

AAUW Pay Equity Resource Kit

**Keep the Change until
Women Have Real Change**





Table of Contents

Introduction	Page 3
Facts and Figures.....	Page 5
Frequently Asked Questions about Pay Equity	Page 8
Federal Legislation.....	Page 12
Ideas for Action	Page 15
“Keep the Change” campaign.....	Page 15
Public Education Strategies	Page 16
Workplace Equity Strategies	Page 18
Legislative Advocacy Strategies	Page 19
Media Outreach Strategies	Page 20
Additional Events and Activities	Page 21
Step-by-Step Projects	
Planning an Issue Forum	Page 23
Working with the Media	Page 24
Meeting with Elected Officials	Page 25
Appendix	
A. Pay Equity Timeline	Page 27
B. Sample Press Release	Page 30
C. AAUW Public Policy Resources	Page 32
D. AAUW Position Paper: Pay Equity	Page 33

Introduction

According to new data from the Bureau of Labor Statistics, in 2007 the ratio of women's and men's median annual earnings reached almost 78 cents on the dollar for full-time year-round workers, up from just under 77 cents in 2006. This is the narrowest the wage gap has ever been, but it's only an additional one cent on the dollar. One cent is chump change. It isn't real change.

While women have been hard at work to earn their extra penny, Congress has failed to pass legislation that would give women effective equal pay protections. In light of this development, AAUW will tell Congress: "Keep the Change until Women Have Real Change."

The AAUW Pay Equity Resource Kit is a resource for education and advocacy on pay equity. It provides background information on pay equity to use to educate your branch and your community. It also provides suggestions for programming and advocacy, including tools from our new "Keep the Change" campaign, so you and your branch and allies can make a difference for pay equity.

More women in the United States are obtaining college degrees and increasing their participation in the labor force. Family-friendly legislation – including the Equal Pay Act, Family and Medical Leave Act, Pregnancy Discrimination Act, and policies such as flex time and telecommuting – have increased options to create a win-win situation for women and their employers. Yet the wage gap between men and women persists. In 2007, women earned only 78 cents on the dollar to their male counterparts.¹ Over a working lifetime, estimates of what this wage disparity costs the average American woman and her family range from \$440,000² to \$2 million.³ In 2004, a typical college-educated woman working full-time earned \$31,223 a year, compared to \$40,798 for a college-educated man—a stark difference of \$9,575.⁴

Since its founding in 1881, the American Association of University Women has been committed to promoting equity for all women. As part of this effort AAUW advocates for policies and programs that allow women to achieve economic security. AAUW's 2007-09 Public Policy Program states that AAUW advocates "pay equity and fairness in compensation, equitable access and advancement in employment," and "vigorous enforcement of employment antidiscrimination statutes."⁵ AAUW believes that pay equity is a simple matter of justice and continues to support initiatives that seek to close the persistent and sizable wage gaps between men and women. AAUW's organization-wide programmatic theme, "Education as the Gateway

¹ U.S. Census Bureau, U.S. Bureau of Labor Statistics. Annual Demographic Survey, August 2008. <http://www.census.gov/prod/2008pubs/acs-09.pdf> Accessed Nov. 25, 2008. AAUW favors using the Census data because they report median *annual* earnings rather than *weekly* earnings. Annual earnings of full-time wage and salary workers are a standard measure of pay differentials. Economists also calculate the wage gap using median "usual weekly earnings" of full-time wage and salary workers. Weekly figures do not include bonuses and overtime pay. Because men are more likely than women to receive bonuses and work overtime, the gender wage gap in annual earnings is slightly wider than when measured using usual weekly earnings. Differences can also be measured on an hourly basis. Among workers paid on an hourly basis, women age 16 and older typically earn, on average, about 85 percent of men's earnings. Because only part of the work force is paid on an hourly basis, it is not usually considered a good representation of the full work force.

² Institute for Women's Policy Research. . *Memo to John Roberts: The Gender Wage Gap is Real*. 2005. <http://www.iwpr.org/pdf/C362.pdf> Accessed Dec. 20, 2006.

³ Murphy, Evelyn. *Getting Even: Why Women Don't Get Paid Like Men—And What to Do About It*. 2005

⁴ U.S. Census Bureau. Income, Poverty, and Health Insurance Coverage in the United State, 2005, August 2006. <http://www.census.gov/prod/2006pubs/p60-231.pdf> . Accessed Dec. 20, 2006.

⁵ 2007 – 09 AAUW Public Policy Program (approved July 2007).

to Women's Economic Security," adopted in June 2005, reflects AAUW's recognition of women's educational gains as well as the understanding that women's progress has not yet translated into economic security.

Americans are well aware that there is a wage gap between male and female full-time workers. According to AAUW poll research, when asked if a pay gap exists 75 percent say they agree.⁶ We know that working together, AAUW members and branches can make meaningful and powerful changes in their communities. This *AAUW Pay Equity Resource Kit* will help members learn more about the issue of pay equity and provide a variety of resources to help you take action. In this resource kit you will find a timeline of notable achievements and disappointments around the fight for pay equity; facts, figures and frequently asked questions; and information on current federal and state legislation dealing with pay equity.

In addition you will find information about Equal Pay Day. Each April, advocates across the country recognize Equal Pay Day to bring attention to the struggle for pay equity.

Equal Pay Day

To match men's earnings for 2008, women will have to work from January 2008 to April 2009—an extra four months. Equal Pay Day takes place on a Tuesday in April and symbolizes the point in the next year to which a woman must work to achieve pay equity for the previous year. Her male counterpart must work five days per week for twelve months, whereas she will work seven days per week for sixteen months to earn equivalent wages. In 2009 Equal Pay Day will be celebrated on Tuesday, April 28.

But Equal Pay Day is not just about disseminating information, it is also about mobilizing around the issue to educate your community and continue the process of change. This resource kit contains a variety of useful resources to help you take action on Equal Pay Day and beyond. We've included information about state and federal legislation to address this issue, ideas for action, and developed step-by-step suggestions for how your branch might pursue four different pay equity projects.



⁶ AAUW Educational Foundation. *Public Perceptions of the Pay Gap*.
http://www.aauw.org/research/perceptions_paygap.cfm Accessed Dec. 20, 2006.

Facts and Figures about Pay Equity

- **Equal pay is a priority issue for all women.** Among issues identified as priorities for women, 90 percent say that equal pay for equal work is a priority.⁷ Pay disparities affect women of all ages, races, and education levels – regardless of their family decisions. According to the U.S. Census Bureau, women, on average, earned 22 percent less than men did in 2007.⁸
- **Women of color are impacted even more.** Women of color saw an even greater difference as African American women earned 30 percent less and Latinas earned 42 percent less than did men as a whole.⁹
- **Women are still largely pigeonholed in “pink-collar” jobs.** According to the AAUW Educational Foundation’s 2003 report, *Women at Work*, women are still concentrated in traditionally female-dominated professions, especially the education and health industries. Today the highest proportion of women with a college education includes elementary school teachers (8.7 percent) and registered nurses (6.9 percent).¹⁰
- **Education and career training is crucial for women.** *Behind the Pay Gap*, AAUW Educational Foundation’s 2007 report, found that women and men who majored in “male-dominated” subjects earn more than those who major in “female-dominated” or “mixed-gender” fields. One year after graduation, the average female education major working full time only earns 60 percent as much as the average female engineering major working full time earns.¹¹
- **The wage gap has long term effects on women’s economic security.** Women are more likely than men to enter poverty in old age for several reasons:
 - A lifetime of lower wages means women have less income they can save for retirement, and less income that counts in a Social Security or pension benefit formula.
 - Women’s current life expectancy is approaching 86 years old, which means they outlive men by an average of 3 years.¹² As a result, they will have to stretch their retirement savings – which are less to begin with – over a longer period of time.
 - The median income of older women is almost half what it is for older men.¹³

⁷ Center for the Advancement of Women. *Progress and Perils: New Agenda for Women*, 2003.

<http://www.advancewomen.org/recent-womens-research/progress-and-perils> Accessed Dec. 20, 2006. This was a two-year study of over 3,300 women. Pay equity ranked second among the list of priorities for women, with domestic and sexual violence ranking first. Priorities third through fifth were childcare, health care, and reproductive choice.

⁸ U.S. Census Bureau, U.S. Bureau of Labor Statistics. Annual Demographic Survey. August 2008.

<http://www.census.gov/prod/2008pubs/acs-09.pdf> Accessed Nov. 25, 2008.

⁹ U.S. Department of Labor, U.S. Bureau of Labor Statistics. Annual Demographics Survey. August 2008.

<http://www.census.gov/prod/2008pubs/acs-09.pdf> Accessed Nov. 25, 2008.

¹⁰ AAUW Educational Foundation. *Women at Work Action Guide*, 2003.

<http://www.aauw.org/research/womenatwork.cfm> Accessed Feb. 22, 2007.

