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March 5, 2021

Submitted via email

Re: National Women's Law Center Supports Nominations of Marty Walsh for Secretary of Labor and Julie Su for Deputy Secretary of Labor

Dear Senator:

The National Women's Law Center (the Center), an organization that has advocated on behalf of women and girls for more than 45 years, writes to express its robust support for the nominations of Marty Walsh to be Secretary of Labor and Julie A. Su to be Deputy Secretary of Labor.

The Secretary of Labor and Deputy Secretary of Labor are the nation's most senior officials tasked with ensuring the well-being and rights of working people and advancing their employment opportunities. In these positions, Mr. Walsh and Ms. Su would direct the Department of Labor's (DOL's) interpretation and enforcement of a number of laws vital to women's economic security and right to be free from workplace discrimination, such as the Fair Labor Standards Act; the Occupational Safety and Health Act; the Family and Medical Leave Act; the Affordable Care Act's requirement of break time for nursing mothers; the executive orders prohibiting sex discrimination and other forms of discrimination by federal contractors; and a range of executive orders setting labor standards for federal contractors' employees, including on minimum wage and a right to earn paid sick days, in addition to overseeing a range of workforce training initiatives. These policies are essential to closing the gender wage gap: they remove barriers to women's employment opportunities, including sex discrimination; raise women's wages; allow women to meet caregiving responsibilities without sacrificing their employment; and ensure women's health and safety so they can continue to support their families.

COVID has had a [devastating effect on women's workforce participation](#), and the pandemic and lack of supports for caregiving has forced women workers out of the workforce in droves. The total number of women who have left the labor force since the start of the pandemic reached over 2.3 million in January 2021, leaving women's labor force participation rate – the percentage of adult women who are either working or looking for work – at 57.0%. Before the pandemic, the women's labor force participation rate had not been this low since 1988. Black women and Latinas continue to be hit particularly hard by the economic crisis, and much of the job loss has been borne by workers in low-paid jobs, like retail, hospitality, and child care. Women and their families deserve a Secretary of Labor and Deputy Secretary of Labor who are devoted to advancing the rights of workers and committed to robust enforcement of the laws that protect them. Mr. Walsh and Ms. Su are such leaders.

As a former union leader, Marty Walsh understands firsthand the importance of a vibrant union movement to lift women and families out of poverty and provide safe jobs with family supporting wages. [Union membership boosts wages for all workers](#)—but women see especially large advantages from being in a union. The gender wage gap among union women and men is about half the size of the wage gap among non-union workers, and female union members typically earn \$224 more per week than women who are not represented by unions—a larger wage advantage than men receive. Protecting



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and strengthening the rights of working people to come together to form a union is a key strategy for achieving equal pay for women. Mr. Walsh has also demonstrated a strong commitment to equal pay during his time as Mayor of Boston, including support for pay data collection as a key tool to fight discrimination. He partnered with the [Boston Women's Workforce Council](#) to implement a public-private initiative, the 100% Talent Compact, under which [over 250 Boston-area employers](#) pledged to help close gender and racial wage gaps in Boston by taking certain actions, like examining their pay data and practices to assess whether wage gaps exist, and if so, to take steps to reduce them.

Mr. Walsh also [supported the Massachusetts Equal Pay Act](#), which was the first state law to include a ban on relying on salary history in hiring and pay setting. This is particularly important because employers' requests for an applicant's salary history in the hiring process—and reliance on that information to determine compensation—forces women, and especially women of color, to carry lower earnings and pay discrimination with them from job to job.

In his leadership roles, Mr. Walsh has made expanding and improving employment opportunities for women a top priority. When Mr. Walsh led the Boston Building Trades he founded [Building Pathways](#), a program to prepare women and people of color to enter union apprenticeships. When he became Mayor, under his leadership the City continued to support Building Pathways financially with city grants, and as a sub-grantee under a US DOL 5-year Apprenticeship Initiative grant. As Mayor, Mr. Walsh was a key supporter of efforts to provide flexible child care arrangements for women working in construction and hospitality, including giving the [Care That Works](#) coalition a \$25k grant to launch a pilot program designed to provide early hour child care for construction workers. As Mayor he also piloted and institutionalized the [Childcare Entrepreneur Fund](#). This Fund supports, sustains, and develops the business model for local child care entrepreneurs, who are primarily women of color, allowing them to not only continue to supply child care to the City's families, but also to ensure their expertise for years to come.

