

February 9, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
LARRY STEIN

SUBJECT: Meeting with Senator Harkin and Pay Equity Advocates

The President and Vice-President have spoken out in favor of equal pay and supported Senator Daschle's Paycheck Fairness Act which strengthens the remedies available to women under the Equal Pay Act. The Administration has not supported Senator Harkin's bill which provides for comparable worth, a more controversial method that requires companies to equalize wages between "equivalent" jobs. You will be meeting with Senator Harkin and representatives of groups who favor comparable worth and will likely encourage the Administration to endorse the concept of comparable worth. As a fall back, the groups will push for strengthening of the Daschle bill and may seek reinsertion of a provision on pay disclosure that was dropped out last year at the Administration's request. This memorandum provides background on the Administration's strategy on the equal pay issue, compares Daschle and Harkin's bills giving the legislative outlook for each bill, and offers some options and recommendations.

I. Background

The last major piece of equal pay legislation, the Equal Pay Act signed by President Kennedy, became law more than 35 years ago. Since that time, the debate over how to diminish the pay gap between men and women has frequently declined into disputes over how large the gap actually is, what its causes are, and whether comparable worth is a desirable policy. In the last few years, the Administration has gained strong public support by taking steps to further equal pay, while not endorsing comparable worth. Among the actions the Administration has announced in the last two years: endorsement of the Daschle bill (see below); a \$14 million equal pay initiative in the FY 2000 budget for the EEOC and the DOL's Office of Federal Contractor Compliance (OFCCP); publication of a CEA report that shows a significant wage gap between male and female workers; commitments by federal agencies to conduct self-audits; and the creation of an annual report on pay differences to be published by DOL. The President and Vice-President have held a variety of events to announce these steps and raise public awareness of the issue, including mentioning equal pay in the State of the

Union, conducting a radio address on the topic this year, and hosting two events last year.

March 10 - 2010
April 2008 - 2010
Pay
35
Cost
10/12
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II. The Daschle Bill

The Administration has endorsed “The Paycheck Fairness Act,” introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The measure is included this year as a one of the Democratic Leadership Initiatives. Key aspects of the bill include:

- **Increased Penalties.** The legislation would provide full compensatory and punitive damages as remedies for equal pay violations, in addition to the liquidated damages and back pay awards currently available under the Equal Pay Act.
- **Non-retaliation provision.** The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Without the ability to learn about wage disparities, it is difficult for employees to evaluate whether there is wage discrimination.
- **Training, Research, and Pay Equity Award.** The bill would provide for increased training for EEOC staff; more research on discrimination in the payment of wages; and would establish an award to promote employers who have worked to eliminate pay disparities.

III. Harkin’s Bill

Last year, Senator Harkin introduced a comparable worth bill called the “Fair Pay Act of 1997.” (It doesn’t appear that he has reintroduced the bill this year.) The highlights of this legislation include:

- **Comparable Worth.** Harkin’s bill amends the Fair Labor Standards Act to prohibit the paying of unequal wages for work on “equivalent jobs” in occupations dominated by employees of different sex, race, or national origins. The legislation defines “equivalent jobs” as “jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.” It exempts from this provision wage differences on the basis of seniority, a merit system, or a quality/quantity system.
- **Data Collection.** The bill requires employers to submit wage data to the EEOC. Employers must submit data not only with respect to job category but also with respect to sex, race, and national origin. Furthermore, the EEOC is

authorized to publish this data and may provide specific employer's reports to the public. This provision also is very controversial. Senator Daschle's bill had originally contained a requirement for greater collection of wage data, but the Administration felt this would draw a great deal of fire from Republicans and the business community and it was replaced with Sense of the Senate language that the President should increase the amount of information available on wage disparities.

- **Non-Retaliation Provision.** Harkin's bill also contains a non-retaliation provision and a provision to permit the awarding of expert fees.
- **Education, Training, and Technical Assistance.** The bill also provides for research, education, and technical assistance.

IV. Legislative Outlook

Senator Daschle's bill has 20 cosponsors currently (Sen. Harkin has yet to cosponsor, although he has in the past). On the House side, Congresswoman DeLauro's bill, H. R. 541, has 34 cosponsors. Both of these bills are part of the "Democratic Leadership" package of bills. Senator Harkin's bill had 8 cosponsors in the last Congress, while the House version garnered 64 cosponsors. (By contrast, last Congress, Senator Daschle brought 23 Democrats on board, while Congresswoman DeLauro's bill had 95.) The Harkin-Norton bill is unlikely to attract more cosponsors because of lack of support from the leadership, lack of strong lobbying efforts by interest groups, and its controversial nature. The Daschle-DeLauro represents the bill with the greatest ability to move, to draw some bipartisan support, and to have some chance of passage.

As a political matter, the Daschle bill offers Democrats the ability to raise the issue on the floor, highlight our commitment to the issue, and spotlight differences between supporters and opponents. If the bill fails to pass, the vote would give members a record of fighting the wage gap and demonstrate that on a moderate bill where there is a national consensus, opponents of equal pay denied passage. Whether the bill passes or not, the attention such a fight would receive would focus attention on the problem and broaden the constituency for further measures, including, possibly, for Senator Harkin's bill. In contrast, endorsement of the Harkin bill at this time would likely drive members away from the issue altogether in fear that they will be tarred as supporting government wage-setting and radical interference in the labor market.

It is also clear that without a commitment from the interest groups, members, and the Administration to work together on legislation, we will lose the opportunity to raise the profile of this issue in any fashion. It is worth remembering that, while many Democrats espoused the principle of fair pay for women and participated in numerous events, no one tried to raise the issue on the floor. Without consensus support for our legislative and outreach strategy, the issue will be a victim of in-fighting and fall off the political radar screen.

V. Options & Recommendation

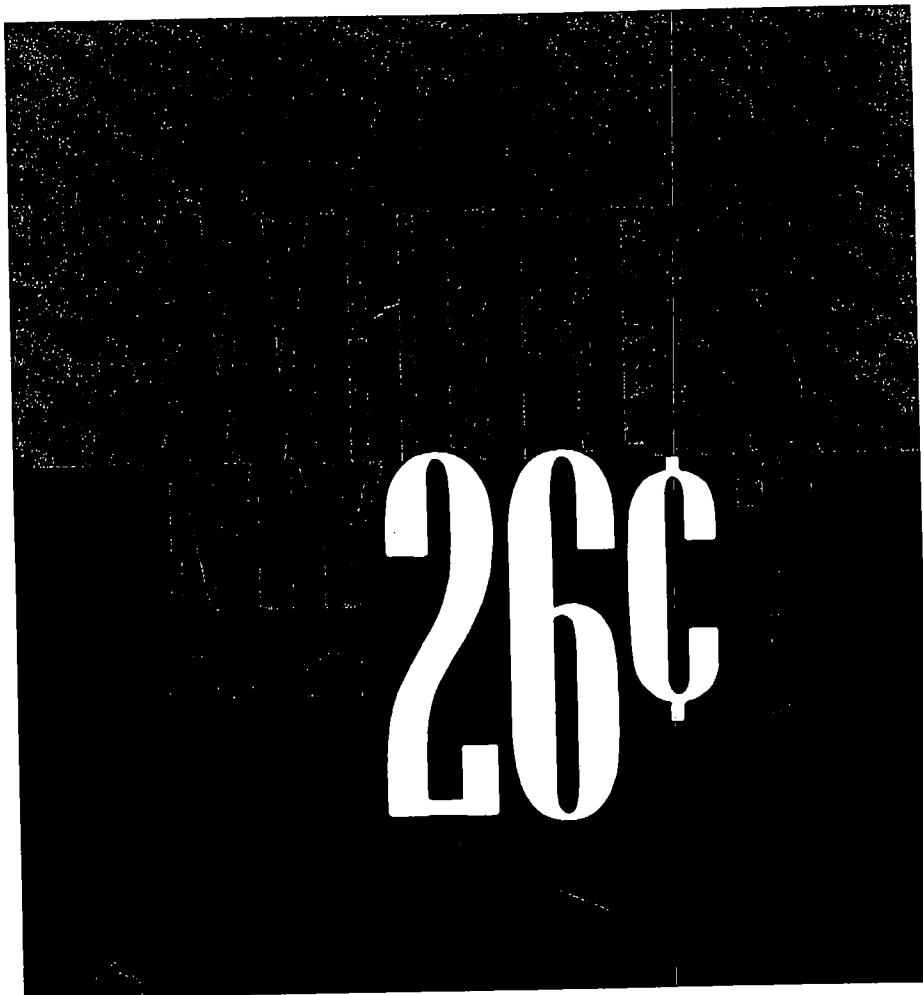
By backing Senator Daschle's bill as a first step, the Administration has gained an excellent position from which to lead a national debate on the wage gap and advocate for policies that will lead to more fairness in the workplace. In contrast, endorsing comparable worth at this point would likely breakdown the chance to build momentum on the issue, and spark only a debate over big government interference with the market and wage-setting. Indeed, just last week a Wall Street Journal op-ed attempted to attack the Daschle bill on the grounds that it promoted comparable worth, while giving only partial attention to the existence of a wage gap -- a shift in focus that would be greatly accelerated by Administration support for Harkin's bill. We believe that the Administration should keep opponents of equal pay on the griddle by keeping the nation's attention focused on the existence of the wage gap and the common-sense first steps we all should be able to agree to in attacking it.

We suggest two other points that may be useful for the discussion. First, the Administration's approach has been successful in advancing the ball and keeping momentum in favor of the issue. For example, in addition to endorsing the Daschle bill, the Administration has:

- Supported a \$14 million equal pay initiative in the FY 2000 budget for the EEOC and the DOL's Office of Federal Contractor Compliance (OFCCP);
- Issued a CEA report that shows a significant wage gap between male and female workers;
- Committed federal agencies to conduct self-audits, and the creation of an annual report on pay differences to be published by DOL starting this year;
- Discussed equal pay in the State of the Union, conducted a presidential radio address on the topic this year, and hosted two events last year.

Second, to demonstrate that we remain committed to the fight to erase pay disparities, you may want to suggest some intermediary steps the Administration could consider, short of endorsing Harkin. While it would be a stretch to support comparable worth, perhaps we could look more closely at increasing disclosure by employers; encouraging, through a voluntary program, employers' attempts to remedy pay disparities (this would be an expansion of a provision already in the Daschle bill); and, strengthening the Daschle bill. The last option is already being considered by Senator Daschle's office and the groups have submitted recommended changes to the bill. We should agree that we will continue working with the groups in finding ways to make the Daschle bill more attractive to them.

*Equal Pay Day
9/11*



EQUAL PAY DAY

April 3, 1998

National Committee on Pay Equity
and the AFL-CIO



PHOTOCOPY
PRESERVATION

7

American Federation of Labor and Congress of Industrial Organizations



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R. Thomas Buffenbarger

For Information: Naomi Walker 202/637-5093

FOR RELEASE THURSDAY, APRIL 2, 1998

AFL-CIO Announces Support for Equal Pay Initiatives Introduced by Vice President Gore, Senator Daschle, and Representative DeLauro

Equal Pay a Top Priority on AFL-CIO's 1998 Agenda for Working Families

Washington, April 2 — Although the Equal Pay Act was passed 35 years ago, women's paychecks are still falling far short of men's. That's why in a recent survey commissioned by the AFL-CIO, 99% of the working women surveyed said equal pay is a top concern. And that's why, top officials of the AFL-CIO said they will work hard to enact new equal pay initiatives introduced at the White House today.

"Unless the wage gap is closed, the average 25-year-old working woman can expect to lose \$523,000 over the course of her career," said AFL-CIO Executive Vice President Linda Chavez-Thompson.

"Working families pay the price for unequal pay — it's not just a women's issue. Equal pay can make the difference in whether a family can afford quality child care, decent health care, college education for the kids, a secure retirement, or simply being able to pay the monthly bills on time," she said.

A woman has to work 15 months to earn what a man earns in 12 months. On average, women earn 74 cents for every dollar earned by men. Women of color fare worse: African-American women earn 65 cents and Latino women earn 57 cents for every dollar earned by men.

"No issue touches more working families or is more important to their living standards than equal pay," stated AFL-CIO President John Sweeney. "That's why we have launched a nationwide grassroots campaign to fight for women's wages. The AFL-CIO is making equal pay one of the main goals of our 1998 Agenda for Working Families."

"The legislation being introduced by Senator Daschle and Representative DeLauro and the initiatives unveiled by the White House will provide working women with a powerful tool to combat wage discrimination and help close the wage gap."

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Statement by Linda Chavez-Thompson Equal Pay Day April 2, 1998

Last September, the AFL-CIO — which with 5 ½ million women members is the largest organization of working women in the country — asked working women in every kind of job -- in every part of the country -- to tell us about the biggest problem they face at work.

Ninety-nine percent said a top concern is equal pay.

And most women told us that despite the economic good times, it is just as hard now as it was five years ago to make ends meet.....or it's become even harder.

The truth is that working women need and deserve equal pay.

The wage gap between women and men is huge.

If it is not changed, the average 25-year-old working woman can expect to lose \$523,000 over the course of her work life.

That's enough to make a world of difference for most working families.

It can mean decent health care...
a college education for the kids...
a secure retirement...
and simply being able to pay the monthly bills on time.

That is what the wage gap now takes from working women.

It's the price of unequal pay.

Patricia Hoersten knows what that's about.

Pat served lunch and dinner at a diner in Lima, Ohio. She got paid half of what the male servers got paid — because her supervisor thought she only needed extra money, not money to live on.

