



PASS THE PAYCHECK FAIRNESS ACT

“The Paycheck Fairness Act will be the hammer behind the nail put into place by the Lilly Ledbetter Fair Pay Act. It is critical for women working today and into the future to get the Paycheck Fairness Act passed.”

--Lilly Ledbetter

MAJOR PROVISIONS OF THE BILL

The Paycheck Fairness Act will promote fair pay for women by improving our laws in three critical areas. The Act will:

Modernize the Equal Pay Act

The Paycheck Fairness Act:

- Makes the Equal Pay Act defenses match those in similar Title VII claims
- Brings remedies available under the Equal Pay Act into line with those available under other civil rights laws
- Makes the requirements for class action lawsuits under the Equal Pay Act match those of Title VII
- Protects workers who share their own salary information at work from retaliation by an employer

Improve Data Collection on Pay Practices

The Paycheck Fairness Act:

- Reinstates wage data collection from federal contractors by the U.S. Department of Labor
- Allows the Equal Employment Opportunity Commission to study and conduct wage data collection from private employers

Provide Fair Pay Training

The Paycheck Fairness Act:

- Recognizes employers for excellence in their pay practices
- Provides assistance to all businesses, with a special focus on small businesses, to help them with their equal pay practices
- Creates a negotiation skills training program for women and girls

THE ECONOMIC SITUATION

The Wage Gap

- In 2008, women working full-time, year-round were paid only about 77 cents for every dollar paid to men. African-American women were paid only 61 cents, and Latinas only 52 cents, for every dollar paid to by white, non-Hispanic men.¹
- The wage gap exists between women and men across a wide spectrum of occupations. In 2008, for example, women in sales and sales-related occupations were paid only about 65 percent of the median weekly wages of men in equivalent positions. The median weekly wages paid to women physicians were just 64 percent of the median weekly wages of male physicians²
- The wage gap exists across all educational levels. While both men's and women's wages rise with increased education, men's wages rise considerably more. For example, in 2008 among workers 25 years of age and older with some high school education, women's median annual earnings were \$14,707, compared to \$23,831 for men.³ Graduation from high school boosted women's median earnings to \$22,298, yet the same high school degree yielded \$33,936 for men.⁴

Economic Security for Women and their Families

- In these economically perilous times, the Paycheck Fairness Act is especially critical because it would provide women with the tools necessary to realize the decades-old promise of equal pay for equal work. More than 15.1 million women – about one in eight – are poor. In 2008, women were 35 percent more likely to live in poverty than men.⁵

¹ U.S. Census Bureau, Current Population Survey, 2009 Annual Social and Economic Supplement, Table PINC-05: Work Experience in 2008 – People 15 Years Old and Over by Total Money Earnings in 2008, Age, Race, Hispanic Origin, and Sex, *available at* http://www.census.gov/hhes/www/cpstables/032009/perinc/new05_000.htm (last visited January 14, 2010).

² U.S. Department of Labor, U.S. Bureau of Labor Statistics, Women in the Labor Force: A Databook, Report 1018 (September 2009), *available at* <http://www.bls.gov/cps/wlf-databook-2009.pdf> (last visited January 14, 2010).

³ U.S. Census Bureau, Current Population Survey, 2009 Annual Social and Economic Supplement, Table PINC-03: Educational Attainment – People 25 Years Old and Over, by Total Money Earnings in 2008, Work Experience in 2008, Age, Race, Hispanic Origin and Sex, *available at* http://www.census.gov/hhes/www/cpstables/032009/perinc/new03_000.htm (last visited January 14, 2010).

⁴ *Id.*

⁵ NWLC calculations from U.S. Department of Labor, Bureau of Labor Statistics, “The Employment Situation: December 2009,” Tables A-1, A-7 (January 8, 2009) and from Labor Force Statistics from the Current Population Survey, Monthly Household Data tables, A-36, *available at* <ftp://ftp.bls.gov/pub/suppl/empsit.cpseea36.txt> (last visited January 14, 2010).

- Women are responsible for the economic security of their families. Nearly four in ten mothers (39.3 percent) are primary breadwinners, bringing home the majority of the family's earnings, and nearly two-thirds (62.8 percent) are breadwinners or co-breadwinners, bringing home at least a quarter of the family's earnings.⁶
- The sharp increase in male unemployment brought on by the recession has increased the number of families that are solely dependent on a woman's earnings; two million more women are now the sole breadwinner for their families.⁷
- Women lose, on average, \$434,000 in income over their careers due the wage gap.⁸

⁶ Heather Boushey, The New Breadwinners, in The Shriver Report: A Women's Nation Changes Everything, available at http://www.americanprogress.org/issues/2009/10/womans_nation.html/#breadwinners (last visited April 13, 2010).

⁷ *Id.*

⁸ Testimony of Heather Boushey, Senior Economist, Center for American Progress Fund, U.S. Senate Committee on Health, Labor, Education, and Pensions, March 11, 2010.

ADMINISTRATION SUPPORT

President Obama, State of the Union:

We're going to crack down on violations of equal pay laws -- so that women get equal pay for an equal day's work.