¹¹ AAUW Educational Foundation. *Behind the Pay Gap*, 2007.

<http://www.aauw.org/research/behindPayGap.cfm> Accessed June 11, 2007.

¹² U.S. Department of Health and Human Services. Administration on Aging. *A Statistical Profile of Older Americans Aged 65+*, 2006. http://www.aoa.gov/press/fact/pdf/Attachment_1304.pdf Accessed Dec. 20, 2006.

¹³ Older Women’s League. *Mother’s Day 2006: Women and Long Term Care: Where Will I Live and Who Will Take Care of Me?* <http://www.owl-national.org/owlreports/MothersDay2006.pdf> Dec. 20, 2006. Report shows that median income for older women is \$15,615, and for older men is \$29,171.

- **Pay equity is a family issue.**
 - Nationwide, working families lose \$200 billion in income annually due to the wage gap between men and women.¹⁴
 - If married women were paid comparably to men, they would see an almost 6 percent rise in their family's income and their families' poverty rates would fall from 2.1 percent to 0.8 percent.¹⁵
 - Single working women would see the greatest increase in family income. If they earned as much as comparable men, their families would have 17 percent¹⁶ more income per year, and their poverty rate would be cut in half.¹⁷

- **Pay discrimination also impacts men of color.** Men of color also experience wage discrimination. African American men earn 76 cents and Latinos earn only 66 cents for every dollar paid to their white male counterparts.¹⁸

- **Pay equity is closely linked to poverty eradication.** One study found that if married women were paid the same as men doing comparable work, their families' poverty rates would fall from 2.1 percent to 0.8 percent. If single working mothers earned as much as men doing comparable work, their poverty rates would be cut in half, from 24.3 percent to 12.6 percent.¹⁹

- **Pay equity is essential to having a highly motivated workforce.** Employers who pay women wages that match their value can create a positive work environment. This can help to increase productivity, reduce absenteeism and sick leave, and create a positive image with their customers. One survey found that business leaders consider the elimination of wage discrimination between different jobs to be "good business," and say that equal pay is necessary to remain competitive.²⁰

- **Examples of Pay Inequity.** According to the 2005 National Association for Female Executives (NAFE) Salary Survey, the wage gap in 20 different industries showed men being compensated at higher rates than their female colleagues. For example, in 2004:
 - Women securities, commodities, and financial services sales agents earned \$33,852, compared to \$60,736 for men.
 - Women marketing and sales managers earned \$46,696, compared with \$74,932 for men.

¹⁴ AFL-CIO. *Working Women Fast Facts*. 2006. <http://www.aflcio.org/issues/factsstats/upload/women.pdf> Accessed Dec. 28, 2006.

¹⁵ AFL-CIO. *Working Women Fast Facts*. 2006. <http://www.aflcio.org/issues/factsstats/upload/women.pdf> Accessed Dec. 28, 2006.

¹⁶ AFL-CIO. *Working Women Fast Facts*. 2006. <http://www.aflcio.org/issues/factsstats/upload/women.pdf> Accessed Dec. 28, 2006.

¹⁷ National Committee on Pay Equity. *Race and Pay Equity Brief*. 2002. Figart, Deborah M. <http://www.pay-equity.org/info-racebrief.html> Accessed Feb. 17, 2006.

¹⁸ U.S. Department of Labor, U.S. Bureau of Labor Statistics. "Highlights of Women's Earnings in 2007, Report 1008." <http://www.bls.gov/cps/cpswom2007.pdf> Accessed Nov. 25, 2008.

¹⁹ AFL-CIO & Institute for Women's Policy Research. *Equal Pay for Working Families: National and State Data on the Pay Gap and its Costs*. 1999.

²⁰ National Committee on Pay Equity. *Questions and Answers on Pay Equity*. 2000. <http://www.pay-equity.org/info-Q&A.html> Accessed Feb. 22 2007.



- Women physicians and surgeons earned \$50,856, compared with \$97,448 for men.
- Women government lobbyists employed by nonprofits earned \$73,907 compared with \$96,655 for men.
- Women editors-in-chief of magazines made about \$79,000 compared with \$104,000 for men.²¹

²¹ National Association for Female Executives. *2005 Salary Survey*. http://www.nafe.com/pr_2005survey.php
Accessed Dec. 21, 2006.

Frequently Asked Questions about Pay Equity

What is pay equity?

Pay equity refers to the elimination of sex and race discrimination in the setting of wages: it means fair pay for work. Pay equity encompasses:

- Equal pay for equal or the same work where identical jobs are compared;
- Equal pay for work of an equal value or comparable worth for jobs that are not identical but are of an equal value, for example, a nurse and a carpenter;
- Strategies that address women's low pay and promote a living wage;
- Ending discrimination in pay scales and systems.

What is the gender wage gap?

The gender wage gap is the difference between women's and men's wages, usually expressed as a percentage difference. Currently, women's annual earnings are 78 percent of men's annual earnings.²²

Isn't the wage gap beginning to close?

While the wage gap has begun to narrow – women were only earning 59 percent of men's earnings when the Equal Pay Act was passed in 1962²³ – women continue to face a wage gap at every educational level. Women's achievements in higher education are partly responsible for narrowing the wage gap in the last several decades and there are more women earning college and professional degrees. Unfortunately, the narrowing of the gap is also partly caused by a decline in the real value of the wages of men without college degrees.²⁴

Wasn't there already a law passed about giving women equal pay?

Legislative actions have been taken by states and the federal government to address pay inequity. In 1962, the Equal Pay Act amended the Fair Labor Standards Act of 1938 making it illegal to pay men and women different wages for jobs requiring the same level of skill, effort, and responsibility, performed under similar working conditions within the same establishment.²⁵ The jobs do not need to be identical, but must be substantially equal. It is job content, not titles, that determines whether jobs are substantially equal.²⁶ This amendment helped to usher in the concept that, legally, women should be paid the same for the same work. Title VII of the Civil Rights Act of 1964 prohibits discrimination in compensation because of race, color, religion, national origin, and/or sex.

Why do we need additional legislation?

The Equal Pay Act and Title VII of the Civil Rights Act are important laws, but can be hard to enforce, and legal cases are difficult to prove and win. Because enforcement of the laws is

²² U.S. Census Bureau, U.S. Bureau of Labor Statistics. Annual Demographic Survey. August 2008. <http://www.census.gov/prod/2008pubs/acs-09.pdf> Accessed Nov. 25, 2008.

²³ Institute for Women's Policy Research. (November 2003). *The Gender Wage Gap: Progress of the 1980's Fails to Carry Through*. November 2003. <http://www.iwpr.org/pdf/C353.pdf> Accessed Feb. 17, 2007.

²⁴ AAUW Educational Foundation. *Public Perceptions of the Pay Gap*. 2005. http://www.aauw.org/research/perceptions_paygap.cfm Accessed Dec. 20, 2006.

²⁵ Equal Pay Act, 29 U.S.C. §206.

²⁶ U.S. Equal Employment Opportunity Commission. *Facts About Compensation Discrimination*. 2002. <http://www.eeoc.gov/facts/fs-epa.html> Accessed Feb. 15, 2007.

complaint driven and most of the information needed to prove a complaint is held by employers, these laws lack the ability to eliminate discriminatory pay practices.²⁷

What is “comparable worth”?

Comparable worth can be defined as shorthand for "equal pay for work of equal value." Whereas the Equal Pay Act required equal pay when men and women were doing *substantially* the same work, it does not impact women who make less than men for *comparable* work. Many of the jobs traditionally done by women have been systematically undervalued in the marketplace. The result is that jobs disproportionately held by women are paid less than comparable jobs with the same levels of skills and responsibilities that are commonly held by men.

Researcher Lois Haignere provides an example showing a substantial proportion of school districts in the U.S. pay secretaries and teaching assistants less than the cleaners. In Denver, nurses were found to make less than gardeners. In New York State, school nurses in the West Islip school district start at \$27,000, groundsman at \$29,000.²⁸

Don't women make less because they spend more time out of the workplace due to care giving responsibilities and choices?

There are theories which essentially state that women find themselves in a situation of pay inequity because of the choices they made – decisions to put their family first, manifested as taking time out of the labor force or reducing hours at various times to care for children or other family members – rather than because the system itself is biased.²⁹ The labor force that is one year out of college should be the least likely to show a gender pay gap, as both male and female graduates are not likely to have children yet, so parenthood is a less important factor than it will be later in their careers, however, *Behind the Pay Gap* found a significant pay gap nonetheless. Female graduates working full time earn 80 percent of what their male counterparts earn and among part-time workers the gap is larger, with women earning 73 percent of what their male colleagues earn.³⁰

What about differences in skills and education between men and women?

