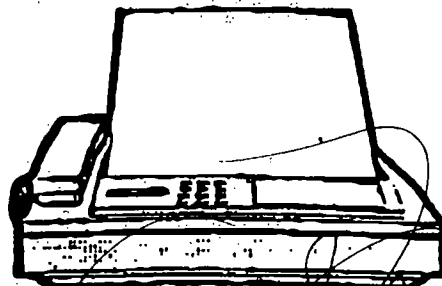


**WOMEN'S BUREAU FAX TRANSMISSION
COVER SHEET**Date: 8-29-99Number of Pages: 25
(including cover)TO: Robyn LeedsFAX NO. (including area code): 456-7311TELEPHONE NO. (including area code): 456-7300MESSAGE: FROM: Kelly Jenkins-Pultz PHONE: 219-6611-7159**U.S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WOMEN'S BUREAU
WASHINGTON, D.C. 20210**TELEPHONE: (202) 219-6652
FAX: (202) 219-5529 or 219-3904

March 29, 1999

TO: Robyn Leeds

FROM: Kelly Jenkins-Pultz *KJP*

SUBJECT: Potential Equal Pay Day Program

Lisa Ross asked me to fax over to you some background on the MIT study and flesh out our idea for a potential equal pay day program. Attached is the New York Times article about the study, a copy of the study, a one page summary of the facts, and an outline of our ideas for linking Equal Pay Day to the MIT study. Give me a call if you want to discuss further.

Background on MIT Study

In 1994 three senior female faculty members from the MIT schools of science realized that all three had entered their profession believing that discrimination would never affect them, yet the further they went in their careers, the more they realized that they had been significantly affected in both personal and professional ways. These women broadened their discussions with the other female faculty and discovered that all the women felt discrimination was limiting their pay, professional development and stature on campus. Next they approached the Dean and sought his support for a thorough scientific assessment of the status of women at MIT's schools of science. A Committee on the Status of Women was developed and had representation from each of the schools of science. Widespread bias against female faculty was found in nearly every area of employment. Some pay disparities were uncovered, but because of the confidential nature of salary data, the Committee could not assess the full extent of the wage gap. After releasing their report to the University Administration, a number of changes were immediately adopted, including more recruitment of women faculty, pay raises, and better opportunities for professional advancement. The University went public with their report and their efforts to correct inequity by posting the study on the Internet and granting public interviews with the Boston Globe and New York Times. The University President is on record championing the need to move quickly to correct inequity.

Link to Equal Pay Day

A discussion centered around the MIT study could be linked to Equal Pay Day in the following ways:

- 1) Illustrate the President's message perfectly – it is the story of women who did all the right things – excelled in their studies, choose nontraditional occupations, and made great personal sacrifices for their careers, yet still bumped up against the glass ceiling and the pay gap.
- 2) Support the President's call for all employers to ensure compliance with equal pay laws and builds on the Department of Labor's message that companies can do self audits as a tool to ensure equal pay and opportunity at all levels of the company.
- 3) Pave the way for more companies to come forward and publicly acknowledge pay inequity and pledge to correct it.
- 4) Make the case for greater disclosure of wage issues – the MIT women were able to document some pay disparity, but could never quite get the full picture because of confidentiality rules.
- 5) Counter the argument that there is no pay gap and no glass ceiling – there is no question that the MIT women were the best and brightest in their fields. There are no "legitimate" reasons for the pay gaps and lack of advancement they experienced.

SUMMARY OF MIT STUDY

PURPOSE: A Committee on Women Faculty in the School of Science was established to collect quantitative and qualitative data on the status of female professors and to assess whether there were discriminatory barriers that resulted in lower pay and benefits, fewer promotions and opportunities for career advancement for women than men.

DATA FINDINGS: Inequitable distribution of :
space
amount of nine month salary paid from grants
teaching assignments
awards and distinctions
inclusion on important committees and assignments within the department
misrepresentation of women in the pipeline leading to the top positions

UNEQUAL PAY: salary data was confidential and unavailable to the committee, but a serious underpayment of women faculty had already been identified and corrected at one school; and from the limited info available, possible inequities in salary were flagged

INTERVIEW FINDINGS: Each generation of young women (including current senior women faculty) began their careers believing that discrimination was "solved" and would not affect them. Gradually they began to realize that "the playing field is not level" and that they had each "paid a high price both personally and professionally as a result."

PROGRESS ALREADY ACHIEVED: Immediate steps were taken to redress inequities in the following areas:
space
resources
equipment
underpayment of pensions
responses to outside offers
more inclusion of women in committees and special assignments
new recruitment and retention efforts for exceptional women at all levels
40% increase in number of female faculty in a five year period

DEFINED DISCRIMINATION: "A pattern of powerful but unrecognized assumptions and attitudes that work systematically against women faculty even in the light of obvious good will."

LONG TERM SOLUTIONS: Continue to look at data to review situation and ensure inequities do not reappear
Continue formal communication policy between women faculty and administration
Other options proposed as a model for MIT and other universities

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March 23, 1999

M.I.T. Issues Report Acknowledging Sex Discrimination

By CAREY GOLDBERG

CAMBRIDGE, Mass. -- In an extraordinary admission, top officials at the Massachusetts Institute of Technology, the most prestigious science and engineering university in the country, have issued a report acknowledging that female professors here suffer from pervasive, if unintentional, discrimination.

"I have always believed that contemporary gender discrimination within universities is part reality and part perception," the university's president, Charles M. Vest, said in comments to be published in the faculty newsletter within days and already posted on the World Wide Web. "True, but I now understand that reality is by far the greater part of the balance."

Dr. Vest's comments introduced a report about discrimination against women in the School of Science, one of M.I.T.'s five schools. Five years in the making and initiated by some female faculty members, the report documents a pattern of sometimes subtle -- but substantive and demoralizing -- discrimination in areas from hiring, awards, promotions and inclusion on important committees to allocation of valuable resources like laboratory space and research money.

Such discrimination, national experts say, continues and in some ways has worsened at institutions across the country, despite the growing number of professors who are women. In a report issued last month, the American Association of University Professors found that though women grew to 34 percent of faculty nationwide now from 23 percent in 1975, the gap between salaries for male and female professors actually widened in that period.

Female faculty members involved with the M.I.T. report, the findings of which were posted on the World Wide Web on Friday and reported in The Boston Globe on Sunday, say they do not believe that the institute discriminates more than other top-flight universities; it is simply more willing to admit it and address the problem. A hard push to increase the number of

tenured professors who are women is well under way, the report says, along with other efforts to redress inequities in the allocation of resources. Efforts to perform similar discrimination research university-wide are also under discussion.

The administration's comments on the report "are the most forward-looking statements on gender discrimination that I've read by a high-ranking administrator in one of these elite institutions in the 25 years I've been a faculty member," said Nancy Hopkins, a prominent molecular biologist and an initiator of the committee that issued the report.

Robert J. Birgeneau, dean of the School of Science, said today that he believed the university was unique in its willingness to make such a document public. He also noted in his written comments: "I believe that in no case was this discrimination conscious or deliberate. Indeed, it was usually totally unconscious and unknowing. Nevertheless, the effects were real."

Real, but hard to pin down until three tenured female professors in the School of Science started to compare notes in the summer of 1994. As the report describes, they quickly decided to poll their other female colleagues, which was not difficult because in the entire School of Science, there were only 15 tenured women, compared with 194 men.

In fact, the report notes, the percentage of the School of Science faculty who are women, 8 percent, has remained virtually unchanged for perhaps 20 years. And that, too, seemed a problem.

By August 1994, the School of Science women proposed creating an initiative to improve the status of women in the school — to which Dean Birgeneau readily agreed, and they began to collect data, on everything from the allocation of laboratory space to the amount of research money professors had to apply for themselves instead of being handed by the university.

"It was data-driven," Dean Birgeneau said of the report, "and that's a very M.I.T. thing."

The report found, for example, that in 1994 in biology, undergraduate women numbered 147, compared with 142 men, but the sex balance shifted as students advanced through graduate school so that by the time the report looked at the highest level, faculty, there were only 7 women to 42 men.

In math, the numbers went from 53 women undergraduates and 123 men to only 1 female professor compared with 47 male professors.

Other studies at other schools have looked at questions of salary and promotion and found women consistently paid and promoted less, said Martha S. West, a professor of law at the University of California at Davis and a member of the American Association of University Professors'

committee on the status of women. But, she said of the report, "what's amazing about this is the president's acknowledging that there is a 'scientific' basis for our continual perception that things are not good for us. And my perception is that things have been getting worse, not better, for women over the last 10 years."

Mary Gibson, chairwoman of that committee on the status of women, called the M.I.T. administration's support for the report "absolutely remarkable."

Dean Birgeneau said that participants in the report had not examined its legal implications.

Laying the statistical basis for the report involved fact-finding that uncovered some phenomena participants found striking. For one, junior female faculty tended to feel well taken care of and untouched by discrimination; it was only as they became senior faculty that they felt themselves increasingly marginalized and overlooked by male-dominated networks; and that did not seem to improve with time, the report found.

Report committee members, both men and women, also described their dawning comprehension as they gathered data that they really were seeing a pattern of discrimination, not a set of individual cases involving special circumstances.

Committee members say each little slight to a woman might involve an assumption that did not seem overtly discriminatory, say, that a single woman might seem to need a raise less than a family man, or that a woman might be less likely to seek an outside job offer to propel her promotion, or that it might seem implausible that a woman with children could work hard enough for a given job. But they all added up.

Some aspects of discrimination, like the tendency of men to overlook women's comments in a meeting, can also be somewhat intangible, said Jacqueline Hewitt, a professor of physics and a committee member.

"These things, like how much of a voice you have in the decision-making process, are not so easily quantified," she said.