The tragedy is that there are millions of women who are experiencing the very same injustice.

Is this a women's issue?

It is -- but it's also a family issue, because women's wages are essential to their families.

Most working women contribute half or more of their household's income.

So when working women lose out, working families lose out.

The good news is that working women are joining together to fight for equal pay.

I've been able to hear from many of them.

One is Maria Olivas. She's a clerical worker at Columbia University.

Maria worked with her union to make sure that her employer disclosed how much it paid men and women for the same job. They found out that men were paid \$1,500 more than women for the same job. After a long struggle, they were able to win equal pay.

There are lots more like her.

Grocery store clerks at Publix Supermarkets won \$80 million in back pay because they were not getting equal pay and promotions.

But no woman should have to fight by herself for equal pay.

That's why the AFL-CIO has launched a nationwide grassroots campaign to fight for women's wages.

That's why the union movement is making equal pay one of the main goals of our 1998 Agenda for Working Families.

And that's why the AFL-CIO applauds, supports, and will work to enact the legislation being introduced by Senator Tom Daschle and Representative Rosa DeLauro.

This legislation will give women an important weapon to battle wage discrimination and to help close the wage gap. It's about time.

Now, I am pleased to introduce Susan Bianchi-Sand, the President of the National Committee on Pay Equity. Susan has long been an advocate for equal pay, and we are pleased to be working with her to promote Equal Pay Day.

For Information: Naomi Walker, AFL-CIO
202/637-5314
Evelyn Knolle, NCPE
202/331-7343

Across the Country, Thousands of Women Ask, “Where’s My 26 Cents?”

In 50 States across America, women will speak out against the wage gap on April 3, 1998 — Equal Pay Day. Women will demand equal pay at rallies, press conferences, and gatherings in every region of the country. They will hand out buttons, stickers and leaflets and talk to their elected officials. The following is a sampling of what women are doing to commemorate Equal Pay Day in their communities.

In the Northeast ...

Boston, Massachusetts

The Boston University School of Social Work, in conjunction with the Women’s Bureau of the U.S. Department of Labor, is sponsoring an educational forum titled “Equal Pay: What Young Women Entering the Job Market Should Know” on Thursday, April 2.
Contact: Professor Judith Gonyea (617) 353-3748.

New York, New York

The New York Central Labor Council will host a breakfast forum on Equal Pay and Women in the Workplace on Friday, April 3. Speakers will include Brian McLaughlin, President of the NY Central Labor Council, Francine Moccio, of Cornell University, and Sedora Villa, Business Agent, OPEIU. 50 - 100 working women are expected to attend this breakfast at the NY City Federation of Labor.
Contact: Ellen Warren, NY CLC (212) 685-9552.

Harrington, Delaware

Members of the Business and Professional Women USA/ Delaware will hold a press conference and distribute pencils with play money wrapped around them — the fake bills have holes in them to reflect the holes in women’s paychecks.
Contact : Linda Chick (302) 398-3898.

Garrett County, Maryland

The Garrett County Commission for Women and the Business and Professional Women/ Garrett County are sponsoring an essay contest on the wage gap for 11th and 12th grade English students. Contact: Susan Athey-Oxford (301) 344-1189.

Baltimore, Maryland

Women from more than 6 unions and the Baltimore Central Labor Council will gather at noon at a busy intersection encouraging individuals to “Blow their Horns for Fair Pay.” They will distribute equal pay materials and sell \$.26 cupcakes.
Contact: Armeta Dixon (410) 332-1199.

In the West ...

San Fernando Valley, California

Members of the Business and Professional Women USA/Greater San Fernando Valley area will carry red purses to show that women's pay is "in the red."

Contact: Mila Gappa (818) 592-0055.

Denver, Colorado

The Public Employees Department, AFL-CIO, with the community college, the Dept. of Social Services, Dept. of Higher Education, Department of Transportation, Dept. of Health and Environmental Services and other city employees will hold lunch events at their respective worksites discussing Equal Pay and providing information to their co-workers.

Contact: Jo Romero (303) 832-5661.

9to5 Colorado, Colorado Women's Agenda, Business and Professional Women USA/Colorado and the Colorado ALF-CIO are sponsoring a press conference at the Wynkoop Brewing Company's Brew Pub. The Wynkoop will offer a 26 cent on the dollar discount to all working women who mention Equal Pay Day between 11:00 am and 2:00 pm.

Contact: Debbie Wamsley (303) 433-2100

Hawaii

In **Maui**, the Business and Professional Women USA/Hawaii is handing out "Equal" Pay Day candy Bars. Contact: Wendy Riley (808) 242-7242. In **Honolulu**, women are distributing informational materials to 5,000 students at the University of Hawaii.

Contact: Suzan Jane (808) 956-7551.

Sante Fe, NM

The New Mexico Federation of Labor, the Sante Fe chapter of the American Association of University Women and OPEIU #277 will hold a rally at the Capitol steps in Sante Fe on April 3 at noon. The Mayor of Sante Fe will issue an Equal Pay Day proclamation at this rally.

Contact: LaMonte Farenthold, New Mexico Federation of Labor (505) 232-0062

In the Mid-West ...

Springfield, Missouri

Women will hold a fundraiser for research on the wage gap in their area.

Contact: Carol Conway (417) 886-7048.

Chicago, Illinois

The AFL-CIO, Jobs with Justice, Airline Flight Attendants (AFA), the Coalition of Labor Union Women (CLUW) and SEIU will hold an Rally on April 3 (4:00 p.m.) at the Federal Plaza. Pat Friend, President of the Airline Flight Attendants Union, will address this event highlighting the two-tiered wage system for women and men in non-traditional occupations.

Contact: Rene Manley, AFL-CIO (847) 255-4747.

Lansing, Michigan

The Michigan State AFL-CIO will host an "Equity and Equality" panel discussion and a workshop on Women's Economic Future at it's 1998 Women's Conference April 3-5.

Contact: Bertha Louise Poe (517) 487-5966.

Urbana, Illinois

Members of the Urbana chapter of the National Organization for Women (NOW) is holding a bakesale and coordinating information tables at the University of Illinois campus. Baked goods will be sold at discounted prices for women.

Contact: Ruth Wyman (217) 352-6533.

Grand Forks, North Dakota

The Northern Valley Central Labor Council will host Equal Pay Day activities with labor partners and the University of North Dakota. They will also organize a phone bank to Congress for support of the Fair Pay Act.

Contact: Mark Froemke (701) 775-9358.

Gary, Indiana

Indiana University will incorporate Equal Pay Day in a Balancing Work and Family workshop. The Northwest Indiana Women's Museum Celebration will provide materials on the wage gap.

Contact: Ruth Needleman (219) 938-0811.

In the South ...**Charlotte, North Carolina**

The Mecklenberg County Women's Commission is distributing fliers in the shape of a dollar bill that say "Families Fare Better with Fair Pay."

Contact: Debbie Guilbault (704) 336-3409.

The Charlotte Central Labor Council and the Communications Workers of America (CWA) will hold a press conference at Bell South Plaza in downtown Charlotte on Monday April 6th to "Turn up the Heat on Bell South". In September 1997, the EEOC ruled that Bell South had discriminated against employees and worse, knew they were doing so. Seven months after the ruling, Bell South has refused to sit down and negotiate a settlement.

Contact: Sandy Weaver, CWA-3603 (704) 568-8670.

River City, Kentucky

The Business and Professional Women USA/ River City is coordinating a press conference at 11:05 am (the 26% mark in the day) across from the county courthouse. Lt. Governor Steve Henry will present a proclamation and join 15 organizations in speaking out against the wage gap.

Contact: Paula McCraney (502) 339-7459.

Austin, Texas

The Business and Professional Women USA/ Austin is holding a rally and press conference with elected officials at the state capitol.

Contact: Penny Green (512) 452-5109.



Working Women Want Equal Pay

Summary of Recent Polling

Equal Pay is an Urgent Workplace Concern

In the August 1997 *Ask A Working Woman* survey, virtually every woman identified equal pay as an urgent workplace concern: 94% said equal pay is very important, and another five percent called it somewhat important. Altogether, 41% of the women described pay-related issues -- equal pay, discrimination, low pay -- as their *top* workplace problem. Yet one-third of working women said their jobs do not provide equal pay.

Ask A Working Woman, Lake Sosin Snell Perry and Associates, August 1997.

In the 1994 *Working Women Count!* Survey, equal pay was the second-ranked concern of working women; nearly half (49%) of the respondents said that "getting paid what [the] job is worth" is a serious problem. Asked to identify their priorities for important workplace reforms, roughly two-thirds of respondents (64.5%) ranked "improving pay scales" at the top (virtually tied with the number one priority, universal health insurance (65.4%).

Working Women Count!, US Department of Labor/Share Systems of Somerville, MA, June 1994.

The Public Wants Tougher Enforcement of Equal Pay Laws

Respondents to the 1996 *Women's Voices* survey identified unequal pay and low pay as one of the biggest problems women face at work, along with problems in combining work and family. Overwhelming majorities -- 82% of women and 70% of men -- said employers pay women less than men for doing the same work. Asked to choose among a range of possible equal pay remedies, more than half said the most effective solutions are tougher enforcement of existing laws and raising women's wages.

Women's Voices, Lake Research/American Viewpoint/Buffalo Qualitative Research, September 1996.

...to join the Working Women Working Together Network, call toll-free 1-888-971-9797

Voters in general and union members in particular believe that boosting equal pay protections through better laws and stepped up enforcement is critical. In 1996, equal pay enforcement was one of a handful of issues described by more than three-fifths of union voters (61%) as warranting greater governmental action. By January of this year, boosting equal pay protections had moved to the top tier: 75% of the public and 75% of union members said they strongly support Congressional proposals requiring employers to give women equal job opportunities and equal pay.

Peter D. Hart Research Associates, November 1996 and January 1998.

Both Men and Women Agree — Equal Pay is Essential for Working Families

Most recently, in the February 1998 *Family Matters: Topline Report*, six of every ten women and half of the men surveyed said they worry that women are not getting equal pay or equal opportunities for jobs and promotions.

Family Matters, Lake Sosin Snell Perry and Associates/National Partnership for Women and Families, February 1998.

Women and men care deeply about equal pay because it's the right of every working woman -- and because it's a necessity. More women are in the paid workforce today than ever before, and their wages are essential to support families. Nearly two-thirds of *all* working women (64%) and more than half of *married* working women (52%) say they contribute half or more of their households' incomes. Despite a booming economy, families still struggle just to make ends meet. In January, six of every ten survey respondents (58%) told us that they make just enough money -- or less -- to keep up with their families' bills. Two-thirds of *Ask A Working Woman* survey respondents told us last August that the task of making ends meet had gotten worse (37%) or stayed the same (31%) over the last five years. One year earlier, 39% of women and 37% of men told the *Women's Voices* pollsters that their families' incomes had fallen behind over the preceding twelve months. Women and men alike recognize that equal pay for working women will help mitigate these burdens: six of ten voters (59%) say that both women and men benefit from pay equity because it boosts overall household income.

Peter D. Hart Research Associate, January 1998; *Ask A Working Woman*, Lake Sosin Snell Perry and Associates, August 1997; *Women's Voices*, Lake Research/American Viewpoint/Buffalo Qualitative Research, September 1996; Lake Research, Public Opinion on Pay Equity, February 1997.

You Can Win!

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

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

What Else Can You Do?

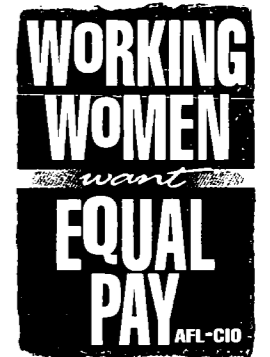
- **Support efforts to bring "pay equity" to your workplace.** "Pay equity" means paying equal wages for jobs of equal value to a company. You and your co-workers (or your union) can encourage your employer to implement a pay equity policy, including a job evaluation system that reviews and compares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

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

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

It's Time for Working Women to Earn Equal Pay

Fact Sheet



Equal pay has been the law since 1963. But today, 35 years later, women *still* are paid less than men—even when we do similar work and have similar education, skills and experience. In 1996, women were paid 74 cents for every dollar men received. That's \$26 less to spend on groceries, housing, child care and other expenses for every \$100 worth of work we do.

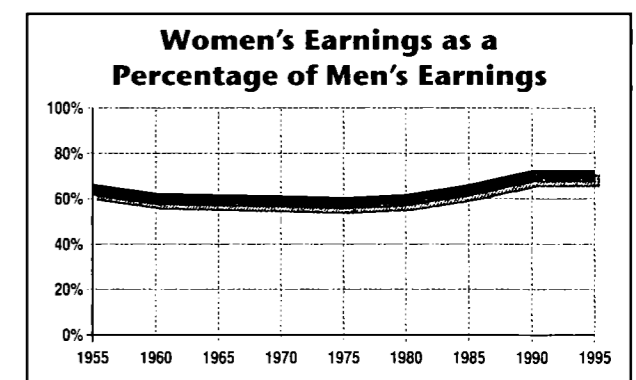
Because we're paid less now, we have less to spend on our families and less to save for our futures. And when we retire we'll earn smaller pensions than men. In 1994, women's private-pension benefits were less than half those of men—just \$3,000 a year, compared with \$7,800.

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

Equal Pay Is an Issue for All Working Women

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

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



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

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

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

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

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

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

Women Get Paid Less Because Employers Still Discriminate in Several Ways

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

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

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

But Discrimination Is Against the Law

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

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

How Do We Fix Pay Discrimination?

