

# 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

## PUBLIC SUPPORT FOR THE PAYCHECK FAIRNESS ACT

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

In a nationwide poll of registered voters, **84% said they supported** “a new law that would provide women more tools to get fair pay in the workplace.” Participants were told that the “law will also make it harder for employers to justify paying different wages for the same work and ensure that businesses that break the law compensate women fairly.” **72% of respondents strongly supported such a law.**<sup>1</sup>

*Members of All Political Parties Strongly Support Improving our Equal Pay Laws:*  
**91% of Democrats, 77% of Republicans and 87% of Independents** supported the new law.

**83% of Democrats, 61% of Republicans and 70% of Independents strongly supported the new law.**

*Women and Men Strongly Support Improving our Equal Pay Laws:*

**87% of women and 81% of men** supported the new law.

**74% of women and 69% of men strongly supported the new law.**

*Members of all Racial and Ethnic Groups Strongly Support Improving our Equal Pay Laws:*

**82% of Blacks, 84% of Hispanics and 86% of Whites** supported the new law.

**74% of Blacks, 74% of Hispanics and 73% of Whites strongly supported the new law.**

*Voters in All Geographic Regions Strongly Support Improving our Equal Pay Laws:*

**84% of the Northeast, 86% of the Midwest, 84% of the South and 80% of the West** supported the new law.

**73% of the Northeast, 71% of the Midwest, 73% of the South and 69% of the West strongly supported the new law.**

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<sup>1</sup> For full results and methodology, go to [www.nationalpartnership.org](http://www.nationalpartnership.org).

## SENATE SUPPORT

*The Paycheck Fairness Act now has 40 cosponsors in the Senate.*

***Senate Majority Leader Harry Reid, April 20, 2010:***

Now, I am working to pass the Paycheck Fairness Act in the Senate to revise and strengthen the Equal Pay Act of 1963 and target gender pay discrepancies in the work place. Receiving equivalent pay is about more than fairness; it's about doing the right thing.

It's simply wrong for a woman not to receive the same pay as a man for doing the same job.

***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.

***Senator Barbara Mikulski, lead Senate cosponsor of the Paycheck Fairness Act, April 20, 2010:***

Legislation such as the Lilly Ledbetter Act and the Equal Pay Act are steps in the right direction, but we still have work to do. The Paycheck Fairness Act does that job. It strengthens the laws that we have in place by making it harder for employers to discriminate in the first place and increasing penalties for those that do. This legislation will give more women jobs and more women equal pay for the jobs they have.

***Senator Christopher Dodd, lead Senate cosponsor of the Paycheck Fairness Act, July 20, 2010:***

It is not only unfair that women are still making 77 cents for every dollar that men earn—it is also archaic and unacceptable. We have come a long way towards achieving equality for women, but the battle is far from over. I have fought for years to pass the Paycheck Fairness Act to finally guarantee equal pay for equal work, and I believe the [White House Middle Class] Task Force's recommendation demonstrates how critical it is that the Senate act on the legislation this year.

## **ADMINISTRATION SUPPORT**

***President Barack Obama, July 20, 2010:***

I thank the House for its work on this issue and encourage the Senate to pass the Paycheck Fairness Act, a common-sense bill that will help ensure that men and women who do equal work receive the equal pay that they and their families deserve. Passing this bill is one of the Task Force's key recommendations, and I hope Congress will act swiftly so that I can sign it into law.

***Vice President Joe Biden, July 20, 2010:***

When American families depend on a woman's wages, eliminating pay discrimination also is good economic policy and good family policy....We simply can't solve the problem without an additional change in legislation....[The Paycheck Fairness Act] would close loopholes that make it hard for women to challenge being paid different wages for the same work....I say to all those few Democrats and all those Republicans who at least thus far said no or said nothing, this is your chance—and I mean this sincerely—to get on the right side of history.

***Hilda Solis, Secretary of Labor, April 20, 2010:***

Currently, the Paycheck Fairness Act has passed the House and is gaining momentum in the Senate. If passed, it would be the first ever comprehensive update of the Equal Pay Act. It would deter wage discrimination by closing loopholes in the earlier legislation, create stronger incentives for employers to follow the law and strengthen federal enforcement efforts.

***Jacqueline Berrien, Chair of the Equal Employment Opportunity Commission, July 20, 2010:***

Our national commitment to equal employment opportunity will not be achieved until all women are included as equal partners in the workplace....The Ledbetter Act provided the EEOC with important tools in the fight for equal pay, but we hope that Congress will act soon to continue this forward momentum through the passage of the Paycheck Fairness Act.

## **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 white, non-Hispanic men.<sup>1</sup>
- 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 physicians<sup>2</sup>
- 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.<sup>3</sup> Graduation from high school boosted women's median earnings to \$22,298, yet the same high school degree yielded \$33,936 for men.<sup>4</sup>

## **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.<sup>5</sup>

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<sup>1</sup> 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](http://www.census.gov/hhes/www/cpstables/032009/perinc/new05_000.htm) (last visited January 14, 2010).

<sup>2</sup> 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).

<sup>3</sup> 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](http://www.census.gov/hhes/www/cpstables/032009/perinc/new03_000.htm) (last visited January 14, 2010).

<sup>4</sup> *Id.*

<sup>5</sup> 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.<sup>1</sup>
- 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.<sup>2</sup>
- Women lose, on average, \$434,000 in income over their careers due the wage gap.<sup>3</sup>

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<sup>1</sup> 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](http://www.americanprogress.org/issues/2009/10/womans_nation.html/#breadwinners) (last visited April 13, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> Heather Boushey, "Families Can't Afford the Gender Wage Gap," Center for American Progress (April 2010), *available at* [http://www.americanprogress.org/issues/2010/04/pdf/equal\\_pay\\_day.pdf](http://www.americanprogress.org/issues/2010/04/pdf/equal_pay_day.pdf) (last visited June 3, 2010).