With the remarkable educational gains by women during the past 40 years, there should be no dispute that women have the credentials for higher paying jobs. Today women make up a majority of college students. Overall, men are only slightly more likely to have a college degree, and among young adults, these differences disappear altogether. Women have made considerable advancements in the fields traditionally considered male. The most dramatic changes occurred in professional programs such as medicine, law, and business, where the proportion of women shot up from nine percent in 1970 to 47 percent in 2000. Some economists, however, argue that women have the ‘wrong’ educational credentials and skills and say that women are not sufficiently well educated in mathematics and science.³¹

²⁷ National Committee on Pay Equity. *Questions and Answers on Pay Equity*. <http://www.pay-equity.org/info-Q&A.html> Accessed Feb. 22, 2007.

²⁸ Haignere Inc. *What is Pay Equity/Comparable Worth?* <http://www.payequityresearch.com/worth.htm> Accessed Feb. 15, 2007.

²⁹ U.S. General Accounting Office. *Women's Earnings: Work Patterns Partially Explain Difference between Men's and Women's Earnings*. Report GAO-04-35, 2003. <http://www.gao.gov/new.items/d0435.pdf> Accessed Feb. 16, 2007.

³⁰ AAUW Educational Foundation. *Behind the Pay Gap*. 2007. <http://www.aauw.org/research/behindPayGap.cfm> Accessed June 11, 2007.

³¹ AAUW Educational Foundation. *Public Perceptions of the Pay Gap*. http://www.aauw.org/research/paygapperceptions_April05.pdf Accessed Feb. 22, 2007.

During the past three decades, women have made significant gains in nontraditional fields including biology, physical sciences, business, and mathematics. For example, women now earn more than 60 percent of undergraduate degrees in biology and nearly half (47 percent) of undergraduate degrees in mathematics.³²

Women's progress in professional programs such as medicine, business, and law has been remarkable. In 1970, only nine percent of students in professional degree programs were women; by 2001, women made up 48 percent of this student body.³³

Working in a nontraditional field has long been suggested as a way for women to increase their pay. A significant gender wage gap is found among doctors, lawyers, and businessmen. For example, a study of University of Michigan Law School graduates found that even after controlling for child care, work history, school performance, and other variables, about one fourth of the male-female pay gap remained unexplained.³⁴

Don't women choose careers that pay less but have schedules that provide a greater balance between work and family?³⁵

Occupational segregation is often cited as a reason for pay disparities between men and women. Economists Boraas and Rodgers found that the share of women in an occupation is the largest contributor to the gender wage gap.³⁶ Despite women's progress in many nontraditional jobs, occupational segregation remains widespread. An analysis by the National Women's Law Center found that more than half of women (or men) would have to change jobs to completely eradicate occupational segregation.³⁷

Regrettably, it is women who make up the majority of what have come to be known as "pink collar" jobs. Many of the occupations most heavily dominated by women include the lowest paid workers.

Wouldn't pay equity cause wages to move to the lowest common denominator and cause everyone to be paid less?

Pay equity would *not* lead to a reduction in men's wages. Federal law prohibits reducing pay for any employee to remedy discrimination. Rather pay equity would mean equal treatment for all workers.

Wouldn't increasing wages hurt employers?

Evidence across the world shows that neither increases in women's wages as a result of pay equity efforts do not cost employers too much, nor does implementing pay equity unnecessarily

³² AAUW Educational Foundation. *Gains in Learning Gaps in Earning*. 2005. <http://www.aauw.org/research/statedata/index.cfm> Accessed Feb. 14, 2006.

³³ AAUW Educational Foundation. *Gains in Learning Gaps in Earning*. 2005. <http://www.aauw.org/research/statedata/index.cfm> Accessed Feb. 14, 2006.

³⁴ AAUW Educational Foundation. *Public Perceptions of the Pay Gap*. 2005. http://www.aauw.org/research/paygapperceptions_April05.pdf Accessed Feb. 14, 2007.

³⁵ AAUW Educational Foundation. *Public Perceptions of the Pay Gap*. 2005. http://www.aauw.org/research/paygapperceptions_April05.pdf Accessed Feb. 14, 2007.

³⁶ Wood, Robert G., Mary E. Corcoran, and Paul N. Courant. "Pay differences among the highly paid: The male-female earnings gap in lawyers' salaries." *Journal of Labor Economics* 11(3), 417_441. 1993.

³⁷ National Women's Law Center. *Sex Discrimination in the American Workplace: Still a Fact of Life*. July 2000. <http://www.nwlc.org/details.cfm?id=316§ion=employment> Accessed Feb. 26, 2007.

disrupt the economy.³⁸ In fact, forward-looking employers recognize that eliminating pay differentials makes good business sense and that pay equity can help with competitiveness, worker retention, and productivity.

Equal pay would not bust the budgets of businesses or governments. Wage adjustments tend to be modest and are phased in over a period of years. In Minnesota, where equal pay legislation was implemented for public sector employees over a four-year period, the cost was only 3.7 percent of the state's payroll budget. In the state of Washington, equal pay for state employees, implemented over an eight-year period, cost only 2.6 percent of overall personnel expenditures.³⁹

How can pay equity be promoted?

There are a number of ways in which pay equity can be promoted. This *AAUW Pay Equity Resource Kit* provides a number of different tools and strategies that can be used to promote pay equity.

³⁸ Public Services International. *Pay Equity Now! Pay Equity Resource Package*. 2005.
http://training.itcilo.it/actrav/courses/2005/A3-00391_web/resources/gender/psi_payequity.pdf Accessed Feb. 22, 2007.

³⁹ Center for Policy Alternatives. *Equal Pay*. 2005.
<http://www.stateaction.org/issues/issue.cfm/issue/EqualPay.xml> Accessed Feb. 22, 2007.

Federal Legislation

Paycheck Fairness Act

Before resigning from the Senate to become Secretary of State, Sen. Hillary Clinton (D-NY) introduced the **Paycheck Fairness Act (S. 182)**. Rep. Rosa DeLauro (D-CT) introduced the companion bill (**H.R. 12**) into the House.

The bill would expand upon the original scope of the Equal Pay Act. The Paycheck Fairness Act would:

- Allow individuals to sue for fair wages and to receive punitive and compensatory damages—beyond back pay alone.
- Clarify acceptable reasons for differences in pay and close loopholes in the current law by forcing employers to prove that wage gaps are caused by something other than sex.
- Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.
- Strengthen penalties that courts may impose for equal pay violations and prohibit retaliation against workers who inquire about or disclose information about employers' wage practices.⁴⁰
- Make it easier for an EPA lawsuit to proceed as a class action suit.
- Require the EEOC to survey the current pay data and issue regulations within 18 months, requiring employers to submit any needed pay data identified by the race, sex, and national origin of employees.
- Strengthen the provision under the current EPA that broadly states wage comparisons must be made between employees working at the same establishment, which allows for courts to interpret the clause to mean the same physical place of business.
- Require the U.S. Department of Labor to reinstate equal pay activities and investigatory enforcement tools for cases of gender discrimination, which have been eliminated under the current administration.
- Establish a competitive grant program to develop training for women and girls on compensation negotiations.⁴¹

The House passed the **Paycheck Fairness Act (H.R. 12)** on a vote of 256-163 on January 9, 2009.

Fair Pay Act

During the 110th Congress, Sen. Tom Harkin (D-IA) and Del. Eleanor Holmes Norton (D-DC) introduced the Fair Pay Act which would prohibit wage discrimination based on sex, race and national origin by requiring employers to provide equal pay for work of equal value, whether or

⁴⁰ National Committee on Pay Equity. *Equal Pay Day Kit*. <http://www.pay-equity.org/day-kit-leg.html>
Accessed Jan. 31, 2007.

⁴¹ Business and Professional Women/USA. *Fact Sheet on Pay Equity*.
<http://www.bpwusa.org/i4a/pages/index.cfm?pageid=4419> Accessed February 1, 2007.

not the jobs are the same. Harkin and Norton are expected to reintroduce the Fair Pay Act on Equal Pay Day for the 111th Congress.

The bill would:

- Amend the Fair Labor Standards Act of 1938 to ban retaliation and require employers to file wage information annually with the EEOC.
- Require employers to provide equal pay for jobs that are comparable but not identical, positions that require the same or comparable education, skills, responsibilities and working conditions.
- Eliminate the “gag rule” on wage disclosure, thereby prohibiting employers from punishing employees who discuss their wages with a co-worker.
- Prohibit employers from reducing any employee's wages in order to comply with pay equity requirements.⁴²
- Require the EEOC to issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race or national origin.
- Force employers with more than 25 employees to preserve records that document and support the method, system, calculation, and other bases used by the employer in establishing, adjusting and determining the wage rates paid to the employees of the employer.
- Require the EEOC to conduct studies and provide information to employers and the public with the goal of developing effective ways to correct the wage gap, as well as sponsor community informational and educational programs.⁴³

Background on *Ledbetter* Case

The Supreme Court’s decision in *Ledbetter v. Goodyear Tire & Rubber Co.* severely limited the ability of victims of pay discrimination to sue under Title VII. Under this new rule, employers were immunized from accountability for their discrimination once 180 days have passed. AAUW believes the Court’s decision ignores the realities of today’s workplace; employees generally don’t know enough about what co-workers earn or how pay decisions are made to file a complaint precisely when a discriminatory pay decision is made. However, without that knowledge, the Supreme Court declared plaintiffs have no claim, regardless of how egregious it might have been. The *Ledbetter* decision also reversed the Equal Employment Opportunity Commission’s longstanding practice – known as the paycheck accrual rule – that repeated payments of discriminatory paychecks can be challenged as long as one paycheck occurred within the charge filing period.