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

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

You can:

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

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

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

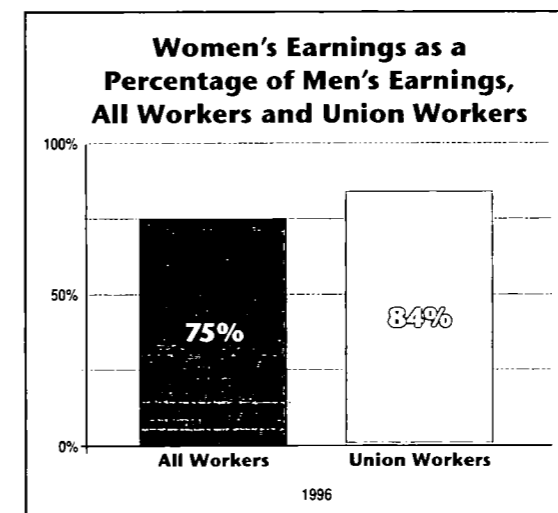
The federal Office of Federal Contract Compliance Programs (OFCCP), part of the U.S. Department of Labor, enforces Executive Order 11246. For information about filing a complaint with OFCCP, call 1-888-376-3227.

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

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

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

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



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

Highlights of Federal and State Equal Pay Legislation

Working women want equal pay -- and legislators are listening. In state legislatures, in Congress, and in the White House, initiatives are underway to strengthen equal pay enforcement and protections against wage discrimination. Examples include:

Equal Pay Action in the States ...

√ A Fair Pay bill before the *Alabama* legislature would bar employers from paying workers differently for equivalent jobs that are segregated by gender, race or national origin, unless the pay differences are based on seniority, merit, or quantity or quality of production. "Equivalent jobs" are jobs with identical composites of skill, effort, responsibility and working conditions. The bill bans retaliation for challenging pay practices, as well as requesting or disclosing employer wage data; requires annual wage reports by business (open to the public); and authorizes compensatory and punitive damages for violations.

√ In *Connecticut*, a bill introduced in early March would bar employers from paying different rates to workers in equivalent jobs, because the jobs are dominated by workers of one gender, race or national origin. It requires employers to provide employees, upon request, information about jobs and wages, and prohibits retaliation against employees for seeking or disclosing such information. The bill directs the state Labor Department to publish data on occupational distribution and wages by sex, race and national origin, and to issue fair pay rules.

√ Several measures are heading for a vote in the State Assembly in *New York*. Three of the measures would amend the labor, human rights and civil service laws, while another would amend the state's constitution. Collectively, the bills would bar public and private sector employers from discriminating in pay based on sex, race or ethnicity. The intent of these bills is to provide a broader pay equity standard than the equal work requirement that now applies under the states' laws. One measure dealing only with sex-based differentials would allow differentials based on any factor other than sex, including seniority, merit, or quantity and quality of production.

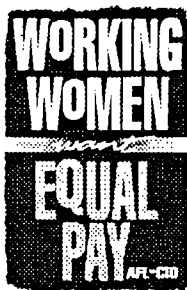
√ The *West Virginia* legislature passed a bill on March 12, 1998, that prohibits the state from paying male and female employees different wages for work of "comparable character" that requires "comparable skills," except where differences are based on seniority, merit, or quantity or quality of production. It bars retaliation against employees who seek to enforce the equal pay protections. Violations would be enforced through employee grievances. The bill creates a state Equal Pay Commission to recommend a methodology and funding to implement the equal pay mandate, as well as to publish implementation rules by July 1, 2001.

Equal pay initiatives have been under consideration in several other states as well.

Equal Pay Action in Congress ...

√ The *Paycheck Fairness Act*, sponsored by Senator Daschle and Congresswoman DeLauro is slated for introduction in the near future. The Act strengthens penalties that courts may impose for equal pay violations and prohibits retaliation against workers who inquire about or disclose information about employers' wage practices. The Act provides for compensatory and punitive damages, in addition to back pay, for women denied equal pay for equal work; authorizes class action equal pay suits; and directs the U.S. Department of Labor to provide public information about strategies for identifying and eliminating wage discrimination, as well as to issue guidelines for evaluating jobs. The President has announced his support for the Paycheck Fairness Act.

√ The *Fair Pay Act*, sponsored by Senator Harkin and Congresswoman Norton, would prohibit wage discrimination based on sex, race and national origin, by requiring employers to provide equal pay for work of equal value, whether the jobs are the same or not. The bill would also ban retaliation against workers who challenge pay practices, seek or disclose wage information, and require employers to file wage information annually with the EEOC. The Fair Pay bills were introduced last year.



equal pay alert!

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

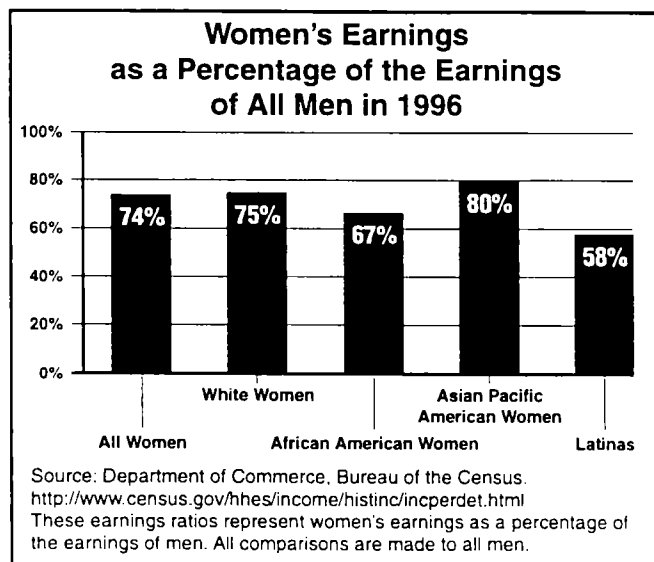
Thirty-five years after the passage of the Equal Pay Act, paychecks and pensions for women of color are still coming up short. And women know it. Here's what you told us in the *Ask A Working Woman* survey:

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

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

- Less than 2 percent of all working women earn more than \$75,000 a year—and 70 percent earn less than \$25,000 a year.
 - Less than 1 percent of African American women earn more than \$75,000 a year—and 73 percent earn less than \$25,000.
 - Less than 1 percent of working Latinas earn more than \$75,000—and 82 percent earn less than \$25,000.
- In 1996, women were paid 74 cents for every dollar men received. That's \$26 less to spend on groceries, housing, child care and other expenses for every \$100 worth of work we do.

- African American women only earn 67 percent of what men earn.
- Latinas earn 58 percent of what men earn.
- Asian Pacific American women, too, earn less. Their pay inequality is less severe than for women as a whole, but they still earn only 80 percent of men's pay. (*Note: In many cases, figures are unavailable for Asian Pacific American women workers.*)



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

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

Most women of color hold low-paying jobs.

- Three-quarters of African American women and

Primary Occupations for Women of Color, 1996

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

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

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

- Sixty-eight percent of Latinas surveyed said they provide about half or more of their household income.

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

- The median income for African American families in 1996 was

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

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

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

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

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

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

Your family depends on you...

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

You're more likely to retire poor, too.

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

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

Here's What You Can Do

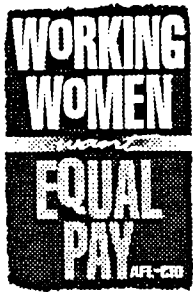
Working women are joining together to gain equal pay. You can:

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

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

Sources:

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



equal pay

alert!

Around the World, Women Earn Less

On every continent, more women are working for pay than ever before.

In 1990, women were at least one-third of the workforce in most countries. Experts predict that, by the year 2000, as many women will be working as men.

In *industrial* countries, more women are working for pay than ever before. In 1980, 53 percent of women of working age were in the workforce. By 1990, 60 percent were.

But on every continent, women's pay lags well behind men's.

Worldwide, women earn an average of 75 percent of men's pay (this figure excludes agricultural work).

In Asia, for example, women in Bangladesh earn as little as 42 percent of what men earn and in Vietnam it's 92 percent. In Africa, women in the Syrian Arab Republic earn only 60 percent of what men earn, and in Tanzania, women earn 92 percent of men's earnings. In South America, Chile's women earn 61 percent of what men earn, and Colombian women earn 85 percent of men's earnings.

Much of women's work—for example, caring for children or the elderly or doing agricultural work—is unpaid. In fact, around the world, women receive **no wages** for 66 percent of the work they do.

Women hold jobs at the bottom of the pay scale.

Around the world, women are more likely than men to hold low-paying jobs:

In Japan, about 37 percent of working women hold low-wage jobs—compared to only 6 percent of men.

In the U.S., about 33 percent of working women hold low-wage jobs—compared to 20 percent of men.

In the United Kingdom, about 31 percent of working women hold low-wage jobs—compared to 13 percent of men.

In France, 25 percent of working women hold low-wage jobs—8 percent of men do.

In Sweden, about 8 percent of working women hold low-wage jobs—3 percent of men do.

Worldwide, women hold only 14 percent of administrative and managerial jobs and less than 6 percent of senior management jobs.

One key result? Around the world, more women than men live in poverty.

Females account for 70 percent of the more than 1 billion people who live in poverty.

The U.S. lags behind other industrialized nations.

In the United States, equal pay has been the law since 1963. But women still earn only 74 percent of men's pay. The U.S. wage gap for women is worse than the wage gap for women in Australia, Austria, Germany, Italy, Norway and Sweden.

The U.S. refuses to endorse international agreements on equal pay.

The U.S. and Korea are the only industrialized nations that have failed to sign a 1951 international resolution—the Equal Remuneration Convention of the International Labour Organization of the United Nations—endorsing the principle of equal pay for work of equal value.

...to join the Working Women Working Together Network call toll-free 1-888-971-9797

The U.S. also has failed to ratify the 1979 United Nations Convention for the Elimination of All Forms of Discrimination Against Women.

The AFL-CIO supports equal pay for all the world's women.

We call on Congress to sign the international resolutions endorsing equal pay and to join us in calling for an end to discrimination against women.

We're sponsoring a national day of action and on-going activities across the country, supporting fair pay legislation and stepping up union bargaining for equal pay.

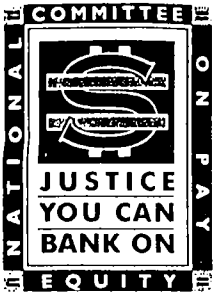
Unionized women earn 40 percent more than women not in unions—and the wage gap between union women and union men is one-third smaller than for nonunion workers. If you're not earning equal pay, ask your union for help. If you're not in a union, form or join one!

To get more information on equal pay—and to make your voice heard, call:

- The *Working Women Working Together Network* at 1-888-971-9797.
- The Coalition of Labor Union Women at 202-466-4610.
- The National Committee on Pay Equity at 202-331-7343.

This Equal Pay Alert was jointly published by the AFL-CIO Working Women's Department and the Coalition of Labor Union Women in honor of International Women's Day.

Sources: **Francine D. Blau and Lawrence M. Kahn**, *The Gender Earnings Gap: Some International Evidence*, National Bureau of Economic Research, December 1992. **International Labour Organization**, "Report III Part 2—List of Ratifications by Convention and by Country" (as of 31 December 1996), International Labour Conference 85th Session 1997; "Women Work More. But Are Still Paid Less." August 25, 1995; "Women Swell Ranks of Working Poor," *World of Work*, September/October 1996; Lin Lean Lim, *More & Better Jobs for Women—An Action Guide*, 1996. **National Committee on Pay Equity**, *Newsnotes*, Winter 1996, citing UNDP Human Development Report, 1995, p. 36. **Joni Seager**, *The State of Women in the World Atlas*, 1997; **U.S. Department of Labor**, *Employment and Earnings*, January 1998. **United Nations Development Program**, *Human Development Report 1997*.



NATIONAL COMMITTEE ON PAY EQUITY

1126 Sixteenth St. NW, • Washington, DC 20036 • (202) 331-7343 FAX (202) 331-7406

STATEMENT OF SUSAN BIANCHI-SAND EXECUTIVE DIRECTOR, NATIONAL COMMITTEE ON PAY EQUITY

WHITE HOUSE PRESS CONFERENCE ANNOUNCING EQUAL PAY INITIATIVES APRIL 2, 1998

The National Committee For Pay Equity is the only organization established to fight sex- and race-based wage discrimination. We talk to people fighting for equal pay every week.

Who are they?

They are lawyers, librarians, professors, basketball coaches, pastry chefs, insurance agents, custodial workers, ministers and clerical staff.

They are virtually one half of the workforce. They help make our country run. They feed our families. They are your wives, your daughters, your sisters, mothers and aunts.

What are their words about the pay gap?

The basketball coach says, "I am humiliated. I feel betrayed, backed into a corner." The custodial worker tells us how sick and tired she is and sums it up as "unfair treatment, no money, no mobility, no way out."

They describe their experiences as "extremely dehumanizing." A university professor confided: "I risked the loss of my job, peer approval, and self-esteem. I was retaliated against."

Others express exasperation at the road blocks to information about pay. Another college professor told us how she learned of her pay gap - through a budget outline left surreptitiously on the Xerox machine.

Routinely, we hear stories about employer policies that threaten jobs if employees discuss their wages. And those who go public and win the grueling fight in court tell us, "It should not be so difficult for me or any other woman to get what is rightfully guaranteed by law."

