HELP CLOSE THE WAGE GAP:
SUPPORT THE PAYCHECK FAIRNESS ACT
March 2015

- In 2009, the Lilly Ledbetter Fair Pay Act became law. The Ledbetter Act was an important victory, however the Paycheck Fairness Act, a bill intended to finally secure equal pay for equal work for all American workers, is still necessary.

- The Ledbetter Act was a court "access" case – it restored the law to ensure that the time limit for bringing Title VII and other pay discrimination cases would renew with each discriminatory paycheck. The Paycheck Fairness Act, on the other hand, would help close some of the loopholes in the Equal Pay Act that have made it less effective over time. So while the Ledbetter Act gives employees back their day in court to challenge a wage gap; it is the Paycheck Fairness Act that would give employees the legal tools they need to challenge the wage gap itself. Together, these acts can help to create a climate where wage discrimination is no longer tolerated.

- In January 2009, the House of Representatives overwhelmingly passed the Paycheck Fairness Act with bipartisan support. Unfortunately, on a procedural vote in the Senate, the bill fell just two votes short of moving forward. In 2012 and 2014, the bill came back to the Senate floor, but again failed to overcome procedural votes, in spite of the support of a majority of Senators.

- The fight is not over. The bill was reintroduced by Sen. Barbara Mikulski and Rep. Rosa DeLauro in the 114th Congress. It enjoyed bipartisan co-sponsorship in the House in the last Congress. Their tireless leadership has been critical. Momentum continues to build for this bill.

Why the Paycheck Fairness Act is Necessary

- The Paycheck Fairness Act would be a much needed update to the Equal Pay Act of 1963. President Kennedy's signing of the Equal Pay Act half a century ago signified our nation's commitment to ensuring that women are paid as much as their male coworkers for doing the same work. Upon signing the bill, President Kennedy proclaimed that the bill "affirms our determination that when women enter the labor force they will find equality in their pay envelope."

- Unfortunately, over time, loopholes and weak remedies have made that law less effective in combating wage discrimination than Congress originally intended. As the Equal Pay Act recently celebrated its 50th anniversary, there should be little doubt that additional improvements are still necessary. The Paycheck Fairness Act would finally enable us to fully realize President Kennedy's vision of equal pay for equal work.

- 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: in 2013, African American women only earned approximately 64 cents and Latinas only 56 cents for each dollar earned by a white man.

- This injustice is particularly troubling in today's difficult economy, where approximately 40% of women are acting as the primary breadwinners in their households and more than 65% are

breadwinners or co-breadwinners. Especially in this economic climate, we need concrete and immediate action to improve the economic security of working families. Pay equity is critical, not only to families' economic security, but also to the nation's economic recovery.

- So, it is not surprising that Americans across the political spectrum strongly support a new law to strengthen our equal pay efforts. In a national survey, **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. 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.** In another poll, support is equally high along racial lines with **66% of Latino voters and 78% of African American voters supporting the bill**.

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. It would:

  o require 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.

  o prohibit retaliation against workers who inquire about their employers' wage practices or disclose their own wages. This is exactly what happened to Lilly Ledbetter – because Goodyear prohibited employees from discussing or sharing their wages, she did not know of the discrimination against her until long after it began. Allowing workers to discuss their salaries without fear of losing their jobs will help women to know whether or not they are being treated equally.

  o permit reasonable comparisons between employees within clearly defined geographical areas to determine fair wages.

  o strengthen 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.

  o encourage proactive enforcement of equal pay laws by instituting collection of wage-related and other employment data and providing for training for the workers who enforce our equal pay laws.

  o modernize the Equal Pay Act to make it more in line with the class action procedures available under Title VII. It would not extend class action protections beyond what is available under other antidiscrimination laws.

  o provide important safeguards for businesses, including:
    - providing an exemption for small businesses;
    - instituting a six months waiting period from the time of enactment and requiring the Department of Labor to assist small businesses with compliance; and
    - recognizing employers for excellence in their pay practices and strengthening federal outreach and assistance to all businesses to help improve equal pay practices.

For more information, please contact Deborah J. Vagins, ACLU Senior Legislative Counsel at (202) 675-2335 or dvagins@aclu.org