- In this case, the plaintiff, Lilly Ledbetter, a supervisor at the Goodyear Tire & Rubber Company in Gadsden, Alabama, sued her employer for paying her less than its male supervisors doing the same job. Ms. Ledbetter filed a complaint with the EEOC and a jury found that Goodyear violated her rights under Title VII of the Civil Rights Act of 1964.

⁴² National Committee on Pay Equity. *Equal Pay Day Kit*. <http://www.pay-equity.org/day-kit-leg.html> Accessed Jan. 31, 2007.

⁴³ Business and Professional Women/USA. *Fact Sheet on Pay Equity*. <http://www.bpwusa.org/i4a/pages/index.cfm?pageid=4419> Accessed February 1, 2007.

- Goodyear argued that Ms. Ledbetter filed her complaint too late and, by a 5-4 margin, the Supreme Court agreed. Title VII requires employees to file within 180 days of “the alleged unlawful employment practice.” The court calculated the deadline from the day Ms. Ledbetter received her last discriminatory raise, rather than – as the EEOC practice had previously made clear – from the day she received her last discriminatory paycheck. As a result, Ms. Ledbetter was unable to challenge any discrimination against her, even though the discrimination continued unabated for years.
- In this case, the jury awarded Lilly Ledbetter \$3.28 million in compensatory and punitive damages. The award was cut to about one-tenth of that amount— \$300,000—because of statutory caps under Title VII. This award would have been an insignificant loss for Goodyear – hardly a deterrent to future pay discrimination.
- Ms. Ledbetter will never be able to collect even her \$300,000 award. Congressional passage of the Ledbetter Act (S. 181) in January 2009 only affects future cases She will never be eligible to file her suit again. However, the Ledbetter bill was the first piece of legislation signed into law by the Obama administration, which sent a clear message that pay equity issues are at the top of the agenda.

Ledbetter Fair Pay Act

The House initially passed (225-199) the Lilly Ledbetter Fair Pay Act of 2007 (**H.R. 2831**) on July 31, 2007. Rep. George Miller (D-CA) introduced the bill on June 22, 2007, which would reverse the *Ledbetter v Goodyear* Supreme Court decision and restore the law to how it was previously applied. It would apply to discrimination in compensation based on sex, race, color, religion, national-origin, and clarify that it applies to age and disability cases too. The bill would:

- Clarify that each discriminatory paycheck is in fact another act of discrimination. The *Ledbetter v Goodyear* Supreme Court decision stated that discrimination can only be charged in the 180 days following the last discriminatory raise, even though the EEOC has consistently interpreted the law to mean last discriminatory paycheck.
- Restore the law to how it was previously applied, which is 180 days from the last discriminatory paycheck, not 180 days from the last discriminatory raise.
- Would apply to discrimination in compensation based on race, color, religion and national origin, as well as age and disability.

On January 8, 2009, Sen. Barbara Mikulski (D-MD) introduced the Senate companion bill, the Lilly Ledbetter Fair Pay Act, substantially the same bill as the Fair Pay Restoration Act that had been introduced by Sen. Edward Kennedy (D-MA) in 2007.

Soon after the 111th Congress opened, The Lilly Ledbetter Fair Pay Act of 2009 (H.R. 11) was introduced into the House by Rep. George Miller (D-CA) on January 6, 2009. It passed on January 9, 2009 by a vote of 247 to 171. The Senate’s version (S.181) was introduced into the Senate on Jan 8, 2009. It passed on January 22, 2009 by a vote of 61-36. Because the House and Senate versions differed, the House passed the Senate version on January 27, 2009 on a vote of 250-177. President Obama signed The Lilly Ledbetter Fair Pay Act into law on the



morning of January 29, 2009. The Act was codified as Public Law No: 111-002 later that same day.

Ideas for Action

This section is intended to provide you with a variety of strategies and activities to help raise the profile of pay equity issues. Pay equity is the achievement of the appropriate recognition, status and value for the work performed by women and people of color. Work value is reflected in the wage rate. But pay equity is more than money. It is more than raising the minimum wage, although that helps to eliminate poverty. It is different from improving women's access to male jobs, although that is also a good thing.

Achieving pay equity for all women is a long-term goal and there are a variety of ways to get there. As a resident of your local community you are the expert on what strategies may work in your area right now. You may have a long-term goal of passing strong pay equity legislation, but perhaps the first step is to hold community meetings to raise awareness of the issue and to build a coalition to work together on the problem. The next step would be to meet with legislators to advocate for pay equity legislation. The good thing is that any branch or group can contribute to this goal by taking part in activities that would best fit their current community, resources and situation.

Below you will find a list of programming and advocacy ideas. Next you will find step-by-step suggestions for how your branch might pursue three different pay equity projects. Again, this is not meant to limit your programming options but rather to help you get started brainstorming and planning activities that contribute towards the goal of women achieving the recognition and pay equity they deserve. And remember, such activities are a great way to participate and support AAUW's new programmatic theme, Education as the Gateway to Women's Economic Security.

“Keep the Change” Campaign

Leveraging the development that the wage gap has narrowed by merely one cent, AAUW has launched the “Keep the Change” campaign. According to new data from the Bureau of Labor Statistics, in 2007 the ratio of women's and men's median annual earnings reached almost 78 cents on the dollar for full-time year-round workers, up from just under 77 cents in 2006. This is the narrowest the wage gap has ever been, but it's only an additional one cent on the dollar. One cent is chump change. It isn't real change.

While women have been hard at work to earn their extra penny, Congress has failed to pass legislation that would give women effective equal pay protections. In light of this development, AAUW will tell Congress: “Keep the Change until Women Have Real Change.”

To inform and mobilize the public to continue the fight for pay equity, AAUW will engage in the following activities:

- Distribute this Pay Equity Resource Kit to all 1,300 branches, as well as coalition partners.
- Send a “Keep the Change” e-card to AAUW members and supporters to encourage them to send an e-card to their friends, family and co-workers to help promote public awareness of this issue.

- Mobilize AAUW branch and state leaders to write letters to the editor and hold in-district meetings with their U.S. representatives and senators to urge their support of pay equity legislation.
- E-mail Action Network alerts to AAUW members and supporters mobilizing them to urge their U.S. representatives and senators to support pay equity legislation, and further urge the new administration to put a priority on enforcing pay equity laws.
- Encourage AAUW branches to hold programs and actions on April 28, Equal Pay Day 2009, telling Congress to “Keep the Change until Women Have Real Change,” using full-color signs and stickers distributed by the national office.
- Encourage AAUW state conventions to have programming and speakers on pay equity, and distribute pay equity materials.
- AAUW will encourage coalition partners to join us in the “Keep the Change” campaign, amplifying the impact and the reach of our efforts.
- Provide a “Keep the Change” websticker to AAUW state and branches and coalition partners to publicize the campaign on their websites.
- AAUW will feature the “Keep the Change” campaign on our website as a part of our public awareness efforts, and include campaign activities on our Pay Equity Resource Page. Visit www.aauw.org for updates.

Public Education Strategies

- **Start at the branch level.** Talk to your state or branch newsletter editor and ask to have an article about pay equity included in the next newsletter. Set aside time at the next branch meeting to talk about pay equity. Find out what the perceptions and experiences of your sister AAUW members have been.
- **Organize a lunchtime meeting** and invite women workers to attend so that they can be informed about pay equity issues and why AAUW is organizing around pay equity. The WAGE Project has an easy-to-follow discussion guide that can help you get started.⁴⁴ (See “Step-by-Step Project Four: Start a WAGE Club” for additional information.)
- **Recognize Equal Pay Day in your community.**
 - Issue a press release for Equal Pay Day. In 2009, Equal Pay Day will be Tuesday, April 28, 2009.
 - Provide your branch members with a sample letter to send to elected officials about the need for statistics on gender pay inequalities and legislation to address the disparities.

⁴⁴ A PDF of the WAGE Club Discussion Guide can be accessed from the WAGE Project’s website at <http://www.wageproject.org/content/discussion.pdf>.

