



January 14, 2019

RE: Support the Raise the Wage Act and Paycheck Fairness Act

Dear Members of Congress:

On behalf of the National Women's Law Center, we strongly urge you to cosponsor and swiftly pass two pieces of legislation that will advance core values of equity, dignity, and safety for millions of women and families across the country: the Raise the Wage Act and the Paycheck Fairness Act.

This month, we celebrate the historic number of women sworn into the 116th Congress, many of whom—along with their male colleagues—ran and won on issues central to the economic well-being of women and families. And on January 29, 2019, we will commemorate the tenth anniversary of the enactment of the Lilly Ledbetter Fair Pay Act—a vital law that rectified the Supreme Court's harmful decision in *Ledbetter v. Goodyear Tire & Rubber Company* and helps to ensure that women subjected to unlawful pay discrimination are able to have their day in court and effectively assert their rights under federal antidiscrimination laws. Supporting and advancing the Raise the Wage Act and the Paycheck Fairness Act are appropriate and necessary steps to commemorate and build upon this progress.

Today, women across the country—especially women of color—continue to experience a pay gap and a higher risk of poverty than men. Women working full time, year round typically make [only 80 percent](#) of what their male counterparts make, leaving a wage gap of 20 cents on the dollar. This wage gap varies by race and is larger for women of color: Black women working full time, year round typically make only 61 cents, Native women only 58 cents, and Latinas only 53 cents, for every dollar paid to their white, non-Hispanic male counterparts. While Asian American and Pacific Islander (AAPI) women make 85 cents for every dollar paid to white, non-Hispanic men, many AAPI communities experience [drastically wider pay gaps](#).

Persistent pay discrimination, often cloaked by employer-imposed pay secrecy policies, is one factor driving these wage gaps. Women's overrepresentation in low-wage jobs is another. [Women are close to two-thirds of the workforce in jobs that pay the minimum wage](#) or just a few dollars above it, as well as two-thirds of workers in tipped jobs. Women of color are particularly overrepresented among tipped workers and other [low-wage workers](#). And they are particularly harmed by a \$7.25 federal minimum wage that has not gone up in a decade—and by a \$2.13 tipped minimum cash wage that has been frozen for an astonishing 28 years. Pay discrimination and poverty-level wages heighten women's economic vulnerability, which in turn heightens their vulnerability to sexual harassment on the job.

Women are increasingly the primary or co-breadwinner in their families, and many are supporting children on their own. They cannot afford to be shortchanged any longer. The Raise the Wage Act and the Paycheck Fairness Act are two critical and complementary tools to boost women's paychecks, combat poverty and persistent pay gaps, and provide the tools to challenge discrimination.

The **Raise the Wage Act** will raise the federal minimum wage from \$7.25 to \$15 an hour by 2024, then index the minimum wage so that it continues to rise along with wages overall. It will also end unfair exclusions for tipped workers, people with disabilities, and youth so that they, too, can benefit from a decent minimum wage. The Economic Policy Institute estimated in 2017

that increasing the federal minimum wage to \$15 by 2024 would [give more than one in three working women a raise](#), including 43 percent of Black working women, 38 percent of working Latinas, 32 percent of white working women, and 20 percent of Asian working women. Because women are the majority of workers who would see their pay go up, wage gaps would likely narrow as well; indeed, NWLC research shows that women working full time, year round in states with a minimum wage of at least \$10 per hour face a gender wage gap that is one-third smaller than the wage gap across states with a \$7.25 minimum wage. And in “One Fair Wage” states where employers already have to pay their tipped workers the regular minimum wage before tips, the average poverty rate for women tipped workers is lower—and [wage gaps for women tipped workers as well as women overall are smaller](#)—than in states that follow the \$2.13 federal standard. One Fair Wage also ensures that women in tipped jobs have a paycheck they can count on, making them less vulnerable to the sexual harassment from customers that women can feel forced to tolerate when they have to rely on tips for nearly all of their income.

The **Paycheck Fairness Act** [updates and strengthens](#) the Equal Pay Act of 1963 to ensure that it provides robust protection against sex-based pay discrimination. Among other provisions, this comprehensive bill closes loopholes that have allowed employers to pay women less than men for the same work without a legitimate business justification related to the job. It ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity. It prohibits employers [from relying on salary history](#) to set pay when hiring new employees, so that pay discrimination does not follow women and people of color from job to job. It promotes pay transparency by barring retaliation against workers who voluntarily discuss or disclose their wages, and requiring employers to report pay data to the EEOC. And it provides for much needed training and technical assistance and research.

Women and people of color have been left behind by our economy and our policies far too often, for far too long. Adopting the Raise the Wage Act and the Paycheck Fairness Act would mark a vitally important step toward ensuring they can work with equality and dignity. There is no more fitting way to begin this historic Congress than by making real, concrete progress in ensuring all women receive equal and adequate pay. We urge you to prioritize the Raise the Wage Act and the Paycheck Fairness Act in the 116th Congress by becoming original cosponsors and urging swift passage of this legislation.

To become a cosponsor of the Raise the Wage Act, please contact Jeff Cruz on the Senate Budget Committee minority staff (Jeff.Cruz@budget.senate.gov); for the Paycheck Fairness Act, please contact Joe Shantz with the Senate Committee on Health, Education, Labor & Pensions minority staff (Joseph_Shantz@help.senate.gov). If you have any questions, please do not hesitate to contact Emily Martin, NWLC’s Vice President for Education & Workplace Justice, at 202.588.5180 or emartin@nwlc.org.

Sincerely,



Fatima Goss Graves
President & CEO
National Women’s Law Center