NATIONAL WOMEN'S LAW CENTER
EXPANDING THE POSSIBILITIES

EMPLOYMENT

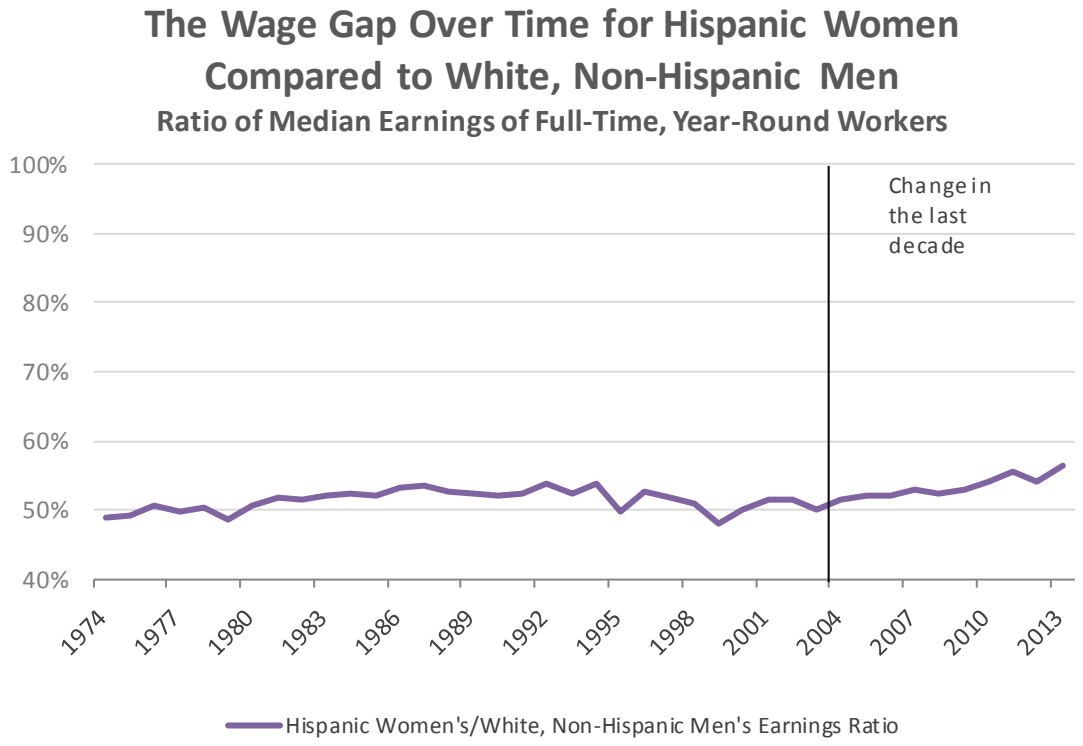
FACT SHEET

The Wage Gap Over Time: Hispanic Women

October 2014

American women who work full time, year round are typically paid only 78 cents for every dollar paid to their male counterparts. But the wage gap is even worse Hispanic women—among full-time, year-round workers, Hispanic women typically make only 56 cents for every dollar paid to white, non-Hispanic men. It has been more than 50 years since the passage of the Equal Pay Act and in that time we've seen women make huge strides forward in the labor force. Yet, 50 years later, the wage gap still persists. Since the passage of this landmark legislation, how much progress have Hispanic women made?

In 1974, the earliest year for which data are available, a Hispanic woman working full time, year round typically made only 49 cents for every dollar paid to her white, non-Hispanic male counterpart. By 2013, the most recent year for which data are available, this figure stood at 56 cents—just over seven cents less than it was nearly four decades before.



Source: Census Bureau, Current Population Survey

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The Wage Gap for Hispanic Women Over Time

