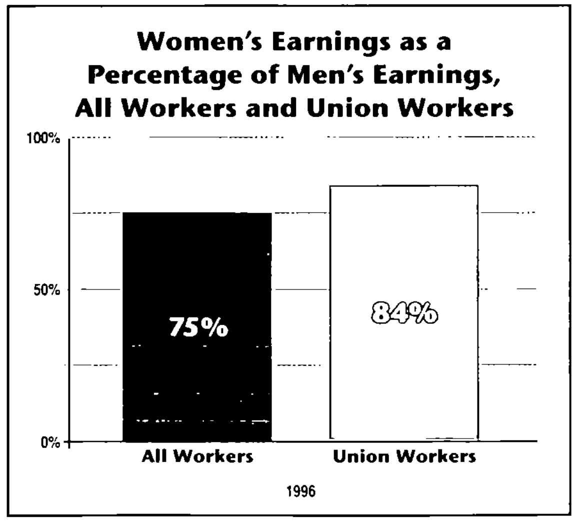
- **File a discrimination charge with a federal or state anti-discrimination agency.** The federal Equal Employment Opportunity Commission (EEOC) enforces the Equal Pay Act and Title VII, as well as several other laws barring discrimination.

  If you believe you have been denied a job, paid less, passed over for promotions or discriminated against in other ways because you're a woman, you can file a complaint with the EEOC office in your area. Generally, you must file your complaint within 180 days of the discriminatory action. **You don't need a lawyer;** the EEOC will help you prepare the case and advise you of additional rights you may have or steps you should take (including any requirements for filing complaints with state agencies).

  To be connected with the EEOC office in your area, call 1-800-669-4000. The EEOC also can give you information about state or local fair employment agencies in your area.

  The federal Office of Federal Contract Compliance Programs (OFCCP), part of the U.S. Department of Labor, enforces Executive Order 11246. For information about filing a complaint with OFCCP, call 1-888-376-3227.

- **If you belong to a union, talk to your shop steward.** The steward can give you advice about your rights and help you file a grievance under the collective bargaining agreement. The steward may also be able to help you file a complaint with the EEOC office in your area.



Source: Bureau of Labor Statistics. *Union Membership in 1996*. Note: Women's earnings as a percentage of men's earnings are based on the median weekly earnings of full-time workers.

- **If you don't belong to a union, join one.** When workers organize into a union, they have a representative who bargains with the employer on their behalf over wages, hours and other terms and conditions of employment. The union has a unique ability to look at the wage rates for all the workers and determine if the company is paying women less than men.

  Unionization really works! It narrows the wage gap by more than one-third: In 1996, union women earned 84 cents for every dollar earned by union men, compared with 74 cents for women workers overall.

  And unions usually bring about higher pay. Unionized women earn 38 percent more than women who aren't in unions.

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EQUAL PAY ACT

Overview

The Equal Pay Act of 1963 bars payment to an employee of one sex at a different rate than payment to an employee of the other sex for equal work. The "equal work" assessment is performed for jobs requiring equal skills, effort and responsibility under similar working conditions.

Coverage

Private Employers. Since the Equal pay Act is an amendment to the Fair Labor Standards Act, the same complicated coverage factors apply. Generally, an enterprise that has two (2) or more employees engaged in interstate commerce, or in the production of goods for interstate commerce, or in handling or otherwise working on goods or materials that have moved in or were produced for interstate commerce, is covered with respect to all employees. This includes employees who do not handle interstate goods and employees subject to white-collar exemptions.

Two tests are relevant in determining coverage under the Equal Pay Act. The "nature of the employee's work" test provides for coverage when employees are engaged directly in commerce or in the production of goods for commerce. The "nature of the employer's work" test is used to ascertain enterprise coverage based on the dollar volume of the employer's business.

Several exemptions exist under the Act. Included are exemptions for businesses involved in agriculture, agricultural processing, and fishing and shrimping operations.

Public Employers. The 1974 amendments to the FLA provided for coverage of federal, state, and local employers. In light of the Supreme Court's recent holding in Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), there seems to be little doubt as to the enforceability of these amendments.

Others. The Act also applies to labor organizations that "cause or attempt to cause an employer to discriminate against an employee in violation of [the Act]."

How the Law Works

Establishment Tests. The Equal Pay Act applies only to jobs in the same establishment that involve equal work. Determining whether jobs being compared for Equal Pay Act purposes are in the same establishment is not just a question of whether the jobs happen to be in the same physical facility. The EEOC, which enforces the Act, enacted interpretive regulations in 1986 that defined "establishment" under the Equal Pay Act. According to the EEOC definition, an establishment is a distinct physical place of business or "enterprise" which may include several separate places of physical portions of a business may be created as one establishment. In making this determination, the EEOC would consider such factors as: the degree of central administrative control of hiring, setting wages, and assigning locations; the interchange of employees between work locations; the identity of daily duties; and similar working conditions. Conversely, in some instances two or more portions of a single physical place of business may be considered more than one "establishment" if the portions are physically segregated, engaged in functionally separate operations, have separate employees, and maintain separate records.

What is Equal

Equal Skill. This factor concerns the skills the jobs require and the skills the incumbent employees possess. Differences in skills between employees might explain pay differentials on the basis of merit or some factor other than sex, but they do not relate to whether the jobs are equal. Thus, employers should look to whether the jobs are equal. Thus, employers should look at what the jobs being compared require in terms of experience, training, education and ability.

Equal Effort. This factor deals with the physical or mental effort required by the jobs being compared. To justify a pay differential, any additional effort under one job must be regular and significant and must have an economic value to the employer commensurate with the pay differential.

Equal Responsibility. This factor concerns the degree of accountability required in the performance of the jobs. In this regard, employers should look at such things as the number of employees or assets for which the incumbents are responsible or the relative importance of the jobs in the employer's overall operations.

Similar Working Conditions. In assessing whether jobs are performed under similar working conditions, the physical surroundings and hazards encountered in the jobs are taken into consideration. This assessment does not take into account such matters as shift differentials (although such differentials could be viewed as based on a factor other than sex).

The U.S. Equal Employment Opportunity Commission

The Equal Pay Act of 1963

EDITOR'S NOTE: The following is the text of the Equal Pay Act of 1963 (Pub. L. 88-38) (EPA), as amended, as it appears in volume 29 of the United States Code, at section 206(d). The EPA, which is part of the Fair Labor Standards Act of 1938, as amended (FLSA), and which is administered and enforced by the EEOC, prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar working conditions. Cross references to the EPA as enacted appear in italics following the section heading. Additional provisions of the Equal Pay Act of 1963, as amended, are included as they appear in volume 29 of the United States Code.

MINIMUM WAGE

SEC. 206. *[Section 6]*

(d) (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this chapter.

(4) As used in this subsection, the term ``labor organization'' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

ADDITIONAL PROVISIONS OF EQUAL PAY ACT OF 1963

An Act

To prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Pay Act of 1963."

***

DECLARATION OF PURPOSE

Not Reprinted in U.S. Code *[Section 2]*

(a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex-

(1) depresses wages and living standards for employees necessary for their health and efficiency;

(2) prevents the maximum utilization of the available labor resources;

(3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(4) burdens commerce and the free flow of goods in commerce; and

(5) constitutes an unfair method of competition.

(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries.

[Section 3 of the Equal Pay Act of 1963 amends section 6 of the Fair Labor Standards Act by adding a new subsection (d). The amendment is incorporated in the revised text of the Fair Labor Standards Act.]

EFFECTIVE DATE

Not Reprinted in U.S. Code *[Section 4]*

The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: Provided, That in case of employees covered by a bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall first occur.

Approved June 10, 1963, 12 m.

[In the following excerpts from the Fair Labor Standards Act of 1938, as amended, authority given to the Secretary of Labor is exercised by the Equal Employment Opportunity Commission for purposes of enforcing the Equal Pay Act of 1963.]

ATTENDANCE OF WITNESSES

SEC. 209 *[Section 9]*

For the purpose of any hearing or investigation provided for in this

For the purpose of any hearing or investigation provided for in this chapter, the provisions of sections 49 and 50 of title 15 *[sections 9 and 10]* (relating to the attendance of witnesses and the production of books, papers, and documents), of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C., 1934 edition, title 15, secs. 49 and 50), are made applicable to the jurisdiction, powers, and duties of the Administrator, the Secretary of Labor, and the industry committees.

INVESTIGATIONS, INSPECTIONS, RECORDS, AND HOMEWORK REGULATIONS

SEC. 211 *[Section 11]*

(a) The Administrator or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this chapter, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this chapter, or which may aid in the enforcement of the provisions of this chapter. Except as provided in section 212 *[section 12]* of this title and in subsection (b) of this section, the Administrator shall utilize the bureaus and divisions of the Department of Labor for all the investigations and inspections necessary under this section. Except as provided in section 212 *[section 12]*, the Administrator shall bring all actions under section 217 *[section 17]* of this title to restrain violations of this chapter.

