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Call to Action: A Pay Equity Resource Guide

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Women continue to enter the workforce at record levels and laws on the state and federal levels prohibit gender discrimination in the workplace. Yet employment discrimination persists and women’s wages remain lower than men’s wages for comparable positions and occupations. With the 2005 publication of GETTING EVEN: Why Women Don’t Get Paid as Much as Men and What To Do About It by Economist and former Massachusetts Lieutenant Governor Evelyn Murphy, the issue of wage equity is finally receiving the widespread and sustained attention it deserves.

This resource guide provides an overview of the issues related to the wage gap between men and women (the “horizontal wage gap”) and between women earning top salaries and women engaged in low-wage work (the “vertical wage gap”). In addition, this guide summarizes federal and state pay equity legislation and offers action opportunities for advocates to work to decrease the wage gap and ensure gender equity in all employment sectors and workplaces.

**Problem**

- **Horizontally**, women working full-time and year round earn on average about 77% of their male counterparts. This disparity in pay represents the horizontal wage gap that exists between men and women (National Women’s Law Center, http://www.nwlc.org, accessed May 5, 2008).
- As shown in Table 1, women of color fare significantly worse when it comes to earnings in comparison to men overall. While White women earn 80%, Black women earn only 72% and Hispanic women earn only 60% of what average men earn.
- There is a “vertical wage gap” between women who make a lot and those who earn very little and have few or no work-related benefits. As Table 1 shows, the vertical wage gap is highly related to race/ethnicity as well as gender.

**Table 1. Median Annual Income of Full-Time Workers by Race/Ethnicity & Gender, 2006**

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Median Income ($1,000)</th>
<th>Percentage Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Men</td>
<td>$42,140</td>
<td>100%</td>
</tr>
<tr>
<td>White Men</td>
<td>$44,152</td>
<td>104%</td>
</tr>
<tr>
<td>Black Men</td>
<td>$34,779</td>
<td>82%</td>
</tr>
<tr>
<td>Hispanic Men</td>
<td>$51,438</td>
<td>122%</td>
</tr>
<tr>
<td>All Women</td>
<td>$29,061</td>
<td>68%</td>
</tr>
<tr>
<td>Black Women</td>
<td>$32,515</td>
<td>77%</td>
</tr>
<tr>
<td>White Women</td>
<td>$33,768</td>
<td>80%</td>
</tr>
<tr>
<td>Asian Women</td>
<td>$30,352</td>
<td>72%</td>
</tr>
<tr>
<td>Hispanic Women</td>
<td>$29,138</td>
<td>93%</td>
</tr>
</tbody>
</table>


**The Wage Gap Over Time**

The wage gap widens as women get older as shown in Figure 1. Although women aged 18 to 24 who are at the beginning of their careers working full-time year round experienced a wage gap of about 4% in 2005, women 55 and older earned only 66% of men in the same age group constituting a gap of 34%.

**Figure 1. Wage Gap by Age**

Across Occupations and Educational Levels

The earnings gap exists across a wide spectrum of occupations.  
- The median weekly earnings of female physicians were only 61% of the median weekly wages of male physicians in 2005.  
- Women in sales and sales-related occupations earned only 63 cents for every dollar of the median weekly wages of men in equivalent positions.  
- The wage gap is slightly smaller in construction industries as well as computer and mathematical occupations with women's earnings ranging from 79-86% of the earnings of men in similar positions.  

As shown in Figure 2, the earnings gap also persists across all educational levels.  
- Among workers with some high school education, women's mean annual earnings were $24,318 compared to $28,890 for men.  
- Female high school graduates earned an average of $26,660 per year while men with high school diplomas yielded an average of $37,362.  
- Women with a bachelor's degree had an average annual income of $45,280 while male counterparts earned an average of $70,253.  

Historical Context

The Equal Pay Act (EPA) and the Civil Rights Act provide federal protections against gender discrimination in the workplace.

Equal Pay Act (EPA) of 1963 – This federal law prohibits unequal pay for equal or “substantially equal” work performed by men and women. This law requires that men and women who perform the same (or substantially same) job in the same place and under the same conditions receive equal pay. Seniority, merit, and measures related to the quantity and quality of the work provide legal basis for pay differentials. Primary enforcement of the law is based on the filing of an individual or group claim with the Equal Employment Opportunity Commission (EEOC).

