

## EQUAL PAY TODAY! CAMPAIGN PLATFORM



The Equal Pay Today! Campaign, launched on the 50<sup>th</sup> Anniversary of the Equal Pay Act by national and state-based women's rights organizations, calls for an end to the gender wage gap that persists in nearly every industry and profession in the country. This gap varies by state and city, by education level and occupation, and is magnified for African American and Hispanic women.

The Equal Pay Today! Campaign includes: A Better Balance, American Association of University Women, American Civil Liberties Union Women's Rights Project, California Women's Law Center, Equal Rights Advocates, Gender Justice, Legal Aid Society-Employment Law Center, Legal Momentum, Legal Voice, National Center for Law and Economic Justice, National Partnership for Women and Families, National Women's Law Center, Southwest Women's Law Center, Women Employed, and Women's Law Project. We join together to call for action to end the practices and close the loopholes in existing laws that contribute to women making on average only 77 cents for every dollar paid to men. These practices include:

- **Less pay for the same job:** Women are paid less than men in nearly every occupation. One study examining wage gaps within occupations found that out of 265 major occupations, men's median salary exceeded women's in all but one.<sup>1</sup> Economists have documented the role of gender bias in employment decisions through studies that show women were offered fewer job opportunities and lower pay, even when they had identical resumes as men.<sup>2</sup> To close the wage gap we must address discrimination in pay and promotions on the same job.
- **Job segregation:** Sex role stereotypes lead to women being segregated into female-dominated jobs such as retail sales, home health care, and child care.<sup>3</sup> These jobs pay low wages<sup>4</sup> and are often part-time.<sup>5</sup> Today, women make up nearly 2/3 of the adult minimum wage workforce,<sup>6</sup> and the minimum wage is too low. Jobs considered to be "women's work" typically pay less than male-dominated jobs requiring equivalent skill and effort, and women remain under-represented in higher paying work traditionally done by men, such as construction, fire-fighting and policing.<sup>7</sup>
- **Retaliation against workers for discussing their pay:** Today, a majority of employees report that they are either prohibited or actively discouraged from discussing their pay.<sup>8</sup> Employers with policies preventing employees from sharing pay information keep women in the dark about pay differences, limiting their ability to negotiate for higher pay and to enforce their rights under the equal pay laws.

- **Pay reductions due to pregnancy and caregiving responsibilities.** Employers pay women less from the moment of hire and deny them promotions because they automatically presume women will have children and then will commit less time and dedication to their jobs.<sup>9</sup> If women do get pregnant or take on caregiving responsibilities, they sometimes lose income because of overt discrimination based on these stereotypes.<sup>10</sup> They also lose pay when they are deprived of opportunities to advance to higher paid jobs or are pushed out of work altogether because employers do not accommodate needs that may arise for women as a result of pregnancy and caregiving, including through paid family leave or paid sick days, and flexible, predictable, and stable schedules.<sup>11</sup> The result is that women experience diminished income throughout their working lives.<sup>12</sup>
- **Wage theft:** Being paid less than the minimum wage, being shorted hours, being forced to work off the clock, not being paid overtime, and not being paid at all are pervasive practices across many industries. Women, especially immigrant women in low-wage jobs, are often the hardest hit by wage theft. According to a survey of low-wage workers in America's three largest cities (Chicago, Los Angeles, and New York City), women were significantly more likely than men to experience minimum wage violations, and 47% of the undocumented women workers surveyed reported wage violations by their employer.<sup>13</sup> Employers who fail to pay women workers the wages owed to them deny these women the fair pay they need to support themselves and their families.

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<sup>1</sup> Frank Bass, Bloomberg Businessweek, Shining Shoes Best Way Wall Street Women Outearn Men (Mar. 16, 2012), available at <http://www.businessweek.com/news/2012-03-16/the-gender-pay-disparity#p1>.

<sup>2</sup> See Cecilia Rouse and Claudia Goldin, "Orchestrating Impartiality: The Impact of 'Blind' Auditions on Female Musicians," *American Economic Review* (2000): 715-41 and David Neumark with the assistance of Roy J Blank and Kyle D. Van Nort, "Sex Discrimination in Restaurant Hiring: An Audit Study," *Quarterly Journal of Economics* (1996): 915-42.

<sup>3</sup> See Joan C. Williams, The Social Psychology of Stereotyping: Using Social Science to Litigate Gender Discrimination and Defang the "Cluelessness" Defense, 7 Emp. Rts. & Emp. Pol'y J. 408 (2003). U.S. Department of Labor, Bureau of Labor Statistics, Current Population Survey (2012 Annual Averages), Table 11: Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity, available at <http://www.bls.gov/cps/cpsaat11.pdf>.

<sup>4</sup> U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, May 2012 National Occupational Employment and Wage Estimates, available at [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). Median hourly wages of retail salespersons, home health aides, and child care workers were all under \$10.15 per hour.

