



Equal  
Rights  
Advocates

Since 1974, Fighting for Women's Equality

July 22, 2008

VIA EMAIL

The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Howard "Buck" McKeon  
Ranking Member  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

RE: **H.R. 1338 (2008) – Paycheck Fairness Act – SUPPORT**

Dear Chairman Miller and Ranking Member McKeon:

Equal Rights Advocates strongly urges you to **support the Paycheck Fairness Act (H.R. 1338)**. We further urge you to reject any weakening amendments, and to **vote no on any motion to recommit**.

Equal Rights Advocates (ERA) is a national non-profit civil and human rights organization that for over thirty years has worked to protect and secure equal rights and economic opportunities for women and girls through litigation and advocacy. ERA has consistently worked to eradicate illegal discriminatory practices that deny women equal opportunity, including equal pay. While ERA's work benefits all women, ERA focuses on serving low-wage workers, women from immigrant communities, and women of color.

More than forty-five years ago, Congress banned wage discrimination based on sex by passing the Equal Pay Act of 1963. However, decades later, women still earn at most only 77 cents for every dollar earned by white men.<sup>1</sup> The numbers for women of color are even more startling. For example, black women earn 64 cents, American Indian women earn 57 cents, and Latinas earn 52 cents for every dollar earned by white men.<sup>2</sup> This wage disparity cannot be explained through women's education levels<sup>3</sup> or life choices.<sup>4</sup> Instead, it demonstrates that women still face wage discrimination solely on the basis of their sex.

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<sup>1</sup> U.S. Census Bureau and the Bureau of Labor and Statistics. Annual Demographic Survey. August 2006. [http://pubdb3.census.gov/macro/032006/perinc/new05\\_000.htm](http://pubdb3.census.gov/macro/032006/perinc/new05_000.htm). Accessed July 22, 2008.

<sup>2</sup> U.S. Census Bureau, Income, Earnings, and Poverty Data from the 2006 American Community Survey. August 2007. <http://www.census.gov/prod/2007pubs/acs-08.pdf>. Accessed July 22, 2008.

<sup>3</sup> U.S. Department of Education, National Center for Education Statistics. 1993/2003 Baccalaureate and Beyond Longitudinal Study.

<sup>4</sup> Bureau of Labor Statistics. Employment Status of Women by Presence and Age of Youngest Child, Marital Status, Race, and Hispanic or Latino Ethnicity, 2004. <http://www.bls.gov/cps/wlf-table6-2005.pdf>. Accessed December 21, 2006.

This wage disparity is particularly devastating to the millions of women living in poverty in the United States<sup>5</sup> who rely on every penny that they earn. Furthermore, this disparity in pay not only affects the immediate lives of women and their families. It also directly affects women's economic well-being in the future by impeding women's retirement security.

To address this problem, Equal Rights Advocates supports the Paycheck Fairness Act (H.R. 1338), which will help address the persistent wage gap between men and women by updating the Equal Pay Act. Specifically, the Paycheck Fairness Act would:

- Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.
- Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. ERA opposes any efforts to weaken such remedies, such as adding artificial caps on damages.
- Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.
- Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.
- Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.
- Aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.
- Require the U.S. Department of Labor to investigate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing business that address the wage gap, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.
- Establish a competitive grant program to develop salary negotiation training for women and girls.

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<sup>5</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, *Women's Health USA 2007*. Rockville, Maryland: U.S. Department of Health and Human Services, 2007.  
[http://mchb.hrsa.gov/whusa\\_07/popchar/0204wp.htm](http://mchb.hrsa.gov/whusa_07/popchar/0204wp.htm).

ERA receives calls from hundreds of women a year about discrimination and harassment in the workplace, including pay discrimination based on sex. The Paycheck Fairness Act provides proactive measures to effectively address the wage discrimination that these women encounter and eliminate loopholes that have hindered the Equal Pay Act's effectiveness.

We urge you to support the Paycheck Fairness Act (H.R. 1338). If you have any questions, please do not hesitate to contact Irma Herrera, Executive Director at Equal Rights Advocates or Noreen Farrell, Managing Attorney at Equal Rights Advocates (415-621-0672).

Sincerely,

A handwritten signature in cursive script that reads "Irma D. Herrera".

Irma Herrera  
Executive Director  
Equal Rights Advocates