Title VII of the Civil Rights Act of 1964 – This federal law prohibits wage discrimination on the basis of race, color, sex, religion or national origin. Title VII is broader than the EPA and prohibits wage discrimination even when jobs are not identical. This law is limited to workplaces with 15 or more employees. Frequently, gender discrimination cases filed under Title VII provisions address the issue of how “bona fide occupational qualifications” is defined. This term allows for gender to be used as a qualifying/eligibility requirement in order to fulfill the normal operation of the business. One example of bona fide occupational qualifications is that a manufacturer of men’s clothing may lawfully advertise for male models.

KEY TERMS

Equal Pay: the same salary for the same job in the same place and under the same conditions.

Substantially Equal Work: both jobs require equal levels of skill, effort, and responsibility and are performed under similar conditions.

Wage Discrimination: can occur in the following ways: 1. An employee is paid less than another employee who does the same or comparable work. 2. An employee has been denied promotions or training opportunities based on gender or race. 3. An employee is kept from high paying jobs and professions based on gender or race.

Current Federal Legislation

1. PAYCHECK FAIRNESS ACT (H.R.13385, 766)  
SPONSORS: Representative Rosa DeLauro (D-CT) & Senator Hillary Rodham Clinton (D-NY)  
SUMMARY: This measure strengthens penalties courts may impose for equal pay violations and prohibits retaliation against workers who disclose information about employers’ wage practices. The bill provides for compensatory damages and back pay for women denied equal pay for equal work. It authorizes class action lawsuits for equal pay cases, and directs the U.S. Department of Labor to provide public information about strategies for eliminating wage discrimination and to issue guidelines for evaluating jobs. This act would update and strengthen the EPA.

STATUS: Referred to the Committee on Health, Education, Labor and Pensions.

2. FAIR PAY RESTORATION ACT (S.1842)  
SPONSOR: Senator Edward Kennedy (D-MA)  
SUMMARY: This legislation was filed in response to the Supreme Court’s 2007 ruling in Ledbetter v. Goodyear Tire & Rubber Company, which held that employees must sue for pay discrimination within the current 180-day statute of limitations. Currently, the EPA requires the employee to file suit within 180 days of the first offense. This legislation would permit employees to sue employers for wage discrimination even if the discrimination was discovered beyond the 180-day limit.

STATUS: Referred to the Committee on Health, Education, Labor and Pensions.

3. LILLY LEDBETTER FAIR PAY ACT (H.R. 2831)  
SPONSORS: Representative Eleanor Holmes Norton (D-D.C) & Senator Tom Harkin (D-IA)  
SUMMARY: This measure prohibits wage discrimination based on sex, race, and national origin by requiring employers to provide equal pay for work of equal value, whether or not the jobs are the same. The bill would also ban retaliation and require employers to file wage information annually with the EEOC. It addresses the depressed incomes in jobs that are traditionally held by women by extending the reach of existing equal pay laws.

STATUS: Although this bill was passed in the House, on April 23, 2008 it was voted down in the Senate.

Current Massachusetts Legislation

1. AN ACT TO AUTHORIZE THE HUMAN RESOURCES DIVISION TO UNDERTAKE A STUDY OF THE STATE’S JOB CLASSIFICATION SYSTEM  
Senate Bill 2386/House Bill 2826  
SPONSORS: Senator Harriette Chandler (D-Worcester) & Representative Alice Wolf (D-Cambridge)  
SUMMARY: This bill would require the state’s human resources division to establish a job analysis study of state employees of the executive branch to update the current job classification system and review class titles, job specifications, organizational relationships and job qualifications to insure that employee compensation, pensions, and benefits are free from gender and racial bias. It would also establish a Workforce Advisory Council of experts to assist the human resources division with this work.

STATUS: This legislation passed the Senate in October 2007 and is awaiting action in the House of Representatives.

