



January 23, 2013

**ACLU Urges Congress to Co-Sponsor the Paycheck Fairness Act**

Dear Member of Congress:

On behalf of the American Civil Liberties Union (ACLU), its over half a million members, countless additional supporters and activists, and 53 affiliates nationwide, we urge you to become a co-sponsor of the Paycheck Fairness Act.

This year is the 50<sup>th</sup> anniversary of the Equal Pay Act of 1963. In honor of this important anniversary, we must acknowledge there is more to do to achieve pay equity and seek to improve and amend that law, through the passage of the Paycheck Fairness Act. Representative Rosa DeLauro and Senator Barbara Mikulski are re-introducing this important legislation and we encourage you to sign on as a co-sponsor.

The Paycheck Fairness Act provides a much needed update to the Equal Pay Act – a law that has not been able to achieve its promise of closing the wage gap because of limited enforcement tools and inadequate remedies. Specifically, the Paycheck Fairness Act would:

- require 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;
- prohibit retaliation against workers who inquire about their employers' wage practices or disclose their own wages, while also protecting certain confidential wage information;
- level 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; and
- authorize additional training for EEOC staff to better identify and handle wage disputes and require the U.S. Department of Labor to provide technical assistance to employers and reinstate the collection of certain wage-related data.
- provide important business-related provisions, including:
  - an exemption for small businesses;
  - a six months waiting period from the time of enactment that allows businesses covered under the Act sufficient time to comply with its requirements;
  - a requirement that the Department of Labor help educate small businesses about what is required under the law and assist them with compliance;

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- recognition for employers' excellence in their pay practices; and
- federal outreach and assistance to all businesses to help improve equal pay practices and training assistance to empower women to negotiate for fair pay.

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.<sup>1</sup> African American women were paid only 64 cents and Latinas, only 55 cents, as compared to white men.<sup>2</sup>

According to a nationwide poll, support at home for the Paycheck Fairness Act is overwhelming. In the poll of registered voters, **84% said they support** a new law that would provide women more tools to get fair pay in the workplace. High levels of support for this bill held true regardless of political party, gender, race, ethnicity, or regions of the country.<sup>3</sup> For example, **77% of Republicans support it, along with 91% of Democrats and 87% of Independents.** Large majorities of **both men and women support the law as well – 81% and 87% respectively.**

This bill is a measure that the American public – across the country and across parties – overwhelmingly supports. Perhaps this is because in 6 out of 10 families, women are the primary or co-breadwinners and families are affected by the fact that women are not bringing home the wages they deserve. Moreover, when businesses do not play by the rules, they make it harder on those companies trying to pay employees fairly. That is why the Paycheck Fairness Act has been supported by business groups like the U.S. Women's Chamber of Commerce.

This Congress has the historic opportunity to change the lives of women and families all across America. 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. We strongly urge you to sign on as a co-sponsor of the Paycheck Fairness Act. If you have questions or need additional information, please contact Senior Legislative Counsel Deborah J. Vagins at (202) 675-2335 or [dvagins@dcaclu.org](mailto:dvagins@dcaclu.org).

Sincerely,



Laura W. Murphy  
Director



Deborah J. Vagins  
Senior Legislative Counsel

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<sup>1</sup> NWLC, Fact Sheet: The Wage Gap is Stagnant in Last Decade (Sept. 2012), *available at* [http://www.nwlc.org/sites/default/files/pdfs/poverty\\_day\\_wage\\_gap\\_sheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/poverty_day_wage_gap_sheet.pdf) (last visited Jan. 22, 2013).

<sup>2</sup> NWLC, Insecure and Unequal: Poverty and Income Among Women and Families, 2000-2011 (Sept. 2012), *available at* [http://www.nwlc.org/sites/default/files/pdfs/nwlc\\_2012\\_povertyreport.pdf](http://www.nwlc.org/sites/default/files/pdfs/nwlc_2012_povertyreport.pdf).

<sup>3</sup> For more poll results, *see* Paycheck Fairness Act Coalition 2010 Polling Data, *available at* <https://www.aclu.org/womens-rights/paycheck-fairness-act-coalition-polling-data-graphs-2012>.