(b) With the consent and cooperation of State agencies charged with the administration of State labor laws, the Administrator and the Secretary of Labor may, for the purpose of carrying out their respective functions and duties under this chapter, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

(c) Every employer subject to any provision of this chapter or of any order issued under this chapter shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this chapter or the regulations or orders thereunder. The employer of an employee who performs substitute work described in section 207(p)(3) *[section 7(p)(3)]* of this title may not be required under this subsection to keep a record of the hours of the substitute work.

(d) The Administrator is authorized to make such regulations and orders regulating, restricting, or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this chapter, and all existing regulations or orders of the Administrator relating to industrial homework are continued in full force and effect.

EXEMPTIONS

SEC. 213 *[Section 13]*

(a) The provisions of sections 206 *[section 6]* (except subsection (d) in the case of paragraph (1) of this subsection) and section 207 *[section 7]* shall not apply with respect to-

(1) any employee employed in a bona fide executive, administrative,

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of subchapter II of chapter 5 of title 5 *[the Administrative Procedure Act]*, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or

(2) *** (Repealed)

[Note: Section 13(a)(2) (relating to employees employed by a retail or service establishment) was repealed by Pub. L. 101-157, section 3(c)(1), November 17, 1989.]

(3) any employee employed by an establishment which is an amusement or recreational establishment, organized camp, or religious or non-profit educational conference center, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year, except that the exemption from sections 206 and 207 *[sections 6 and 7]* of this title provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 206 *[section 6]*, a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture; or

(4) *** (Repealed)

[Note: Section 13(a)(4) (relating to employees employed by an establishment which qualified as an exempt retail establishment) was repealed by Pub. L. 101-157, Section 3(c)(1), November 17, 1989.]

(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days or agricultural labor, (B) if such employee is the parent, spouse, child, or other member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate

customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over age sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or

(7) any employee to the extent that such employee is exempted by regulations, order, or certificate of the Secretary issued under section 214 *[section 14]* of this title; or

(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where published or counties contiguous thereto; or

(9) *** (Repealed)

[Note: Section 13(a)(9) (relating to motion picture theater employees) was repealed by section 23 of the Fair Labor Standards Amendments of 1974. The 1974 amendments created an exemption for such employees from the overtime provisions only in section 13(b)27.]

(10) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or

(11) *** (Repealed)

[Note: Section 13(a)(11) (relating to telegraph agency employees) was repealed by section 10 of the Fair Labor Standards Amendments of 1974. The 1974 amendments created an exemption from the overtime provisions only in section 13(b)(23), which was repealed effective May 1, 1976.]

(12) any employee employed as a seaman on a vessel other than an American vessel; or

(13) *** (Repealed)

[Note: Section 13(a)(13) (relating to small logging crews) was repealed by section 23 of the Fair Labor Standards Amendments of 1974. The 1974 amendments created an exemption for such employees from the overtime provisions only in section 13(b)(28)]

(14) *** (Repealed)

[Note: Section 13(a)(14) (relating to employees employed in growing and harvesting of shade grown tobacco) was repealed by section 9 of the Fair Labor Standards Amendments of 1974. The 1974 amendments created an exemption for certain tobacco producing employees from the overtime provisions only in section 13(b)(22). The section 13(b)(22) exemption was repealed, effective January 1, 1978, by section 5 of the Fair Labor Standards Amendments of 1977.]

(15) any employee employed on a casual basis in domestic service employment to provide babysitting services or any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary).

***

(g) The exemption from section 206 *[section 6]* of this title provided by paragraph (6) of subsection (a) of this section shall not provided by paragraph (6) of subsection (a) of this section shall not apply with respect to any employee employed by an establishment (1) which controls, is controlled by, or is under common control with, another establishment the activities of which are not related for a common business purpose to, but materially support the activities of the establishment employing such employee; and (2) whose annual gross volume of sales made or business done, when combined with the annual gross volume of sales made or business done by each establishment which controls, is controlled by, or is under common control with, the establishment employing such employee, exceeds $10,000,000 (exclusive of excise taxes at the retail level which are separately stated).

PROHIBITED ACTS

SEC. 215 *[Section 15]*

(a) After the expiration of one hundred and twenty days from June 25, 1938 *[the date of enactment of this Act]*, it shall be unlawful for any person-

(1) to transport, offer for transportation, ship, deliver, or sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 206 *[section 6]* or section 207 *[section 7]* of this title, or in violation of any regulation or order of the Secretary issued under section 214 *[section 14]* of this title, except that no provision of this chapter shall impose any liability upon any common carrier for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this chapter shall excuse any common carrier from its obligation to accept any goods for transportation; and except that any such transportation, offer, shipment, delivery, or sale of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer that the goods were produced in compliance with the requirements of this chapter, and who acquired such goods for value without notice of any such violation, shall not be deemed unlawful;

(2) to violate any of the provisions of section 206 *[section 6]* or section 207 *[section 7]* of this title, on any of the provisions of any regulation or order of the Secretary issued under section 214 *[section 14]* of this title;

(3) to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee;

(4) to violate any of the provisions of section 212 *[section 12]* of this title;

(5) to violate any of the provisions of section 211(c) *[section 11(c)]* of this title, or any regulation or order made or continued in effect under the provisions of section 211(d) *[section 11(d)]* of this title, or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect.

(b) For the purpose of subsection (a)(1) of this section proof that any employee was employed in any place of employment where goods shipped or sold in commerce were produced, within ninety days prior to the removal of the goods from such place of employment, shall be prima facie evidence that such employee was engaged in the production of such goods.

PENALTIES

SEC. 216 *[Section 16]*

(a) Any person who willfully violates any of the provisions of section 215 *[section 15]* of this title shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

(b) Any employer who violates the provisions of section 206 *[section 6]* or section 207 *[section 7]* of this title shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Any employer who violates the provisions of section 215(a)(3) *[section 15(a)(3)]* of this title shall be liable for such legal or equitable relief as may be appr opriate to effectuate the purposes of section 215(a)(3) *[section 15(a)(3)]*, including without limitation employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages. An action to recover the liability prescribed in either of the preceding sentences may be maintained against any employer (including a public agency) in an Federal or State court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 217 *[section 17]* in which (1) restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation as the case may be, owing to such employee under section 206 *[section 6]* or section 207 *[section 7]* of this title by an employer liable therefore und er the provisions of this subsection or (2) legal or equitable relief is sought as a result of alleged violations of section 215(a)(3) *[section 15(a)(3)]* of this title.

(c) The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 206 *[section 6]* or section 207 *[section 7]* of this title, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages. The right provided by subsection (b) to bring an action by or on behalf of any employee to recover the liability specified in the first sentence of such subsection and of any employee to become a party plaintiff to any such action shall terminate upon the filing of a complaint by the Secretary in an action under this subsection in which a recovery is sought of unpaid minimum wages or unpaid overtime compensation under sections 206 and 207 *[sections 6 and 7]* of this title or liquidated or other damages provided by this subsection owing to such employee by an employer liable under the provisions of subsection (b) of this section, unless such action is dismissed without prejudice on motion of the Secretary. Any sums thus recovered by the Secretary of Labor on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid on order of the Secretary of Labor, directly to the employee or employees affected. Any such sums not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts. In determining when an action is commenced by the Secretary of Labor under this subsection for the purposes of the statutes of limitations provided in section 255(a) of this title *[section 6(a) of the Portal-to-Portal Act of 1947]*, it shall be considered to be commenced in the case of any individual claimant on the date when the complaint is filed if he is specifically named as a party plaintiff in the complaint, or if his name did not so appear, on the subsequent date on which his name is added as a party plaintiff in such action.

(d) In any action or proceeding commenced prior to, on, or after August 8, 1956 *[the date of enactment of this subsection]*, no employer shall be subject to any liability or punishment under this chapter or the Portal-to-Portal Act of 1947 *[29 U.S.C. 251 et seq.]* or on account of his failure to comply with any provision or provisions or such Act (1) with respect to work heretofore or hereafter performed in a work place to which the exemption in section 213(f) *[section 13(f)]* is applicable, (2) with respect to work performed in Guam, the Canal Zone or Wake Island before the effective date of this amendment of subsection (d), or (3) with respect to work performed in a possession named in section 206(a)(3) *[section 6(a)(3)]* of this title at any time prior to the establishment by the Secretary, as provided therein, of a minimum wage rate applicable to such work.

(e) Any person who violates the provisions of section 212 of this title, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $10,000 for each employee who was the subject of such a violation. Any person who repeatedly or willfully violates section 206 or 207 of this title shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be-

(1) deducted from any sums owing by the United States to the person charged;

(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

(3) ordered by the court, in an action brought for a violation of section 215(a)(4) of this title or a repeated or willful violation of section 215(a)(2) of this title, to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of Title 5, and regulations to be promulgated by the Secretary. Except for civil penalties collected for violations of section 212 of this title, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 9a of this title. Civil penalties collected for violations of section 212 of this title shall be deposited in the general fund of the Treasury.

this title shall be deposited in the general fund of the Treasury.