The tenured women faculty and the dean, the report says, "found that discrimination consists of a pattern of powerful but unrecognized assumptions and attitudes that work systematically against women faculty even in the light of obvious good will. Like many discoveries, at first it is startling and unexpected. Once you 'get it,' it seems almost obvious." "Do other elite universities 'get it' better than M.I.T.?" the report, which is posted on the Web, continues. "No, and indeed a common defense for M.I.T.'s small number of women faculty is that 'Cal Tech and Harvard are doing just as badly.' But to be as bad as these unenlightened institutions is not a defense we should take!"

M.I.T. officials and faculty members involved in the report met Monday to consider their next steps. Lotte Bailyn, the chairwoman of the faculty and an expert on workplace equality, said the group had discussed trying to spread similar initiatives to the rest of the university.

The report recommended continued vigilance, noting that in the School of Science there had never been a female department head or associate head. It made many other recommendations, including a yearly collection of "equity data" and the dismissal of administrators who knowingly discriminated.

It also pointed out that there was still a long way to go.

"I think what was accomplished here was extraordinary," Dr. Hopkins said. "However, the number of people involved in this initiative was tiny, and the number of years it took us to understand it as well as we do is five years, and most of the people at M.I.T. have still barely heard of it.

"The challenge now," she said, "is what can you do so that this wonderful thing that has happened can become automatic and institutionalized?"

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March 1999

A Study on the Status of Women Faculty in Science at MIT

Comments by MIT President Charles M. Vest

I commend this study of Women Faculty in Science to all of my faculty colleagues. Please read it, contemplate its messages and information, and act upon it personally and collectively.

I learned two particularly important lessons from this report and from discussions while it was being crafted. First, I have always believed that contemporary gender discrimination within universities is part reality and part perception. True, but I now understand that reality is by far the greater part of the balance. Second, I, like most of my male colleagues, believe that we are highly supportive of our junior women faculty members. This also is true. They generally are content and well supported in many, though not all dimensions. However, I sat bolt upright in my chair when a senior woman, who has felt unfairly treated for some time, said "I also felt very positive when I was young."

We can take pride in the candor of dialog that these women have brought to this issue and in the progress that we have made, but much remains to be done. Our remarkably diverse student body must be matched by an equally diverse faculty. Through our institutional commitment and policies we must redouble our efforts to make this a reality.

Introductory Comments by Dean Robert J. Birgeneau, School of Science

A Study on the Status of Women Faculty in Science at MIT

Adobe Acrobat Version of this Study

Comments from Professor Lotte Bailyn, Faculty Chair

MIT [Comments to news@office@mit.edu](mailto:news@office@mit.edu)

March 1999

A Study on the Status of Women Faculty in Science at MIT

Introductory Comments by School of Science Dean Robert J. Birgeneau

This article in the *Faculty Newsletter* describes the efforts of an extraordinary group of women faculty in the School of Science to understand and ameliorate the long-term effects of discrimination in academia. I believe that in no case was this discrimination conscious or deliberate. Indeed, it was usually totally unconscious and unknowing. Nevertheless, the effects were and are real. Some small steps have been taken to reverse the effects of decades of discrimination, but we still have a great deal more to accomplish before true equality and equal treatment will have been achieved.

Currently, our undergraduate body at MIT reflects reasonably well the remarkable diversity and richness of the American population. Our faculty, on the other hand, remains overwhelmingly white male. This, of course, means that we are not taking advantage of the tremendous talents of the absolute majority of the population in filling our faculty ranks. This is to the detriment of the students, the faculty, and MIT as a whole. Correcting this extreme imbalance is one of the major challenges that MIT faces as we enter the next millenium. This report is a critical first step in that process. I congratulate our School of Science women faculty for their courage and conviction in initiating this process.

Introductory Comments by Dean Robert J. Birgeneau, School of Science

A Study on the Status of Women Faculty in Science at MIT

Adobe Acrobat Version of this Study

Comments from Professor Lotte Bailyn, Faculty Chair

MIT [Comments to newsoffice@mit.edu](mailto:newsoffice@mit.edu)

March 1999

A Study on the Status of Women Faculty in Science at MIT

Comments by MIT Faculty Chair Lotte Bailyn

This report on the work of the Committees on Women Faculty in the School of Science and the response of the Dean to their findings, describes a model that can be used by the Institute as a whole to decrease the inequities that still exist, both in terms of numbers and in treatment. And though these data refer to women, the methods used and recommendations made can and should be adapted to faculty from underrepresented minorities.

The key conclusion that one gets from the report is that gender discrimination in the 1990s is subtle but pervasive, and stems largely from unconscious ways of thinking that have been socialized into all of us, men and women alike. This makes the situation better than in previous decades where blatant inequities and sexual assault and intimidation were endured but not spoken of. We can all be thankful for that. But the consequences of these more subtle forms of discrimination are equally real and equally demoralizing.

The women who worked on these issues over the past five years are all gifted scientists, themselves convinced that gender had nothing to do with their careers: if they succeeded it was on the basis of their competence, and recognition would certainly follow; if they didn't it was based on something they lacked and rewards weren't warranted. During their earlier years, this belief was continuously reinforced, but then something seemed to change. It was only when they came together, and with persistence and ingenuity, that they saw that as their careers advanced something else besides competence came into play, which for them meant an accumulation of slight disadvantages, with just the opposite for their male colleagues. Their ability to identify the inequities that resulted and the Dean's willingness to respond, have changed the environment for their work and enhanced their ability to contribute productively to the institution.

In order to keep the momentum of this effort, and to extend it to other parts of the Institute, we need to implement Institute-wide means of continuously tracking progress and to find ways to keep senior faculty women involved in the process. This is hard work. Our first instinct is to deny that a problem exists (if it existed, it would surely have been solved by now) or to blame it on the pipe line or the circumstances and choices of individual women. None of these, however, explains the inequities surfaced by the Committee. To ensure an equitable faculty environment, we need committees such as these (including also, as in the present case, male faculty with administrative experience) in all Schools of the Institute. Their task is not only to track and monitor, but also to keep underrepresented faculty closely tied to the administrators who make the Institute's critical decisions. As both President Vest and Dean Birgeneau emphasize in their comments, we have made progress, but there is still a long way to go.

Introductory Comments by Dean Robert J. Birgeneau, School of Science

A Study on the Status of Women Faculty in Science at MIT

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A Study on the Status of Women Faculty in Science at MIT:

How a Committee on Women Faculty came to be established by the Dean of the School of Science, what the Committee and the Dean learned and accomplished, and recommendations for the future.

Members of the First and Second Committees on Women Faculty in the School of Science

First Committee (1995-1997)

Sallie W. Chisholm - CEE and Biology

Jerome I. Friedman - Physics (department Head)

Nancy Hopkins - Biology (Committee Chair)

Daniel Kleitman - Mathematics (former department Head)

June L. Matthews - Physics

Mary C. Potter - BCS

Paola M. Rizzoli - EAPS (served 7/95-)

Leigh Royden - EAPS (served 2/95-7/95)

Robert J. Silbey - Chemistry (department Head)

JoAnne Stubbe - Chemistry and Biology

Second Committee (1997-1999)

Sylvia T. Ceyer - Chemistry

Sallie W. Chisholm - CEE and Biology

A Study on the Status of Women Faculty In Science at MIT

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Jerome I. Friedman - Physics (former department Head)**Jacqueline N. Hewitt - Physics****Kip V. Hodges - EAPS****Nancy Hopkins - Biology****Mary C. Potter - BCS (Committee Chair)****Paola M. Rizzoli - EAPS****Robert J. Silbey - Chemistry (former department Head)****Outline**

- **Abstract**
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- **Establishing the Committee on Women Faculty in the School of Science**
- **Committee membership and how the Committee operated**
- **What the Committee learned**
- **What the Committee recommended**
- **Real progress: What the Dean did to improve the status and equitable treatment of senior women faculty and to increase the number of women faculty in the School of Science**
- **How did inequities come about? "Gender discrimination" in 1999**
- **Long term solutions – "Affirmative actions" for 1999**

Abstract

In 1995 the Dean of Science established a Committee to analyze the status of women faculty in the six departments in the School of Science. The Committee submitted a report of its findings in August, 1996 and amended reports in 1997 and 1998. The Committee discovered that junior women faculty feel well supported within their departments and most do not believe that gender bias will impact their careers. Junior women faculty believe, however, that family-work conflicts may impact their careers differently from those of their male colleagues. In contrast to junior women, many tenured women faculty feel marginalized and excluded from a significant role in their departments. Marginalization increases as women progress through their careers at MIT. Examination of data revealed that marginalization was often accompanied by differences in salary, space, awards, resources, and response to outside offers between men and women faculty with women receiving less despite professional accomplishments equal to those of their male colleagues. An important finding was that this pattern repeats itself in successive generations of women faculty. The Committee found that, as of 1994, the percent of women faculty in the School of Science (8%) had not changed significantly for at least 10 and probably

20 years. The Committee made recommendations for improving the status of senior women faculty, addressing the family-work conflict for junior women faculty, and increasing the number of women faculty. The Dean of Science took immediate actions to effect change and these have already resulted in highly significant progress including an increase in the number of women faculty. This collaboration of faculty and administration could serve as a model for increasing the participation of women, and also of under-represented minorities, on the faculty of other Schools at MIT. This is an important initiative since, even with continued effort of this magnitude, the inclusion of substantial numbers of women on the Science and Engineering faculties of MIT will probably not occur during the professional lives of our current undergraduate students. The inclusion of significant numbers of minority faculty will lag for even longer because of the additional problem of a shortage of minority students in the pipeline.

