



November 15, 2010

United States Senate
Washington, DC 20510

ACLU Urges the Senate to Vote YES on the Paycheck Fairness Act

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Dear Senator:

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 urge you to support and seek swift passage of the Paycheck Fairness Act (S. 182/S. 3772), without weakening amendments. American families cannot wait any longer to bring home equal pay.

In January 2009, the House of Representatives overwhelmingly passed the Paycheck Fairness Act with bipartisan support. The bill, now with 40 co-sponsors in the Senate, **is scheduled for a cloture vote as soon as November 17, 2010.** Due to the importance of this bill for millions of women, we urge Senators to not block this bill on procedural grounds, but rather to debate and consider the merits of a bill that could help your constituents all across America. **The ACLU will be scoring both the cloture vote and the vote on the merits.**

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. 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 safeguards for small businesses, including:

- keeping the Equal Pay Act's coverage and exemptions for small businesses intact;
- instituting a six months waiting period from the time of enactment, and requiring the Department of Labor to educate small businesses about what is required under the law and assist them with compliance.
- recognizing employers for excellence in their pay practices, strengthening federal outreach and assistance to all businesses to help improve equal pay practices, and implementing a training program 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.¹ African American women were paid only 62 cents and Latinas, only 53 cents, as compared to white men.

According to a recent, 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.² High levels of support for this bill held true regardless of political party, gender, race, ethnicity, or regions of the country. 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 substantial bread winners 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 business groups like the U.S. Women's Chamber of Commerce and Business Professional Women support this legislation.


In the closing days of this Congress, you have the historic opportunity to change the lives of women and families all across American with just one vote. 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 support and seek swift passage of the Paycheck Fairness Act (S. 182), without weakening amendments. American voters have spoken and they deserve a fair paycheck.

¹ NWLC calculations from U.S. Census Bureau, Current Population Survey, 2010 Annual Social and Economic Supplement, Table PINC-05: Work Experience in 2009 – People 15 Years Old and Over by Total Money Earnings in 2009, Age, Race, Hispanic Origin, and Sex, *available at* <http://www.census.gov/hhes/www/cpstables/032010/perinc/toc.htm> (last visited Sept. 29, 2010).

² For more poll results, *see* Paycheck Fairness Act Coalition 2010 Polling Data, *available at* <http://www.aclu.org/womens-rights/paycheck-fairness-act-coalition-polling-data-graphs-2010>.

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

Sincerely,

Handwritten signature of Laura W. Murphy in cursive script.

Laura W. Murphy
Director

Handwritten signature of Deborah J. Vagins in cursive script.

Deborah J. Vagins
Legislative Counsel