INJUNCTION PROCEEDINGS

SEC. 217 *[Section 17]*

The districts courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 215 *[section 15]* of this title, including in the case of violations of section 15(a)(2) of this title the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this chapter (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 255 of this title *[section 6 of the Portal-to-Portal Act of 1947]*.

RELATION TO OTHER LAWS

SEC. 218 *[Section 18]*

(a) No provision of this chapter or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the minimum wage established under this chapter or a maximum workweek lower than the maximum workweek established under this chapter, and no provision of this chapter relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this chapter. No provision of this chapter shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this chapter, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this chapter.

SEPARABILITY OF PROVISIONS

SEC. 219 *[Section 19]*

If any provision of this chapter or the application of such provision to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved June 25, 1938.

[In the following excerpts from the Portal-to-Portal Act of 1947, the authority given to the Secretary of Labor is exercised by the Equal Employment Opportunity Commission for purposes of enforcing the Equal Pay Act of 1963.]

PART IV - MISCELLANEOUS

SEC. 255 *[Section 6]* **Statute of Limitations.**

Any action commenced on or after May 14, 1947 *[the date of the enactment of this Act]*, to enforce any cause of action for unpaid minimum wages, unpaid overtime compensation, or liquidated damages, under the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]*, the Walsh-Healey Act *[41 U.S.C. 35 et seq.]*, or the

Bacon-Davis Act *[40 U.S.C. 276a et seq.]*-

(a) if the cause of action accrues on or after May 14, 1947 *[the date of the enactment of this Act]*-may be commenced within two years after the cause of action accrued, and every such action shall be forever barred unless commenced within two years after the cause of action accrued, except that a cause of action arising out a willful violation may be commenced within three years after the cause of action accrued;

SEC. 256 *[Section 7]* **Determination of Commencement of Future Actions.**

In determining when an action is commenced for the purposes of section 255 *[section 6]* of this title, an action commenced on or after May 14, 1947 *[the date of the enactment of this Act]* under the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]*, the Walsh-Healey Act *[41 U.S.C. 35 et seq.]*, or the Bacon-Davis Act *[40 U.S.C. 276a et seq.]*, shall be considered to be commenced on the date when the complaint is filed; except that in the case of a collective or class action instituted under the Fair Labor Standards Act of 1938, as amended, or the Bacon-Davis Act, it shall be considered to be commenced in the case of any individual claimant-

(a) on the date when the complaint is filed, if he is specifically named as a party plaintiff in the complaint and his written consent to become a party plaintiff is filed on such date in the court in which the action is brought; or

(b) if such written consent was not so filed or if his name did not so appear-on the subsequent date on which such written consent is filed in the court in which the action was commenced.

SEC. 259 *[Section 10]* **Reliance in Future on Administrative Rulings, Etc.**

(a) In any action or proceeding based on any act or omission on or after May 14, 1947 *[the date of the enactment of this Act]*, no employer shall be subject to any liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]*, the Walsh-Healey Act *[41 U.S.C. 35 et seq.]*, or the Bacon-Davis Act *[40 U.S.C. 276a et seq.]*, if he pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulation, order, ruling, approval, or interpretation, of the agency of the United States specified in subsection (b) of this section, or any administrative practice or enforcement policy of such agency with respect to the class of employers to which he belonged. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.

(b) The agency referred to in subsection (a) shall be-

(1) in the case of the Fair Labor Standards Act of 1938, as amended *[29 U.S.C. 201 et seq.]*- the Administrator of the Wage and Hour Division of the Department of Labor;

SEC. 260 *[Section 11]* **Liquidated Damages.**

In any action commenced prior to or on or after May 14, 1947 *[the date* *of the enactment of this Act]* to recover unpaid minimum wages, unpaid overtime compensation, or liquidated damages, under the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]* if the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]* the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed the amount specified in section 216 *[section 16]* of this title.

SEC. 262 *[Section 13]* **Definitions.**

(a) When the terms "employer," "employee," and "wage" are used in this chapter in relation to the Fair Labor Standards Act of 1938, as amended, *[29 U.S.C. 201 et seq.]* they shall have the same meaning as when used in such Act of 1938.

Not Reprinted in U.S. Code *[Section 14]* **Separability.**

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Not Reprinted in U.S. Code *[Section 15]* **Short Title.**

This Act may be cited as the "Portal-to-Portal Act of 1947."

Approved May 14, 1947.

This page was last modified on January 15, 1997.

EQUAL PAY ACT OF 1963

The Equal Pay Act of 1963, which amends the Fair Labor Standards Act of 1938, was enacted for the purpose of correcting "wage differentials based on sex." The act requires equal pay for both sexes for jobs requiring substantially equal skill, effort and responsibility, and for jobs which have similar working conditions. The job or working condition comparisons usually only apply to one establishment or plant, even if an employer has similar, multiple plants or establishments. Violations of this act are cured by raising the wages of the lower paid employee to that of the higher paid. Criminal penalties may be imposed for willful and flagrant violations.

The Equal Pay Act of 1963 applies to farmworkers and prohibits wage discrimination on the basis of sex to employees who are subject to the minimum wage provisions of the act. Exceptions are permitted when wages are based on: (a) a seniority system, (b) a merit system, (c) a system which measures earnings by quantity or quality of production, or (d) any factor other than sex.

Related information:

- Section 6(d) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, et seq.
- Title 29 Code of Federal Regulations, Part 1620.

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EXPLAINING TRENDS IN THE GENDER WAGE GAP

June 1998

A Report by
The Council of Economic Advisers

EXPLAINING TRENDS IN THE GENDER WAGE GAP

EXECUTIVE SUMMARY

- Although the gap between women and men's wages has narrowed substantially since the signing of the Equal Pay Act in 1963, there still exists a significant wage gap that cannot be explained by differences between male and female workers in their average characteristics or in the average characteristics of jobs held by male and female workers.

- After three decades of near-constancy, the ratio of women's to men's average pay began to rise in the late 1970s and reached about 70 percent by the early 1990s. After a brief pause in the mid 1990s, the gender pay ratio is rising again, surpassing 75 percent in 1997.

- The gender gap has narrowed much faster among younger women and among married women with children. The data that permits disaggregation by demographic groups shows the overall gender pay ratio rising from 57 percent in 1969 to 71 percent in 1996 (the last year for which these data are available.) Among women under 40, the gender pay ratio rose from 58 percent in 1969 to 74 percent in 1996. Among married women with children, the gender pay ratio (relative to all men) rose from 53 percent in 1969 to 68 percent in 1996.

- The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap is explained by differences in the skills and experience that women bring to the labor market and another third is due to differences in the jobs that men and women occupy. Accounting for these differences raises the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an "unexplained difference."

- Over the last two decades, increases in women's accumulated labor market experience and their movement into higher-paying occupations played a major role in increasing women's wages relative to men's. In addition, the decrease in the pay gap that remains "unexplained" after controlling for measured differences between men and women was a large contributor to the narrowing the pay gap. Changes in family status, in industry structure, in unionization, and in the returns to "skill" also affected the gender pay gap.

- It is difficult to determine precisely how much of the difference in female/male pay is due to discrimination and how much is due to differences in choices or preferences between women and men. One indirect and rough measure of the extent of discrimination remaining in the labor market is the "unexplained" difference in pay. Some studies have tried to measure discrimination directly, by looking at pay differences among men and women in highly similar jobs, or by comparing pay to specific measures of productivity. These research studies consistently find evidence of ongoing discrimination in the labor market and support the conclusion that women still face differential treatment on the job.

EXPLAINING TRENDS IN THE GENDER WAGE GAP

I. INTRODUCTION

Thirty five years ago, President Kennedy signed the Equal Pay Act into law, making it illegal to pay men and women different wages for the same work. Although the gap in average pay between men and women has decreased since then, the "gender gap" in pay persists. Decreases in labor market discrimination towards women may be partly responsible for these improvements, but continued discrimination may also contribute to the remaining earnings gap.

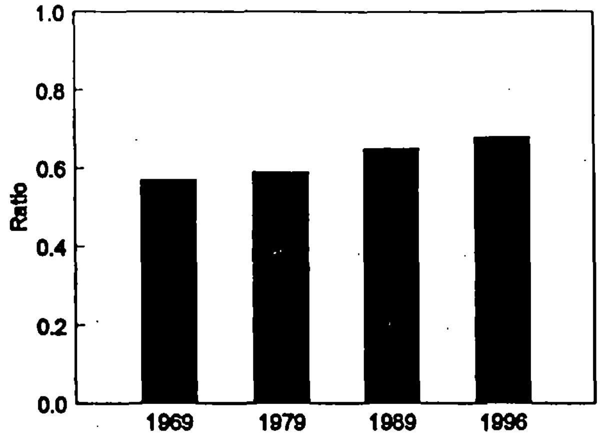
Differences have long existed in the average pay of men and women in the labor market. These wage differences are the result of many forces, including differences in the characteristics that men and women bring to their jobs, differences in the characteristics of the jobs in which men and women work, and differential and discriminatory treatment of women by employers and co-workers.