Introduction

In the summer of 1994, three tenured women faculty in the School of Science began to discuss the quality of their professional lives at MIT. In the course of their careers these women had come to realize that gender had probably caused their professional lives to differ significantly from those of their male colleagues. Interestingly, they had never discussed the issue with one another and they were even uncertain as to whether their experiences were unique, their perceptions accurate. This situation was about to change dramatically. It was soon clear to the women that their experiences formed a pattern. Curious to know whether other women in the School of Science shared these experiences, they drew up a list of all the tenured women faculty in the School of Science in order to conduct an informal poll.

The three women faculty were surprised to discover how easy the polling would be. This was because in the summer of 1994, there were only 15 tenured women faculty in the six departments of the School of Science, vs 194 men. These numbers had remained essentially unchanged for 10-20 years. In a formal study conducted the following year, the graph and table shown below were obtained from the Planning Office at MIT. The data show the numbers of men and women faculty in Science for each year in the decade from 1985-1994.

With a list of tenured faculty in hand, the three women set out to poll the 12 other tenured women faculty in Science, plus 2 women faculty with primary appointments in the School of Engineering and secondary appointments in Science, to determine if these women would join in a discussion of the status of senior women faculty. They were warmly received. Recognition that there was a problem and an understanding of what the problem was proved to be instantaneous with almost all the women they spoke with. Within a day, the tenured women faculty in Science comprised a group with a common purpose.

Discussions with women faculty from the other Schools at MIT soon revealed that the gender-based experiences that had negatively impacted the professional lives of women faculty in Science were not unique to that School. The problems were universal regardless of School or academic discipline. Rather than form an MIT-wide group to study the problem, however, because of the very different cultures and needs of different disciplines and Schools, the women realized that solutions were most likely to be found if the problem was addressed within a single School. Since the women who first became interested in the issue were from Science, the initiative took shape in that School.

Establishing the Committee on Women Faculty in the School of Science

In August, 1994, 16 of the 17 tenured women faculty in Science sent a proposal to Bob Birgeneau for an initiative to improve the status of women faculty in the School of Science. They wrote as follows:

"This proposal has been developed by the tenured women faculty in the School of Science. It speaks to our serious concerns about the small number of women professors at MIT, and about the status and treatment of the women who are here. We believe that unequal treatment of women faculty impairs their ability to perform as educators, leaders in research, and models for women students...

We believe that discriminatory attitudes operate at the time of hiring junior faculty and influence the experiences of the women who are hired. Most discrimination at MIT, whether practiced by men or women, is largely unconscious. Often it is difficult to establish discrimination as a factor because any one case, no matter how disturbing or aberrant, can usually be ascribed to its special circumstances... Thus, we need to develop safeguards to prevent, detect, and promptly correct the experiences that together constitute gender discrimination...

We believe that unequal treatment of women who come to MIT makes it more difficult for them to succeed, causes them to be accorded less recognition when they do, and contributes so substantially to a poor quality of life that these women can actually become negative role models for younger women...

The heart of the problem is that equal talent and accomplishment are viewed as unequal when seen through the eyes of prejudice... There is a perception among many women faculty that there may be gender related inequalities in distribution of space and other resources, salaries, and distribution of awards and other forms of recognition. Currently, a glass ceiling exists within many departments...

We request that a committee be established ... to deal with the status of women faculty in the School of Science... The role of the Committee would be to review space, resource distribution, salaries, and teaching assignments for women faculty to guarantee that they are fair relative to those of their male colleagues. When inequities are detected, there should be a mechanism to initiate prompt action to correct these inequities."

It is important to realize how difficult this effort was for the senior women faculty at that time. Driven all their professional lives to achieve at the highest possible level, to many it seemed they were putting a life-time of hard work and good behavior at risk. They feared being seen as radical trouble makers, as complainers. But the feeling of an injustice, the anger that accumulates from this recognition, and the strong desire to change things for themselves and for future generations of women, propelled them forward.

In response to their request, the Dean undertook a quick study of his own and immediately recognized that a serious problem existed. He became a strong champion of the women's cause. Some administrators resisted the notion that there was any problem that arose from gender bias in the treatment of women faculty. Some argued that it was the masculine culture of MIT that was to blame and little could be done to change that. With the support of President Vest, the Dean won the approval of the department Heads in Science to allow the women faculty to establish their Committee as requested. A pre-committee that included department Heads was appointed to write a charge to the Committee to ensure that the terms would be acceptable to all.

Committee membership and how the Committee operated

The Committee was composed of a single tenured woman from each of the six departments in Science (except Mathematics since there were and still are no tenured women faculty in math) plus three senior male faculty. The three men were or had been department Heads. This was important as their knowledge and administrative experience proved to be invaluable to the work of the Committee.

To analyze the status and equitable treatment of women faculty the Committee collected two types of information – data and interviews with women faculty and department heads.

Data

Data were collected pertaining to the allocation of resources that impact the professional success of faculty, compensations and awards that reflect the administration's valuation of faculty, and obligations that impact the professional quality of life of faculty. Although the Committee was not initially charged with addressing the question of the very small number of women faculty, the issue is so important that it could not be ignored so pipeline data were also studied. Thus, data for men vs women faculty were studied concerning salary, space, resources for research, named chairs, prizes, awards, amount of salary paid from individual grants, teaching obligations and assignments, committee assignments – departmental, Institute, outside professional activities and committees, and pipeline data: numbers of women/men students and faculty over time. Most data were obtained from the Dean's office, some from the Planning Office at MIT.

Interviews with women faculty and department heads

All but one senior woman faculty in the School of Science either served on the Committee or was interviewed by the Committee. All department Heads in the School of Science either served on the Committee or were interviewed by the Committee. A difficult decision was whether to interview junior women faculty as the Committee did not wish to place them in a possibly awkward position. In the end interviews were conducted with most of the junior women faculty since these women considered the initiative important and wished to contribute.

A particularly important aspect of how the Committee operated was that no substantive letter, memo, or report was written, and no important action taken without seeking the participation and advice of all the tenured women faculty in Science. As discussed below, exclusion and invisibility proved to be the common experience of most tenured women faculty. The Committee's purpose was to be the voice and opinion of all the senior women faculty. A great value of the Committee also lay in sharing the data collected with all the tenured women faculty, since most women had been excluded from this type of information throughout their careers, often with negative consequences for their professional lives.

What the Committee Learned

From data

Given the tiny number of women faculty in any department one might ask if it is possible to obtain significant data to support a claim of gender differences in terms of the distribution of resources and rewards to men vs women faculty. The answer to this question is unequivocally yes. The key to a meaningful review is twofold:

- 1) It is essential to review primary rather than processed data, and
- 2) It is essential that the review be done by senior women faculty who are deeply knowledgeable about the particular department, discipline and area of research.

Data reviews revealed that in some departments men and women faculty appeared to share equally in material resources and rewards, in others they did not. Inequitable distributions were found involving space, amount of 9-month salary paid from individual research grants, teaching assignments, awards and distinctions, inclusion on important committees and assignments within the department. While primary salary data are confidential and were not provided to the committee, serious underpayment of senior women faculty in one department had already been discovered and corrected two years before the Committee formed. Further possible inequities in salary were flagged by the Committee from the limited data made available to it.

The Committee sought data to try to determine whether the number of women faculty was increasing. The data, shown in Table 2 and Figure 2 for the six departments in the School of Science, reveal that there are very significant numbers of women students in the sciences at MIT, but, as has been found in studies of many academic institutions, the pipeline leaks at every stage of career. It was apparent that overall the percent of women faculty had not changed for at least 10, and probably 20, years and there was no indication that there would be any change in the foreseeable future.

From interviews

The Committee documented women faculty's perceptions about their status and that of their female colleagues. These interviews were invaluable and provided a compelling picture of the lives of women faculty in the School of Science at MIT and the necessity for change. While there was variation between departments, a common finding for most senior women faculty was that the women were "invisible", excluded from a voice in their departments and from positions of any real power. This "marginalization" had occurred as the women progressed through their careers at MIT, making their jobs increasingly difficult and less satisfying. In contrast, junior women faculty felt included and supported in their departments. Their most common concern was the extraordinary difficulty of combining family and work.

An important finding to emerge from the interviews was that the difference in the perception of junior and senior women faculty about the impact of gender on their careers is a difference that repeats itself over generations. Each generation of young women, including those who are currently senior faculty, began by believing that gender discrimination was "solved" in the previous generation and would not touch them. Gradually however, their eyes were opened to the realization that the playing field is not level after all, and that they had paid a high price both personally and professionally as a result.

Interviews with department Heads were invaluable for providing insight into some of the reasons for the isolation of senior women faculty as well as for the difficulty in hiring women faculty. The Committee's findings were summarized in their report as shown on an accompanying page.

What the Committee Recommended

To address the problems it had documented, the Committee and the tenured women faculty in Science made a set of proposals to the administration for achieving equity and improving the status of senior women faculty, for improving the quality of the professional lives of junior faculty and for preventing the possible future marginalization of junior women faculty, and for increasing the number of women faculty. These recommendations were summarized in the Committee's report as shown on an accompanying page.

Real progress: What the Dean did to improve the status and equitable treatment of senior women faculty and to increase the number of women faculty in Science

Upon receiving an interim report from the Committee in the summer of 1995, the Dean took immediate steps to redress inequities to senior women faculty. Individual issues of space, resources, equipment, previous underpayment of pensions, and responses to outside offers were rapidly addressed. Through discussions with department Heads, the inclusion of women in significant departmental activities was increased. Working with department Heads the Dean also made great effort to identify and recruit exceptional women at all faculty ranks. It is impossible to state too strongly how important these actions have been for improving the morale and the professional and personal lives of many senior women faculty and for increasing the number of women faculty.