These stories are confirmed by a recent *Washington Post* survey revealing how **both** men and women believe that women face pay discrimination at work. The question remains, *what are we going to do about it?*

Tomorrow, thousands of women will mobilize for Equal Pay Day, the day *into* the new year that a woman must work to earn the wages paid to a man in the previous year. Working with our national partner, the AFL-CIO, we are coordinating over 650 activities in all 50 states.

In South Carolina, members of Business and Professional Women/USA tell us they plan a statewide march to the Capitol. In Illinois, women will sing "Close the Wage Gap," to the tune of "Hit the Road Jack" at the Palatine train station. In California, women will wear red purses to illustrate that women's pay is in the red; in Massachusetts, women have organized an educational panel discussion for 250 students at Boston University. In Denver, union women and others will hold a press conference at the oldest brew pub in the city -- where they will also enjoy a 26% discount for lunch when they mention Equal Pay Day. In Georgia, women will hold a rally at the statehouse. Even in Sherman Texas, women have organized a 26¢ discount on beverages at Kelly's restaurant.

State, local, and county officials in 20 states will sign proclamations valuing women's work. Activists will hand out Equal Pay Day candy bars, hold press conferences and luncheons, wear buttons, and even head down to the bank to deposit 74¢.

In every corner of America -- from Plattsburgh, New York to Green Bay, Wisconsin to Honolulu, Hawaii -- women will stand up and demand, "Where's My 26¢?" Yes, equal pay is a top concern for women. Why are these women organizing?

It's been 35 years since the passage of the Equal Pay Act. Yet, progress in closing the wage gap remains painfully slow -- at a rate of less than half a penny a year. In 1963, the wage gap was 59¢ to the dollar. Today, it stands at 74¢. That's not a lot of change. Worse yet, much of this "progress" is due to men's wages falling.

Today, the average woman loses \$8,500 annually due to the wage gap. If nothing changes, a woman will lose \$523,000 over her career. And what will be the impact in her old age? As one woman minister put it, after 17 years and continued demands for fair pay, her board of pensions informed her that she had earned only \$7,000 toward retirement.

The wage gap doesn't discriminate -- it reaches every woman, regardless of economic and educational status. A female lawyer fresh out of school entering the workplace will earn about \$7,000 less than her male counterpart. A woman in investor relations earns only 62¢ on the dollar. In accounting -- a growing field for women -- women earn 27% less than men. The gap for women in retail sales is 32%. Even male social workers make more than female social workers.

1996 Census Bureau numbers underscore an unacceptable disparity for women with college educations. Overall, a female college graduate earns \$13,250 less than men with the same degree, and only \$1,800 more than a male high school graduate. For a Black or Hispanic college educated woman, the situation is even worse. For instance, how do we explain to an African-American woman that her college degree yields a paycheck only equivalent to a white male high school graduate? As a nation, we should be outraged that this investment in human capital is so poorly rewarded.

To close the wage gap, clearly more must be done. Enforcement must be strengthened, retaliation curbed, and information on pay practices disclosed. NCPE is in full support of the critically significant legislation introduced by Senator Daschle and the precedent-setting initiatives undertaken by the White House. In taking these steps, the leadership of our country has placed the wage gap on the national agenda -- exactly where it belongs.

National Committee on Pay Equity

Tips For the Workplace

Remember the 4 R's

Recognize the wage gap exists.

- ⇒ Don't be in denial. Women, regardless of economic or educational status, experience pay discrepancies.
- ⇒ Be mindful that your point of entry on the wage scale affects your pension, promotions and pay raises.
- ⇒ While laws exist to combat pay inequity, personal awareness and education can help correct the problem early.

Research wages in your field.

- ⇒ Search out job specific salary surveys in your chosen field. Professional associations, trade journals, headhunters, women's organizations, plus local and state commissions for women are resources. Look on the Internet, at your local library, in business schools, and in the want ads.
- ⇒ Request your company to provide general wage categories or salary ranges for different positions.
- ⇒ Join a search committee for another job your company is trying to fill -- this may give you salary information which may be useful.

Rehearse your message.

- ⇒ Practice saying, "I am worth more than that!" Then use it! Let your value be known. Speak to the skill, effort, responsibility, and working conditions of your job.
- ⇒ Use strong words such as *lead*, *manage*, *execute*, and *implement*.
- ⇒ Describe your value and contributions. How much money did you save the business? How many problems did you resolve? How many positive evaluations do you have?

Reorganize the workplace.

- ⇒ Talk to other women in your company and gather support. If you feel underpaid or undervalued, others do, too.
- ⇒ Remind others that fair pay practices are good for business: they attract and retain the best employees.
- ⇒ Unionized workers experience less of a wage gap. If you are not in a union, consider joining one. Contact the Coalition of Labor Union Women or the AFL-CIO.

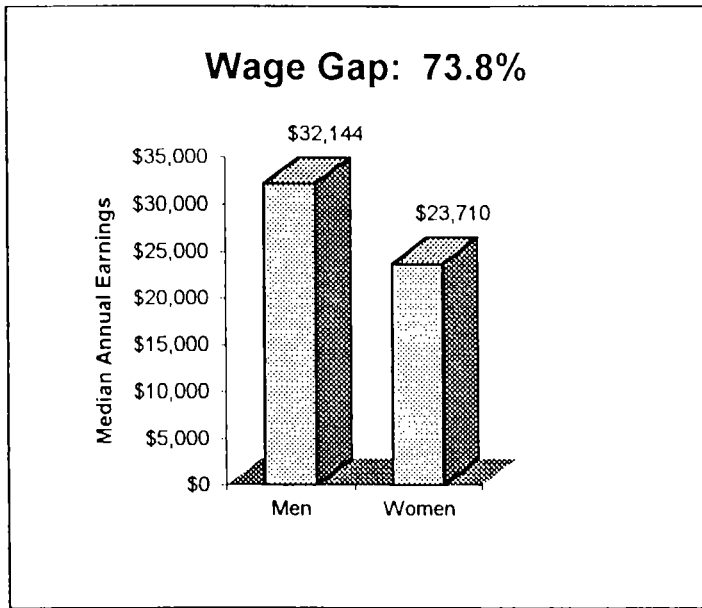


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THE WAGE GAP: 1996

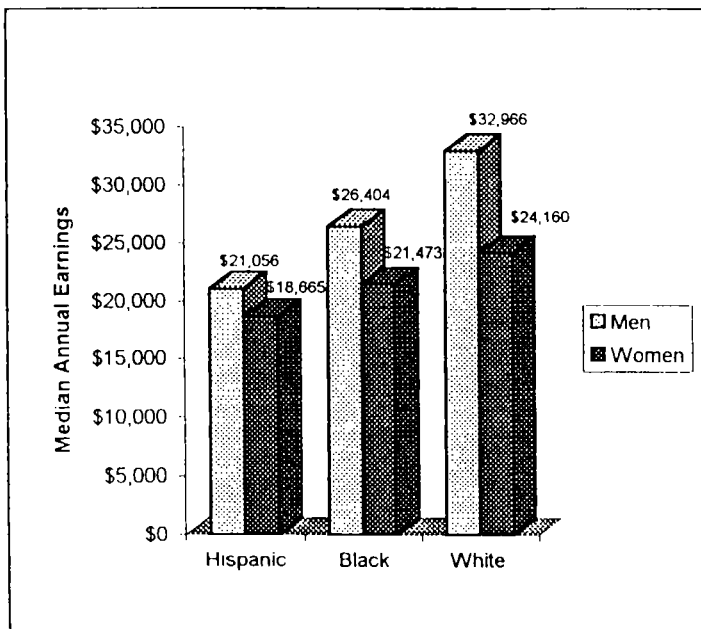
1996 MEDIAN ANNUAL EARNINGS YEAR-ROUND, FULL-TIME WORKERS



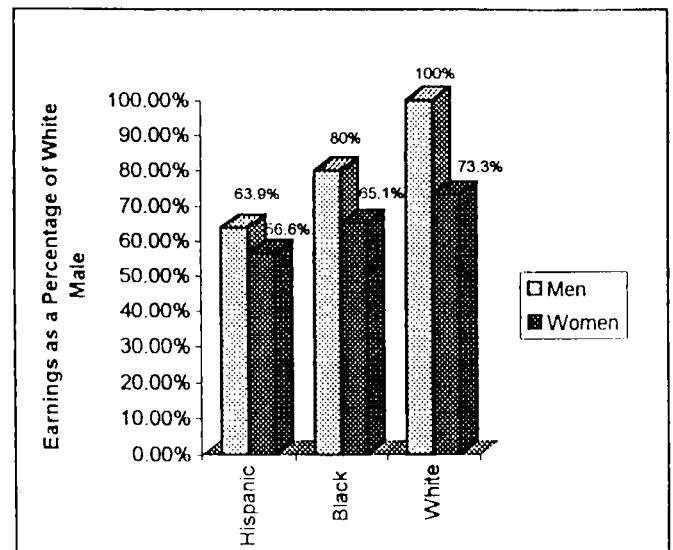
NOTES:

- The wage gap is a statistical indicator often used as an index of the status of women's earnings relative to men's. It is also used to compare the earnings of people of color to those of White men.
- The wage gap is expressed as a percentage (for example, in 1996, women earned 74 percent as much as men) and is calculated by dividing median annual earnings for women by median annual earnings for men.
- To calculate the wage gap for each race/sex group, median annual earnings are divided by those of White males, who are not subject to race-or sex-based wage discrimination.
- Earnings data for Asian/Pacific Islanders and Native Americans are not available.
- Statistics are from the Census Bureau Current Population Reports, Series P-60, U.S. Commerce Department.

1996 MEDIAN ANNUAL EARNINGS BY RACE AND SEX



THE WAGE GAP: 1996 BY RACE AND SEX



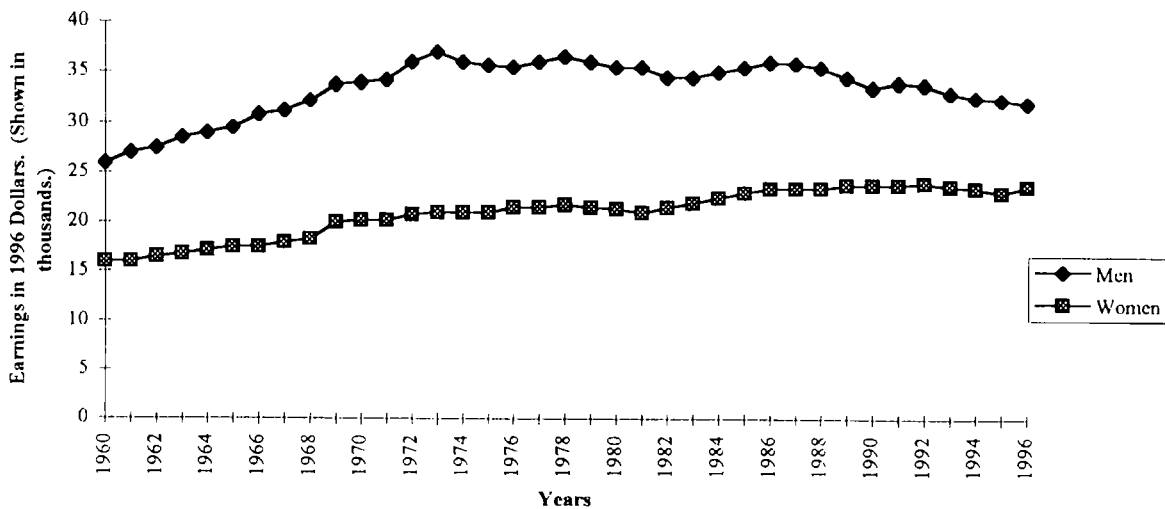
CHANGES IN THE WAGE GAP, 1970 - 1996

MEDIAN ANNUAL EARNINGS OF BLACK MEN AND WOMEN,
HISPANIC MEN AND WOMEN, AND WHITE WOMEN AS A
PERCENTAGE OF WHITE MEN'S MEDIAN ANNUAL EARNINGS

YEAR	WHITE MEN	BLACK MEN	HISPANIC MEN	WHITE WOMEN	BLACK WOMEN	HISPANIC WOMEN
1970	100%	69.00%	N/A	58.70%	48.20%	N/A
1975	100%	74.30%	72.10%	57.50%	55.40%	49.30%
1980	100%	70.70%	70.80%	58.90%	55.70%	50.50%
1985	100%	69.70%	68.00%	63.00%	57.10%	52.10%
1990	100%	73.10%	66.30%	69.40%	62.50%	54.30%
1992	100%	72.60%	63.35%	70.00%	64.00%	55.40%
1994	100%	75.10%	64.30%	71.60%	63.00%	55.60%
1995	100%	75.90%	63.30%	71.20%	64.20%	53.40%
1996	100%	80.00%	63.90%	73.30%	65.10%	56.60%

THE WAGE GAP SINCE 1960: 36 YEARS LATER, STILL 26 PERCENT BEHIND

Median Earnings of Year-Round, Full-Time Workers by Sex: 1960 to 1996



Over a 36 year period, the gap, in 1996 dollars, between women's and men's earnings has only closed by about \$2,000.
Data from the Census Bureau, 1996

The National Committee on Pay Equity is a national membership coalition of over 200 organizations, including labor unions, women's and civil rights organizations, religious, local, educational and professional associations, state and local pay equity networks, and individuals working to eliminate sex and race-based wage discrimination and to achieve pay equity.