All of these factors interact in complex ways. For example, if women have less experience than men, they may choose occupations where extensive experience is less necessary. If women consistently choose different occupations than men, stereotypes about women's abilities may be reinforced and discriminatory behavior by employers may be perpetuated. If employers make it difficult for women to enter certain occupations, women's incentives to invest in training for those occupations will be reduced. Hence, as we will see, it is difficult to determine precisely how much of the difference in female/male pay is due to discrimination and how much is due to differential choices and preferences by female workers.

Women and men differ, both in terms of the jobs they select and in their responsibilities for children (which affect work at home and in the market). Over time, women's skills have become more similar to men's. The occupations and industries in which men and women work have also become more similar. But there are still large differences between men and women in personal and job characteristics that influence their relative wages. Even when all of these differences have been taken into account, however, a significant gender wage gap remains. As we discuss below, this suggests that there is continuing discrimination against women in the labor market.

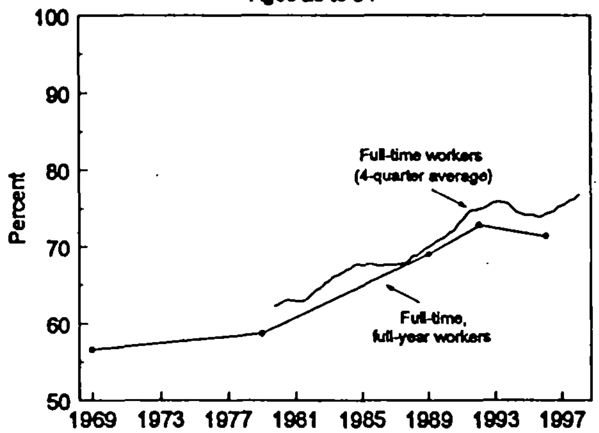
II. TRENDS IN THE GENDER WAGE GAP

Figure 1. Ratio of Female/Male Average Weekly Wages



Source: March Current Population Survey, various years.

Figure 2. Median Weekly Earnings of Females Relative to Males
Ages 25 to 54



Trends in the overall gap
After three decades of near-constancy at about 60 percent[1], the ratio of women's to men's average pay began to rise in the late 1970s, and reached about 70 percent by the mid-1990s. The narrowing of the gender pay gap took place mainly in the 1980s, with some continued narrowing in the 1990s (see figure 1).[2] In the last two years, the gender pay ratio has resumed its ascent, reaching more than 75 percent in the first quarter of 1998 (see top line of Figure 2).[3] Although the size of the gender pay gap varies across countries, all advanced economies for which data exist have seen a narrowing of the

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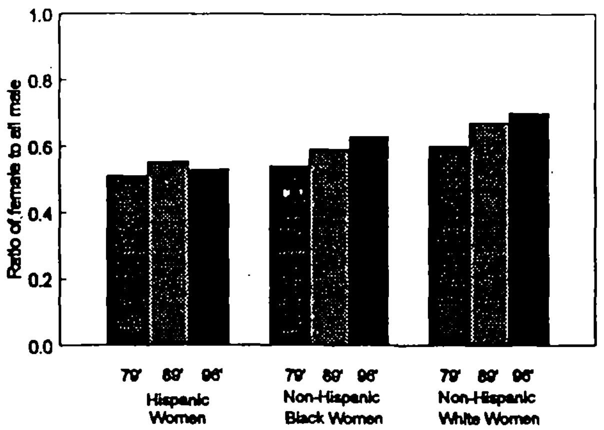
[1]Goldin, Claudia. 1990. *Understanding the Gender Gap*. Oxford, England: Oxford University Press.

[2]Data in figures 1, 3, 4, and 5 refer to full-time year-round workers aged 25 to 64. They are published by the Bureau of the Census.

[3]The data shown in the top line of the figure are ratios of median weekly wages for full time workers aged 25 to 54, published quarterly by the Bureau of Labor Statistics since 1979. The bottom line shows the ratios of median weekly wages of full-time, year-round workers aged 25 to 54, calculated from the March Current Population Survey data files.

gap in recent years.[4]

Figure 3. Ratio of Female/Male Average Weekly Wages by Race and Ethnicity

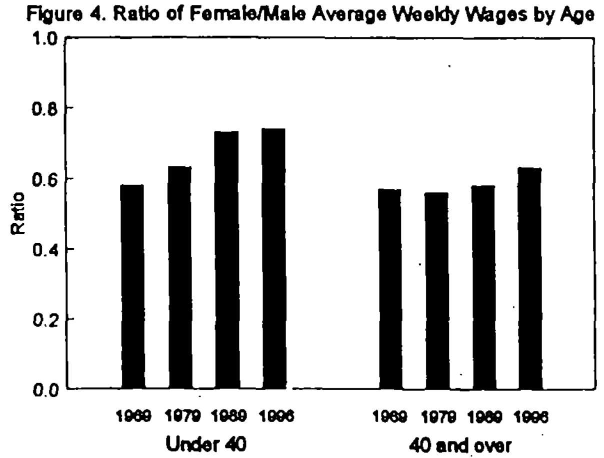


Source: March Current Population Survey, various years.

Trends in the gender gap by demographic characteristic

Relative to all men, wage gains have been faster for non-Hispanic black and non-Hispanic white women than for Hispanic women (see figure 3). Women of all ages and education levels experienced gains in pay relative to their male counterparts. The gender gap varies little across education groups, but is substantially smaller for younger women (see figure 4). This was not always the case. In 1969, the gender gap was similar for those under and over age 40. But the gap narrowed much faster for younger women. The larger gap among older women may be a generational effect, indicating that the current younger cohort of women has made choices more similar to those of men and/or is not facing as much discrimination as the cohort before them. Alternately, the gap for older women could reflect growing differences in accumulated work experience as women age or a "glass ceiling" effect by which women achieve smaller pay gains over time. Indeed, the bipartisan Federal Glass Ceiling Commission found that "in the private sector, equally qualified and similarly situated citizens are being denied equal access to advancement into senior-level management on the basis of race, gender, or ethnicity."[5]

Figure 4. Ratio of Female/Male Average Weekly Wages by Age



Source: March Current Population Survey, various years.

Traditionally, married women and those with children have had lower wages than single, childless women. However, gains in average pay have been greatest for married women with children (see

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[4]Waldfogel, Jane. 1998 "Understanding the "Family Gap" in Pay for Women With Children." *Journal of Economic Perspectives* 12(1):137-56.

[5]Executive summary: The Glass Ceiling Fact Finding Report. "Good for Business: Making Full Use of the Nation's Human Capital," 1995. ***get full cite***

Figure 5. Ratio of Female/Male Average Weekly Wages by Family Status

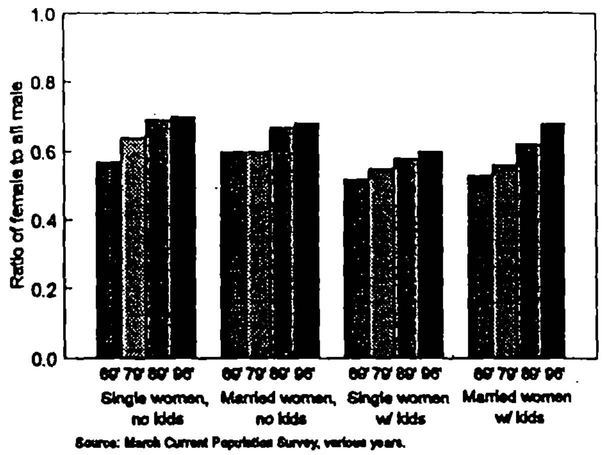

figure 5). It is worth noting that this is also the group of women among whom labor force participation has increased the most since 1970. Although their pay relative to men has climbed, single mothers continue to have the lowest average rate of pay, largely because this group has lower average skills than married mothers or childless women.

Gender gaps in fringe benefits

Non-wage benefits currently make up about one third of total compensation. The male-female difference in wages is also visible in fringe benefits. As with wages, some of this difference is related to differences between men and women in human capital and job characteristics, and some remains unexplained. Among younger workers, the gender gap in total compensation appears to be smaller than the gap in wages.[6] Much of the female-male gap in pension coverage can be accounted for by differences in their other characteristics, and is much smaller among younger workers. In addition, among those who have pensions, the gender gap in benefit levels is largely explained by gender differences in lifetime earnings. Therefore lower wages, and hence lower lifetime earnings, can result in lower pension benefits upon retirement. For some women, the lack of coverage or lower benefit levels may not be a problem since they receive benefits through a spouse. For other women, lack of adequate health or pension benefits on their job may be a serious problem. More research is needed to understand the impact of lower fringe benefit coverage among female employees.

III. EXPLAINING THE TRENDS IN THE GENDER GAP

In this section, we examine changes in the relative characteristics of female versus male workers and in the jobs in which they work, and relate these changes to the decline in the gender gap. The next section considers the role of discrimination.