One senior woman faculty described the outcome of this collaboration as "more progress for women faculty at MIT in one year than was accomplished in the previous decade."

Another woman, describing the change in her professional life, noted, "I was unhappy at MIT for more than a decade. I thought it was the price you paid if you wanted to be a scientist at an elite academic institution. After the Committee formed and the Dean responded, my life began to change. My research blossomed, my funding tripled. Now I love every aspect of my job. It is hard to understand how I survived those years — or why."

Also impressive is the change in the percent of women faculty as a result of these efforts. As shown in

A Study on the Status of Women Faculty In Science at MIT

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the table below, the percent of women faculty in Science exceeds 10% in 1999, a first for MIT. This year alone there will be a remarkable 40% increase in the percent of tenured women faculty in the School of Science.

Number of Men and Women Faculty in Science at MIT in 1994 and 1999

	<u>1994</u>	<u>1999</u>
Men	252	235
Women	22	31

The events described above raise two important questions: 1) How did this problem come about in the first place? and 2) Given the striking success of the collaboration between the women faculty and Dean Birgeneau is the problem solved now?

How did inequities come about? "Gender discrimination" in 1999

Given the tiny number of women faculty and the fact that they are essentially irreplaceable, one would have assumed that all tenured women would be treated exceptionally well-pampered, overpaid, indulged. Instead, they proved to be underpaid, to have unequal access to the resources of MIT, to be excluded from any substantive power within the University. How did this surprising state of affairs come about?

First and foremost it is essential to set aside the issue of whether these women were badly treated because they were simply not good enough. It must be understood that for these particular women the opposite was undeniably true. Despite discrimination, most of these women achieved at an outstanding level within their professions. Forty percent of the tenured women faculty are members of the National Academy of Sciences and/or the American Academy of Arts and Sciences. Only people above the average MIT faculty could have succeeded at this level despite the many obstacles the senior women faculty encountered in their careers. Indeed, it should be almost obvious that the first women, the first blacks, the pioneers who break through despite enormous barriers must be exceptional. Once and for all we must recognize that the heart and soul of discrimination, the last refuge of the bigot, is to say that those who are discriminated against deserve it because they are less good. While the term "affirmative action" is sometimes used to mean letting people in simply because they are women, minorities, that is the opposite of what affirmative action means at MIT and most emphatically, to women faculty at MIT. The tenured women faculty in Science are interested only in equity for women who are at least as good as their male colleagues, and, as the Committee learned, women are often the harshest critics of other women they deem less than better than most faculty for fear that they will reflect badly on all women.

How else might we explain what happened to the senior women faculty in Science? While the reasons for discrimination are complex, a critical part of the explanation lies in our collective ignorance. We must accept that what happened to the tenured women faculty in the School of Science is what discrimination is. It defines discrimination in the period from the 1970s up till today. But we, including

A Study on the Status of Women Faculty In Science at MIT

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for a long time the women faculty themselves, were slow to recognize and understand this for several reasons. First, *it did not look like what we thought discrimination looked like*. Most of us thought that the Civil Rights laws and Affirmative Action had solved gender "discrimination". But gender discrimination turns out to take many forms and many of these are not simple to recognize. Women faculty who lived the experience came to see the pattern of difference in how their male and female colleagues were treated and gradually they realized that this was discrimination. But when they spoke up, no one heard them, believing that each problem could be explained alternatively by its "special circumstances". Only when the women came together and shared their knowledge, only when the data were looked at through this knowledge and across departments, were the patterns irrefutable.

The tenured women faculty, acting as a group through the Committee, together with the Dean, made a discovery. They identified the forms that gender "discrimination" takes in this post-Civil-Rights era.

They found that discrimination consists of a pattern of powerful but unrecognized assumptions and attitudes that work systematically against women faculty even in the light of obvious good will. Like many discoveries, at first it is startling and unexpected. Once you "get it", it seems almost obvious.

Do other elite Universities "get it" better than MIT? No, and indeed, a common defense for MIT's small number of women faculty is that "Cal Tech and Harvard are doing just as badly." But to be as bad as these unenlightened institutions is not a defense we should take! Given its particular strengths in fact-finding and problem-solving, MIT should lead in this area, not settle for the unimpressive record of the more traditional institutions.

Long term solutions - "Affirmative actions " for 1999: Ensuring equity for women faculty in all Schools at MIT, improving the quality of life for junior faculty at MIT, and expanding this initiative, and others as well, to increase the number of minority faculty at MIT

Now that we have a better understanding of gender discrimination, and now that many specific issues have been fixed for our current senior women faculty in Science, can we go back to business as usual and expect that the problem has gone away? Clearly not. The number of women faculty in Science is still tiny (the percent of faculty who are women is even smaller in Engineering) and the number of administrators who have participated in this effort and understand it is even smaller. The success of this initiative was the result of the unusual dedication and effort of a tiny group of faculty and a single administrator, Dean Birgeneau. But progress that depends on a small number of specific individuals is unlikely to be maintained. Unless actions are taken to install mechanisms to prevent gender discrimination, we can be certain that it will recur in the near future. Furthermore, despite the increase in the number of women faculty as a result of five years of effort by Dean Birgeneau and many department Heads in Science, the proportion of faculty who are women will remain small for decades to come. Even if we continue to hire women at the current increased rate in Science, it will be 40 years before 40% of the faculty in the School of Science could be women! Finally, we must address the issue of family and work for our junior faculty since MIT's current faculty system is built around a one-career family, while many of our junior faculty today are part of a two-career family structure.

To solidify the gains we have made, we need to implement the recommendations of the Committee on Women Faculty as soon as possible and we can extend this effort to other Schools at MIT. Critically important are 1) to establish a continuing review of primary data to ensure that inequities do not occur and 2) to establish close communication between the senior women faculty and department Heads,

Deans, and the higher administration both to prevent marginalization of women faculty and so that senior women faculty's unique knowledge of gender issues becomes integrated at the level where academic power resides. The latter will remain critically important until women faculty routinely occupy positions of academic power. We must remember that, as of 1999, there has never been a woman department Head, associate Head, or center director in the School of Science in the history of MIT.

It also seems imperative, now that we better understand the unexpected forms that discrimination can take and better understand how to address them by a collaboration of faculty and administrators, that we should take steps to make greater progress in addressing the serious underrepresentation of minority faculty at MIT. Few issues are as important for a University as the inclusion of women and minorities at the faculty level. To remain at the top academically we must seek out and nurture the best talent available, and half of that is female, much of it in under-represented minorities. We have a great opportunity now to take advantage of the tiny number of women and minorities that we have finally accumulated in the past 25 years, and to use their knowledge of these problems to help ensure MIT's excellence and competitiveness into the future.

SUMMARY FROM THE FIRST REPORT OF THE COMMITTEE ON WOMEN FACULTY IN THE SCHOOL OF SCIENCE - 1998

The Committee reviewed the status and equitable treatment of women faculty in the School of Science and addressed the related question of why there are still so few women faculty. We used interviews with women faculty and Department Heads to obtain information about both tenured and untenured women faculty, and, in the case of tenured women faculty, we collected data pertaining to salary, amount of salary paid from grants, space, resources, teaching assignments, and outside professional activities for women vs men. We also obtained pipeline data on the number of men and women students, postdocs, and faculty in the School of Science at MIT to determine whether the number of women shows any signs of increasing.

The Committee learned that untenured women faculty feel that men and women faculty are treated equally in terms of resources, salary, and other material benefits. Most feel supported by their departments in their scientific endeavors, and feel included in departmental activities and in the types of intellectual networking needed to succeed in science. While the Committee did not collect equity data, nothing we learned contradicted the accuracy of this perception, and information obtained from interviews with department Heads supported it. While some junior women faculty experience what they suspect may be gender bias in their own treatment or in that of other women faculty, almost none believe that gender bias will impede their careers. Junior women faculty who have children believe, however, that the demands of family are a potential obstacle to success that may impact their careers differently from those of their male colleagues. The Committee believes that institutional changes could help to alleviate this inequality.

After tenure, many senior women faculty begin to feel marginalized, including those who felt well supported as junior faculty. They sense that they and their male colleagues may not be treated equally after all. Incidents in their own professional lives or differential treatment of their male and female colleagues may open their eyes to this reality. The Committee obtained strong evidence to support their perception, although considerable variation in departments was found. One department has no tenured women faculty, one had only one at the time of this analysis and she had not experienced difficulties, while a third department has several tenured women who feel involved and represented, although they have seen or experienced problems of marginalization and exclusion of women faculty from time to time in the past. Within three departments the Committee obtained evidence of subtle differences in the treatment of men and women faculty, evidence of exclusion, and, in some cases, evidence of apparent discrimination against women faculty. The Committee documented differences in salary in the recent past, in amount of 9-month salary paid from grants, in access to space, resources, and inclusion in positions of power and administrative responsibility within departments or within the broader MIT community. Differences resulted in women having less or in their being excluded from important professional opportunities. Interviews with women faculty

A Study on the Status of Women Faculty In Science at MIT

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revealed the tremendous toll that exclusion and marginalization take on their professional and personal lives. Problems appear to increase progressively as women approach the same age as their administrators. The Committee believes that problems flourish in departments where non-democratic practices, including administrative procedures whose basis is known only to a few, lead inevitably to cronyism and unequal access to the substantial resources of MIT.

The Committee learned that the percent of women faculty in the School of Science has not increased for at least a decade. As of 1994 there were 22 women faculty, 252 male faculty.

After the Committee submitted an Interim Report on its findings, the administration moved swiftly to improve the status and equitable treatment of senior women faculty and to increase the number of women faculty. These efforts have already significantly improved the professional lives and morale of many of the tenured women faculty. While considerable effort will be needed to sustain progress, success to date demonstrates that a collaboration between committed faculty and administrators can help to solve the long standing problem of integrating significant numbers of women into the faculty of MIT. Based on suggestions from the women faculty, the Committee prepared a set of recommendations to further improve the status and equitable treatment of women faculty.