- Hold an Equal Pay Day bake sale. Have men pay 100 percent while charging women only 78 percent of the price of the baked goods.
- Hold in-district meetings with your members of Congress.
- **Use the AAUW Educational Foundation’s research** to help raise awareness of these issues facing women.
 - *Behind the Pay Gap* (2007): The gender pay gap has become a fixture of the US workplace and is so ubiquitous that many view it as normal. This report examines the gender pay gap for college graduates one year out of college and ten years out of school. Controlling for hours, occupation, parenthood, and other factors normally associated with pay, college-educated women still earn less than their male peers can.
<http://www.aauw.org/research/behindPayGap.cfm>
 - *Gains in Learning, Gaps in Earnings* (2007): Gains in education have yet to translate into full equity in pay—even for college-educated women who work full time. In 2006, a typical college-educated woman working full-time earned \$46,000 a year, compared to \$62,000 for a college-educated man – a stark difference of \$16,000. College-educated women 25 and older earned 75 percent of what their male peers earned. In this online report, AAUW presents state-by-state data via a map of the earnings ratio between college-educated women and men who work full time, year round, based on data from the 2004, 2005 and 2006 Current Population Survey, a joint effort between the Bureau of Labor Statistics and the Census Bureau.. Other resources include women’s and men’s educational attainment by state and data on educational attainment and earnings by race and ethnicity. <http://www.aauw.org/research/statedata/index.cfm>
 - *Public Perceptions of the Pay Gap* (2005): Even after considering job tenure, years in the labor market, occupation, education, and other factors usually associated with pay, about 20 percent of the gap remains unexplained. Do Americans know about this disparity? Why do they think there is a pay gap? In March 2005, the AAUW Educational Foundation commissioned a nationally representative poll conducted by Lake, Snell, Perry, Mermin and Associates to learn about common perceptions of the pay gap.
http://www.aauw.org/research/perceptions_paygap.cfm
 - *Tenure Denied: Cases of Sex Discrimination in Academia* (2004): From Wall Street to Wal-Mart, tales of widespread sex discrimination fill the news. Even in the hallowed hallways of academia, sex discrimination continues to be a serious problem. *Tenure Denied: Cases of Sex Discrimination in Academia* examines sex discrimination cases that were supported by the AAUW Legal Advocacy Fund during the past 20 years. As this report makes clear, sex discrimination in academia can take a heavy toll on the professional and personal lives of women faculty, and remediation through the courts is often a costly, time-consuming legal process. <http://www.aauw.org/research/tenuredenied.cfm>
 - *Women at Work* (2003): This report combines interview and survey data with U.S. census statistics to explore how women are faring in today’s work force and

what their prospects are for future job success and security. The accompanying *Action Guide* can help you translate the research findings into action with suggested discussion questions and recommendations for action.
<http://www.aauw.org/research/womenatwork.cfm>

Workplace Equity Strategies

- **Workplace pay audit.** Getting an equal pay policy adopted can be an important signal that equality in pay is being taken seriously. Business and Professional Women/USA has a simple guide for businesses to perform a pay equity self-audit.⁴⁵ Ask each branch member to present a copy of this to the human resources professional at their job and ask if they will take part, or have the branch ask the leaders of your local government – often a big employer in many areas – to be a role model and take the lead in performing such an audit.
- **Encourage policies that support pay equity:**
 - Provision of targeted training for low-paid women and minority workers so that they may benefit from skills development and career development.
 - Positive flexibility and family-friendly working hours for male and female workers.
 - Improve the status and protection of part-time work and ensure that there is equity between full-time and part-time hourly pay and conditions of employment.
- **Fight for better benefits.** Women today are working more hours for longer periods of their lives and struggling to juggle work with family. Workplaces that provide family health insurance, quality family care (child care and elder care) options, alternative sick leave options, and job training and education opportunities not only help support individual women workers but also contribute to healthier families and more productive communities.
- **Conduct a survey of local businesses and their employees** to determine what benefits and policies are available to working women and their families. Do employers provide some or any of the following benefits?
 - Paid family and medical leave
 - Liberal sick leave (e.g., to care for a sick family member)
 - Emergency family care (e.g., for days when school is unpredictably closed or child care is unavailable)
 - On-site childcare
 - Flexible schedules or “flex time”
 - Telecommuting options
 - Job-sharing options
 - Benefits to part-time employees

Ask local businesses which, if any, of these benefits they provide to their employees. Be sure to ask employees if these benefits are offered willingly and without penalty.

⁴⁵ A PDF of the Employer Pay Equity Self-Audit guide can be accessed from Business and Professional Women/USA’s website at <http://www.bpwusa.org/files/public/epaudit.pdf>.

Legislative Advocacy Strategies

Pay equity legislation provides both the background and backbone for any pay equity strategy. It must always be remembered that legislation – no matter how progressive, comprehensive and well thought out – will not by itself achieve pay equity. Legislation must be backed up by action. This includes publicity, education, implementation and enforcement. Society as a whole must become aware of the issue if pay equity is to become a reality.

- **Introduce legislation** and/or adopt more effective procedures for the implementation of existing legislation. If you are campaigning for legislative change it is important to be clear about what type of legislation you want. Pay equity legislation can take the form of a separate pay equity law, a part of existing labor law, or a part of existing human rights law or anti-discrimination legislation.
- **Ask your state legislature to hold hearings.** Collect evidence of pay inequalities and show how legislation could redress these. Select case studies and examples of wage discrimination and the undervaluing of women’s work.
- **Organize a petition** to show that there is a high level of support for effective legislation.
- **Conduct a public information campaign** to raise awareness about the need for legislation in order to address the discrimination women face in the labor market.
 - As part of your campaign try doing a poll, either in your workplace or across a number of workplaces in the public services in order to assess attitudes of working women and men to women’s pay. Take a look at the AAUW Educational Foundation’s *Public Perceptions of the Pay Gap* for questions you could use.⁴⁶ Analyze the results of your poll and use the results in order to support arguments in your campaign.
- **Ask your member of Congress and state legislators to sign a Fair Pay Pledge.** The pledge may indicate that the legislator signing will support pay equity legislation or that they will ensure that pay equity practices are followed in their own offices. Post the names of the officials who sign the pledge on your state website or newsletter.
 - I, _____ pledge that pay differentials in my congressional office will be based on a bona fide factor other than sex, such as education, training or experience. I also understand that in signing this pledge, my name will be added to a list of supporters of pay equity on a website maintained by AAUW of [branch or state affiliate].

Member Signature: _____ Date: _____

 - I, _____ pledge to stand behind working women by supporting pay equity legislation and taking action to move legislation forward such as the [name of legislation]. I also understand that in signing this pledge, my name will be added to a list of supporters of pay equity maintained by the [AAUW branch or state affiliate] website.

⁴⁶ You can find the AAUW Educational Foundation’s *Public Perceptions of the Pay Gap* online at http://www.aauw.org/research/perceptions_paygap.cfm.

Member Signature: _____ Date: _____

- I, _____ pledge to move the legislation forward.

Member Signature: _____ Date: _____

- **Encourage your governor, city council, and mayor to proclaim “Equal Pay Day”** in your state and community.
 - Include a sample proclamation acknowledging Equal Pay Day and encouraging the business community to review pay practices to ensure that women are not discriminated against in this county by performing an equal pay self-audit.
- **Schedule in-district meetings** with your state representatives or members of Congress and encourage them to support pay equity legislation. Tell them that the pay gap has narrowed by just one cent in recent years and tell them to “keep the change until women have real change.” Use the image of penny in your meeting. Every woman in the meeting could bring a penny, or you could have every woman in your branch contribute a penny and bring a whole jar of pennies to the meeting. You’ll have to take the pennies with you at the end of the meeting; elected officials are not allowed to accept money.

Media Outreach Strategies

Send letters to the editor of your local paper. You can use AAUW’s Two-Minute Activist to find sample letters that you can customize with local information. The Two-Minute Activist provides easy access to the editors of most local papers.

Letter to the editor tips:

- Focus on your local papers and include a local connection in your letter
- Pick only one or two papers to which to send the letter
- *Brevity is the soul of wit.* Most papers have a word limit on what they will print (generally 200 words). Don’t make the editor have to cut your letter. If you are brief you are more likely to be published.

Write an op-ed on pay equity. Op-ed pieces are printed “opposite the editorial page” and are written by community leaders and syndicated columnists, not by the newspapers staff writers. Op-eds are lengthier than LTEs and are somewhat more substantive pieces, averaging 700 words in length. Op-ed pieces can be very influential in shaping public debate, and can serve as stepping stones to interview requests. Contact the newspaper’s op-ed page editor and ask for their guidelines.

Talk to the airwaves. Organize a group of women to regularly listen to talk radio shows and share information about the issues. Talk radio shows offer an excellent opportunity to bring your message to the public. By calling and posing a question or making a point, you can promote your local efforts. Morning and afternoon drive-time shows are particularly good targets.

Use AAUW’s Public Service (PSA) print materials. Make a public statement on the issue by downloading a public service announcement to place in your local newspaper

or print in your newsletters—because equity is still an issue. All of AAUW’s PSA materials can be accessed online at <http://www.aauw.org/newsroom/psa.cfm>.