NATIONAL COMMITTEE ON PAY EQUITY

1126 Sixteenth St, NW, • Washington, DC 20036 • (202) 331-7343 FAX (202) 331-7406

Questions and Answers about Equal Pay Day April 3, 1998

What is Equal Pay Day?

Each year, the National Committee on Pay Equity (NCPE) organizes the national observance of Equal Pay Day, the day *into* the new year that a woman must work to earn the wages paid to a man in the previous year. **In 1998, Equal Pay Day is April 3rd.** The date is calculated with current U.S. Census Bureau data showing that the earnings of women are only 74% of the earnings for men. This year, NCPE is partnering with the AFL-CIO, whose recent survey of 50,000 working women demonstrated that *equal pay is the top concern of women in the workforce.*

What happened last year on Equal Pay Day?

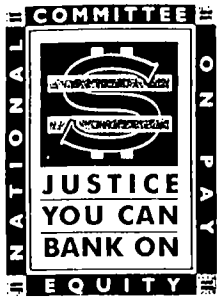
In 1997 on Equal Pay Day (then called Pay Inequity Day), 107 women's business and professional associations, labor groups, and civil rights organizations from 38 states raised awareness of pay inequity. Women held rallies, press conferences, workshops, awards luncheons, essay contests and more. Proclamations were issued by mayors, state legislatures, county councils and judges, and President Clinton (for the second year in a row). Women also worked with local proprietors to arrange discounts (reflective of the wage gap) on selected items. One group even offered a "Fair Pay Donut Dollar" which patrons could exchange for a Fair Pay Donut, size in proportion to men's and women's earnings. Other activities included an appreciation reception for female workers at Wal*Mart and passing out buttons and literature at subways and town squares.

What's on tap for this year?

This year on April 3rd, grassroots organizing on fair pay will sweep the nation. Over 500 groups, or "partners," from 50 states will hold Equal Pay Day activities in their hometowns. In addition to rallies and press conferences, ideas include organizing a ten-minute break at 2:55 p.m., the 74% mark in the work day (because at this point, most men have already earned all the money that women earn in a full eight hour work day), holding a networking workshop to discuss "How to Ask for a Raise," passing out replicated dollar bills with holes in them to reflect the hole in women's paychecks, and more. In some areas, women will carry red purses to illustrate that women's pay is "in the red."

What will be going on in Washington, D.C. on Equal Pay Day?

At a press conference at the White House on April 2nd, Vice President Gore will announce policy initiatives to close the wage gap.



NATIONAL COMMITTEE ON PAY EQUITY

1126 Sixteenth St. NW, • Washington, DC 20036 • (202) 331-7343 FAX (202) 331-7406

The Wage Gap Over Time:

*In Real Dollars,
Women See Little Change*

- Since 1963, the closing of the wage gap has been at a rate of less than half a penny a year.
- Over 35 years, a woman's earnings have fallen short by an average of \$440,047.
- On an annual basis, this amounts to approximately \$12,573.

***Please see reverse side for actual figures.

<p>Women's Earnings as a Percentage of Men's Earnings 1960-1996 (in 1996 Dollars)</p>

Year	Women's Earnings	Men's Earnings	Dollar Difference	Percent
1996	\$23,710	\$32,144	\$8,434	74
1995	\$23,161	\$32,426	\$9,265	71
1994	\$23,509	\$32,665	\$9,156	72
1993	\$23,613	\$33,016	\$9,403	72
1992	\$23,904	\$33,770	\$9,866	71
1991	\$23,677	\$33,892	\$10,215	70
1990	\$23,795	\$33,226	\$9,431	72
1989	\$23,749	\$34,583	\$10,834	69
1988	\$23,351	\$35,354	\$12,003	66
1987	\$23,357	\$35,836	\$12,479	65
1986	\$23,237	\$36,156	\$12,919	64
1985	\$22,783	\$35,281	\$12,498	65
1984	\$22,319	\$35,062	\$12,743	64
1983	\$21,920	\$34,469	\$12,549	64
1982	\$21,359	\$34,592	\$13,233	62
1981	\$20,899	\$35,281	\$14,382	59
1980	\$21,346	\$35,483	\$14,137	60
1979	\$21,523	\$36,074	\$14,551	60
1978	\$21,734	\$36,564	\$14,830	59
1977	\$21,395	\$36,310	\$14,915	59
1976	\$21,393	\$35,540	\$14,147	60
1975	\$20,950	\$35,618	\$14,668	59
1974	\$21,071	\$35,863	\$14,792	59
1973	\$21,059	\$37,184	\$16,125	57
1972	\$20,860	\$36,052	\$15,192	58
1971	\$20,361	\$34,216	\$13,855	60
1970	\$20,222	\$34,062	\$13,840	59
1969	\$19,820	\$33,670	\$13,850	59
1968	\$18,549	\$31,896	\$13,347	58
1967	\$17,938	\$31,043	\$13,105	58
1966	\$17,589	\$30,560	\$12,971	58
1965	\$17,562	\$29,306	\$11,744	60
1964	\$17,082	\$28,880	\$11,798	59
1963	\$16,609	\$28,176	\$11,567	59
1962	\$16,321	\$27,524	\$11,203	59
1961	\$16,004	\$27,011	\$11,007	59
1960	\$15,870	\$26,156	\$10,286	61

FOR RELEASE:
Thursday, April 2, 1998
(Equal Pay Day is April 3)

CONTACT: Lauren Asher, Margaret Sotham
202/986-2600

IT'S TIME TO FULFILL THE PROMISE OF EQUAL PAY FOR EQUAL WORK

**Statement for Equal Pay Day by Judith L. Lichtman, President
National Partnership for Women & Families**

Paying women less for doing the same jobs as men has been illegal in principle since the Equal Pay Act of 1963, but the gap between principle and practice remains as large as the pay gap still facing women today.

Unfortunately, poor enforcement of existing laws, weak penalties for those who break them, and inadequate information -- both from employers and for employees -- still stand in the way of achieving fair pay. That's why the National Partnership for Women & Families supports passage of the Paycheck Fairness Act (PFA). By making employers who discriminate pay serious damages, by giving federal enforcement agencies the resources to do their job, and by making it easier for women to find out if their pay is fair (and what they can do about it), the PFA would help fulfill the long-overdue promise of equal pay for equal work.

Our recently released poll, *FAMILY MATTERS*,* found that most women -- and men -- think we still have a long way to go before women get the fair pay and fair treatment they deserve.

Across all age groups, income levels, races, and party affiliations, a majority of American women say employers are *not* doing a good job of "treating women fairly for pay and promotions." Just 36% of women and 46% of men think employers *are* doing a good job. But they have high expectations for the future: two-thirds of both women and men expect improvements in the next five years.

On Equal Pay Day, we call upon both Congress and the nation's employers to fulfill the promise of equal pay for equal work.

The National Partnership for Women & Families (formerly the Women's Legal Defense Fund) is a nonprofit, nonpartisan organization that promotes fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family. For more information about workplace fairness and other issues that matter to women and families, see the National Partnership's web site at www.nationalpartnership.org.

* *FAMILY MATTERS: A National Survey of Women and Men*, was a random telephone survey conducted by Lake Sosin Snell Perry and Associates from January 28 to February 1, 1998. It reached 1,115 adults 18 years or older nationwide. The margin of sampling error for the full sample is +/-3.1 percent.

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LEASE NEWS RELEASE NEWS RELEASE NEWS RELEASE

**ACLU Calls on Congress to Close Wage Gap
As the Nation Observes Equal Pay Day**

Statement of Kathryn Engustian, ACLU Legislative Counsel

FOR IMMEDIATE RELEASE
Thursday, April 2, 1998

Contact: Phil Gutis
(202) 675-2312

WASHINGTON -- The American Civil Liberties Union joins today with women across America in observing National Equal Pay Day and calls on Congress to address the issue of wage discrimination and help eliminate the income gap that still exists three decades after the enactment of the Equal Pay Act.

National Equal Pay Day is marked on the day when women's earnings thus far in 1998, added to their 1997 earnings, finally equal what men earned in 1997 alone. According to the federal government, women earn only 73.8 cents for every dollar earned by men. For white women, the figure is 73.3 cents, for black women, 65.1 cents, and for Hispanic women, 56.6 cents.

Too many women and people of color are shortchanged at work. Unfair and discriminatory wage practices lead to a smaller paycheck, and often create long term economic insecurity for families. Relatively few occupations are truly integrated. The majority of women and people of color are still concentrated in the service sector, nursing and teaching. Studies show that the more an occupation is dominated by women and people of color the less it pays. Addressing the systematic wage discrimination inherent in a segregated workforce is essential to improving the welfare of women and minorities.

The Equal Pay Act of 1963 requires equal pay for equal work and applies only to gender-based discrimination. To confront the pay disparities that persist in the 90's, we need broader legislation that would require equal pay for comparable work -- work that is equivalent in skill, effort, responsibility, and working conditions -- and that would prohibit wage disparities based not only on gender but also on race and/or national origin.

For workers struggling to support themselves and their families, equitable pay legislation is particularly critical. Many families rely heavily, and some exclusively, on women's wages. When women and minorities are not paid what they are worth, they are not the only ones who lose. Every member of their families is cheated as well. Lower wages means not only less buying power now but also less retirement security in the future.

By enacting welfare reform legislation, our federal government has required those receiving public assistance to move from "welfare to work." But increasing participation in the workforce will do little to decrease poverty and improve the economic security of families unless the federal government also ensures that every worker is equitably paid. We urge Congress to guarantee that women and people of color earn fair and equal wages for their valuable work and contributions to our economy by expeditiously passing fair pay legislation.

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Coalition of Labor Union Women

1126 16th Street, NW • Washington, D.C. 20036 • (202) 466-4610 • Fax (202) 776-0537

FOR IMMEDIATE RELEASE:

March 26, 1998

CONTACT:

Chrystl L. Bridgeforth
(202) 466-4610

CONTINUING THE FIGHT FOR PAY EQUITY -Union women draw attention to "Equal Pay Day", April 3-

WASHINGTON-- "From company board rooms to the halls of Congress, union women have continued to fight for equal pay for over 25 years," said Coalition of Labor Union Women (CLUW) President Gloria Johnson on behalf of National Equal Pay Day, April 3rd.

CLUW represents 20,000 active union members in local chapters throughout the nation which will hold many events this week to draw attention to the fact that women only earn slightly over 74 cents to each dollar by their male counterparts. Its event lower for women of color.

Johnson explained, "In 1963, President Kennedy signed the Equal Pay Act, which prohibits employers from paying men more than women who perform the same job. A quarter-century later, fair pay continues to be a major issue for working women and their families."

Johnson said, "Back then and today, raising women's wages is an effective anti-poverty strategy. But anti-worker lobbying interests continue to fight mandates that would raise living standard,"

Unlike the world 25 years ago, more women today are the sole support system for their families. Two-thirds of the women in the U.S. workforce are single, divorced, widowed or have husbands who earn less than \$15,000 a year, according to figures released by the National Committee on Pay Equity.

Johnson is critical of those who say pay equity costs businesses too much. "In Minnesota, a state that passed pay equity legislation for its employees, less than 1 percent of the state's payroll budget was needed to give raises to 30,000 employees," she said.

Johnson feels the social costs are immeasurable. "Pay equity helps women become self-sufficient and overcome their reliance on government sustenance programs like food stamps and welfare. No full-time worker should be subject to life of poverty. Without pay equity, too many women are."

Among other factors worrisome to CLUW is retirement security. "As the nation grapples with retirement issues such as the future solvency of Social Security, working women worried about the solvency of family budgets need pay equity to save anything for their futures," remarked Johnson.

-more-



News Release

Equal Pay Day/Page 2

For minorities, Johnson explains, the problem is worse. “Women of color face greater injustice with African-Americans earning 65 cents and Hispanics 57 cents to each dollar earned by males.”

“From the shores of New Jersey to the Golden Gate Bridge, CLUW members are sending messages to their employers and their representatives in Congress that equal pay must be a top priority,” she said.

“They are telling lawmakers to beef up enforcement of the Equal Pay Act and make it illegal for employers to forbid workers from sharing wage information. They are telling their bosses to create remedies for wage discrimination and to implement fair pay practices.” But most importantly according to Johnson, they ‘re telling other concerned women to join the fight.”

###

4TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
 IN THE SENATE OF THE UNITED STATES
 AS INTRODUCED IN THE SENATE

S. 232

1997 S. 232; 105 S. 232

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

DATE OF INTRODUCTION: JANUARY 29, 1997

DATE OF VERSION: JANUARY 30, 1997 -- VERSION: 1

SPONSOR(S):

Mr. HARKIN (for himself, Mr. LEAHY, Mrs. BOXER, Mrs. MURRAY, Mr. INOUE, Ms. MIKULSKI, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
 *States of America in Congress assembled, *

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.-THIS ACT MAY BE CITED AS THE "FAIR PAY ACT OF 1997".

(B) REFERENCE.-EXCEPT AS PROVIDED IN SECTION 8, WHENEVER IN THIS ACT AN AMENDMENT OR REPEAL IS EXPRESSED IN TERMS OF AN AMENDMENT TO, OR REPEAL OF, A SECTION OR OTHER PROVISION, THE REFERENCE SHALL BE CONSIDERED TO BE MADE TO A SECTION OR OTHER PROVISION OF THE FAIR LABOR STANDARDS ACT OF 1938 (29 U.S.C. 201 ET SEQ.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials-

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

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

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

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

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5) (A) A General Accounting Office analysis of wage rates in the civil service of the State of Washington found that in 1985 of the 44 jobs studied that paid less than the average of all equivalent jobs, approximately 39 percent were female-dominated and approximately 16 percent were male dominated.

