



IT' COMMON CENTS
CLOSE THE WAGE GAP: PASS THE PAYCHECK FAIRNESS ACT, S. 182

- The ACLU applauds Congress and the Administration for moving quickly to enact the Lilly Ledbetter Fair Pay Act, a critical law preserving remedies for victims of wage discrimination. The Ledbetter law gives employees the ability to have their day in court in order to challenge an unlawful wage gap. However, it is the Paycheck Fairness Act that would give employees the tools they need to finally close the wage gap itself. Together, these acts can help to create a climate where wage discrimination is not tolerated and give the Administration the enforcement power it needs to make real progress on pay equity.
- In January 2009, the House of Representatives overwhelmingly passed the Paycheck Fairness Act, HR 12 (256Y-163N) with bipartisan support.
- Now, we urge the Senate to support the Paycheck Fairness Act (S. 182), a bill intended to finally secure equal pay for equal work for all American workers. Especially in this economic climate, we need concrete and immediate action to improve the economic security of working families.

Why the Paycheck Fairness Act is Necessary

- The Paycheck Fairness Act would be a much needed update of the 45-year-old Equal Pay Act. Since becoming law, loopholes and weak remedies have made the Equal Pay Act less effective in combating wage discrimination.
- According to the U.S. Census Bureau women who work full time still earn, on average, only 78 cents for every dollar men earn. The statistics are even worse for women of color.
- Women tend to be hurt first and worst during economic downturns. Moreover, due to rising unemployment rates, families are relying more than ever on women's income – making pay equity even more critical, not only to families' economic security, but also to the nation's economic recovery.

Provisions of the Paycheck Fairness Act

- The Paycheck Fairness Act would update the Equal Pay Act by taking several important steps toward remedying pay discrimination, including:
 - requiring employers to demonstrate that wage differentials between men and women holding the same position and doing the same work stem from factors other than sex.
 - prohibiting retaliation against workers who inquire about their employers' wage practices or disclose their own wages.
 - 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 reinstate 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, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.

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