RECOMMENDATIONS MADE TO THE MIT ADMINISTRATION IN THE FIRST REPORT OF THE COMMITTEE ON WOMEN FACULTY IN THE SCHOOL OF SCIENCE - 1996

To Improve the Status of, and Ensure Equity for, Senior Women Faculty

- Make the Committee on Women Faculty a standing committee. The Committee should:
 - Maintain and open channels of communication between Department Heads and women faculty
 - Collect equity data each year for inclusion in a written report, and disseminate a summary of the report to the MIT community
 - Raise community consciousness about the need for equity
- Seek out women for influential positions within Department and Institute administrations, including as Heads and as members and Chairs of key committees. Involve tenured women faculty in the selection of administrators, and consult with women faculty to ensure the continued commitment of administrators to women faculty issues.
- Review the compensation system, which has been shown to impact differentially on salaries of men and women faculty in recent years. In particular, review the reliance on outside offers. Review salary data and distribution of resources annually for gender equity.
- Replace administrators who knowingly practice or permit discriminatory practices against women faculty. Promptly end inequitable treatment of women faculty, and make appropriate corrections for inequities when they are discovered.
- Watch for, and intervene to prevent, the isolation and gradual marginalization of women faculty that frequently occurs, particularly after tenure.

To Improve the Professional Lives of Junior Women Faculty

- Take proactive steps, via department Heads and via the Committee on Women Faculty, to promote integration, and to prevent isolation of junior women faculty.
- Address the childbearing issue for junior women faculty:
 - Make the policy on maternity leave and tenure clock uniform throughout the Institute, and make the policies widely known so that they become routine
 - Take steps to change the presumption that women who have children cannot achieve equally with men or with women who do not have children

To Increase the Number of Women Faculty

- Advise Department Heads to place senior women faculty on appropriate search committees.
- When hiring faculty do not overlook women candidates from within MIT, particularly in the fields of Mathematics and Chemistry where the number of women candidates is small.
- Inform Department Heads each year that conscious effort is needed to identify and recruit outstanding junior and senior women faculty from outside MIT.
- Address the family-work conflict realistically and openly, relying on advice from appropriate women faculty, in order to make MIT more attractive to a larger pool of junior women faculty, and to encourage more women students and postdocs to continue in academic science.

**Number of women (F) vs men (M) – undergraduate to faculty
in the School of Science, MIT 1994***

	Biology		Chemistry		EAPS	
	F	M	F	M	F	M
Undergraduates	147	142	59	53	7	9
Graduate Students	101	118	73	176	67	121
Postdocs**	27	57	20	71	3	21
Faculty	7	42	2	30	4	35

	Brain & Cognitive Science		Mathematics		Physics	
	F	M	F	M	F	M
Undergraduates	28	23	53	123	40	160
Graduate Students	17	36	17	95	30	267
Faculty	4	19	1	47	4	77

* Data taken from tables provided by Lydia Snover, Planning Office, MIT

** This category not included for other three departments

**Percent Women at Each Stage of Career in Five Departments
in the School of Science at MIT in the Period 1985-1994**

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A Study on the Status of Women Faculty In Science at MIT

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To: Robin Leeds **Date:** March 29, 1999
Fax #: 456-7311 **Pages:** 3, including this cover sheet.
From: Lisa Ross
Subject: Attached info

COMMENTS:

DRAFT

March 23, 1999

Women's Bureau Equal Pay Day Proposal: White House Roundtable on Equal Pay

Purpose: To focus national attention on realistic solutions to recognizing unequal pay and pay discrimination against women and developing programs that will combat it in the workforce. Special recognition will be given to the new MIT report on discrimination.

Attendees: President Clinton, Vice President Gore Labor Secretary Alexis M. Herman, EEOC Chair Ida Castro, MIT President Charles Vest, MIT Chair Mary Gibson (or another appropriate MIT female faculty member), Senator Daschle and NCPE Director Susan Bianchi-Sand.

Format: Introductory Remarks by Secretary Herman, Vice President Gore and President Clinton, followed by presentation of information by MIT officials. Then President directs questions to MIT, EEOC and Women's Leaders. Program length: 1.5-2 hours.

Herman: Acknowledges significance of Equal Pay Day and the importance of today's event in breaking the code of silence on discrimination, especially when it comes to pay. Lays the background of the issue and discusses women's progress in education, experience and entering nontraditional occupations - and states that despite this progress, more needs to be done. It is not enough to simply achieve these goals - as a society we must confront the attitudes that underlie discrimination and take a public stand against it.

DRAFT

VPOTUS: Discusses significant work that the Administration has taken on equal pay - endorsing new legislation, beefing up funds for enforcement, and proposing new money in FY 2000 budget for greater public education and equal pay enforcement. Pledges that the Administration stands ready to work with employers in building effective partnerships to end discrimination and close the wage gap.

POTUS: Talks about the importance of acting on courage of convictions. The importance of the MIT female faculty taking a stand to do the research and insist that it be heard. The importance of employers acting responsibly and taking seriously concerns - doing more than just acting concerned - the importance of taking action to correct inequity. Invites MIT officials to speak.

MIT: Gives overview of research, findings and proposals to correct inequity.

POTUS Starts Q and As: Asks MIT women what finally triggered them to stand up and say we are going to get to the bottom of this and hold people accountable?

Thanks MIT President Vest for coming forward with his report and asks him to explain what made the difference in his decision to go public with the information.

DRAFT

DRAFT

DRAFT

Asks what he would advise other employers to do.

Asks Secretary Herman how the Labor Department will react to companies who follow in MIT's footsteps.

Asks EEOC Chair Ida Castro to comment on the MIT study and what she would advise employers to do to ensure compliance with all eeo laws.

Asks Senator Daschle how his legislation will help working women.

Asks NCPE Director Susan Bianchi-Sand about the Committee's efforts to organize women to come forward and speak out against the injustice of pay discrimination.

POTUS closes the program with call to all employers to remain vigilant on ensuring equal employment opportunity and equal pay for working women and men.

DRAFT

202-543-1517

United Church of Christ

Conover, Pat

1. Shall do regulation
2. Hits every company
3. Consider factors of burden and format

Hardest version (pay only)

Revised Pay Information Provision (S.71 in 105th)

Sec. 4 COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

“(1) The Commission shall, not more than 18 months following the enactment into law of this subsection and the appropriation of funds thereunder:

A. Complete a survey of data that is currently available to the federal government relating to employee pay information for use in the enforcement of the federal laws prohibiting pay discrimination and, and in consultation with other relevant federal agencies, identify additional data collections that will enhance enforcement of these laws, and

B. Based on this study and consultation, by regulation provide for the collection of pay information data from employers and require each employer who has 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year to maintain payroll records and to prepare and submit to the Commission of reports containing information from the records by the sex, race, and national origin of their employees.

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting pay information discrimination. The Commission shall also consider other factors including: imposition of burden on employers; and the most effective format of the report for data collection.

(3) the Commission is authorized up to \$2 million to promulgate this regulation.

1. Pay information

2. Shall do

**3. Leaves open size, targetting
(similar to Ellen V.)**

Revised Pay Information Provision from previous version of Daschle bill (S.71 in 105th)

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B. Based on this study and consultation, by regulation provide for the collection of pay information data from employers by the sex, race, and national origin of their employees.

over 150

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting pay discrimination. The Commission shall also consider other factors including: imposition of burden on employers; ~~the appropriate~~ size of employers who should be required to submit reports; the frequency of submissions of reports including whether all such employers, or a subset of employers, should be required annually to submit reports; and the most effective format of the report for data collection.]

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Original Daschle

Pay Collection Provision from previous version of Daschle bill (S.71 in 105th)

Sec. 4 COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

“(1)(1) The Commission shall, by regulation, require each employer who has 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year to maintain payroll records and to prepare and submit to the Commission reports containing information from the records. The reports shall contain pay information, analyzed by the race, sex, and national origin of the employees. The reports shall not disclose the pay information of an employee in a manner that permits the identification of the employee.

“(2) The third through fifth sentences of section 709© shall apply to employers, regulations, and records described in paragraph (1) in the same manner and to the same extent as the sentences apply to employers, regulations, and records described in such section..”.

Ellen V. suggestion for 3/29

- ① shall do
- ② compensation not wages
- ③ size/frequency left open

Revised Compensation Information Provision from previous version of Daschle bill (S.71 in 105th)

Sec. 4 COLLECTION OF COMPENSATION INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

“(1) The Commission shall, not more than 18 months following the enactment into law of this subsection and the appropriation of funds thereunder:

A. Complete a survey of data that is currently available to the federal government relating to employee compensation for use in the enforcement of the federal laws prohibiting compensation discrimination and, and in consultation with other relevant federal agencies, identify additional data collections that will enhance enforcement of these laws, and

B. Based on this study and consultation, by regulation provide for the collection of compensation data from employers by the sex, race, and national origin of their employees.

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting compensation discrimination. The Commission shall also consider other factors including: imposition of burden on employers; the appropriate size of employers who should be required to submit reports; the frequency of submissions of reports including whether all such employers, or a subset of employers, should be required annually to submit reports; and the most effective format of the report for data collection.

