



March 9, 2010

Senator Tom Harkin, Chairman
Senator Michael Enzi, Ranking Member
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, DC 20510

Support The Paycheck Fairness Act, S. 182
It's Common Cents – Close the Wage Gap for Women

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Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the American Civil Liberties Union (ACLU), its over half a million members, fifty-three affiliates nationwide, and countless additional supporters and activists, we commend the Senate HELP Committee for its March 11, 2010 hearing: “A Fair Share for All: Pay Equity in the New American Workplace.” One important solution to the ongoing problems of wage disparities between working men and women is the Paycheck Fairness Act, S. 182. We applaud your examination of this important bill and we urge the Committee to support and seek its swift floor movement. American families cannot wait any longer to bring home fair pay.

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At the beginning of this Congress, the House of Representatives overwhelmingly passed the Paycheck Fairness Act with bipartisan support. The bill, now with 36 co-sponsors in the Senate, is poised for passage. We hope that all Members of the Committee will add their support to S. 182 and send the message to your constituents that wage gaps unfairly based on gender are no longer tolerable.

The Paycheck Fairness Act provides a much needed update to the Equal Pay Act of 1963 – a law that has not been able to achieve its promise of closing the wage gap because of limited enforcement tools and inadequate remedies. There should be little doubt that additional improvements are still necessary. According to the U.S. Census Bureau, women who work full time still earn, on average, only 77 cents for every dollar men earn.¹ The statistics are even worse for women of color.

Specifically, the Paycheck Fairness Act would update the Equal Pay Act by taking several important steps toward remedying pay discrimination, including:

¹ See 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).

- requiring employers to demonstrate that wage differences between men and women doing the same work have a business justification and stem from factors other than sex.
- prohibiting retaliation against workers who inquire about their employers' wage practices or disclose their own wages. It is important to note, however, that employees with access to colleagues' wage information in the course of their work, such as human resources employees, may still be prohibited from sharing that information.
- permitting reasonable comparisons between employees within clearly defined geographical areas to determine fair wages.
- strengthening penalties for equal pay violations. The bill's measured approach levels the playing field by ensuring that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin.
- authorizing additional training for EEOC staff to better identify and handle wage disputes. It would also require the U.S. Department of Labor to engage in important activities, such as directing educational programs to assist women in the workforce, providing technical assistance to employers, recognizing the achievements of businesses that address the wage gap, reinstating the collection of certain wage-related data, and conducting and promoting research about pay disparities between men and women.

In this tough economic climate, there is no better time than now to support fair pay legislation. Due to rising unemployment rates, families need to bring home every dollar they rightfully earn – making pay equity even more necessary, not only to families' economic security, but also to the nation's economic recovery.

S. 182 brings the Equal Pay Act's principles and practices in line with the nation's other civil rights laws and is an important and reasonable approach in the effort to finally close the wage gap in the workplace. Once again, we applaud the Committee for holding this hearing and urge Members to support and seek the swift passage of S. 182.

If you have questions or need additional information, please contact Deborah J. Vagins at (202) 715-0816 or dvagins@dcaclu.org.

Sincerely,



Laura Murphy
Director



Deborah J. Vagins
Legislative Counsel

cc: Members of the Senate HELP Committee