Additional Events and Activities

- **Build alliances and coalitions.** It can assist with capacity building, resource and expertise sharing. A coalition is likely to have more power and leverage with the government than a single organization. Identify some key pay equity advocates and organizations with which you can form an initial working group to discuss the building of a coalition. Make sure that this is inclusive of all organizations and groups representing women, particularly the most marginalized women.
- **Sponsor a contest.** You could work with a local high school or college to hold an essay contest with the Chamber of Commerce, local school, or community group. Possible topics include “What would I do with an extra 23 percent?” or “What does equal pay for equal work mean to me?”
- **Invite a trainer to hold a seminar on negotiation skills.** Economists agree that individual differences in negotiating skills can lead to pay variation among workers with similar skill sets. In one study, eight times as many men as women graduating with master’s degrees from Carnegie Mellon negotiated their salaries. The men who negotiated were able to increase their starting salaries by an average of 7.4 percent, or about \$4,000. In the same study, men’s starting salaries were about \$4,000 higher than the women’s on average, suggesting that the gender gap might have been narrowed if more of the women had negotiated their starting salaries.⁴⁷
- **Host training or a class on financial literacy and management and economic self-sufficiency for women.** With the increase in the number of single women and mothers, every woman needs to know how to manage her finances. Design these classes or workshops to serve the needs of particular audiences, including older women who may face retirement issues or young women and girls who are preparing for careers and higher education.⁴⁸ Classes could be conducted at local schools or through partnerships with local colleges and universities.
- **Develop a mentoring and support network for women in your local area.** *Women at Work* showed that many women are reaching high levels of education and high-status careers, while others remain segregated in low-wage, traditionally female-dominated occupations. Consider initiating one or more of a variety of mentoring models: older women with younger women, college women with school-aged girls, or women executives with junior-level women. E-mentoring (mentoring via e-mail exchanges) is a relatively new and promising strategy to connect women to one another, particularly women working or studying in the same fields.⁴⁹

⁴⁷ Babcock, Linda and Sara Laschever. *Women Don’t Ask: Negotiation and the Gender Divide*. 2003. Princeton University Press.

⁴⁸ AAUW Educational Foundation. *Women at Work Action Guide*. 2003. <http://www.aauw.org/research/womenatwork.cfm> Accessed Feb. 22, 2007.

⁴⁹ AAUW Educational Foundation. *Women at Work Action Guide*. 2003. <http://www.aauw.org/research/womenatwork.cfm> Accessed Feb. 22, 2007.

- **Sponsor a Transitions Conference** to help enable working women to return to school. The conference, co-sponsored ideally by an AAUW branch and a local university or college, could provide information and support on financial aid, study skills, and issues related to balancing school, work, and family. The Transitions conferences were inspired by a 1999 report released by the AAUW Educational Foundation, *Gaining a Foothold: Women's Transitions Through Work and College*.

Other Specific, Successful Suggestions

- The AAUW of Pennsylvania organized a rally for pay equity in the state house in 2007 and 2008. They were joined by state legislators and coalition partners. Last year's event was covered in Pennsylvania newspapers.
- Pay Equity Bake Sales
 - Men pay full price while women get a 22 percent discount.
 - This publicity stunt has been used effectively by several AAUW branches and other organizations. An Ohio branch held a bake sale in 2005 that was featured on the evening TV news as well as covered in the next day's newspaper.
 - A variation on the bake sale is to sell cookies with a "bite" taken out of them representing the 22 percent women are underpaid.
- At AAUW of Iowa's request, Gov. Chet Culver proclaimed April 22, 2008 as Equal Pay Day. AAUW Waterloo Iowa and AAUW of Brevard, North Carolina each asked their community's Mayor to issue a proclamation declaring April 22, 2008 year Equal Pay Day.
- Make a fun social gathering out of Equal Pay Day by hosting an Unhappy Hour at a bar in your community. Contact an establishment ahead of time, and ask them to give women the unhappy hour special price of 22 percent off whatever price they are charging men.
- Encourage women in your community to wear red on Equal Pay Day to represent the way that the pay gap puts "women in the red."
- In 2007, the Baker City, Oregon branch organized an Equal Pay Day Restaurant day for the community. The branch asked restaurants to give women a 23 percent discount, the size of the pay gap at that time, on Equal Pay Day. Most restaurants in the community participated. The local newspaper reported on the event and the Associated Press reported the story. It was picked up by several newspapers around the country.

Resources to Get the Message Across

For any program, meeting, or advocacy event, use strong visuals to get your message across. Signs and stickers are available for use at AAUW events at no charge, while supplies last. AAUW has posters and lapel stickers appropriate for meetings, programs, even protests that bear the slogan "Keep the Change until Women Have Real Change," and the penny graphic on the cover of this resource kit. AAUW also has posters and lapel stickers bearing the slogans "I Am the Face of Pay Equity," or "The Power of One Vote."

Step-by-Step Project One: Planning an Issue Forum

- Working in coalition with a wide range of diverse organizations allows you to take on larger projects, reach more women, increase membership, and gain additional exposure.
- Schedule the event at a convenient time. Avoid religious or government holidays, dates when other community functions are scheduled, and business hours.
- Choose an accessible site, preferably a well-known and wheelchair-accessible site, such as a local school, community center, or library.

Inviting Speakers

- Invite speakers with demonstrated knowledge or personal experience with the issue. Consider the goals of your program and invite the people you believe would best meet those goals and deliver the information. Invite them in writing, several months in advance, if possible.
- Send speakers a membership brochure, fact sheets and the AAUW public policy program brochure to educate them about AAUW. If you invite more than one speaker, be sure to divide topic responsibilities and ensure the speakers know who will be joining them on the panel and the topics the other speakers will be addressing.
- Arrange for a moderator. A well-known, nonpartisan moderator who is respected in your community will generate interest in the event and add credibility. The moderator opens the forum by introducing the speakers and issues to be discussed.
- Thank the speakers with letters or phone calls to promote a good relationship. Be certain to send a letter of appreciation to the moderator. Gift memberships are also a nice touch.

Generating an Audience

- Send an advisory notifying the news media about your event three to five days in advance.
- Allocate central, unobstructed space close to electrical outlets for TV camera crews and reporters. (See Step-by-Step Project Two: Working With the Media for a complete discussion of how to do a media event.)
- Inform AAUW members of the event and recruit them to attend. Invite neighboring branches and area members-at-large. Spread the word early so branch public policy chairs can recruit members to attend. Contact AAUW's Department of Public Policy and Government Relations about ways they can assist you in spreading the word at VoterEd@aauw.org.
- Send invitations to coalition partners and other guests. Invite several groups to participate. A diverse group of co-sponsors will have more credibility and attract a wider audience.
- Invite the public. In addition to reaching your neighbors and co-workers, make an extra effort to market the event to the women you would like to attend. Outreach to coalition partners and the community can help you gain exposure and expand membership. Submit an announcement to free community bulletin boards in newspapers and community cable outlets.

Step-by-Step Project Two: Working With the Media⁵⁰

Preplanning

- Compile a news media list. Identify reporters, editors, and departments in your state's newspapers and broadcast stations that focus on AAUW priority issues and are likely to use AAUW's news. Create an information sheet that includes their phone and fax numbers and e-mail addresses, if available.
- Designate a news media spokesperson. Make the spokesperson available to the news media by placing her or his name and contact information on all news releases and mailings.

Prior to the Event

- Three to five days prior to the event, fax a media advisory to the appropriate reporters on your media list. The advisory should include the who, what, when, where, and why of the upcoming event. Be sure to include contact information in case reporters have questions.
- Call reporters the day after you send the media advisory. Explain that you are following up on your written materials. If they haven't seen the materials, offer to fax them again.

Morning of the Event

- Send a news release to capture a reporter's interest. News releases should give full details of the event, including quotes from spokespersons or participants. In addition to your story, the release should include an attention-grabbing headline and the name and phone number of the contact person. Limit your release to one side of one typed page, make it available at your event, and distribute it more broadly afterward, particularly to those reporters whom you contacted but who did not attend.

During the Event

- Prepare a table with a sign-in list and news media kits. Sign-in sheets help you identify which reporters attended your event. Media kits should provide the vital information a reporter will need to cover your event. Include items such as a forum agenda, statements from the speakers, a copy of the press release, and background information on AAUW and other event co-sponsors. Help reporters write a complete story by talking with each reporter in attendance. Offer reporters a quick interview before or after the program.
- Take digital photos (the higher the resolution the better the quality will be) of your events and your program events and activities for the AAUW website and other AAUW communications vehicles. Send them to Ashley Carr, AAUW director of communications at carra@aauw.org.

After the Event

Follow up again. Contact reporters who covered the event later that day to see if they need additional information or quotes to complete their stories. Even if they have enough information, you may get an opportunity to correct inaccuracies. Call reporters who did not attend the event to offer additional information, including the news media kit, in case they intend to publish an article on the event.