2. AN ACT FURTHER DEFINING COMPARABLE WORK  
Senate Bill 1070/House Bill 1869  
SPONSORS: Senator Patricia Jehlen (D-Somerville) & Representative Alice Wolf (D-Cambridge)  
SUMMARY: This legislation would define comparable work as “solely based on whether the two positions entail comparable skill, effort, responsibility, and working conditions between employees of the opposite sex.”

STATUS: This bill was heard by the Labor and Workforce Development Committee in June 2007 and has been placed into a study.
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2. FAIR PAY RESTORATION ACT (S.1843)

SPONSOR: Senator Edward Kennedy (D-MA)

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How Can You Take Action?  

Massachusetts Commission on the Status of Women  
www.mass.gov/women/payequity.htm

• In 2006, the MCSW made wage equity a priority. It developed a multi-faceted strategy including legislative advocacy, statewide public hearings, research and coalition building. Advocate for the legislation listed in the “Current Massachusetts Legislation” box.

• The Coalition established the MA Coalition for Women’s Wage Equality. Composed of representatives from a range of organizations, the Coalition works to educate, elevate, and mobilize pay equity legislative action and advocacy in Massachusetts. JOIN US!

• The Coalition sponsors annual Equal Pay Day events in April as well as statewide regional pay equity programs to engage women on the issue and promote statewide awareness. Contact the MCSW at mcsw@state.ma.us.

ABOUT THE RESOURCE GUIDE  
The Pay Equity Resource Guide was prepared for the Center for Women in Politics & Public Policy Task Force on Pay Equity in 2006.

ABOUT THE CENTER FOR WOMEN IN POLITICS & PUBLIC POLICY  
The Center for Women in Politics & Public Policy was established at the University of Massachusetts Boston in 1994 as a result of fiscal year 1992-93 funds from the University of Massachusetts Boston Public Service Grant program were used to produce this guide.

American Association of University Women – National  
www.aauw.org/advocacy/canapply.cfm  
Resources about the wage gap, current policy issues, and legislation about wage equity; visit this site to read the 2008 Women, Wages, and Workforce report.

Center for Women in Politics & Public Policy, McCormick Graduate School of Policy Studies, University of Massachusetts Boston  
www.mccormick.umb.edu/cwppp  
Visit this site to access the Women-Friendly Workplace Campaign Kit which includes suggestions for employees and employers, and action ideas for advocates.

National Organization for Women (NOW) – Massachusetts Chapter  
www.massnow.org  
Contact the NOW office to learn about pay equity and current issues in the workplace.

Gallant Woman’s Initiative  
www.liveworkthrive.org/womantowoman.php  
Participate in the Woman-to-Woman Mentorship Workforce Development Program. Join the Voices Advocacy Network to work with employers to reduce the barriers low-income women face in achieving economic independence.

National Resources  
American Association of University Women – National  
www.aauw.org/advocacy/canapply.cfm  
Resources about the wage gap, current policy issues, and legislation about wage equity; visit this site to read the 2008 Women, Wages, and Workforce report.

National Committee on Pay Equity  
www.pay-equity.org  
Learn how to “Get Even” through wage gap education, advocacy, and outreach: www.wageproject.org/content/get_even/

The WAGE Project  
www.wageproject.org  
Participate in a Smart Starts Program as a college student or as a mentor to a college student. This initiative provides women who are college juniors and seniors with knowledge and skills when approaching the job market to negotiate salaries and benefits to receive fair and realistic compensation.

• Become a Smart Starts Program Facilitator

• Learn how to “Get Even” through wage gap education, advocacy, and outreach: www.wageproject.org/content/get_even/

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Horizontal and Vertical Wage Gaps  
• Nationally, women working full-time and year round earn only about 77 cents for every dollar earned by men. This disparity in pay represents the horizontal wage gap that exists between men and women. (National Women’s Law Center, http://www.nwlc.org, May 3, 2008.)

• As shown in Table 1, women of color fare significantly worse when it comes to earnings in comparison to men overall. While White women earn 80%, Black women earn only 72% and Hispanic women earn only 60% of what average men earn.

• There is a “vertical wage gap” between women who make a list and those whose careers have little or no work-related benefits. As Table 1 shows, the vertical wage gap is highly related to race/ethnicity as well as gender.

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