<sup>5</sup> Integrated Public Use Microdata – American Community Survey (IPUMS-USA), Minnesota Population Center, University of Minnesota, available at <https://usa.ipums.org/usa/sda/>. American Community Survey Data for 2011. Among those who worked, 35.5 percent of childcare workers reported usual weekly hours of 20 hours a week or less. Among those who worked and were retail salespersons the figure was 26.3 percent and among nursing, psychiatric, and home health aides, the figure was 14.8 percent.

<sup>6</sup> U.S. Department of Labor, Bureau of Labor Statistics, Characteristics of Minimum Wage Workers, 2012, Table 1. Employed wage and salary workers paid hourly rates with earnings at or below the prevailing Federal minimum wage by selected characteristics, 2012 annual averages (2013), available at <http://www.bls.gov/cps/minwage2012tbls.htm>. This is true for both women 16 and older (64 percent) and 25 and older (66 percent).

<sup>7</sup> U.S. Department of Labor, Bureau of Labor Statistics, Current Population Survey (2012 Annual Averages), Table 11: Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity and Table 39: Median weekly earnings of full-time wage and salary workers by detailed occupation and sex, available at <http://www.bls.gov/cps/tables.htm#annual>. See also O\*NET OnLine, available at <http://www.onetonline.org/>. For example, although job tasks for janitors and building cleaners (a 70 percent male population) are extremely similar to job tasks for maids and housekeeping cleaners (an 88 percent female occupation), the median weekly wages for

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a male-dominated janitors and building cleaner job is \$484, \$85 dollars and 21 percent higher than the median weekly wage for a female-dominated maid and housekeeping cleaner job.

<sup>8</sup> Ariane Hegewisch, Claudia Williams & Robert Drago, Institute for Women's Policy Research, Pay Secrecy and Wage Discrimination (June 2011), available at <http://www.iwpr.org/initiatives/pay-equity-and-discrimination/#publications>.

<sup>9</sup> Ariane Hegewisch, Cynthia Deitch & Evelyn Murphy, *Ending Sex and Race Discrimination in the Workplace*, Institute for Women's Policy Research, at 20 (2011), available at <http://www.iwpr.org/publications/pubs/ending-sex-and-race-discrimination-in-the-workplace-legal-interventions-that-push-the-envelope-1>. Shelley J. Correll, Stephan Benard, and In Paik, "Getting a Job: Is There a Motherhood Penalty?" *American Journal of Sociology*, (Mar. 2007): 1297- 1339, available at [http://gender.stanford.edu/sites/default/files/motherhoodpenalty\\_0.pdf](http://gender.stanford.edu/sites/default/files/motherhoodpenalty_0.pdf). See Joan C. Williams & Stephanie Bornstein, Caregivers in the Courtroom: The Growing Trend of Family Responsibility Discrimination, 41 U. S. F. L. Rev. 171, 177-78 (2006); Vicki Schultz, Life's Work, 100 Colum. L. Rev. 1881, 1894-96 (2000) and Joan C. Williams & Stephanie Bornstein, The Evolution of 'FREd': Family Responsibilities Discrimination and Developments in the Law of Stereotyping and Implicit Bias, 59 Hastings L.J. 1311, 1326 (2008).

<sup>10</sup> *Id.*

<sup>11</sup> See Paid Family and Medical Leave, National Partnership for Women & Families, available at [http://www.nationalpartnership.org/site/PageServer?pagename=issues\\_work\\_paidleave](http://www.nationalpartnership.org/site/PageServer?pagename=issues_work_paidleave); National Partnership for Women and Families, Paid Sick Days Protect the Economic Security of Working Families (June 2011), available at [http://paysickdays.nationalpartnership.org/site/DocServer/PSD\\_Econ\\_Security\\_FINAL.pdf?docID=7831](http://paysickdays.nationalpartnership.org/site/DocServer/PSD_Econ_Security_FINAL.pdf?docID=7831); and Paid Sick Days Campaign, National Partnership for Women & Families, available at [http://www.nationalpartnership.org/site/PageServer?pagename=issues\\_campaigns\\_paysickdays](http://www.nationalpartnership.org/site/PageServer?pagename=issues_campaigns_paysickdays).

<sup>12</sup> Joan C. Williams & Heather Boushey, *The Three Faces of Work-Family Conflict: The Poor, The Professional, and the Missing Middle*, Center For American Progress, at 59 (2010), available at <http://www.americanprogress.org/wp-content/uploads/issues/2010/01/pdf/threefaces.pdf>.

<sup>13</sup> National Employment Law Project, Fact Sheet: Workplace Violations, Immigration Status, and Gender: Summary of Findings from the 2008 Unregulated Work Survey (Aug. 2011), available at [http://www.nelp.org/page/-/Justice/2011/Fact\\_Sheet\\_Workplace\\_Violations\\_Immigration\\_Gender.pdf?nocdn=1](http://www.nelp.org/page/-/Justice/2011/Fact_Sheet_Workplace_Violations_Immigration_Gender.pdf?nocdn=1); Annette Bernhardt, Ruth Milkman, Nik Theodore, Douglas Heckathorn, Mirabai Auer, James DeFilippis, Ana Luz González, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller, Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities (2009), available at <http://www.nelp.org/page/-/brokenlaws/BrokenLawsReport2009.pdf?nocdn=1>.