⁵⁰ American Association of University Women. *Woman-to-Woman Voter Turnout*. 2006. http://www.aauw.org/issue_advocacy/voter_ed/Woman-to-WomanVoterTurnout.cfm Accessed Feb. 22, 2007.

Step-by-Step Project Three: Meeting with Elected Officials

Requesting the visit

- Make your request in writing and follow up with a call to the appointment secretary or scheduler. Make sure the scheduler knows that you are a constituent.
- Let the person know what issue and legislation (by bill number, if you have one) you wish to discuss.

Preparing for the visit

- Decide who will attend the meeting. It can be a group of AAUW members, or a coalition of people who represent different groups that have an interest in the legislation.
- Gather information. Learn about your elected officials' records on AAUW issues. Become familiar with the opposition's views and arguments on the issues to help you answer questions.
- Agree on three main talking points. Keep your message simple and to-the-point.
- Plan your meeting. Be sure that you lay out the agenda for the meeting beforehand, including who will start the conversation and who will make key points.
- Decide what you want achieve. What is it you want your elected official to do – vote for or against a bill? Co-sponsor a measure? Sign a pledge?
- Prepare materials to leave with the elected official or staff. Copies of relevant AAUW position papers, the AAUW Public Policy Brochure, and a fact sheet summarizing your concerns are good examples.

During the visit

- Make introductions and be clear who is a constituent in the meeting. Legislators are most responsive to the people who can keep them in office. Make sure to also identify yourself as an AAUW member. Describe AAUW both nationally and locally.
- Provide brief statements about the problem and your solution. Support your case with facts.
- Personalize your comments and provide local context. Use of personal stories and local examples help illustrate why your issue is important.
- Don't overwhelm with numbers, charts and data, but do use them judiciously to make your point and legitimize your argument.
- Stick to your talking points! Stay on topic, and back it up with no more than five pages of materials you can leave with your elected official.
- Saying "I don't know" can be a smart political move. You don't need to be an expert on the topic you are discussing. If you don't know the answer to a question, tell them you'll find out. This gives you the chance to contact them again about the issue.
- Listen carefully to your legislator's responses. What is the person saying about the issue? What is his or her position? What questions or concerns do they have that might be answered? Pay attention to the direct and indirect statements of support or opposition.

- Ask for their support. If you don't directly ask your legislator if they support your position, you may never actually find out what they think and what they intend to do. **THE ASK MUST BE CLEAR.** After you ask, pause. Let them answer and clarify if their response is not clear.
 - If the elected official supports your position, then say "thank you." Be a resource. If the elected official needs additional information or help, offer to make that available.
 - If the elected official opposes your position, stay cordial and friendly. Keep the door open to working together in the future.
 - If the elected official is undecided, ask if you could provide additional information and get it to them in a timely manner.

After the visit

- Right after the meeting compare notes with everyone in your group to confirm what the elected official committed to do.
- Each person who took part in the meeting should promptly send a personal thank you letter to your elected official. Remind them of anything they may have agreed to do.
- Follow up in a timely fashion with any requested materials and information.
- Share the results of your meetings with your branch, your State Public Policy Chair, and with AAUW public policy staff. If you are meeting with a member of Congress, let us know what you learned during your meeting by sending an e-mail to VoterEd@aauw.org. Knowing what arguments your member of Congress used, what issues are important to him or her, and what positions he or she took will help us make our national lobbying strategy more effective!

Appendix A: Pay Equity Timeline⁵¹

1884 – Washington, D.C., Branch members investigate the advantages and disadvantages of a wide range of traditional and nontraditional careers for women. The results of the study are printed in the December 1898 edition of *ACA Journal*.

1909 – ACA* forms the Committee on Vocational Opportunities to encourage colleges to keep uniform records of their graduates' occupational experiences. It also encourages branches to re-establish the Bureaus of Occupations that were first organized locally in the 1890s.

1913 – Members begin pay equity efforts with a report on U.S. Civil Service job classifications and compensation.

1918 – The ACA publishes the *Census of College Women*, a report detailing the occupations, incomes, and marital status of its members.

1920 – AAUW's legislative program called for a reclassification of the U.S. Civil Service and for a repeal of salary restrictions in the Women's Bureau.

1926 – AAUW establishes the Committee on the Economic and Legal Status of Women and immediately undertakes a study of the earning capacity of university women by distributing 20,000 questionnaires to 216 branches.

1935 – National Recovery Act requires women who hold jobs with the government to receive 25 percent less pay than men in the same jobs.

1955 – AAUW supports the first federal legislative proposal for pay equity in a year when a woman working full time, year round makes an average of 65 cents to every dollar earned by a man.

1963 – The Equal Pay Act passed Congress and was signed into law by President John F. Kennedy.

1970 – AAUW publishes the results of a survey, *Campus 1970: Where Do Women Stand?*, documenting widespread sex discrimination against women in higher education, from students to trustees. The study spurs the distribution of affirmative action guidelines to colleges and university presidents. The recommendations preceded federal guidelines by three years.

1984 – Advocates battle attack on pay equity by Clarence Pendleton, Chair, U.S. Commission on Civil Rights, who calls pay equity "the looniest idea since Looney Tunes." Yale clerical and technical workers win first major strike in private sector over pay equity. Federal workers pay equity bill passes in the House (413-6) but loses in the Senate (51-47). Twenty states conduct pay equity surveys; four make pay equity adjustments.

1998 – On June 10, 1998 - the 35th anniversary of the signing of the Equal Pay Act -President Clinton holds a press conference at the White House and urges Members of Congress to pass legislation to close the wage gap, saying, "You wouldn't tolerate getting to vote in three out of every four elections. You wouldn't like it if someone said you could only pick up three out of every four paychecks. But that is, in effect, what we have said to the women of America."

⁵¹ 1884-2008 information from this section adapted from a paper written for NCPE by Connie Kopelov and the AAUW Online Museum <http://www.aauw.org/museum>

2003 – *Women at Work* was published. This statistics-packed report explored how women are faring in today's work force and what their prospects are for future job success and security.

2004 – On Oct. 19 the AAUW Educational Foundation and the AAUW Legal Advocacy Fund released a new report, *Tenure Denied: Cases of Sex Discrimination in Academia*, detailing the stories of women who took their fight for tenure to the courts and providing a personal look into the toll it takes on these women's lives and careers. Research shows that in an academic setting, compared to men, on average, women earn less, hold lower-ranking positions, and are less likely to have tenure.

2005 – *Gains in Learning, Gaps in Earnings* research was released online. This eye-opening research showed that while women have made remarkable strides in education during the past three decades, these gains have yet to translate into full equity in pay—even for college-educated women who work full time. In 2004, a typical college-educated woman working full time earned \$31,223 a year compared to \$40,798 for college-educated male workers—a difference of \$9,575!

2005 – *Public Perceptions of the Pay Gap* released at Equal Pay Day press conference on Capitol Hill. This nationally representative poll conducted by Lake, Snell, Perry, Mermin and Associates was commissioned by AAUW's Educational Foundation to learn about common perceptions of the pay gap.

2007– In April, the AAUW Educational Foundation releases *Behind the Pay Gap*. The research shows that just one year out of college, women working full time already earn less than their male colleagues, even when they work in the same field. Ten years after graduation, the pay gap widens. The report is distributed to every member of Congress via member-sponsored Dear Colleague letters on both the House and Senate side. AAUW testifies about the report before the House Education and Labor Committee, and a representative speaks at an Equal Pay Day rally co-sponsored by AAUW on Capitol Hill. The AAUW Educational Foundation also updates *Gains in Learning, Gaps in Earning*, an online research tool that details the persistent pay gap between college-educated women and men.

In May, by a 5-4 margin, the Supreme Court overturns the jury's verdict in Lilly Ledbetter v. Goodyear Tire and Rubber and requires employees to file Title VII pay discrimination cases within 180 days of "the alleged unlawful employment practice." The court calculated the deadline from the day Ms. Ledbetter received her last discriminatory raise, rather than—as the EEOC practice had previously made clear—from the day she received her last discriminatory paycheck. As a result, Ms. Ledbetter was unable to challenge any discrimination against her, even though the discrimination continued unabated for years. The Supreme Court's decision in Ledbetter severely limits the ability of victims of pay discrimination to sue under Title VII.

2008– On April 23, the Senate considered the House bill (H.R. 2831), but the cloture vote narrowly failed. The pure vote on the measure was 56-42; in a procedural move, Majority Leader Harry Reid changed his vote so that he could bring the bill up again at a later date during the 110th Congress.

On July 31, the House passed (247-178) the Paycheck Fairness Act (H.R. 1338), the first time this legislation had received a vote. This measure never became law.

