

Oppose Any Amendment to Defund EEOC Implementation or Revision of the EEO-1 in the FY 2017 Commerce, Justice, and Science Appropriations Bill

May 23, 2016

Dear Representative:

As organizations committed to equal pay and equal opportunity in the workplace, we write to urge you in the strongest possible terms to oppose any attempt to defund the Equal Employment Opportunity Commission's (EEOC) implementation or revision of the Employer Information Report (EEO-1). Earlier this year, EEOC, in cooperation with the Department of Labor, proposed revising the EEO-1 to collect pay data from large private employers and federal contractors. Collecting these pay data will serve as a critical tool to identify pay discrimination, improve enforcement of pay discrimination laws, and increase voluntary employer compliance with those laws.

Pay discrimination remains an important cause of the gender wage gap. Women working full time, year round typically make only 79 percent of the median annual wages made by men working full time, year round. The wage gap is even worse when looking specifically at women of color: African American women and Latinas typically make only 60 percent and 55 percent, respectively, and Native American women make only 59 percent, of the wages white, non-Hispanic men typically make for full-time, year-round work. Women are still paid less than men in nearly every occupation, and studies show that even controlling for race, region, unionization status, education, experience, occupation, and industry leaves as much as 38 percent of the pay gap unexplained.ⁱ Men of color also experience a wage gap, with African American men typically making only 75 percent and Latinos typically making only 67 percent of what their white, male, non-Hispanic counterparts are paid. Nevertheless, pay discrimination remains difficult to detect. In part because about 60 percent of workers in the private sector are either contractually forbidden or strongly discouraged from discussing their pay with their colleagues,ⁱⁱ discriminatory pay decisions will often not be obvious to an affected employee, making it difficult to challenge. Collecting W-2 compensation data from employers by employee demographic category and job category will help EEOC more effectively enforce equal pay laws, and encourage employers to proactively review their own practices and correct any discriminatory wage disparities.

The proposal to collect pay information through the EEO-1 and to share it across agencies not only will strengthen enforcement of equal pay laws, it minimizes the burden for employers, and avoids duplication of effort or wasted costs. Employers are already required to report race and gender data for their employees by job category through the EEO-1 and thus are familiar with the form, the job categories and reporting system. Moreover, federal law already requires employers to maintain and generate the information in W-2 forms that will be required under the proposal, and this information is readily available to most employers in their payroll software systems.

Defunding the EEO-1 would represent a vote against equal pay. The proposed revision to the EEO-1 to collect pay data comes after years of analysis and study by the Department of Labor and the EEOC. Women cannot afford to keep waiting for change; nor can the families depending on their earnings. The EEO-1 pay data collection promises to make a real difference in closing the pay gaps that have shortchanged women for far too long. Please reject any efforts to stop this progress in its tracks.

For more information, please contact Emily Martin of the National Women's Law Center at emartin@nwlc.org or (202) 588-5180.

Sincerely,

9to5, National Association of Working Women

9to5 California

9to5 Colorado

9to5 Georgia

9to5 Wisconsin

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

African American Ministers In Action

American Association of University Women (AAUW)

American Civil Liberties Union

American Federation of State, County and Municipal Employees

Atlanta Women for Equality

Catalyst

Coalition of Labor Union Women

Feminist Majority Foundation

Hadassah, The Women's Zionist Organization of America, Inc.

Institute for Science and Human Values, Inc.

Jewish Women International (JWI)

The Leadership Conference on Civil and Human Rights

Make it Work Campaign

MALDEF

MomsRising

National Advocacy Center of the Sisters of the Good Shepherd

National Association for the Advancement of Colored People (NAACP)

National Committee on Pay Equity

National Council of Jewish Women

National Employment Lawyers Association

National Organization for Women

National Partnership for Women & Families

National Women's Law Center

PowHer New York

U.S. Women's Chamber of Commerce (USWCC)

UltraViolet

Women Employed

Women's Law Project

ⁱ Blau, F. D. & Kahn, L.M, *The Gender Wage Gap: Extent, Trends and Explanations*, NAT'L BUREAU OF ECONOMIC RESEARCH (Jan. 2016), available at <http://www.nber.org/papers/w21913.pdf>.

ⁱⁱ INST. FOR WOMEN'S POLICY RESEARCH, PAY SECRECY AND WAGE DISCRIMINATION (2014), available at http://www.iwpr.org/publications/pubs/pay-secrecy-and-wage-discrimination-1/at_download/file