The decline in the gender gap came about both because gender differences in measured characteristics narrowed, and because the "unexplained" difference in pay also fell. Among the measured characteristics, the two most important factors contributing to a narrowing of the gender wage gap between 1970 and 1995 have been improvements in women's relative labor market experience and improvements in their relative occupational status. Changes in unionism also benefitted women relative to men, but played a smaller role. Although substantial, shifts in employment across ~~industries had relatively little effect on the gender pay gap. Increases in the~~

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[6]Solberg, Eric and Teresa Laughlin, 1995. "The Gender Pay Gap, Fringe Benefits, and Occupational Crowding." *Industrial and Labor Relations Review*. Vol 48:4, pp.692-708.

returns to skill and increasing wage differences across occupations and industries-- particularly in the 1980s -- dampened women's relative wage gains since women were disproportionately represented among the less-skilled.

The Role of Human Capital

Human capital, which includes education and labor market experience, is often viewed as the most important determinant of wages. An additional year of schooling is estimated to increase wages by 5-15 percent.[7] An additional 25 years of work experience increases wages an estimated 80 percent.[8]

Differences in labor market experience between men and women are far greater than differences in their educational attainment. But as women have moved into the labor force in large numbers over the past 40 years, their average labor force experience has also increased. Large relative improvements in women's labor market experience have been found to account for a large share of the recent decline in the gender gap. Increases in women's relative experience levels by themselves would have reduced the pay gap by about 3.5 percentage points over the 1980s. Still, gender differences in experience remain an important source of the gender gap. For example, in 1988, work experience differences explained about one-third of the pay gap between men and women.[9]

The Role of Family Status and Children

The relationship between family status and pay is different for men and women. While married men and those with children typically earn more in the labor market than unmarried men, for women the relationship is reversed. Children are associated with lower wages for women and not for men, in large part because children tend to reduce women's work experience and time with their employer. Indeed, there is evidence that maternity leave coverage, such as that guaranteed under the Family and Medical Leave Act, may raise the pay of women with children relative to those without.[10]

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[7]Council of Economic Advisers, 1996. "Promoting Economic Growth: Background Briefing Paper."

[8]Freeman, Richard and Lawrence Katz. 1994. "Rising Wage Inequality: The United States vs. Other Advanced Countries." In Richard Freeman, ed. *Working Under Different Rules*. New York: Russell Sage Foundation.

[9]Blau, Francine and Lawrence Kahn, 1997. "Swimming Upstream: Trends in the Gender Wage Differential in the 1980s." *Journal of Labor Economics* 15(1, Part 1): 1-42.

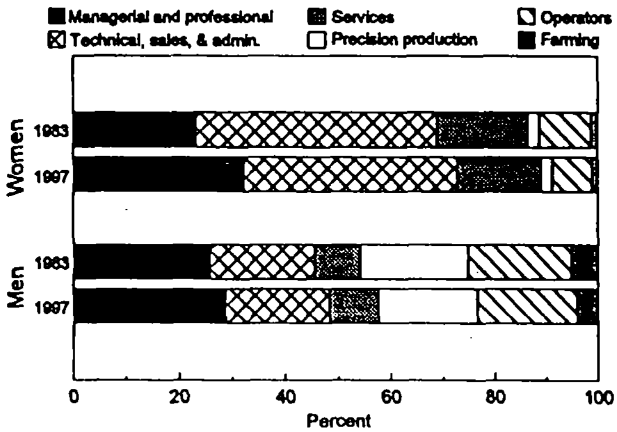
[10]Waldfogel, *op cit.*

The pay premium for married men, most of whom have children, appears to have shrunk during the 1970s and 1980s.[11] For women, the evidence is less clear. There is evidence that the negative effect of children on younger women's wages increased over the 1980s.[12]

The Role of Occupation

Men and women tend to work in different occupations. And wages differ substantially according to the gender composition of the occupation. In particular, men and women who work in predominantly female occupations earn less than comparable workers in other occupations.[13] Thus, a substantial share of the gender gap is accounted for by differences in the occupations in which men and women work.

Figure 6. Occupational Distribution of Employment



Source: Bureau of Labor Statistics, January Employment and Earnings.

Figure 6 indicates how men and women's occupational status has changed over the past two decades. Over time, women have increasingly moved into traditionally male occupations. For example, between 1983 and 1997, the proportion of employed women who work in managerial and professional occupations increased from 23 to 32 percent, while the proportion of men in these occupations rose only from 26 to 29 percent.[14] But women are still much more likely to work in service and clerical jobs than men, while men remain more likely to be in blue collar (craft, operator, and labor) jobs.

As noted, occupational segregation by gender began to decline noticeably in the 1970s. Changes in gender segregation by occupation may be due to integration of formerly male or female occupations, or to increases in the total employment share of occupations that have traditionally

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[11]Blackburn, McKinley and Sanders Korenman. 1994. "The Declining Marital Status Earnings Differential." *Journal of Population Economics* 7:247-70.

[12]Waldfogel, *op. cit.*

[13]Blau, Francine. 1998. "Trends in the Well-Being of American Women, 1970-1995." *Journal of Economic Literature* 36: 112-65.

[14] Data begin in 1983 due to a major change in the occupational classification system implemented in that year.

been more integrated. Movement of women into traditionally male occupations was the predominate cause of the decrease in occupational segregation in the 1970s and 1980s. In the 1980s, growth of overall employment in more integrated occupations was somewhat more important than it had been in the 1970s.[15] Occupational "upgrading" alone in the 1980s would have reduced the gender gap by about three percentage points.[16]

The Role of Industry

Differences in wages across industries are substantial and persistent. For example, wages for similar workers are 37 percent higher than average in the petroleum industry, but about 17 percent lower than average in retail trade.[17] Recent shifts in employment across industries have benefitted women relative to men. Notably, the decline in blue-collar manufacturing jobs (where women are under-represented) has increased women's relative pay.[18] However, the overall effects of industry shifts on the gender gap have been relatively small.

The Role of Unions

Union membership is estimated to boost wages of union members relative to non-union members by 10 to 20 percent .[19] Men have traditionally been more likely to be union members than women, which has helped increase the gender pay gap. The fraction of the workforce covered by union collective bargaining agreements has declined markedly over the past 40 years, and this decline has raised women's relative pay as fewer and fewer men receive union wages. In addition, the share of unionized workers who are female increased as unions declined less (or even grew) in certain public sector and service-related occupations which have a higher share of female workers.[20] But, overall, the decline of unions has had a relatively small role in the declining gender gap.

The Role of Changing Returns to Skill

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[15]Blau, *op. cit.*

[16]Blau and Kahn, *op. cit.*

[17]Krueger, Alan and Lawrence Summers. 1988. "Efficiency Wages and the Inter-Industry Wage Structure." *Econometrica 56(2)*: 259-93.

[18]Blau and Kahn, *op cit.*.

[19] Freeman, Richard and James Medoff. 1984. *What Do Unions Do?* New York: Basic Books.

[20]Blau and Kahn, *op. cit.* See also Even, William and David Macpherson. 1993. "The Decline of Private Sector Unionism and the Gender Wage Gap." *Journal of Human Resources* 28(2):279-96.

Trends in the above factors have boosted women's wages relative to men's. However, one major trend has worked to widen the gender gap: increases in the pay premium associated with higher "skills" (i.e., higher levels of education and labor market experience, and increased pay differences across industries and occupations).[21] Increases in the returns to skills have served to widen the gender gap because female workers continue to have less labor market experience, on average, than male workers. The rising returns to skills slowed women's progress during the 1980s, and alone would have *increased* the gender pay gap by about three to four percentage points.[22]

The Role of Policy

A number of policy developments in the 1960s targeted gender discrimination in the labor market. The Equal Pay Act of 1963 proscribes gender-based pay discrimination among employees within the same firm who do the same or substantially same jobs. Title VII of the 1964 Civil Rights Act (and subsequent amendments) proscribes employment discrimination on account of sex in a broader set of categories, including hiring, promotion, and other conditions of employment. Executive Order 11246 (issued in 1964 and amended in 1967 to include gender) requires affirmative action in employment among Federal contractors.

Few studies have examined the effects of these policies on the gender pay gap. One difficulty in making such an assessment is that these policy changes took place at a time of enormous change in gender roles and expectations. Isolating the effects of a single policy change from these broader social and economic changes is difficult. One study estimated the effects of affirmative action on hiring by comparing hiring in firms that are Federal contractors to those that are not (and therefore not subject to affirmative action provisions).[23] Employment of women increased somewhat faster in contractor firms.

IV. DISCRIMINATION

What is gender discrimination in the labor force?