As he said in his Senate hearing – women and people of color are a big part of the future of our economy. We agree and we look forward to Mr. Walsh's leadership of the Department of Labor. We are confident that in this role he will continue to demonstrate his commitment to a strong labor movement, to equal pay, to diversity, and more broadly to the advancement of the rights of working women.

We also enthusiastically endorse Julie Su's nomination as Deputy Secretary of Labor. Ms. Su has spent her entire career fighting for the rights of women workers, first as a groundbreaking civil rights attorney and currently as the Secretary of the California Labor and Workforce Development Agency, leading an agency of over 11,000 employees to secure fair labor and workplace conditions for California workers and businesses. Her career demonstrates her deep understanding of the role that gender and race play in employers' exploitation of low-paid workers.

As a civil rights attorney with Asian Americans Advancing Justice-Los Angeles, Ms. Su represented women workers across low-paid industries, leading legal challenges to extreme and dehumanizing labor conditions. In a well-known case litigated when she was barely out of law school, Ms. Su represented more than 70 Thai workers—almost all of whom were women—who had been trafficked to the United

States and kept inside a two-story apartment complex ringed with barbed wire, forced to work 18 hour days, and [paid less than a dollar per hour](#) to produce clothing. Ms. Su sued on behalf of these workers, as well as Latina garment workers working for the same company, and won, ultimately establishing new precedent to hold abusive employers accountable and winning more than \$4 million in back pay for the workers. In 1995, she co-founded Sweatshop Watch, a coalition working to end the exploitation that occurs in sweatshops. In 2001, when she was only 32 years old, Ms. Su [won a MacArthur “genius” grant](#) for her work furthering workers’ rights and civil rights.

In her current role, and in her time as California Labor Commissioner from 2011 through 2018, Ms. Su has expertly overseen and enforced state labor laws. She improved the efficiency of the California Division of Labor Standards Enforcement (the Department) for workers and employers alike—reviewing business licensing and registration applications 50% faster than in the previous two years and significantly reducing time lags in processing wage theft and retaliation complaints.

Ms. Su made combatting wage theft a top priority of the Department. In 2012, the Department [assessed more than five times](#) the amount of owed minimum wages and [more than seven times](#) the amount of owed overtime pay than in 2010. For women workers, who make up [more than six in ten](#) of the lowest-paid workers across the country and are paid less than men in the same occupations, fighting against wage theft is of utmost importance for achieving equal pay. This need is especially acute for women of color, who face not only a gender wage gap but a racial wage gap. Furthering her equal pay work, Ms. Su was the co-chair of the California Pay Equity Task Force, a group formed to assure effective implementation of California’s Fair Pay Act.

Notably, Ms. Su also paid special attention to ensuring that workers could report wage theft free from retaliation; under her leadership, among other reforms, the Department [conducted interviews with victims of wage theft offsite](#) where they could speak more freely and [reworked](#) the Department’s complaint form to ensure witnesses to retaliation could confidentially report what they had seen. This demonstrates a uniquely valuable attention to detail about what victims of workplace abuse require to feel safe to come forward and fight for themselves and their co-workers. Ms. Su’s knowledge about how to create safe and healthy workplaces for all workers, and especially low-paid women workers, will be indispensable at the Department of Labor.

In 2019, accepting the [Margaret Brent Award](#) from the ABA, [Ms. Su had this to say about her own dedication to fighting for the rights of women workers](#): “It has been the greatest privilege of my professional life to support such workers, largely women workers in industries like garment, janitorial, restaurant and domestic work, to use the law to imagine a different future.”

At this moment of dire need for women workers across the United States, Julie Su will provide thoughtful and time-tested leadership to the DOL, and she will be a strong partner to Mr. Walsh in his role as Secretary.

Our nation’s working people are in desperate need of leaders who will fight for them—not against them. We have not only endured four devastating years of the Trump administration attacking working



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people and workers' rights at every turn, but we will soon be faced with the daunting task of rebuilding a post-pandemic economy and addressing the deep and lasting damage that the pandemic has wrought upon working women. We offer strong support for the nominations of Marty Walsh and Julie Su and urge the Senate to approve these nominations quickly.

Sincerely,

A handwritten signature in cursive script that reads 'Fatima Goss Graves'.

Fatima Goss Graves
President and CEO
National Women's Law Center