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- ① Specifies
Company size
② Compensation
③ doesn't say all
comps.
submit

Harder version

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all kinds
of factors
involved

Will compare short
~~amendment~~

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① Specifies
Company size
② Compensation
③ Does it say all
comps.
submit

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Will companies submit
~~compensation~~

Hardest version

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1. Shall do regulation
2. Hits every company
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Hardest version (pay only)
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A. Complete a survey of data that is currently available to the federal government relating to employee pay information for use in the enforcement of the federal laws prohibiting pay discrimination and, and in consultation with other relevant federal agencies, identify additional data collections that will enhance enforcement of these laws, and

B. Based on this study and consultation, by regulation provide for the collection of pay information data from employers and require each employer who has 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year to maintain payroll records and to prepare and submit to the Commission of reports containing information from the records by the sex, race, and national origin of their employees.

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting pay information discrimination. The Commission shall also consider other factors including: imposition of burden on employers; and the most effective format of the report for data collection.

(3) the Commission is authorized up to \$2 million to promulgate this regulation.

1. Pay information

2. Shall do

**3. Leaves open size, targetting
(similar to Ellen V.)**

Revised Pay Information Provision from previous version of Daschle bill (S.71 in 105th)

**Sec. 4 COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION.**

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

“(1) The Commission shall, not more than 18 months following the enactment into law of this subsection and the appropriation of funds thereunder:

A. Complete a survey of data that is currently available to the federal government relating to employee compensation for use in the enforcement of the federal laws prohibiting pay discrimination and, and in consultation with other relevant federal agencies, identify additional data collections that will enhance enforcement of these laws, and

B. Based on this study and consultation, by regulation provide for the collection of pay information data from employers by the sex, race, and national origin of their employees.

✓ PUV 10

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting pay discrimination. The Commission shall also consider other factors including: imposition of burden on employers; the ~~appropriate size of employers who should be required to submit reports~~; the frequency of submissions of reports including whether all such employers, or a subset of employers, should be required annually to submit reports; and the most effective format of the report for data collection.

(3) the Commission is authorized up to \$2 million to promulgate this regulation.

Original Daschle

Pay Collection Provision from previous version of Daschle bill (S.71 in 105th)

**Sec. 4 COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION.**

Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

“(1)(1) The Commission shall, by regulation, require each employer who has 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year to maintain payroll records and to prepare and submit to the Commission reports containing information from the records. The reports shall contain pay information, analyzed by the race, sex, and national origin of the employees. The reports shall not disclose the pay information of an employee in a manner that permits the identification of the employee.

“(2) The third through fifth sentences of section 709© shall apply to employers, regulations, and records described in paragraph (1) in the same manner and to the same extent as the sentences apply to employers, regulations, and records described in such section..”.

Addition to Paycheck Fairness Act:

replace 4th affirmative defense in 29 USC 206(d)(1)¹ with:

"(iv) a differential based on a bona fide factor other than sex, such as education, training or experience, provided that the employer demonstrates that: (a) the factor causing the wage differential is job related for the position in question [or reliance on it furthers a legitimate business purpose]²; (b) such factor is applied and used reasonably in light of the asserted justification; (c) such factor was actually relied on by the employer in determining wage rates; and (d) the differential produced by reliance on such factor is not itself the result of sex discrimination by the employer.³"

(b) no other "job-related" ^{or business related} alternative factor or other reasonable factor that does not create a pay differential that exists that and that serves the same business purpose exists

¹ Fourth affirmative defense now reads: "a differential based on any factor other than sex."

² This is so open-ended it seems risky. Instead, could we specify exactly which factors we can think of that are not job related for the position in question but that are still legitimate bases for differential pay -- eg., "red circling"; anything else?

³ I want to be sure that the employer can't rely on "revenue production" for a coach or attorney or salesperson, when the reason the employee was not able to produce the same revenue was that the employer denied her (because of her sex) the supports she needed in order to be able to produce (e.g., for a coach, a marketing budget and staff, for a salesperson, the choice territory or assignments) -- see n. 27 of Ariana's memo, and EEOC coaches pay guidelines at notes 29 and 30 and accompanying text. This language would also ensure that wage differentials for different shifts can't be justified if women were discriminatorily excluded from the higher-paying shift. Could also bar reliance on prior salary, if prior salary differential was result of discrimination. I've included "by the employer" at the end of (d), because I guess we'd be going too far otherwise, since so many female workers could probably show some discrimination somewhere in their prior education, training or experience.

Current version:

(iv) a differential based on any *bona fide* factor other than sex that [1] is job-related for the position in question or that [2] serves a legitimate business purpose ^{g for which} ~~and~~ there is no job-related alternative factor or other reasonable factor that does not create a pay differential, ^{e and} that serves the same business purpose: Provided that such *bona fide* factor other than sex is actually applied and used reasonable in light of the asserted justification.

Suggested Edits:

2d line: substitute "for which" for "and"

3d line: substitute "and" for ","

Revised Version:

(iv) a differential based on any *bona fide* factor other than sex that [1] is job-related for the position in question or that [2] serves a legitimate business purpose for which there is no job-related alternative factor or other reasonable factor that does not create a pay differential and that serves the same business purpose: Provided that such *bona fide* factor other than sex is actually applied and used reasonable in light of the asserted justification.

(I'm not sure about the second change. We want the clause "that serves the same business purpose" to apply **both** to a "job-related alternative factor" and an "other reasonable factor," I think. If my change makes this less clear, then forget it.)

The legislation would charge the existing office of research at EEOC (ORIP) with two tasks, EEOC is authorized with up to \$2 million to complete:

1. Within one year and six months evaluate the current knowledge and sources of data available to federal government relating to the gender pay gap; identify gaps in the available data; and consult with relevant agencies including Departments of Labor, Treasury, and Commerce.
2. **Implementation**
The EEOC would report results of above evaluation of what pay data is available; and also within 1 year and 6 months from passage of the legislation identify the best method for collecting necessary data for enforcing the Equal Pay Act and EEO considering factors including:
 - * Enforcing relevant laws;
 - * Imposition of burden on business to enforce law;
 - * Use of appropriate data collection vehicles and preliminary techniques to identify businesses from which the data is most likely to be useful to EEOC and/or OFCCP.
3. Utilize pilot studies, sampling, and/or other means as deemed necessary by EEOC in implementation period.

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March 23, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
LARRY STEIN

SUBJECT: Status of Equa Pay and Comparable Worth Issues

Last month, Senator Harkin and Rep. Norton requested that the Administration support their comparable worth legislation that requires companies to equalize wages between "equivalent jobs." You asked the DPC to vet the proposal, and evaluate a competing bill offered by Senator Daschle to see if it might be strengthened. DPC, along with the Legislative Affairs Office, has now met with 15 other offices and agencies within the Executive branch to review these bills. The following describes the opinions of those departments on comparable worth, recommends a new provision for strengthening the Daschle bill, and contains suggested talking points if you choose to call Senator Harkin and Representative Norton.

I. Comparable Worth

A. Background

The Harkin/Norton legislation would prohibit employers from paying lower wages for jobs dominated by employees of a particular sex (e.g., social work) than for jobs dominated by employees of the opposite sex in "equivalent" jobs (e.g., probation officers). "Equivalent jobs" is defined as jobs that may be dissimilar, but whose requirements are equivalent when viewed as a composite of skills, effort, responsibility, and working conditions. The EEOC would establish criteria for determining whether jobs are dominated by employees of a particular sex, race or national origin. Complaints would be heard by the Federal labor Relations Board. (True?)

B. Official Comments

A wide variety of offices spoke either in favor or against the comparable worth legislation and we have briefly summarized the main arguments expressed. Participating in the the meeting from the White House were: the Council of Economic Advisors (CEA); White House Counsel's Office; Domestic Policy Council (DPC); Legislative Affairs; National Economic Council (NEC);

Office of Management and Budget (OMB); Office of Personnel Management (OPM); Office of Public Liaison (OPL); and the Vice President's office. Agencies participating included: Commerce; Justice; Labor; Small Business Administration (SBA); Treasury; and the Equal Employment Opportunity Commission (EEOC).

Ida Castro, Chairwoman of EEOC, expressed the strongest support for comparable worth. EEOC stated that the Equal Pay Act, which was enacted in 1963, sought to address the prevailing problem of its time -- the payment of unequal wages for the same or similar jobs. However, as EEOC enforces the Equal Pay Act, Chairwoman Castro argued that the key problem today is not the paying of unequal wages for the same job, but comparable worth issues were employees in female dominated jobs receive less than male counterparts. The EEOC suggested that Harkin's bill is the only one that attacks the current problem in a credible fashion.

Commerce, CEA Treasury, SBA and DPC all expressed concerns about legislation implementing comparable worth. The arguments centered on disallocations and job loss, difficulty in implementation, and loss of public support.

Treasury and Commerce argued that comparable worth interferes with important market forces. The agencies suggested that pay is generally established by the pressures of supply and demand, helping establish an appropriate level of wages while comparable worth judicially alters the balance of supply and demand. The agencies argue that the implementation of comparable worth could lead to job losses because it requires the raising of wages, without regard to what businesses would otherwise competitively pay for the services.

Commerce suggested that comparable worth is more invasive of private business decision-making and more difficult to implement than other Federal mandates. Commerce noted that while the minimum wage, for example, is uniform in its application and is relatively easy to administer, comparable worth would require more extensive record-keeping, incur greater administrative expenses, and affect wage levels and resource allocations without regard to productivity and other market conditions. Commerce argued that, as the American economy becomes more and more flexible, the rigid job classification framework of the Harkin/Norton bills would move us backwards -- against the tide toward more flexible job definitions, individual merit-based pay, and work teams. Commerce also argued that the process of deciding which jobs are "equivalent" is difficult and could lead to increased litigation.

CEA suggested that comparable worth only addresses a small amount of the remaining wage gap -- only about 1 percent. CEA also stated that implementing comparable worth would lead to dislocations in the labor market and could create a problem in hiring.