Gender discrimination may take a variety of forms, from practices that reduce the chances that a woman is hired, to differences in pay for men and women who work side by side doing the same tasks equally well. There are a variety of theories about exactly how and why women face discrimination in the labor market. An employer may dislike female employees or underestimate

[21]Blau, *op. cit.*

[22]Blau and Kahn, *op. cit.*

[23]Leonard, Jonathan. 1984. "The impact of Affirmative Action on Employment," *Journal of Labor Economics,* October, 2, 439-463.

their abilities; customers may dislike female employees or underestimate their abilities; or male co-workers may resist working with women. These attitudes may not be directed toward all women workers, but may only focus on women in higher status occupations. For instance, male employees may not object to having women work for them, but may object when women are their superiors. In addition, employers may engage in what is called "statistical discrimination," meaning that they assume an individual woman has the average characteristics of all women. For example, because women on average have higher turnover rates than men, an employer may assume that a given female job candidate is more likely to leave the firm than a similar male candidate. Statistical discrimination, like other forms of discrimination, is illegal. An employer is required to base hiring or pay decisions on specific information about an individual, not on presumptions based on gender alone.

The unexplained portion of the gender gap

Although the gender gap has narrowed since the late 1970s, at 25 percent it is still substantial (see figure 2). And as late as the 1980s, the date of the most recent detailed longitudinal study, a gender pay differential of about 12 percent remained unexplained even after adjustments for gender differences in education, labor market experience, broad occupational and industrial distributions, and union status. This unexplained differential declined by half over the 1980s. This alone would have reduced the gender gap by about 10 percentage points.[24]

The unexplained portion of the pay gap is often interpreted as the result of discrimination. In this view, once differences between men and women in the relevant determinants of wages are taken into account, any remaining difference in pay must be due to discrimination. But this explanation may be too simplistic. To the extent that discrimination affects women's educational, job and family choices, the "unexplained differential" will understate the true effect of discrimination. And, to the extent that we cannot adequately measure all the determinants of wages on our data sets, there may be significant "unmeasured" labor market skills that differ between men and women. For instance, if women's labor market experience is less likely to be continuous (for example, due to childbearing), then just controlling for years of work may not fully control for the differential effects of experience on male and female wages.[25] In this case, the "unexplained differential" will overstate the true effect of discrimination because it includes the effect of relevant unmeasured factors that influence the relative productivity of male and female employees.

The decline in the unexplained portion of the pay gap over the 1980s could either be due to a relative improvement in women's unmeasured labor market skills or a decline in discrimination. Both explanations are plausible. Women's unmeasured skills may have improved relative to

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[24]Blau and Kahn, *op. cit.*

[25]O'Neill, June and Solomon Polachek, 1993. "Why the Gender Gap in Wages Narrowed in the 1980s," *Journal of Labor Economics* Jan, 11(1) pt 1 pp.205-28.

men's over the 1980s. (For instance, women have entered elite private universities-- typically closed to women before the mid-1970s -- at an increasing rate in recent decades, perhaps increasing the quality of their schooling.) But reductions in discrimination may also have played a role in reducing the "unexplained" difference between men's and women's wages. For example, as women increased their commitment to the labor force and improved their job skills, statistical discrimination against them may have diminished. In addition, reduced discrimination could also contribute to the decline in the *explained* portion of the pay gap if earlier anti-discrimination efforts encouraged women to invest more in labor market skills and move into traditionally male occupations.

Studies of gender pay discrimination

Gender pay discrimination is said to occur when male and female workers receive different pay for "substantially equal" work.[26] A small but growing area of research attempts to collect direct evidence on gender pay discrimination in the labor market in two ways. While none of these studies alone is definitive, taken together they present compelling evidence of the continued existence of gender discrimination in the labor market.

First, a handful of studies have examined whether female workers earn less than comparable male workers within the same establishments and narrow occupations. Although evidence is mixed, some studies find substantial pay differences between men and women working in the same narrow occupations and establishments. One recent and thorough study of this kind takes advantage of a unique data set that matches workers in the 1990 Census to information on the establishments in which they work, collected in the US Census Bureau Standard Statistical Establishment List. Unlike previous studies of this type, the data include workers from all sectors of the economy. The study decomposes the gender gap into a part that is the result of the concentration of women in particular occupations, industries, establishments, and "jobs" (an occupation within an establishment), and a portion due to differences in pay between men and women working in industries, occupations, establishment and jobs with a similar percentage of female workers. The authors find that a substantial portion--at least one quarter--of the pay gap is the result of differences in pay between men and women working in similar jobs and

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[26]The Equal Pay Act says no covered employer should discriminate "between employees on the basis of sex by paying wages to employees in such an establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishments for equal work on jobs the performance of which requires equal skill, effort, and responsibility..." Title 29, Code of Federal Regulations, Part 1620; cited in Bayard, Kimberly, Judith Hellerstein, David Neumark, and Kenneth Troske "New Evidence on Sex Segregation and Sex Differences in Wages from Matched Employee-Employer Data." Paper prepared for the US Bureau of the Census' International Symposium on Linked Employer-Employee Data, Washington DC, April, See also M.E. Gold. 1993. An Introduction to the Law of Employment Discrimination, ILR Bulletin 68; Ithaca, NY: ILR Press) cited in Bayard *et al.*

establishments.[27]

Second, an even smaller set of studies attempts to measure productivity of female and male workers directly to determine whether gender pay differences can be directly linked to productivity differences. This approach is rarely implemented because it requires information on wages and a reliable (and non-gender-biased) measure of productivity such as physical output per hour or sales. The few studies of this sort suggest that pay differences between comparable women and men are too large to be explained by productivity differences. For example, one recent study of a large linked employer-employee data set concluded that "at the margin" women were 85 to 96 percent as productive as men, but were paid only 65 to 70 percent as much as men.[28]

Finally, studies of discrimination in hiring offer additional, albeit indirect evidence related to the gender pay gap. For example, the introduction of "screens" to conceal the identity of candidates from juries in auditions for a symphony orchestra markedly increased female musicians' chances of success in such competitions and raised the odds of being hired.[29] Audit studies--in which male and female candidates submit essentially identical resumes to employers--reveal lower interview and hiring rates among women. For example, female applicants were less likely than their matched male counterparts to be interviewed or hired as wait-staff in high-price restaurants (this was not true in low-price restaurants).[30] Since earnings tend to be higher in high-price restaurants, this difference in hiring could contribute to gender differences in pay.

V. CONCLUSION

There is both good news and bad news with regard to gender pay differences. The bad news is that there remains a significant differential between women and men's pay. On average, women earn about 75 percent of what men earn. Even after controlling for differences in skills and job characteristics, women still earn less than men. While there are a variety of interpretations of this

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[27] Bayard *et al., op cit*

[28] Hellerstein, Judith , David Neumark, and Kenneth Troske. 1996. Wages, Productivity and Worker Characteristics. National Bureau of Economic Research Working Paper 5626. June.

[29] Goldin, Claudia and Cecilia Rouse. 1997. Orchestrating Impartiality: The Impact of "Blind" Auditions on Female Musicians. National Bureau of Economic Research Working Paper No. 5903. January.

[30] Neumark, David, Roy Bank and Kyle Van Nort. 1996. Sex Discrimination in Restaurant Hiring: An Audit Study. *Quarterly Journal of Economics*, August.

remaining "unexplained" differential, its persistence is consistent with a view that gender wage discrimination continues to be present in the labor market. This interpretation is buttressed by other more direct studies of pay discrimination, which also show continuing male/female differences in pay that are not explained by productivity or job differences.

The good news is that these differences have decreased in recent decades. This is true not only for the "raw" gap in average female/male pay, which has decreased from about 40 percent to about 25 percent over the past two decades, but it is also true for the "unexplained" difference in female/male pay once factors that affect pay are controlled for. The "unexplained" differential has been shrinking, along with the overall pay gap. This suggests both that women's skills and job choices are becoming more similar to those of men, and that discrimination may be lessening as well.

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WORKING WOMEN want EQUAL PAY AFL-CIO

equal pay alert!

It's High Time—Past Time—for Women of Color to Earn Equal Pay

1963

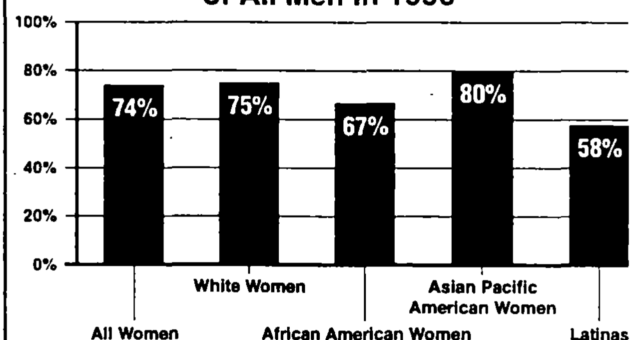
Thirty-five years after the passage of the Equal Pay Act, paychecks and pensions for women of color are still coming up short. And women know it. Here's what you told us in the *Ask A Working Woman* survey:

- Hands down, the top concern for women workers is equal pay.
- Nearly every woman of color (98 percent) thinks equal pay is important—yet more than half of African American women (54 percent) say they don't have it.
- While 85 percent of Latinas say pension benefits are *very* important to them, only 57 percent have these benefits.
- The top job problem cited by Asian Pacific American women in the survey is sex discrimination.