(B) A study of wage rates in Minnesota using 1990 Decennial Census data found that 75 percent of the wage rate differential between white and non-white workers was unexplained and may be a result of discrimination.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for "equal work" on the basis of sex.

(7) Title VII of the Civil Rights Act of 1964 prohibits discrimination in compensation because of race, color, religion, national origin, and sex. The Supreme Court, in its decision in County of Washington v. Gunther; 452 U.S. 161 (1981), held that title VII's prohibition against discrimination in compensation also applies to jobs that do not constitute "equal work" as defined in section 6(d) of the Fair Labor Standards Act of 1938. Decisions of lower courts, however, have demonstrated that further clarification of existing legislation is necessary in order effectively to carry out the intent of Congress to implement the Supreme Court's holding in its Gunther decision.

(8) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 3 decades after the passage of section 6(d) of the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964. Elimination of such barriers would have positive effects, including-

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) AMENDMENT.-SECTION 6 (29 U.S.C. 206) IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(H) (1) (A) (I) EXCEPT AS PROVIDED IN CLAUSE (II), NO EMPLOYER HAVING EMPLOYEES SUBJECT TO ANY PROVISION OF THIS SECTION SHALL DISCRIMINATE, WITHIN ANY ESTABLISHMENT IN WHICH SUCH EMPLOYEES ARE EMPLOYED, BETWEEN EMPLOYEES ON THE BASIS OF SEX, RACE, OR NATIONAL ORIGIN BY PAYING WAGES TO EMPLOYEES IN SUCH ESTABLISHMENT IN A JOB THAT IS DOMINATED BY EMPLOYEES OF A PARTICULAR SEX, RACE, OR NATIONAL ORIGIN AT A RATE LESS THAN THE RATE AT WHICH THE EMPLOYER PAYS WAGES TO EMPLOYEES IN SUCH ESTABLISHMENT IN ANOTHER JOB THAT IS DOMINATED BY EMPLOYEES OF THE OPPOSITE SEX OR OF A DIFFERENT RACE OR NATIONAL ORIGIN, RESPECTIVELY, FOR WORK ON EQUIVALENT JOBS.

"(II) NOTHING IN CLAUSE (I) SHALL PROHIBIT THE PAYMENT OF DIFFERENT WAGE RATES TO EMPLOYEES WHERE SUCH PAYMENT IS MADE PURSUANT TO-

"(I) A SENIORITY SYSTEM;

"(II) A MERIT SYSTEM; OR

"(III) A SYSTEM THAT MEASURES EARNINGS BY QUANTITY OR QUALITY OF PRODUCTION.

"(III) THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SHALL ISSUE GUIDELINES SPECIFYING CRITERIA FOR DETERMINING WHETHER A JOB IS DOMINATED BY EMPLOYEES OF A PARTICULAR SEX, RACE, OR NATIONAL ORIGIN. SUCH GUIDELINES SHALL NOT INCLUDE A LIST OF SUCH JOBS.

"(B) AN EMPLOYER WHO IS PAYING A WAGE RATE DIFFERENTIAL IN VIOLATION OF SUBPARAGRAPH (A) SHALL NOT, IN ORDER TO COMPLY WITH THE PROVISIONS OF SUCH SUBPARAGRAPH, REDUCE THE WAGE RATE OF ANY EMPLOYEE.

"(2) NO LABOR ORGANIZATION OR ITS AGENTS REPRESENTING EMPLOYEES OF AN EMPLOYER HAVING EMPLOYEES SUBJECT TO ANY PROVISION OF THIS SECTION SHALL CAUSE OR ATTEMPT TO CAUSE SUCH AN EMPLOYER TO DISCRIMINATE AGAINST AN EMPLOYEE IN VIOLATION OF PARAGRAPH (1) (A).

"(3) FOR PURPOSES OF ADMINISTRATION AND ENFORCEMENT OF THIS SUBSECTION, ANY AMOUNTS OWING TO ANY EMPLOYEE THAT HAVE BEEN WITHHELD IN VIOLATION OF PARAGRAPH (1) (A) SHALL BE DEEMED TO BE UNPAID MINIMUM WAGES OR UNPAID OVERTIME COMPENSATION UNDER THIS SECTION OR SECTION 7.

"(4) AS USED IN THIS SUBSECTION:

"(A) THE TERM 'LABOR ORGANIZATION' MEANS ANY ORGANIZATION OF ANY KIND, OR ANY AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN, IN WHICH EMPLOYEES PARTICIPATE AND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY, HOURS OF EMPLOYMENT, OR CONDITIONS OF WORK.

"(B) THE TERM 'EQUIVALENT JOBS' MEANS JOBS THAT MAY BE DISSIMILAR, BUT WHOSE REQUIREMENTS ARE EQUIVALENT, WHEN VIEWED AS A COMPOSITE OF SKILLS, EFFORT, RESPONSIBILITY, AND WORKING CONDITIONS."

(B) CONFORMING AMENDMENT.-SECTION 13(A) (29 U.S.C. 213(A)) IS AMENDED IN THE MATTER BEFORE PARAGRAPH (1) BY STRIKING "SECTION 6(D)" AND INSERTING "SECTIONS 6(D) AND 6(H)".

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended-

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following new paragraphs:

"(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

"(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h)."

SEC. 5. REMEDIES.

Section 16 (29 U.S.C. 216) is amended-

(1) by adding at the end the following:

"(f) In any action brought under this section for violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.";

(2) in subsection (b), by striking "section 15(a)(3)" each place it occurs and inserting "paragraphs (3), (6), and (7) of section 15(a)";

*Non Retaliation
PROVISION*

and

(3) in the fourth sentence of subsection (b), by striking "No employees" and inserting "Except with respect to class actions brought under subsection (f), no employees".

SEC. 6. RECORDS.

(a) TECHNICAL AMENDMENT.-SECTION 11(C) (29 U.S.C. 211(C)) IS AMENDED BY INSERTING "(1)" AFTER "(C)".

(b) RECORDS.-SECTION 11(C) (AS AMENDED BY SUBSECTION (A)) IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING:

"(2) (A) EVERY EMPLOYER SUBJECT TO SECTION 6(H) SHALL PRESERVE RECORDS THAT DOCUMENT AND SUPPORT THE METHOD, SYSTEM, CALCULATIONS, AND OTHER BASES USED BY THE EMPLOYER IN ESTABLISHING, ADJUSTING, AND DETERMINING THE WAGE RATES PAID TO THE EMPLOYEES OF THE EMPLOYER. EVERY EMPLOYER SUBJECT TO SECTION 6(H) SHALL PRESERVE SUCH RECORDS FOR SUCH PERIODS OF TIME, AND SHALL MAKE SUCH REPORTS FROM THE RECORDS TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AS SHALL BE PRESCRIBED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION BY REGULATION OR ORDER AS NECESSARY OR APPROPRIATE FOR THE ENFORCEMENT OF THE PROVISIONS OF SECTION 6(H) OR ANY REGULATION PROMULGATED PURSUANT TO SECTION 6(H)."

(C) SMALL BUSINESS EXEMPTIONS.-SECTION 11(C) (AS AMENDED BY SUBSECTIONS (A) AND (B)) IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING:

"(B) (I) EVERY EMPLOYER SUBJECT TO SECTION 6(H) THAT HAS 25 OR MORE EMPLOYEES ON ANY DATE DURING THE FIRST OR SECOND YEAR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, OR 15 OR MORE EMPLOYEES ON ANY DATE DURING ANY SUBSEQUENT YEAR AFTER SUCH SECOND YEAR, SHALL, IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION UNDER SUBPARAGRAPH (F), PREPARE AND SUBMIT TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE YEAR INVOLVED A REPORT SIGNED BY THE PRESIDENT, TREASURER, OR CORRESPONDING PRINCIPAL OFFICER, OF THE EMPLOYER THAT INCLUDES INFORMATION THAT DISCLOSES THE WAGE RATES PAID TO EMPLOYEES OF THE EMPLOYER IN EACH CLASSIFICATION, POSITION, OR JOB TITLE, OR TO EMPLOYEES IN OTHER WAGE GROUPS EMPLOYED BY THE EMPLOYER, INCLUDING INFORMATION WITH RESPECT TO THE SEX, RACE, AND NATIONAL ORIGIN OF EMPLOYEES AT EACH WAGE RATE IN EACH CLASSIFICATION, POSITION, JOB TITLE, OR OTHER WAGE GROUP."

(D) PROTECTION OF CONFIDENTIALITY.-SECTION 11(C) (AS AMENDED BY SUBSECTIONS (A) THROUGH (C)) IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING:

"(II) THE RULES AND REGULATIONS PROMULGATED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION UNDER SUBPARAGRAPH (F), RELATING TO THE FORM OF SUCH A REPORT, SHALL INCLUDE REQUIREMENTS TO PROTECT THE CONFIDENTIALITY OF EMPLOYEES, INCLUDING A REQUIREMENT THAT THE REPORT SHALL NOT CONTAIN THE NAME OF ANY INDIVIDUAL EMPLOYEE."

(E) USE; INSPECTIONS; EXAMINATIONS; REGULATIONS.-SECTION 11(C) (AS AMENDED BY SUBSECTIONS (A) THROUGH (D)) IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING:

"(C) THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION MAY PUBLISH ANY INFORMATION AND DATA THAT THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OBTAINS PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (B). THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION MAY USE THE INFORMATION AND DATA FOR STATISTICAL AND RESEARCH PURPOSES, AND COMPILE AND PUBLISH SUCH STUDIES, ANALYSES, REPORTS, AND SURVEYS BASED ON THE INFORMATION AND DATA AS THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION MAY CONSIDER APPROPRIATE."

"(D) IN ORDER TO CARRY OUT THE PURPOSES OF THIS ACT, THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SHALL BY REGULATION MAKE REASONABLE

EEOC may publish the

PROVISION FOR THE INSPECTION AND EXAMINATION BY ANY PERSON OF THE INFORMATION AND DATA CONTAINED IN ANY REPORT SUBMITTED TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PURSUANT TO SUBPARAGRAPH (B).

"(E) THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SHALL BY REGULATION PROVIDE FOR THE FURNISHING OF COPIES OF REPORTS SUBMITTED TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PURSUANT TO SUBPARAGRAPH (B) TO ANY PERSON UPON PAYMENT OF A CHARGE BASED UPON THE COST OF THE SERVICE.

"(F) THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SHALL ISSUE RULES AND REGULATIONS PRESCRIBING THE FORM

and content of reports required to be submitted under subparagraph (B) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under subparagraph (B), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome."

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

"(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including-

"(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section (6) (h);

"(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

"(C) sponsoring and assisting State and community informational and educational programs; and

"(D) providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

"(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evaluation and appraisal regarding the implementation of section 6(h)."

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.-

(1) APPLICATION.-SECTION 203(A)(1) OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 (2 U.S.C. 1313(A)(1)) IS AMENDED-

(A) BY STRIKING "SUBSECTIONS (A)(1) AND (D) OF SECTION 6" AND

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INSERTING "SUBSECTIONS (A)(1), (D), AND (H) OF SECTION 6"; AND
(B) BY STRIKING "206 (A)(1) AND (D)" AND INSERTING "206 (A)(1),
(D), AND (H)".

(2) REMEDIES.-SECTION 203(B) OF SUCH ACT (2 U.S.C. 1313(B)) IS
AMENDED BY INSERTING BEFORE THE PERIOD THE FOLLOWING: "OR, IN AN
APPROPRIATE CASE, UNDER SECTION 16(F) OF SUCH ACT (29 U.S.C.
216(F))".

(B) EXECUTIVE BRANCH EMPLOYEES.-

(1) APPLICATION.-SECTION 413(A)(1) OF TITLE 3, UNITED STATES CODE,
AS ADDED BY SECTION 2(A) OF THE PRESIDENTIAL AND EXECUTIVE OFFICE
ACCOUNTABILITY ACT (PUBLIC LAW 104-331; 110 STAT. 4053), IS AMENDED
BY STRIKING "SUBSECTIONS (A)(1) AND (D) OF SECTION 6" AND INSERTING
"SUBSECTIONS (A)(1), (D), AND (H) OF SECTION 6".

(2) REMEDIES.-SECTION 413(B) OF SUCH TITLE IS AMENDED BY INSERTING
BEFORE THE PERIOD THE FOLLOWING: "OR, IN AN APPROPRIATE CASE, UNDER
SECTION 16(F) OF SUCH ACT".

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date
of enactment of this Act.

LOAD-DATE: February 3, 1997

'Comparable Worth' Makes a Comeback

By DIANA FURCHTGOFF-ROTH
And CHRISTINE STOLBA

It's payoff time for the feminists who have supported President Clinton through *L'Affaire Lewinsky*. On Saturday Mr. Clinton announced a \$14 million so-called Equal Pay Initiative and called for the passage of Sen. Tom Daschle's Paycheck Fairness Act. "Today women earn about 75 cents for every dollar a man earns," the president declared, adding that the gap persists because of "the demeaning practice of wage discrimination in our workplaces."

This attempt to codify the discredited theory of comparable worth under another



Is she paid enough? The government wants to know.

name would be enforced by the Labor Department's Office of Federal Contract Compliance, the same folks who brought us workplace quotas via Executive Order 11246. Never mind that it is already illegal to pay unequal wages to equally qualified men and women who do the same job. When that occurs, women sue and invariably win. But such discrimination is rare. When adjustments are made for age, experience, education, occupation and position, women earn approximately the same as men.