DPC noted that support for the Harkin/Norton legislation at this time might also cede political high ground. We noted that if we support comparable worth, we are unlikely to be able to maintain a consensus moving forward in favor of fairer pay, but will instead become enveloped in a losing argument about the proper role of government involvement in the markets. We noted that the Daschle-DeLauro represents the bill with the greatest ability to move, to draw bipartisan support, and to highlight the problem of unequal pay.

In the end, nine agencies were explicitly against comparable worth: CEA, Commerce, DPC, OMB, Justice, NEC, SBA, Treasury, and the VP's Office(?). WH Counsel, Labor, and OPM did not take a formal position. EEOC and OPL (the Women's Office) spoke in favor of comparable worth.

B. Strengthening the Daschle Bill

Last

Rebuttal to George Will's article in *Newsweek*, March 29, 1999 p. 84.

While it would be going too far to say that the entire gender pay gap is due to employer discrimination, George Will surely goes too far in the other direction when he dismisses discrimination as a "negligible cause" of the income disparities between men and women, which he says are "largely the result of rational personal choices by women." According to Will, "Earnings differentials often reflect different professional paths that are cheerfully chosen because of different preferences, motivations, and expectations."

Will is correct that women's wages and educational attainment have been rising in recent years, but there is still a sizeable gender wage gap that cannot be explained by observable characteristics. Among all full-time wage and salary workers age 16 or older in 1998, the median woman earned \$456 per week, 76.3% as much as the median man. In 1979 she had earned only 62.5% as much as he had. The best analysis we have of the gender gap in pay (based on 1988 data, unfortunately) controls for differences in actual years of work experience as well as in education, occupation, industry, and unionization. These variables already incorporate many of a woman's "preferences, motivations, and expectations"; yet they accounted for only 61% of the gender pay gap in 1988. Applied to 1998 data, that leaves a gap of 9.3% still unexplained.

We do not know how much of this remaining gender gap is due to unobserved characteristics that are legitimately related to pay, such as specialty within an occupational category (e.g., social work vs engineering within the professions), and how much is due to discrimination. But even within *narrow* occupations, women of the same experience and education earn less than men.

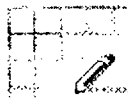
Will argues that women happily choose to take low-paid jobs because they prefer to devote themselves to child rearing. If this is the general case, why are women acquiring "almost 40% of the MBAs, ...[and] more than 40% of law and medical degrees"? Will ignores an alternative explanation that is more consistent with these facts -- that after getting their degrees and starting their careers, women experience gender-based barriers to acquiring the training, mentoring, connections, and other resources that they need to rise in their chosen occupations. They may also encounter discrimination (often the result of unconscious bias) in promotions. In the face of these barriers, they find the expected return on an investment in "60-hour weeks on the fast track" too low and uncertain to be worthwhile. For married couples, it may then make sense for the husband to remain on the "fast track" and the wife to shift to the "mommy track." But this is not their original preference; rather, it is the result of "rational choice" in the face of gender discrimination.

Moreover, the impacts of family and children on women's careers and earnings are not unalterable consequences of biology, as Will seems to believe. Rather, they are due to current social arrangements and workplace practices that make it difficult to combine career and family, but that could be changed -- and indeed, are changing. Fathers spending more time in household and child-rearing tasks, employers providing family leave, and government efforts to increase the availability of affordable, convenient, and flexible child care are steps in the right direction.

MIT has just issued "A Study on the Status of Women Faculty in Science at MIT" that reveals

some ways gender bias can operate in the professional workplace. The report documents a pattern in the MIT School of Science of “sometimes subtle -- but substantive and demoralizing -- [gender] discrimination in areas from hiring, awards, promotions and inclusion on important committees to allocation of valuable resources like laboratory space and research money.” The report defines discrimination as consisting of “a pattern of powerful but unrecognized assumptions and attitudes that work systematically against women faculty even in the light of obvious good will.” According to the dean of the School of Science, “I believe that in no case was this discrimination conscious or deliberate. Indeed, it was usually totally unconscious and unknowing. Nevertheless, the effects were real.”

Particularly revealing is the MIT report’s finding that “junior female faculty tended to feel well taken care of and untouched by discrimination; it was only as they became senior faculty that they felt themselves increasingly marginalized and overlooked by male-dominated networks.” Such subtleties are overlooked by Will when he uses the near-equality of earnings of men and childless women at ages 27 to 33 as evidence that gender discrimination is not a problem in the labor market.



Thomas L. Freedman
03/23/99 01:22:13 PM

*Chgo from
01/22/99*

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Mary L. Smith/OPD/EOP
Subject: Vetted proposal

OMB has now signed off on the proposal plus an authorization of up to \$2 million. (I had to talk to Diech, Chow and Gottbaum). Ida and her stats person said they can be happy with that figure. I added it to the description of our proposal below:

The legislation would charge the existing office of research at EEOC (ORIP) with two tasks, EEOC is authorized with up to \$2 million to complete:

1. Within ^{*18 months*} ~~one year and six months~~ evaluate the current knowledge and sources of data available to federal government relating to the gender pay gap; identify gaps in the available data; and consult with relevant agencies including Departments of Labor, Treasury, and Commerce.
2. Implementation
The EEOC would report results of above evaluation of what pay data is available; and also within 1 year and 6 months from passage of the legislation identify the best method for collecting necessary data for enforcing the Equal Pay Act and EEO considering factors including:
 - * Enforcing relevant laws;
 - * Imposition of burden on business to ~~enforce law~~ *collect data & enforce law*;
 - * Use of appropriate data collection vehicles and preliminary techniques to identify businesses from which the data is most likely to be useful to EEOC and/or OFCCP.
3. Utilize pilot studies, sampling, and/or other means as deemed necessary by EEOC in implementation period.

From: Mary Smith

Re: Changes to Paycheck Fairness Act, S. 74

Date: March 23, 1999

Attached are some suggested changes to the Daschle equal pay legislation. The first attachment contains the changes that Daschle's staff has suggested making. The second attachment contains the changes that the AFL-CIO suggested. (Although the market-based defense is not written up on the AFL-CIO paper, they did suggest it orally.) Please let me know by COB today whether you could agree to any or all of these changes. Thanks, Mary

Memorandum

To: Caroline Fredrickson
From: Silvia
Date: February 12, 1999
Re: Fair Pay Prep: Conference Call 02/12/99

The AFL-CIO has suggested the following changes to the Paycheck Fairness Act. In preparation for today's conference call on fair pay legislation, I have summarized two suggestions that Andrea and I agree are acceptable changes to the bill.

1. Amending EPA to limit the "catch all" fourth affirmative defense

Once a prima facie case of EPA violation is established, a defendant may still avoid liability if his/her conduct falls within one of the four affirmative defenses built into the statute. The broadest defense, which allows employers to differentiate wages between men and women as long as the rationale for the disparity is based on "any other factor other than sex," has proven the most contentious in litigation and the most pliable for clever defendants.

A. Result: Forbid Market-based defenses

Market defenses are, in essence, a justification for wage disparity based on the "market value" of a woman within a particular field.. The EPA included non-statutory language suggesting that market based defenses by defendants in wage disparity cases should be completely prohibited. However, it was not Congress, but the Supreme Court, in its one and only consideration of a purely EPA claim, that interpreted the EPA to prevent market defenses under the "any other factor other than sex" exception.

Case law reveals that district courts have accepted "back door" market based defenses to justify unequal pay. Various federal courts have accepted several "factors other than sex" – namely, "prior salary," "economic benefit," "head of household," and "red-circle rate" – despite their distinctive market qualities. (Red circle rates refer to the higher than normal wage rates paid to an employee who has been transferred temporarily from a higher skilled to a lower skilled position to suit her employee's staffing needs.)

Because numerous federal courts have not spotted many of the market defenses offered under the "any other factor" exception since the 1974 Corning Glass Works decision, some commentators have urged that the meaning of the general exception should be clarified and given some definite limits. Congress, they urge, should specifically recognize that this exception does not include any factor, but only those factors which are related to individual job performance.

The leniency of the exception has impaired the claims of aggrieved plaintiffs whose employers appeal to the necessities of a gender-biased market to justify their wage discrimination.. By continuing to allow these defenses, courts are disregarding the gendered notions underlying many employers' market-based wage policies and are quickly setting precedents recognizing otherwise forbidden market defenses.

Legislative Option:

- Amend 29 USC 206(d)(1)(iv) adding limiting language forbidding market based defenses and only allowing job performance related defenses

2. Eliminating Establishment Requirement

The Paycheck Fairness Act will allow any cause of action brought to enforce section 6(d) to be maintained as a class action. However, the EPA only covers workers in the same "establishment." Eliminating the establishment requirement would make larger – even nation-wide – suits possible.

DASCHLE (S. ___)/DELAURO (H.R. 2023)

The Daschle/DeLauro bills are designed to stiffen penalties for violations of the Equal Pay Act; impose wage reporting requirements on certain employers; and recognize voluntary employer initiatives to eliminate pay disparities.

1. **Section 3(a)** amends the FLSA's principal non-retaliation clause (29 U.S.C. 215(a)(3)) to prohibit retaliation against any "employee" because s/he has inquired about, discussed or disclosed wage information. This is an important new substantive protection, which would protect all employees covered by the FLSA (and thus would apply not only to workers asserting Equal Pay protections but to also to those asserting violations of the Act's overtime and minimum wage provisions). It would be even stronger if it, like section 704(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-3(a), prohibited discrimination against employees and applicants; and made it unlawful for employers to retaliate against employees or applicants because they had "opposed" any violations of the FLSA (rather than simply because they had instituted or participated in FLSA proceedings).