If you're a woman of color in America today, chances are you'll spend at least part of your life working for pay—*not enough pay.*

- Less than 2 percent of all working women earn more than $75,000 a year—and 70 percent earn less than $25,000 a year.
  - Less than 1 percent of African American women earn more than $75,000 a year—and 73 percent earn less than $25,000.
  - Less than 1 percent of working Latinas earn more than $75,000—and 82 percent earn less than $25,000.
- In 1996, women were paid 74 cents for every dollar men received. That's $26 less to spend on groceries, housing, child care and other expenses for every $100 worth of work we do.
  - African American women only earn 67 percent of what men earn.
  - Latinas earn 58 percent of what men earn.
  - Asian Pacific American women, too, earn less. Their pay inequality is less severe than for women as a whole, but they still earn only 80 percent of men's pay. *(Note: In many cases, figures are unavailable for Asian Pacific American women workers.)*

Women's Earnings as a Percentage of the Earnings of All Men in 1996



Source: Department of Commerce, Bureau of the Census. http://www.census.gov/hhes/income/histinc/incperdet.html
These earnings ratios represent women's earnings as a percentage of the earnings of men. All comparisons are made to all men.

- African American women workers earned a median of just over $15,000 in 1996. Latina workers earned less than $12,000.

At the patient's bedside, behind the cash register or in the executive suite—women of color earn less.

Most women of color hold low-paying jobs.

- Three-quarters of African American women and

Primary Occupations for Women of Color, 1996

African American Women — Occupation	Median Weekly Earnings – All Women	Latinas — Occupation	Median Weekly Earnings – All Women
1. Nursing aides, orderlies and attendants	$286	1. Cashiers	$240
2. Cashiers	$240	2. Secretaries	$406
3. Secretaries	$406	3. Sales workers, retail and personal services	$259

Source: U.S. Department of Labor, Facts on Working Women, "Women of Hispanic Origin in the Labor Force," Feb. 1997. U.S. Department of Labor, Facts on Working Women, "Black Women in the Labor Force," March 1997. Also, U.S. Department of Labor, *Employment and Earnings*, Jan. 1997.

Latinas work in just three types of employment—sales and clerical, service and factory jobs. (Two-thirds of white women hold such jobs.)

- African American women are most commonly employed as nursing aides, orderlies and attendants. The pay? A mere $286 a week.
- For Latinas, the most common occupation is that of cashier, and here the pay is even less—$240 a week.
- For the majority of women of color, their jobs don't even pay enough to reach the poverty line for a family of four—$16,036 in 1996.
  - Sixteen percent of African American and Latina working women live below the poverty line—more than double the rate (7.7 percent) for all women workers.

Even women of color in higher-level jobs earn less.

- Twenty-three percent of African American women workers and 17 percent of Latina workers hold professional and managerial jobs. Women in these jobs earn only 72.3 percent of what their male counterparts earn.

Equal pay isn't just a women's issue—it's a family issue.

Your family depends on you...

Nearly two-thirds of working women report that they provide about half or more of their household income. Two out of five working women head their own households and 28 percent have dependent children.

- More than three-quarters (77 percent) of African American women surveyed said they provide about half or more of their household income.
- Sixty-eight percent of Latinas surveyed said they provide about half or more of their household income.

In African American and Latino families, women's income is especially important because African American and Latino men earn less than white men.

- The median income for African American families in 1996 was only $26,522. For Latino families it was $26,179. That's only two-thirds of the average for all families—$42,300. And it's far below the family income of the top 5 percent of Americans—$217,355 a year.

You're more likely to retire poor, too.

Women are less likely than men to have pension plans. Once we retire, we're less likely to receive pension checks—and those checks are only half as big as men's.

- Nearly two out of three working women have no pension plans—and pension coverage in the jobs most common to women of color is especially low.
  - Among African American women in sales and service, only one in five is covered by an employer-provided pension plan.
  - Latinas have it worse—only 16 percent of Latinas in sales and only 13 percent of Latinas in service have pension coverage.
- Among all women who are older than 65 today, only one in five, including one in five African American women, receives a pension check.
  - Only one in nine Latinas older than 65 is receiving a pension check.
- In 1994 the average pension for women was only $3,000 a year—less than half that of men.
- Today, 30 percent of African American women and 28 percent of Latinas older than 65 live in poverty.

Here's What You Can Do

Working women are joining together to gain equal pay. You can:

- **File a discrimination charge with a federal or state anti-discrimination agency.** The federal Equal Employment Opportunity Commission (EEOC) enforces the Equal Pay Act and other laws barring discrimination. If you believe you have been denied a job, paid less, passed over for promotions or discriminated against in other ways because of your sex, race or national origin, you can file a complaint with the EEOC office in your area. **You don't need a lawyer.** To be connected with the EEOC office in your area, call 1-800-669-4000.
- **If you belong to a union, talk to your shop steward.** The steward can give you advice about your rights and help you take action under your collective bargaining agreement.
- **If you don't belong to a union, join one.** Women in unions earn 38 percent more than women who aren't in unions. African American women union members earn 44 percent more than their nonunion counterparts. For Latina workers, it's 43 percent more. Union members are likely to earn better benefits, too.
- **Join the *Working Women Working Together Network*,** which is taking legal action where appropriate, fighting for stronger laws and winning equal pay through union bargaining.

To get more information on equal pay—and to make your voice heard—call the *Working Women Working Together Network* at 1-888-971-9797.

Sources:

Jennifer Reingold, "Executive Pay," *Business Week*, Apr. 21, 1997, p. 58; **Lake, Sosin, Snell, Perry & Associates**, "AFL-CIO Ask A Working Woman Survey" (Aug. and Oct. 1997); **U.S. Department of Commerce**, Bureau of the Census: Annual Demographic Survey, "Source of Income in 1996" and "Pension plan coverage of workers, by selected characteristics, sex, race and Hispanic origin, and poverty status: 1996" (March 1997); *Money Income in the United States: 1996*, pp.60-197; *Poverty in the United States: 1996*, pp.60-198; **U.S. Department of Labor**; Bureau of Labor Statistics, *Employment Earnings*, Jan. 1997; "Union Members in 1996," Jan. 31, 1997; Facts on Working Women, "Women of Hispanic Origin in the Labor Force" (Feb. 1997) and "Black Women in the Labor Force" (March 1997); Pension and Welfare Benefits Administration, *Retirement Benefits of American Workers*, Sept. 1995.

On the anniversary of the Equal Pay Act, Democrats call for renewed efforts to fight pay inequity

"This act represents many years of effort...to call attention to the unconscionable practice of paying female employees less wages than male employees for the same job." - President Kennedy, June 10, 1963

In 1963, President Kennedy signed the Equal Pay Act prohibiting employers from paying women less than men for the same job. The act amended the Fair Labor Standards Act of 1938 by outlawing wage rate discrimination and advanced the idea of equal pay for equal work.

Even then, many noted that the act was merely a first step in the right direction. Upon signing the bill into law, President Kennedy noted that "much remains to be done to achieve full equality of economic opportunity."

Today, fair pay continues to be a major issue for American women and working families. In fact, the dramatic increase in the number of women in the workforce and the number of families who depend on women's earnings make pay equity a necessity now more than ever.

While the Equal Pay Act prohibited discrimination against women in terms of wages, substantial pay disparities continue to exist.

- Women earn only 71 cents to a man's dollar. See the Paygap PDF Chart.
- Women of color experience more sever pay inequities: Black women earn only 64 cents and Hispanic women only 53 cents for each dollar a man earns.
- Narrowing the pay gap will also help close the pension gap. Lower lifetime earnings translate into lower pensions for women in their senior years and contribute to a higher poverty rate for elderly women.

Furthermore, the issue of pay equity has become, not only a matter of basic fairness, but also a central economic concern for millions of working families. In today's tough new economy, families increasingly need two earners just to make ends meet. In fact, 72 percent of all married couples with children are supported by both a working mother and father (National Committee on Pay Equity, 1996). More and more women are being required to enter the workforce in order to increase their family's income and ensure that the mortgage, food, utility, and clothing bills are met each month. More and more working families are finding that, if women were truly being paid what they were worth, the entire family would be better off.

Marking the thirty-fourth anniversary of the passage of the Equal Pay Act, Senate Democratic Leader Tom Daschle called for a renewed effort to battle continued pay inequity faced by women in the workplace. "More than three decades have passed since the Equal Pay Act became law, and it is time for Congress to address the continued injustice of the wage gap."

Democrats have pledged to take the next step to ensure that women receive just and equal treatment in the workforce. In January, Senator Daschle introduced the Pay Check Fairness Act, a top priority of Democrats' Families First Agenda. The bill addresses the glaring inequities between men's and women's earnings by:

- beefing up enforcement of the Equal Pay Act
- making it easier for women to seek remedies for pay discrimination.
- lifting the gag rule imposed by many employers who forbid employees from discussing their wages with their co-workers.
- encouraging employers to implement fair pay practices.