Hilda Solis, Secretary of Labor, January 29, 2010:

My vision of "Good Jobs for Everyone" includes, among other things, increasing workers' incomes and narrowing wage and income inequality and helping workers who are in low-wage jobs find a path into middle class jobs. Among the steps the Labor Department will be taking to deal with wage discrimination is a renewed emphasis on the identification and elimination of gender-based compensation discrimination at the worksites of Federal contractors. In addition, the Women's Bureau has been engaging in and will increase its outreach to stakeholders and its education efforts to its customers to apprise them of their employment rights in furtherance of my vision.

Mona Sutphen, White House Deputy Chief of Staff for Policy, January 27, 2010:

To make sure we uphold our nation's core commitment to equality of opportunity, the Obama Administration is implementing an Equal Pay initiative to improve compliance, public education, and enforcement of equal pay laws. The Task Force will ensure that the agencies with responsibility for equal pay enforcement are coordinating efforts and limiting potential gaps in enforcement. The Administration also continues to support the Paycheck Fairness Act, and is increasing funding for the agencies enforcing equal pay laws and other key civil rights statutes.

Middle Class Taskforce, Annual Report 2010:

The Administration will follow through on this commitment to equal pay for men and women by creating an Equal Pay Enforcement Task Force. Responsibility for equal pay enforcement is fragmented across three different agencies with distinct responsibilities and inadequate means for coordinating efforts or limiting potential gaps in enforcement. The Task Force will improve coordination between the Departments of Justice and Labor and the Equal Employment Opportunity Commission with the goal of ensuring that all applicable equal pay laws are vigorously enforced throughout the country.

Stuart Ishimaru, Acting Chair, EEOC, Hearing of the Senate Health, Education, Labor and Pensions Committee, March 11, 2010:

The Paycheck Fairness Act provides essential tools toward realizing the promise of equal pay, and I look forward to working with the Senate to strengthen and move forward on this important legislation soon.... Our work would undoubtedly be strengthened by the passage of the Paycheck Fairness Act, a bill President Obama has strongly supported since his tenure in the Senate.

SENATE SUPPORT

The Paycheck Fairness Act now has 36 cosponsors in the Senate. The Senate Health, Education, Labor and Pensions Committee held a hearing on fair pay in March 2010, much of which focused on the Paycheck Fairness Act and the need for its passage.

Senate Majority Leader Harry Reid:

Women deserve equal pay for equal work. Unfortunately, the average woman is still paid only 77 to 81 cents for every dollar her male counterpart is paid. Even after accounting for differences in education and the amount of time in the work force, women's pay still lags far behind men who are doing the same or similar work. That is why we passed and President Obama signed into law the Lilly Ledbetter Fair Pay Act, which will restore back pay and enforce civil rights protections for workers who faced discrimination based on gender, age, race, national origin, religion or disability. Additionally, I am also an original cosponsor of the Paycheck Fairness Act (S. 766), which expands beyond the Ledbetter Act, and will better help prevent, and reduce pay discrimination for women across the country.

Chairman Tom Harkin, Hearing of the Senate Health Education, Labor and Pensions Committee, March 11, 2010:

Too many women are still not getting paid equally for doing the exact same jobs as men. It's illegal. It is unacceptable. But, it happens every day. There are too many loopholes in our existing laws and too many barriers to effective enforcement. That is why I strongly support the Paycheck Fairness Act, which Senators Dodd and Mikulski have long championed. This critical legislation will strengthen penalties for discrimination and help give women the tools they need to identify and confront unfair treatment. In January, the House of Representatives voted overwhelmingly, on a bipartisan basis, to pass the Paycheck Fairness Act, and I look forward to working with my colleagues in the Senate to pass this bill and send it to the President during this Congress.

Senators Christopher Dodd and Barbara Mikulski, lead Senate sponsors of the Paycheck Fairness Act, June 15, 2009:

Though the EPA [Equal Pay Act] has helped women make significant strides in the decades since its adoption, there is still a great deal of work to be done to close the wage gap once and for all. To accomplish that, we need to pass the Paycheck Fairness Act. We urge you to consider cosponsoring this critically important legislation as we approach the anniversary of the Equal Pay Act. The Paycheck Fairness Act would provide a much needed update of the Equal Pay Act, closing longstanding loopholes and strengthening incentives to prevent pay discrimination.

PUBLIC SUPPORT

A broad coalition of more than 80 national women's, labor, faith, business and community organizations supports the Paycheck Fairness Act.

In an August 2008 Poll conducted by Hart Research Associates,⁹ 77 percent of women said it was very important or extremely important that the next President and Congress provide women with the legal protections that they need to get equal pay.

As shown below, this result held true across age, education, and income levels.

Percentage of survey respondents who responded that it was “very important” or “extremely important” that the next president and Congress address the issue of providing women with the legal protections they need to get equal pay:

Age Group - percentage that responded “very” or “extremely” important

Age 18 to 34:	84%
Age 35 to 44:	76%
Age 45 to 54:	70%
Age 55 to 64:	79%
Age 65/over:	83%

Income Group - percentage that responded “very” or “extremely” important

Income under \$25K:	86%
Income \$25K to \$50K:	84%
Income \$50K to \$75K:	70%
Income over \$75K:	70%

Education Group - percentage that responded “very” or “extremely” important

High school/less education:	77%
Some college education:	80%
College graduates:	74%

⁹ National Women's Law Center and Peter D. Hart Research Associates, “Understand What Women Want” August 5, 2008, available at http://www.nwlc.org/pdf/2008poll_whatwomenwantmemo.pdf (last visited April 10, 2010).