Section 3(b)(1) provides for enhanced penalties for Equal Pay violations, authorizing an award of compensatory and punitive damages in employees' suits under 29 U.S.C. 216(b). Unlike Title VII (but consistent with 42 U.S.C. 1981), the Paycheck Fairness Act does not impose a cap on damages for EPA violations. Left unclear, however, is the legal standard for awarding punitive damages (under the Civil Rights Act of 1991, it's "malice or reckless indifference to federally protected rights"). The bill also appears to contemplate that successful EPA plaintiffs are eligible for both liquidated damages and compensatory and punitive damages. Expanding the scope of potential remedies is a good result, but some thought should be given to the interplay between these provisions and whether the multiple remedies scheme created for the EPA — which differs from the rest of the FLSA and from other employment statutes — creates potential problems of interpretation or otherwise.

Section 3(b)(4) permits maintenance of EPA suits as class actions (rather than the conventional FLSA opt-in procedures) and authorize recovery of expert fees as part of costs. Allowing EPA suits to proceed as class actions is consistent with the treatment of discrimination cases under Title VII and other civil rights laws, though of course, distinguishes the EPA from other FLSA claims. Authorizing EPA class actions would be result in far more meaningful change if it were coupled with eliminating the law's establishment requirement.

Section 3(c) makes conforming changes to provide for compensatory and punitive damages in suits by the Secretary (EEOC) under 29 U.S.C. 216(c). Proposed section (4), which relates to the statute of limitations that applies to individual claimants covered by an EEOC/Secretary enforcement action, is confusing. The proposed language adds a reference to the time when individuals become party plaintiffs in class action suits. Does this make sense in the context of the final sentence of 29 U.S.C. 216(c)?

LIES, DAMNED LIES AND ...

Statistics, such as the '74 cents' factoid used to prove pervasive sex discrimination

BY GEORGE F. WILL

WITH THE DOW AVERAGE NEARING A FIFTH DIGIT, Americans are cheerful. However, soon the women's division of the Great American Grievance Industry will weigh in, saying women remain trapped beneath the "glass ceiling" and in the "pink ghetto." Brace yourself for a blizzard of statistics purporting to prove that women are suffering a "wage gap" primarily caused by discrimination that requires government actions like affirmative action, quotas and set-asides.

But a counterblizzard has blown in from Diana Furchtgott-Roth and Christine Stolba, authors of "Women's Figures: An Illustrated Guide to the Economic Progress of Women in America." Furchtgott-Roth is a fellow at The American Enterprise Institute and Stolba is a historian living in Washington, and both had better mind their manners. Feminists are not famous for their sense of humor and may frown at the authors' dedication of their book to their husbands "who have always appreciated our figures."

The National Committee On Pay Equity and other participants in the theatrics of Equal Pay Day will not appreciate the figures Furchtgott-Roth and Stolba marshal. The premise of Equal Pay Day is that women work from Jan. 1 until early April essentially for no pay because women earn only 74 cents for every dollar men earn. That uninformative number is the basis for the allegation that the average woman loses approximately \$420,000 in wages and benefits during her working life. The 74 cents factoid is *prima facie* proof of "the demeaning practice of wage discrimination," according to President Clinton, who opposes everything demeaning to women.

Furchtgott-Roth and Stolba argue that the 74 cents statistic is the product of faulty methodology that serves the political agenda of portraying women as victims needing yet more government intervention in the workplace. The authors demonstrate that income disparities between men and women have been closing rapidly and that sex discrimination, which has been illegal for 30 years, is a negligible cause of those that remain, which are largely the result of rational personal choices by women.

Between 1960 and 1994 women's wages grew 10 times faster than men's, and today, among people 27 to 33, women who have never had a child earn about 98 cents for every dollar men earn. Children change the earnings equations. They are the main reason that meaningful earnings contrasts must compare men and women who have similar experience and life situations. Earnings differentials often reflect different professional paths that are cheerfully chosen because of different preferences, motivations and expectations.

The "adjusted wage gap," adjusted for age, occupation, experience, education and time in the work force, is primarily the product

of personal choices women make outside the work environment. Eighty percent of women bear children and 25 percent of working women work part-time, often to accommodate child rearing. Many women who expect to have children choose occupations where job flexibility compensates for somewhat lower pay, and occupations (e.g., teaching) in which job skills deteriorate slower than in others (e.g., engineering). And it is not sex discrimination that accounts for largely male employment in some relatively high-paying occupations (e.g., construction, oil drilling and many others) which place a premium on physical strength. (Workers in some such occupations pay a price: the 54 percent of all workers who are male account for 92 percent of all job-related deaths.)

Still, between 1974 and 1993 women's wages have been rising relative to men's in all age groups, and most dramatically among the youngest workers. The rise would be more dramatic if many women did not make understandable decisions to favor family over higher pay and more rapid job advancement purchased by 60-hour weeks on the fast track.



Some victimization theorists say the fast track is pointless for women because they are held down by the "glass ceiling" that limits

their rise in business hierarchies. In 1995 the government's Glass Ceiling Commission (the propagandistic title prejudged the subject) saw proof of sex discrimination in the fact that women were only 5 percent of senior managers at Fortune 1000 industrial and Fortune 500 service companies. But Furchtgott-Roth and Stolba note that typical qualifications for such positions include an M.B.A. and 25 years' work experience. The pool of women with those qualifications is small, not because of current discrimination but because of women's expectations in the 1950s and 1960s. In 1970 women received only 4 percent of all M.B.A. degrees, 5 percent of law degrees.

Which lends support to the optimistic "pipeline" theory: women are rising in economic life as fast as they pour from the educational pipeline—which is faster than men. Since 1984 women have outnumbered men in undergraduate and graduate schools. Women are receiving a majority of two-year postsecondary degrees, bachelor's and master's degrees, almost 40 percent of M.B.A. degrees, 40 percent of doctorates, more than 40 percent of law and medical degrees. Education improves economic opportunities—and opportunities encourage education, which has higher rewards for women than for men because men without college degrees or even high-school diplomas can get those high-paying, physically demanding—and dangerous—jobs.

The supposed "pink ghetto" is where women are, in the Glass Ceiling Commission's words, "locked into" low-wage, low-prestige, dead-end jobs. Such overheated rhetoric ignores many women's rational sacrifices of pay and prestige for job flexibility in occupations in which skills survive years taken off for raising children. Women already predominate in the two economic sectors expected to grow fastest in the near future, service/trade/retail and finance/insurance/real estate.

The 74 cents statistic and related propaganda masquerading as social science are arrows in the quivers of those waging the American left's unending struggle to change the American premise, which stresses equality of opportunity, not equality of outcomes. Furchtgott-Roth and Stolba have better figures.

LIES, DAMNED LIES AND ...

Statistics, such as the '74 cents' factoid used to prove pervasive sex discrimination

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Between 1960 and 1994 women's wages grew 10 times faster than men's, and today, among people 27 to 33, women who have never had a child earn about 98 cents for every dollar men earn. Children change the earnings equations. They are the main reason that meaningful earnings contrasts must compare men and women who have similar experience and life situations. Earnings differentials often reflect different professional paths that are cheerfully chosen because of different preferences, motivations and expectations.

The "adjusted wage gap," adjusted for age, occupation, experience, education and time in the work force, is primarily the product

of personal choices women make outside the work environment. Eighty percent of women bear children and 25 percent of working women work part-time, often to accommodate child rearing. Many women who expect to have children choose occupations where job flexibility compensates for somewhat lower pay, and occupations (e.g., teaching) in which job skills deteriorate slower than in others (e.g., engineering). And it is not sex discrimination that accounts for largely male employment in some relatively high-paying occupations (e.g., construction, oil drilling and many others) which place a premium on physical strength. (Workers in some such occupations pay a price: the 54 percent of all workers who are male account for 92 percent of all job-related deaths.)

Still, between 1974 and 1993 women's wages have been rising relative to men's in all age groups, and most dramatically among the youngest workers. The rise would be more dramatic if many women did not make understandable decisions to favor family over higher pay and more rapid job advancement purchased by 60-hour weeks on the fast track.

Some victimization theorists say the fast track is pointless for women because they are held down by the "glass ceiling" that limits



their rise in business hierarchies. In 1995 the government's Glass Ceiling Commission (the propagandistic title prejudged the subject) saw proof of sex discrimination in the fact that women were only 5 percent of senior managers at Fortune 1000 industrial and Fortune 500 service companies. But Furchtgott-Roth and Stolba note that typical qualifications for such positions include an M.B.A. and 25 years' work experience. The pool of women with those qualifications is small, not because of current discrimination but because of women's expectations in the 1950s and 1960s. In 1970 women received only 4 percent of all M.B.A. degrees, 5 percent of law degrees.

Which lends support to the optimistic "pipeline" theory: women are rising in economic life as fast as they pour from the educational pipeline—which is faster than men. Since 1984 women have outnumbered men in undergraduate and graduate schools. Women are receiving a majority of two-year postsecondary degrees, bachelor's and master's degrees, almost 40 percent of M.B.A. degrees, 40 percent of doctorates, more than 40 percent of law and medical degrees. Education improves economic opportunities—and opportunities encourage education, which has higher rewards for women than for men because men without college degrees or even high-school diplomas can get those high-paying, physically demanding—and dangerous—jobs.

The supposed "pink ghetto" is where women are, in the Glass Ceiling Commission's words, "locked into" low-wage, low-prestige, dead-end jobs. Such overheated rhetoric ignores many women's rational sacrifices of pay and prestige for job flexibility in occupations in which skills survive years taken off for raising children. Women already predominate in the two economic sectors expected to grow fastest in the near future, service/trade/retail and finance/insurance/real estate.

The 74 cents statistic and related propaganda masquerading as social science are arrows in the quivers of those waging the American left's unending struggle to change the American premise, which stresses equality of opportunity, not equality of outcomes. Furchtgott-Roth and Stolba have better figures.