Mr. Clinton's claim that women earn only 75 cents to a man's dollar is based on a crude comparison: all women's salaries vs. all men's salaries. But the average

woman's salary is 75% of the average man's because the average woman has less work experience and is more likely to choose a job that gives her the flexibility to combine work and family and to take time out of the work force to bear and raise children. That isn't discrimination, it's greater choice for women.

The only way to get rid of the average wage gap is to mandate equal pay for *different* jobs, a practice known as "comparable worth." That's precisely what Mr. Clinton seeks to accomplish. Since comparable worth has been rejected in courts all over the country, Mr. Clinton now proposes to enforce it through the bureaucracy.

Under the president's plan, government bureaucrats will "objectively" determine a job's worth by considering the working conditions and the knowledge or skill required to perform a task. Neither experience nor risk, two factors that increase men's average wages relative to those of women, are included as relevant job-related criteria. Thus these criteria favor traditionally female occupations over male ones (secretaries over truck drivers), and white-collar jobs requiring education over blue-collar work.

The Paycheck Fairness Act would authorize the secretary of labor to establish guidelines for evaluating jobs. In the language of the bill: "The guidelines . . . shall be designed to enable employers voluntarily to compare wages paid for different jobs to determine if the pay scales involved adequately and fairly reflect . . . [these] requirements for each such job, with the goal of eliminating unfair pay disparities between occupations traditionally dominated by men or women."

The Labor Department could decide, for example, that administrative assistants should be paid as much as oil drillers and teachers as much as construction workers. These guidelines are described as "voluntary," but there is nothing to prevent Mr.

Clinton from issuing an executive order forbidding the federal government from doing business with companies that do not adopt the standards.

Advocates of comparable worth say that all they want to do is to correct labor market flaws due to discrimination against women. But the president's initiative is a big step toward an economy ruled by bureaucratic *diktat*. After all, if the law sanctions meddling with the market in order to achieve "gender justice," why shouldn't other groups demand a more equitable distribution also? The wage gap between married and unmarried men was estimated a few years ago at 60%—far higher than the male-female wage gap. Should unmarried men also be considered for comparable worth?

While the stated intention of these proposals is equality, they rest on an assumption that women cannot make it on their own. Women are allegedly funneled into certain occupations by a sexist society—a view that flies in the face of feminist arguments that women can do any job. Comparable worth works against women's interests. If employers had to pay women higher-than-market wages, fewer women would get hired in the first place.

Unemployment for both men and women is near a 30-year low; wages and labor force participation rates for women are at an all-time high; and the economy is expanding robustly. The best way to help women succeed economically is to keep the economy strong—something Washington won't accomplish by giving bureaucrats more power over the market.

Ms. Furchtgott-Roth is a fellow at the American Enterprise Institute. Ms. Stolba is a doctoral candidate in U.S. history at Emory University. They are the authors of "Women's Figures: An Illustrated Guide to the Economic Progress of Women in America," to be published next month by AEI Press and the Independent Women's Forum.

106TH CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Paycheck Fairness
5 Act".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Women have entered the workforce in
9 record numbers.

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1 (2) Even in the 1990s, women earn signifi-
2 cantly lower pay than men for work on jobs that re-
3 quire equal skill, effort, and responsibility and that
4 are performed under similar working conditions.
5 These pay disparities exist in both the private and
6 governmental sectors. In many instances, the pay
7 disparities can only be due to continued intentional
8 discrimination or the lingering effects of past dis-
9 crimination.

10 (3) The existence of such pay disparities—

11 (A) depresses the wages of working fami-
12 lies who rely on the wages of all members of the
13 family to make ends meet;

14 (B) prevents the optimum utilization of
15 available labor resources;

16 (C) has been spread and perpetuated,
17 through commerce and the channels and instru-
18 mentalities of commerce, among the workers of
19 the several States;

20 (D) burdens commerce and the free flow of
21 goods in commerce;

22 (E) constitutes an unfair method of com-
23 petition in commerce;

1 (F) leads to labor disputes burdening and
 2 obstructing commerce and the free flow of
 3 goods in commerce;

4 (G) interferes with the orderly and fair
 5 marketing of goods in commerce; and

6 (H) in many instances, may deprive work-
 7 ers of equal protection on the basis of sex in
 8 violation of the fifth and 14th amendments.

9 (4)(A) Artificial barriers to the elimination of
 10 discrimination in the payment of wages on the basis
 11 of sex continue to exist more than 3 decades after
 12 the enactment of the Fair Labor Standards Act of
 13 1938 (29 U.S.C. 201 et seq.) and the Civil Rights
 14 Act of 1964 (42 U.S.C. 2000a et seq.).

15 (B) Elimination of such barriers would have
 16 positive effects, including—

17 (i) providing a solution to problems in the
 18 economy created by unfair pay disparities;

19 (ii) substantially reducing the number of
 20 working women earning unfairly low wages,
 21 thereby reducing the dependence on public as-
 22 sistance; and

23 (iii) promoting stable families by enabling
 24 all family members to earn a fair rate of pay;

1 (iv) remedying the effects of past discrimi-
 2 nation on the basis of sex and ensuring that in
 3 the future workers are afforded equal protection
 4 on the basis of sex; and

5 (v) in the private sector, ensuring equal
 6 protection pursuant to Congress' power to en-
 7 force the fifth and 14th amendments.

8 (5) With increased information about the provi-
 9 sions added by the Equal Pay Act of 1963 and gen-
 10 eralized wage data, along with more effective rem-
 11 edies, women will be better able to recognize and en-
 12 force their rights to equal pay for work on jobs that
 13 require equal skill, effort, and responsibility and that
 14 are performed under similar working conditions.

15 (6) Certain employers have already made great
 16 strides in eradicating unfair pay disparities in the
 17 workplace and their achievements should be recog-
 18 nized.

19 **SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**
 20 **QUIREMENTS.**

21 (a) **NONRETALIATION PROVISION.**—Section 15(a)(3)
 22 of the Fair Labor Standards Act of 1938 (29 U.S.C.
 23 215(a)(3)) is amended—

24 (1) by striking “or has” each place it appears
 25 and inserting “has”; and

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1 (2) by inserting before the semicolon the follow-
 2 ing: “, or has inquired about, discussed, or otherwise
 3 disclosed the wages of the employee or another em-
 4 ployee”.

5 (b) ENHANCED PENALTIES.—Section 16(b) of the
 6 Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is
 7 amended—

8 (1) by inserting after the first sentence the fol-
 9 lowing: “Any employer who violates section 6(d)
 10 shall additionally be liable for such compensatory or
 11 punitive damages as may be appropriate, except that
 12 the United States shall not be liable for punitive
 13 damages.”;

14 (2) in the sentence beginning “An action to”,
 15 by striking “either of the preceding sentences” and
 16 inserting “any of the preceding sentences of this
 17 subsection”;

18 (3) in the sentence beginning “No employees
 19 shall”, by striking “No employees” and inserting
 20 “Except with respect to class actions brought to en-
 21 force section 6(d), no employee”;

22 (4) by inserting after the sentence referred to
 23 in paragraph (3), the following: “Notwithstanding
 24 any other provision of Federal law, any action
 25 brought to enforce section 6(d) may be maintained

1 as a class action as provided by the Federal Rules
2 of Civil Procedure.”; and

3 (5) in the sentence beginning “The court in”—

4 (A) by striking “in such action” and in-
5 serting “in any action brought to recover the li-
6 ability prescribed in any of the preceding sen-
7 tences of this subsection”; and

8 (B) by inserting before the period the fol-
9 lowing: “, including expert fees”.

10 (c) ACTION BY SECRETARY.—Section 16(c) of the
11 Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is
12 amended—

13 (1) in the first sentence—

14 (A) by inserting “or, in the case of a viola-
15 tion of section 6(d), additional compensatory or
16 punitive damages,” before “and the agree-
17 ment”; and

18 (B) by inserting before the period the fol-
19 lowing: “, or such compensatory or punitive
20 damages, as appropriate”;

21 (2) in the second sentence, by inserting before
22 the period the following: “ and, in the case of a vio-
23 lation of section 6(d), additional compensatory or
24 punitive damages”;

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1 (3) in the third sentence, by striking "the first
2 sentence" and inserting "the first or second sen-
3 tence"; and

4 (4) in the last sentence, by inserting after "in
5 the complaint" the following: "or becomes a party
6 plaintiff in a class action brought to enforce section
7 6(d)".

8 **SEC. 4. TRAINING.**

9 The Equal Employment Opportunity Commission
10 and the Office of Federal Contract Compliance Programs,
11 subject to the availability of funds appropriated under sec-
12 tion 9(b), shall provide training to Commission employees
13 and affected individuals and entities on matters involving
14 discrimination in the payment of wages.

15 **SEC. 5. RESEARCH, EDUCATION, AND OUTREACH.**

16 The Secretary of Labor shall conduct studies and
17 provide information to employers, labor organizations, and
18 the general public concerning the means available to elimi-
19 nate pay disparities between men and women, including—

20 (1) conducting and promoting research to de-
21 velop the means to correct expeditiously the condi-
22 tions leading to the pay disparities;

23 (2) publishing and otherwise making available
24 to employers, labor organizations, professional asso-
25 ciations, educational institutions, the media, and the

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1 general public the findings resulting from studies
2 and other materials, relating to eliminating the pay
3 disparities;

4 (3) sponsoring and assisting State and commu-
5 nity informational and educational programs;

6 (4) providing information to employers, labor
7 organizations, professional associations, and other
8 interested persons on the means of eliminating the
9 pay disparities;

10 (5) recognizing and promoting the achievements
11 of employers, labor organizations, and professional
12 associations that have worked to eliminate the pay
13 disparities; and

14 (6) convening a national summit to discuss, and
15 consider approaches for rectifying, the pay dispari-
16 ties.

17 **SEC. 6. TECHNICAL ASSISTANCE AND EMPLOYER RECOGNI-**
18 **TION PROGRAM.**

19 (a) **GUIDELINES.—**

20 (1) **IN GENERAL.—**The Secretary of Labor shall
21 develop guidelines to enable employers to evaluate
22 job categories based on objective criteria such as
23 educational requirements, skill requirements, inde-
24 pendence, working conditions, and responsibility, in-

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1 including decisionmaking responsibility and de facto
2 supervisory responsibility.

3 (2) USE.—The guidelines developed under
4 paragraph (1) shall be designed to enable employers
5 voluntarily to compare wages paid for different jobs
6 to determine if the pay scales involved adequately
7 and fairly reflect the educational requirements, skill
8 requirements, independence, working conditions, and
9 responsibility for each such job with the goal of
10 eliminating unfair pay disparities between occupa-
11 tions traditionally dominated by men or women.

12 (3) PUBLICATION.—The guidelines shall be de-
13 veloped under paragraph (1) and published in the
14 Federal Register not later than 180 days after the
15 date of enactment of this Act.

16 (b) EMPLOYER RECOGNITION.—

17 (1) PURPOSE.—It is the purpose of this sub-
18 section to emphasize the importance of, encourage
19 the improvement of, and recognize the excellence of
20 employer efforts to pay wages to women that reflect
21 the real value of the contributions of such women to
22 the workplace.

23 (2) IN GENERAL.—To carry out the purpose of
24 this subsection, the Secretary of Labor shall estab-
25 lish a program under which the Secretary shall pro-

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1 vide for the recognition of employers who, pursuant
2 to a voluntary job evaluation conducted by the em-
3 ployer, adjust their wage scales (such adjustments
4 shall not include the lowering of wages paid to men)
5 using the guidelines developed under subsection (a)
6 to ensure that women are paid fairly in comparison
7 to men.

8 (3) TECHNICAL ASSISTANCE.—The Secretary of
9 Labor may provide technical assistance to assist an
10 employer in carrying out an evaluation under para-
11 graph (2).

12 (c) REGULATIONS.—The Secretary of Labor shall
13 promulgate such rules and regulations as may be nec-
14 essary to carry out this section.

15 **SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR**
16 **PAY EQUITY IN THE WORKPLACE.**

17 (a) IN GENERAL.—There is established the Robert
18 Reich National Award for Pay Equity in the Workplace,
19 which shall be evidenced by a medal bearing the inscrip-
20 tion "Robert Reich National Award for Pay Equity in the
21 Workplace". The medal shall be of such design and mate-
22 rials, and bear such additional inscriptions, as the Sec-
23 retary of Labor may prescribe.

24 (b) CRITERIA FOR QUALIFICATION.—To qualify to
25 receive an award under this section a business shall—

1 (1) submit a written application to the Sec-
 2 retary of Labor, at such time, in such manner, and
 3 containing such information as the Secretary may
 4 require, including at a minimum information that
 5 demonstrates that the business has made substantial
 6 effort to eliminate pay disparities between men and
 7 women, and deserves special recognition as a con-
 8 sequence; and

9 (2) meet such additional requirements and
 10 specifications as the Secretary of Labor determines
 11 to be appropriate.

12 (c) MAKING AND PRESENTATION OF AWARD.—

13 (1) AWARD.—After receiving recommendations
 14 from the Secretary of Labor, the President or the
 15 designated representative of the President shall an-
 16 nually present the award described in subsection (a)
 17 to businesses that meet the qualifications described
 18 in subsection (b).