Year	Hispanic Women's Earnings	White, Non-Hispanic Men's Earnings	Gap in Earnings	Women's/Men's Earnings Ratio	Wage Gap
2013	$30,209	$53,488	$23,279	56.5%	43.5%
2012	$28,837	$53,298	$24,461	54.1%	45.9%
2011	$30,057	$54,187	$24,130	55.5%	44.5%
2010	$30,110	$55,514	$25,404	54.2%	45.8%
2009	$29,519	$55,827	$26,308	52.9%	47.1%
2008	$29,045	$55,441	$26,396	52.4%	47.6%
2007	$29,898	$56,545	$26,647	52.9%	47.1%
2006	$29,113	$55,942	$26,829	52.0%	48.0%
2005	$28,893	$55,410	$26,517	52.1%	47.9%
2004	$28,950	$56,163	$27,213	51.5%	48.5%
2003	$28,324	$56,688	$28,364	50.0%	50.0%
2002	$28,370	$55,003	$26,633	51.6%	48.4%
2001	$28,280	$54,843	$26,563	51.6%	48.4%
2000	$27,946	$55,797	$27,851	50.1%	49.9%
1999	$27,101	$56,545	$29,444	47.9%	52.1%
1998	$27,432	$53,855	$26,423	50.9%	49.1%
1997	$27,456	$52,960	$25,504	51.8%	48.2%
1996	$27,594	$52,397	$24,803	52.7%	47.3%
1995	$26,072	$52,214	$26,142	49.9%	50.1%
1994	$27,307	$50,731	$23,424	53.8%	46.2%
1993	$26,603	$50,753	$24,150	52.4%	47.6%
1992	$27,794	$51,601	$23,807	53.9%	46.1%
1991	$27,094	$51,785	$24,691	52.3%	47.7%
1990	$27,078	$52,063	$24,985	52.0%	48.0%
1989	$28,409	$54,359	$25,950	52.3%	47.7%
1988	$28,089	$53,466	$25,377	52.5%	47.5%
1987	$28,492	$53,304	$24,812	53.5%	46.5%
1986	$28,057	$52,576	$24,519	53.4%	46.6%
1985	$26,976	$51,742	$24,766	52.1%	47.9%
1984	$26,789	$51,170	$24,381	52.4%	47.6%
1983	$25,928	$49,830	$23,902	52.0%	48.0%
1982	$25,755	$50,068	$24,313	51.4%	48.6%
1981	$26,368	$50,887	$24,519	51.8%	48.2%
1980	$26,052	$51,563	$25,511	50.5%	49.5%
1979	$25,248	$52,045	$26,797	48.5%	51.5%
1978	$26,460	$52,413	$25,953	50.5%	49.5%
1977	$26,318	$52,733	$26,415	49.9%	50.1%
1976	$25,976	$51,419	$25,443	50.5%	49.5%
1975	$25,317	$51,390	$26,073	49.3%	50.7%
1974	$25,242	$51,626	$26,384	48.9%	51.1%

Source: National Women's Law Center calculations based on U.S. Census Bureau, Current Population Survey, Historical Data, Table P-38: Full-Time, Year-Round Workers by Median Earnings and Sex, *available at* http://www.census.gov/hhes/www/income/data/historical/people/. Median earnings are in 2013 dollars. Figures may differ from those in other NWLC reports due to rounding. Figures may differ from those in other reports due to rounding. Data for white, non-Hispanic men are "white alone, not Hispanic" from 2002-2013, "white, not Hispanic" from 1987-2001, and "white" from 1974-1987. Hispanics may be of any racial group.