"Thirty-four years ago, President Kennedy took the bold first step in trying to secure equal pay for equal work. Now we must act again to ensure that America's working women and families are paid the wages they deserve."

Visit the Women's Resource Page

DEMOCRATIC LEADERSHIP COMMITTEES

Tom Daschle, Chairman;

FIRST LADY HILLARY RODHAM CLINTON
EQUAL PAY EVENT
THE WHITE HOUSE
JUNE 10, 1998

It's a pleasure to welcome all of you to the White House -- particularly for an event that speaks so directly to the concerns of women aross our country, and at every level of our society. This year, as many of you know, is the 150th anniversary of the women's rights movement -- formally inaugurated when a group of courageous and patriotic women in Senecca Falls declared: "We hold these truths to be self evident: that all men and women are created equal."

Much of America's history is the story of this ongoing struggle for equal justice and opportunity -- for women; for minorities; and for all the disenfranchised. Since Elizabath Cady Stanton, Susan B. Anthony and so many others made that brave statement a century and a half ago, each generation has produced its own inspirational and visionary leaders; each generation has experienced both the disappointment of failure and the exhilaration of progress; and each generation has worked together to help transform this nation -- by lifting up the lives of women and families.

Today, we commemorate one of those milestones in women's --- and America's -- history: the 1963 signing of the Equal Pay Act by President John F. Kennedy, which outlawed wage discrimination on the basis of sex.

In a photograph of that historic ceremony -- that we have reproduced for this event -- we see standing behind President Kennedy some of the leading women of that generation -- who had worked so hard to better conditions for women and their families: Senator Maurine Neuberger; Congresswomen Edna Kelly; Martha Griffiths; and Catherine May; Dr. Minnie Miles of the National Federal of Business and Professional Women's Clubs; Margaret Mealey of the National Council of Catholic Women; Mary Chittenden of the General Federation of Women's Clubs; and a woman who we are so pleased an honored could join us today: Dr. Dorothy Height -- who at time was the leader of the National Council of Negro Women, and was such a major figure in the civil rights movement during that period.

I want to recognize Dorothy Height -- not only for her pivotal role in pushing for that legislation through so many years ago -- but perhaps more so for her tireless work to improve the lives of women and minorities ever since. It is because of women like Dorothy Height -- and the countless number of working women known and unkown -- that we are all standing here today. We owe them an extraordinary debt of graditude.

Twenty five years ago, I entered the workforce, and like so many of my friends and colleagues, I had far greater opportunities and choices than did my own mother and the women of her generation. And today, women in every sector of our society are making important strides --
......

Yet as I talk to my friends and colleagues, and meet with working women across the countrly, I hear the voices of frustration and worry; about the difficulties of balancing work and families; about the difficulties of finding decent child care they they can afford; about the discrmination they feel at the workplace. And what I have learned -- and what has been confirmed in a recent study by the AFL-CIO -- is that equal pay is at the top of the working woman's agenda -- regardless of what .....

That picture has changed over the years. Then; .... women were in the workforce. Today; it's about half. Then, it was ... Today.... women are leaders in every field;;; ... and elected to positions of leadership in every state -- and in Congress.

Yet while there are far greater opportunities -- millions of working women still don't share. Concerns of working women: ...gaps... A greater .... for blacks; hispanics; younger women; and it's not just pay; it's benefits -- lower pensions; -- leading to higher poverty rate for elderly women.

today, -- with more and more women working; this is not just a matter of basic fairness, it's central economic concern for millions of working families.

When Dorothy stood there at the White House ceremony 35 years ago, she and others standing with her were representing the millions of working women who had begun to join the workforce in significant numbers during the 50s and 60s. Their ranks had swelled to .... They had the power to establish a new law outlawing discrimination in pay between men and women. But they did not yet have the power to solve the problem. Today, ... And as well all know, that gap is greater for women in lowerpay jobs; for women of color; for younger women; for ....

When I graduated from college and went to law school, I had far greater opportunities -- in terms of choices of careers -- than any generation of women before me. And we have made dramatic progess since then -- in terms of the number of women in the workforce -- and the breadth of professions that women have not only joined -- but excelled. Yet no matter how many women I talk with today -- their concerns are: balancing work and family; not wanting to choose; between the family lthey love and the job they need; ... And what I've heard -- and what the Labor Department confirmed -- is that ....they want pay and benefits that provide economic security; they want support and respect for families in the workplace; and they want opportunity to reflect the value of women's work.

Yet millions of American women , have not had those opportunities. As one working mother from Louisian wrote: "My first priority is, and will always be, to care for my family. However, I take m y job very seriiously, and I am enttitle dto receive the same compensation and consideration for what I do as does any male working a in a comparable capacity in the nation."
.....

Today, we are ....

This is not a woman's issue. This is everyone's issue. Everyone has a stake. And it's not just women who will benefit. Everyone -- children, husbands; brothers; and perhaps most of all families -- will gain. And it's not just ...... And it's not just up to women to lead the way. We need the support of everyone to not only change the rules -- but the public consciencousness and conscience. Our destinies are intertwined. Our futures are .

As we approach the 21st century -- and the beginning of a new millennium -- let's make sure that every working woman -- of evert age; race; background; and in every city and town and rural community in this nation -- has the opportunity to compete and earn. on an equal basis.

Since the Equal Pay Act was signed in 1963 -- we've made some astonishing leaps of progress: we've put a man on the moon; ensured financial security for the elderly; provided health care for millions of America's young people; made going to college more within the grasp of Americans; .... But we have not secured equal pay for woman. And it's time to fulfill that promise -- made by our founding fathers and mothers -- not 150 years ago -- but ... years ago, and the founding of this great nation

There is a picture of that scene at the White House -- with Dorothy Height --.... And ... other women. And yes, that picture has changed over the years. Women have made significant strides when it comes to gaining pay and job equity -- but that progress has been primarily limited to the professional and managerial levels of employmoent. Women like myulself -- who went to law school and business schools and were able to rise to top of their professions. And we should recognize and applaud those changes.

Yet the s imple fact remains: for the vast majority of women living and working in America, the promise of equal pay has been an empty one. Since 1963 -- we've sent a man to the moon; we've torn down many of the legal barriers to racial discrminination; we've provided for the security of our elderly; we've begun to provide medical insurance to our youngest citizens; we've ended the cold war. What we have not done -- for the majority of women -- is given them the most basic ... of justice: equal pay for equal work.

Over the years, we've heard the voices of women raised in frustration and anger: ......; ....; and.... She said: we've all been part of a conspiracy of silence." Today -- we're here to say: it's time to end that silence -- and to say loud and clear so every woman, and every man, and every business will hear us: It's time to fulfill the promise of equality that President Kennedy demanded 35 years ago. It's time to .....

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Today, we commemorate one of those milestones in women's --- and America's history: the 1963 signing of the Equal Pay Act by President John F. Kennedy. As he acknowledged on that day, "This act represents many years of effort ... to call attention to the unconscionable practice of paying female employees less wages than male employees for the same job."

A photograph of that historic ceremony -- that we have reproduced for this event -- shows some of the trailblazers of the women's movement at the time standing at the President's side as he signed the act: Senator Maurine Neuberger; Congresswomen Edna Kelly; Martha Griffiths; and Catherine May; Dr. Minnie Miles of the National Federal of Business and Professional Women's Clubs; Margaret Mealey of the National Council of Catholic Women; Mary Chittenden of the General Federation of Women's Clubs; and a woman who we are so pleased an honored could join us today: Dr. Dorothy Height -- who at time was the leader of the National Council of Negro Women.

I want to recognize Dorothy Height -- not only for her pivotal role in pushing for that legislation so many years ago -- but perhaps more for her continuing and persistent struggle on behalf of the rights of women and minorities ever since.

These women re presented the millionsof women -- particularly working women -- who have been fighting in the trenches to make a life; to balance work and family; to demand a level playing field. And it's because of their determination; their hard work; their demands, that the picture of women in America has changed.

That picture has changed over the years. When Dorothy stood there at the White House ceremony 35 years ago, she and others standing with her were representing the millions of working women who had begun to join the workforce in significant numbers during the 50s and 60s. Their ranks had swelled to .... They had the power to establish a new law outlawing discrimination in pay between men and women. But they did not yet have the power to solve the problem. Today, ... And as well all know, that gap is greater for women in lowerpay jobs; for women of color; for younger women; for ....

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35 years ago, President Kennedy signed the Equal Pay Act -- aimed at securing equal pay for women doing the same jobs as men. It was an extraordinary event back then -- reflecting the dramatic surge of women in the workforce -- and the courage of women at that time to stand up for equal justice under the law. Today, we have one of the women who stood by the President's side as he signed that piece of legislation into law. And I want to recognize Dorothy Height for a moment -- for her extraordinary role in pushing for that legislation so many years ago. But perhaps more, for continuing the struggle on behalf of women every day since.

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