19 (2) PRESENTATION.—The President or the des-
 20 ignated representative of the President shall present
 21 the award under this section with such ceremonies
 22 as the President or the designated representative of
 23 the President may determine to be appropriate.

24 (d) BUSINESS.—In this section, the term "business"
 25 includes—

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1 (1)(A) a corporation, including a nonprofit cor-
2 poration;

3 (B) a partnership;

4 (C) a professional association;

5 (D) a labor organization; and

6 (E) a business entity similar to an entity de-
7 scribed in any of subparagraphs (A) through (D);

8 (2) an entity carrying out an education referral
9 program, a training program, such as an apprentice-
10 ship or management training program, or a similar
11 program; and

12 (3) an entity carrying out a joint program,
13 formed by a combination of any entities described in
14 paragraph (1) or (2).

15 **SEC. 8. SENSE OF THE SENATE REGARDING INCREASED IN-**
16 **FORMATION ON PAY DISPARITIES.**

17 It is the sense of the Senate that the President should
18 take appropriate steps to increase the amount of informa-
19 tion available with respect to wage disparities. In so doing,
20 the President, or the designees of the President, should
21 consider ways of collecting this data that—

22 (1) maximize the utility of the information for
23 both the government and the public; while

24 (2) protecting individuals' privacy and minimiz-
25 ing the burdens on reporting entities.

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1 SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

- 2 There are authorized to be appropriated such sums
- 3 as may be necessary to carry out this Act.

COMPARABLE WORTH

Senator Tom Harkin and Rep. Eleanor Holmes Norton introduced bills to implement comparable worth in the last Congress (and these bills are expected to be reintroduced this year).

- The Congressional comparable worth proposals would prohibit employers from paying lower wages for jobs dominated by employees of a particular sex, race, or national origin than for jobs dominated by employees of the opposite sex or different race or national origin for work on “equivalent” jobs. Equivalent jobs would be 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. The bills also provide that no wage rates may be reduced in order to comply with comparable worth requirements.

ARGUMENTS FOR COMPARABLE WORTH LAW

- **There is a significant wage gap.** According to the Council of Economic Advisors, in 1997, the gap between men’s and women’s wages was approximately 75 percent. The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap was explained by differences in the skills and experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. Accounting for these difference raised the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an “unexplained” difference. While some of this gap is due to unequal wages paid for the same job, some of the difference is due to women in occupations predominated by women not being paid the same by men in equivalent jobs.
- **Comparable worth could increase wages.** The AFL-CIO recently issued a study that shows that America’s working families lose approximately \$200 billion of income annually to the wage gap -- an average loss of more than \$4,000 every year for each family, even after accounting for difference in education, age, location, and the number of hours worked. The study also showed that if married women were paid the same as comparable men, their family incomes would rise by nearly 6 percent, and their families’ poverty rates would fall from 2.1 percent to 0.8 percent.
- **Eight states have implemented comparable worth laws for state employees.** Eight states -- Connecticut, Iowa, Minnesota, Montana, New York, Oregon, Washington, and Wisconsin -- have enacted comparable worth laws covering state government employees. With the exception of Montana whose pay equity study found that there was “no significant gender bias,” the seven states that have implemented comparable worth expended only between 1 percent and 4 percent of their payroll budgets.
- **Comparable worth adjustments for state and local governments have resulted in payments.** Public employees in twenty states received collective bargaining related

equity adjustments during the 1980s. State employees in Michigan received \$21 million in comparable worth adjustments; in Pennsylvania, \$16 million; and in Washington, \$442 million. In the 1990's, state workers in Connecticut reached a \$22 million pay equity settlement that will give nearly half of that state's workforce and average of \$1,000 per year. In 1994, social workers in Los Angeles County won a 20 percent pay equity wage increase. Previously, there had been a 34 percent wage differential between the female-dominated social worker class and the male-dominated probation officer class, despite similarity of skills, responsibilities, and working conditions.

ARGUMENTS AGAINST COMPARABLE WORTH

- **Comparable worth policies could cause significant job losses.** Comparable worth job assessments are based on skills, effort, responsibility and working conditions required by the job without taking into account any of the traditional supply and demand factors. If the wages of child-care workers (which is dominated by women) were to be raised to be equivalent to a comparable job (e.g., mechanics, which is dominated by men), this would mean that wages would be increased above the market-clearing level and unemployment would result.
- **Comparable worth evaluations could cause substantial administrative costs -- and possibly extensive litigation.** The Harkin/Norton bills call for the EEOC to establish criteria for determining whether particular jobs meet the gender, race or ethnicity thresholds, but do not call for governmental classification of jobs. Assessments would be done by individual employers and comparisons would be made between jobs at a particular establishment. While this decentralized approach avoids direct government job ratings, it could lead to significant variation among establishments and to costly litigation challenging the criteria and scoring of jobs at particular establishments. While it could provide a job bonanza for human resource consultants, the resulting administrative costs could be a severe burden to many firms.
- **The accuracy of comparable worth job classifications is questionable.** A 1989 experimental study of comparable worth prepared for the Federal Reserve Bank of Kansas City had three commercial job evaluation firms rate the same 27 jobs in an actual company. The report concludes that scores provided by different job evaluators do not provide mutually consistent adjustments to existing pay scales.
- **Comparable worth is more invasive of private business decision-making than other Federal mandates.** For example, compared with the minimum wage which 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. 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.

- **Mandatory comparable worth experience in the United States -- which has been limited to public sector employment in a few states -- fails to establish a good model for a mandatory private sector program.** Governments generally use a traditional job-description based, administratively run system for determining wages. This makes it more feasible to implement a comparable worth system in government; however, both the private sector and reform-oriented government personnel systems are moving toward compensation-based regimes linked to individual worker performance. At least one study of public-sector comparable worth programs (Minnesota and San Jose, CA) found that women's wages increased slightly, but there was also a slight loss of employment in the form of reduced future jobs.

COMPARABLE WORTH

Senator Tom Harkin and Rep. Eleanor Holmes Norton introduced bills to implement comparable worth in the last Congress (and these bills are expected to be reintroduced this year).

- The Congressional comparable worth proposals would prohibit employers from paying lower wages for jobs dominated by employees of a particular sex, race, or national origin than for jobs dominated by employees of the opposite sex or different race or national origin for work on “equivalent” jobs. Equivalent jobs would be 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. The bills also provide that no wage rates may be reduced in order to comply with comparable worth requirements.

Overall, a national mandatory comparable worth policy could adversely effect the U.S. economy by creating substantial economic distortions. Comparable worth requirements would likely result in significant job loss and substantial cost and administrative burdens to American businesses, while potentially clogging up our courts with costly and disruptive litigation.

- **Comparable worth policies could cause significant job losses.** Comparable worth job assessments are based on skills, effort, responsibility and working conditions required by the job without taking into account any of the traditional supply and demand factors. If the wages of child-care workers (which is dominated by women) were to be raised to be equivalent to a comparable job (e.g., mechanics, which is dominated by men), this would mean that wages would be increased above the market-clearing level and unemployment would result -- hardly the outcome envisioned by those wanting to end discrimination.
- **Comparable worth evaluations are likely to cause substantial administrative costs -- and possibly extensive litigation.** The Harkin/Norton bills call for the EEOC to establish criteria for determining whether particular jobs meet the gender, race or ethnicity thresholds, but do not call for governmental classification of jobs. Assessments would be done by individual employers and comparisons would be made between jobs at a particular establishment. While this decentralized approach avoids direct government job ratings, it could lead to significant variation among establishments and to costly litigation challenging the criteria and scoring of jobs at particular establishments. While it could provide a job bonanza for human resource consultants, the resulting administrative costs could be a severe burden to many firms.
- **The accuracy of comparable worth job classifications is questionable.** A 1989 experimental study of comparable worth prepared for the Federal Reserve Bank of Kansas City had three commercial job evaluation firms rate the same 27 jobs in an actual company. The report concludes that scores provided by different job evaluators do not provide mutually consistent adjustments to existing pay scales.

- **Comparable worth is more invasive of private business decision-making than other Federal mandates.** For example, compared with the minimum wage which 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.
- **By relying on rigid job classification frameworks, comparable worth wage policies run counter to the flexibility offered by the new economy.** 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.
- **Mandatory comparable worth experience in the United States -- which has been limited to public sector employment in a few states -- fails to establish a good model for a mandatory private sector program.** Governments generally use a traditional job-description based, administratively run system for determining wages. This makes it more feasible to implement a comparable worth system in government; however, both the private sector and reform-oriented government personnel systems are moving toward compensation-based regimes linked to individual worker performance. At least one study of public-sector comparable worth programs (Minnesota and San Jose, CA) found that women's wages increased slightly, but there was also a slight loss of employment in the form of reduced future jobs.

Equal pay

Wage Discrimination Initiative

Enforcement Activities:

\$1.8 m Training. Fund EEOC's full request of \$1.8 m for training. Fund contractors to provide the training. Training would be Commission-wide and include 850 investigators, 250 litigation attorneys and 150 supervisors and managers.

\$0.0 m 24 FTE for enforcement. Do not fund EEOC's requested \$3 m for additional enforcement staff. On-board staff would be better trained with the training funds to identify wage discrimination cases. No specialist staff is necessary.

Outreach, education, and technical assistance:

\$3.0 m Fund contractors (maybe through EEOC's revolving fund) to provide specialist technical assistance, education, and outreach activities to employers, unions, and advocacy groups. Do not hire 24 permanent FTE to provide this service.

Up to

\$4.5 m Public Service Announcements (psa's). Hire a public relations firm to develop psa's to educate employers, unions, advocacy groups, and the public on the importance of this issue. At \$350,000 each, up to 12 psa's could be developed to target audiences in different regions. (This would be the first area that would be reduced to fund an initiative at less than \$10 m.)

Staffing and Technology (these are the only permanent costs to EEOC):

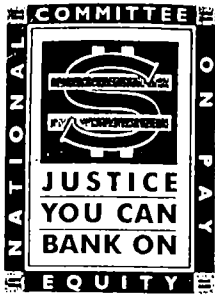
\$0.4 m Fund 4 full-time FTE at \$100,000 to manage the program, hire the contracting staff, respond to audience requests for pamphlets and brochures, etc.

\$0.3 m Fund \$300,00 for associated technology needs.

Research:

\$0.0 m Do not fund the \$8 m request for research.

\$10.0 m



NATIONAL COMMITTEE ON PAY EQUITY

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Profile of the Wage Gap by Selected Occupations

According to an analysis of data provided by the U.S. Department of Labor's Bureau of Labor Statistics, women are paid less in 99% of occupational classifications for which data was available.¹

Even in job categories where women make up the majority of workers, women were paid less. Only in one category, miscellaneous food preparation, did women make more money.

Following are median weekly earnings for women and men in selected occupations. **Jobs with an asterisk (***) indicate a profession in which women make up more than half of the workers.**

TABLE I.
OCCUPATIONS WITH ESTIMATED EARNINGS OF \$33,000 + ²

Occupation	Men's weekly wages	Women's weekly wages	Wage Gap	Weekly Earnings Gap
Marketing, Advertising, and PR Managers	\$1,059	\$736	69%	\$323
Lawyers	\$1,267	\$959	76%	\$308
Engineers, Architects, and Surveyors	\$989	\$812	82%	\$177
Economists	\$970	\$707	73%	\$263
Editors and Reporters	\$769	\$606	79%	\$163
Computer Programmers	\$869	\$742	85%	\$127
Insurance sales***	\$755	\$493	65%	\$262

¹ Data was analyzed using 1997 Household Data Annual Averages, Bureau of Labor Statistics.

² Approximate Annual Earnings categories were estimated by multiplying median weekly wages for men by 52 weeks.

TABLE II.**OCCUPATIONS WITH ESTIMATED ANNUAL EARNINGS OF \$20,000 TO \$32,999**

Occupation	Men's weekly wages	Women's weekly wages	Wage Gap	Weekly Earnings Gap
Financial Records Processing ***	\$459	\$417	91%	\$42
Insurance Adjusters, Examiners, and Investigators***	\$655	\$473	73%	\$182
Computer Equipment Operators***	\$526	\$422	80%	\$104
Printing Machine Operators	\$516	\$353	68%	\$163
Sales -- Retail and Personal Services***	\$392	\$266	68%	\$126

TABLE III.**OCCUPATIONS WITH ESTIMATED ANNUAL EARNINGS OF LESS THAN \$20,000:**

Occupation	Men's weekly wages	Women's weekly wages	Wage Gap	Weekly Earnings Gap
Janitors and Cleaners	\$330	\$275	83%	\$55
Bartenders***	\$341	\$293	86%	\$48
Laundering and dry cleaning machine operators***	\$322	\$253	79%	\$69
Textile/Sewing Machine Operators***	\$284	\$260	92%	\$24
Hand packers and packagers***	\$327	\$296	90%	\$31

TABLE IV.**ADDITIONAL SELECTED OCCUPATIONS IN WHICH WOMEN ARE THE MAJORITY OF WORKERS:**

Occupation (% of total workers that are female)	Men's weekly wages	Women's weekly wages	Wage Gap	Weekly Earnings Gap
Social workers (68% female)	\$551	\$518	94%	\$33
Registered Nurses (92% female)	\$778	\$705	91%	\$73
Records Processing (except financial) (79% female)	\$482	\$377	78%	\$105
Elementary School Teachers (83% female)	\$719	\$655	91%	\$64
Accountants, Auditors -- Management Related (57% female)	\$791	\$590	75%	\$201
Data Entry Keyers (81% female)	\$473	\$384	81%	\$89