1 Corning Glass Works v. Brennan, 417 U.S. at 195.
2 *Corning Glass Works*, 417 U.S. 188, 195 (1974).
3 29 U.S.C. § 206(d)(1) (2006).
4 29 U.S.C. § 206(d)(1).
5 An Equal Pay Act plaintiff "must meet the fairly strict standard of proving that she performed substantially similar work for less pay" before the burden shifts to the employer to establish one of the four available affirmative defenses in the Act. Miranda v. B. & B. Cash Grocery Store, Inc., 975 F.2d 1518, 1526 (11th Cir. 1992).
6 Peter Avery, Note, *The Diluted Equal Pay Act: How Was It Broken? How Can It be Fixed?,* 56 RUTGERS L. REV. 849, 868 (2004).
7 *Corning Glass Works*, 417 U.S. at 205. *See also* Siler-Khodr v. Univ. of Texas Health Science Ctr. San Antonio, 261 F.3d 542, 549 (5th Cir. 2001) (noting that "[t]his court has previously stated that the University's market forces argument is not tenable and simply perpetuates the discrimination that Congress wanted to alleviate when it enacted the EPA") (citations omitted).
8 See Merillat v. Metal Spinners, Inc., 470 F.3d 685, 697, 697 n.6 (7th Cir. 2006) (noting that the court has "held that an employer may take into account market forces when determining the salary of an employee," although cautioning in a footnote against employers taking advantage of market forces to justify discrimination); Tavernier v. Healthcare Management Associates, Inc., No. 0:10-01753-MBS, 2012 WL 1106751, at *11 (D.S.C. Mar. 30, 2012) (noting that "courts have, in certain circumstances, found that market forces constitute 'factors other than sex'" but granting summary judgment to defendant employer because plaintiff was unable to rebut employer's articulated reasons for paying the male employee a higher salary, including that he holds a relevant Master's Degree, his work history, and his salary at his previous employer); Greer v. Univ. of South Carolina, 2012 WL 405773, at *8 (D.S.C. Jan. 20, 2012) (accepting employer's market forces justification as one of several proffered legitimate reasons for a salary differential that is not based on sex); Schultz v. Department of Workforce Development, 752 F.Supp.2d 1015, 1028 (W.D. Wis. 2010) (noting that "[a]n employer may take market forces into account when determining the salary of an employee, provided there is no evidence suggesting that the employer took advantage of any kind of market forces that would permit different pay for a male and female for the same position").
9 Sparrock v. NYP Holdings, Inc., No. 06 Civ. 1776, 2008 WL 744733, at *16 (S.D.N.Y. Mar. 4, 2008).
10 Glunt v. GES Exposition Servs., Inc., 123 F. Supp. 2d 847, 859 (D. Md. 2000) (citing Mazzella v. RCA Global Commc'ns, Inc., 814 F.2d 653 (2d.Cir. 1987); Walter v. KFGO Radio, 518 F. Supp. 1309 (D.N.D. 1981)).
11 *Glunt*, 123 F. Supp. 2d at 859 (emphasis added). But see Lenihan v. Boeing Co., 994 F. Supp. 776, 798 (S.D. Tex. 1998) ("[P]rior salary, standing alone, cannot justify a disparity in pay"); U.S. Equal Employment Opportunity Commission, Compliance Manual Section 10: Compensation Discrimination (2000), at 10-IV(F)(2)(g), *available at* http://www.eeoc.gov/policy/docs/compensation.html#10-IV%20COMPENSATION%20DISCRIMINATION (last visited January 8, 2010).
12 Drury v. Waterfront Media, Inc., No. 05 Civ. 10646, 2007 U.S. Dist. LEXIS 18435, at *13 (S.D.N.Y. Mar. 8, 2007).
13 *Id.*
14 *See, e.g.*, Belfi v. Prendergast, 191 F.3d 129, 136 (2d Cir. 1999) (Noting that an employer seeking to rely on the "factor other than sex defense [ ] ... must ... demonstrate that it had a legitimate business reason for implementing the gender-neutral factor that brought about the wage differential."); Beck-Wilson v. Principi, 441 F.3d 353, 365 (6th Cir. 2006) ("[T]he Equal Pay Act's exception that a factor other than sex can be an affirmative defense 'does not include literally *any* other factor, but a factor that, at a minimum, was adopted for a legitimate business reason.'") (citing EEOC v. J.C. Penney Co., 843 F.2d 249, 253 (6th Cir. 1988) (citation omitted)); *Prewett v. Alabama Dept. of Veterans Affairs*, 533 F. Supp. 2d 1160, 1176-1177 (M.D.Ala. 2007) ("The Eleventh Circuit has strongly suggested that the factor other than sex must be business-related."). *See, e.g., Price v. Lockheed Space Operations Co.*, 856 F.2d 1503, 1506 (11th Cir.1988) (remanding for jury determination of whether any additional and legitimate business reasons existed).
15 *See, e.g.*, Fallon v. Illinois, 882 F.2d 1206, 1211 (7th Cir. 1989) (describing how the "factor other than sex" defense "embraces an almost limitless number of factors, so long as they do not involve sex").
16 *Fallon*, 882 F.2d at 1211 (citing Covington v. Southern Illinois University, 816 F.2d 317, 321-22 (7th Cir. 1987)). *See also* Markel v. Bd. of Regents of the Univ. of Wisconsin Sys., 276 F.3d 906, 913 (7th Cir. 2002).
17 Boriss v. Addison Farmers Insurance Co., No. 91 C 3144, 1993 WL 284331 (N.D. Ill. July 26, 1993).
18 *See* Wernsing v. Dep't of Human Servs., 427 F.3d 466, 470 (7th Cir. 2005) ("The disagreement between this circuit (plus the eighth) and those that required an 'acceptable business reason' is established, and we are not even slightly tempted to change sides."); *Taylor v. White*, 321 F.3d 710, 719 (8th Cir. 2003) (giving deference to defendant employer with regard to the proffered "factor other than sex" without a legitimate business purpose analysis).
19 Under the comparable Title VII "business necessity" standard, an employer must demonstrate that a practice is job-related for the position in question and consistent with business necessity. The final question in the business necessity analysis is whether the employer rejected an alternative employment practice that would both have a less disparate impact and satisfy its legitimate business interest. This standard is familiar to employers and courts as it has been judicially applied since 1971 in *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and was expressly codified in the Civil Rights Act of 1991.
20 Engelmann v. Nat'l Broadcasting Co., Inc., No. 94 Civ. 5616, 1996 U.S. Dist. LEXIS 1865, at *20 (S.D.N.Y. Feb. 22, 1996).