2009—On January 6, Rep. Rosa DeLauro (D-CT) introduced the Paycheck Fairness Act (H.R. 12) to the U.S. House of Representatives. Rep. George Miller (D-CA) also introduced The Lilly Ledbetter Fair Pay Act (H.R. 11) to the House.⁵²

On January 8, Sen. Hillary Rodham Clinton (D-NY) introduced the Paycheck Fairness Act (S. 182) to the Senate. The act had never received a Senate vote during the 110th Congress. Sen. Barbara Mikulski (D-MD) also introduced The Lilly Ledbetter Fair Pay Act of 2009 (S. 181) to the Senate.

On January 9, the US House of Representatives passed the Paycheck Fairness Act (H.R. 12) on a vote of 256-263. The House of Representatives also passed The Lilly Ledbetter Fair Pay Act of 2009 (H.R. 11) on a vote of 247-171. The US Senate also placed the Paycheck Fairness Act (S. 182) on the Senate Legislative Calendar under general orders, which makes it eligible to be brought up for a vote at a later time.

On January 22, the US Senate passed The Lilly Ledbetter Fair Pay Act of 2009 (S. 181) on a vote of 61-36.

On January 27, the House passed the Senate version of The Lilly Ledbetter Fair Pay Act (S. 181) on a vote of 250-177.

On January 29, The Lilly Ledbetter Fair Pay Act (S. 181) was signed by President Barack Obama and was codified as Public Law No: 111-002.

⁵² Information from 2009 comes from <http://thomas.loc.gov>

Appendix B: Sample press release

For Immediate Release
April 28, 2009

Contact: **[local spokesperson]**
Phone Number: **555/777-8888**

AAUW Joins With Coalition Partners to Commemorate Equal Pay Day

The headline should grab the reader's attention and anticipate the first paragraph.

[Hometown, State]— To recognize Equal Pay Day, the **[branch name]** of the American Association of University Women (AAUW) sponsored a Women's Summit on Pay Equity at the **[location]** to discuss wage discrimination.

The first paragraph should contain all the relevant information (who, what, when, where, why, and how).

Tuesday, April 28, 2009 is Equal Pay Day. It is observed in April to indicate how far into each year a woman must work to earn as much as a man earned in the previous year.

"Many years of family-friendly legislation in action such as the Family and Medical Leave Act, Pregnancy Discrimination Act, and policies such as flex time and telecommuting have increased options to create a win-win situation for women and their employers—but women's paychecks still lag significantly behind those of men," said Joan Doe, branch president of the AAUW **[branch name]**.

Quotes should include a sound bite or visual image.

AAUW was joined by **[list coalition partners]**. The coalition supports [purpose of coalition].

"There's a gap here that economists agree can't be explained away by women's choices. What we want to do is continue to take an active role in changing the persistent inequity in women's paychecks by learning about the real roots of the issue, relying on facts over rhetoric, and creating work environments that are conducive to all workers with family responsibilities, regardless of gender," stated Catherine Hill, senior research associate, AAUW Educational Foundation.

For interviews with [spokesperson], and to receive more information on pay equity, contact [media contact] at [email] or [phone number].

###

AAUW advances equity for women and girls through advocacy, education, and research. Since 1881, AAUW has been one of the nation's leading voices promoting education and equity for women and girls. It has a nationwide network of 100,000 members, 1,300 branches, and 500 college/university institutional partners. Since its founding 127 years ago, members have examined and taken positions on the fundamental issues of the day—educational, social, economic, and political. AAUW's commitment to educational equity is reflected in its public

policy advocacy, community programs, leadership development, conventions and conferences, national partnerships, and international connections.

Press Release Tips from the AAUW Style Guide⁵³

Logo: The AAUW logos—Association, Educational Foundation, and Legal Advocacy Fund—can be downloaded at www.aauw.org/member_center/newsletters/graphics.cfm. Logo placement should be 1 1/2" from top of letterhead, 1 3/8" in height, and 3/8" from left edge of letterhead.

Address block: Use a type size of nine points set on 11 points of line space (9/11) Sabon (Regular), all caps, flush left to line, 2" from left edge of paper, and 1/2" from bottom of the page. Eight points of word space separates phone numbers from other information.

News bar: 5 3/4" x 6/16" PMS 327 (teal). The letters **NEWS RELEASE** drop out to white; use Helvetica (Bold) or a similar bold sans serif typeface, 1/2" from top of page and 2 1/4" from left edge of paper.

Typed information: Date and contact person's name and number(s) are flush left under the appropriate heading. Begin headline of news release 1/2" below last line of copy under "Contact." Begin body copy 3/4" below headline. When typing body copy, margin should be 2 1/4" from left edge of paper. Try to end page 3/4" above printed address.

⁵³ The **AAUW Style Guide** sets the standards for AAUW's publications. It can be found in the AAUW Members Center at http://www.aauw.org/member_center/styleguide.cfm.

Appendix C: AAUW Public Policy Resources

AAUW's advocacy work builds upon a century of responsible public participation at the local, state, national, and international levels. The member-endorsed Public Policy Program illuminates and advances AAUW's mission of promoting equity and education for all women and girls. The following resources are available online at www.aauw.org/issue_advocacy to assist members and leaders of AAUW to implement that program. Members can also contact the Public Policy and Government Relations Department by calling **202/785-7793** or e-mailing us at VoterEd@aauw.org.

- **Action Network and Two-Minute Activist.** These are two components of AAUW's e-advocacy efforts. Anyone with an e-mail address can subscribe to Action Network to receive urgent notices to contact their members of Congress. Using Two-Minute Activist it takes just two minutes to make your voice heard—one minute to read, one minute to act! AAUW members can also find detailed information on legislation currently under consideration in Congress and write letters to the editor. Just visit <http://capwiz.com/aauw>.
- **Woman-to-Woman Voter Turnout Manual.** This manual provides help to AAUW branches and states who are interested in reaching out to women and mobilizing them to vote. Topics covered include: planning a campaign, recruiting volunteers, identifying the drop-off women voters in your community, working with coalitions, canvassing, and phone banking. To download the manual visit <http://www.aauw.org/onevote> or call to order a copy.
- **Position papers.** AAUW compiles current information and advocacy resources on issues related to our current public policy priorities in order to provide resource pages that offer the freshest information and most effective avenues for action on issues important to you. For updated position papers on AAUW's priority issues, visit www.aauw.org/issue_advocacy.
- **AAUW Congressional Voting Record.** AAUW members have a long history of lobbying Congress and holding their legislators accountable for how they vote on AAUW priority issues. The *AAUW Voting Record* informs AAUW members of positions taken by their senators and representatives on AAUW's federal legislative priorities. Copies of the voting record for the 110th Congress are available on the AAUW website.
- **Public Policy Program brochure.** AAUW's Public Policy Program establishes the federal action priorities on which AAUW members across the country will focus their advocacy efforts and guides the work of the national staff. The adoption of the Association's two-year Public Policy Program at each national convention is the culmination of a process involving AAUW members nationwide. Information about and copies of the 2007-09 Public Policy Program brochure are available online.
- **Washington Update.** This weekly e-mail bulletin for AAUW public policy leaders offers an insiders view on the public policy process, the latest policy news, and updates from the Public Policy and Government Relations Department. Information about joining this list is available online.
- **Affirmative Action Resource Kit.** AAUW's Affirmative Action Resource Kit contains information on state-based anti-affirmative action initiatives and a variety of resources for taking action against them. It also contains step-by-step suggestions to help you plan a counter campaign and turn out voters to defeat such measures. Please visit, http://www.aauw.org/advocacy/issue_advocacy/actionpages/affirmativeaction.cfm.
- **Posters, Postcards, Stickers, and Pins.** Signs and stickers are available for use at AAUW events at no charge, while supplies last. We have materials appropriate for pay equity programming as well as voter education and voter turnout programming. The "The Power of One Vote" design is available on posters, postcards (appropriate for a voter turnout mailing), stickers, and pins. The "I Am the Face of Pay Equity" design is available on posters and stickers. The "Keep the Change" design is available on posters and stickers.
- **Leadership Development DVD/CD webinar.** Reviews the DVD/CD training tool for state and branch leaders, the components of its seven modules, and provides step-by-step instructions for using the materials to create an interactive education program. To download the webinar, resources, and facilitator's guides, go to http://www.aauw.org/member_center/branches_states/leadershipDev/index.cfm.

AAUW Public Policy and Government Relations Staff:

Lisa Maatz, Director, Public Policy and Government Relations
 Tracy Sherman, Government Relations Manager
 Adam Zimmerman, Regulatory Affairs Manager
 Anne Hedgepeth, Government Relations Coordinator

Seth Chase, Field Director
 Lecia Imbery, Grassroots Coordinator
 Osob Samantar, Interdepartmental Ass't.

Appendix D: AAUW Position Paper on Pay Equity

Pay Equity and Workplace Opportunity: A Simple Matter of Fairness

The American Association of University Women has long fought to end wage discrimination. As early as 1922, AAUW's legislative program called for a reclassification of the U.S. Civil Service and for a repeal of salary restrictions in the Women's Bureau. In 1955, AAUW supported a bill introduced by Reps. Edith Green (D-OR) and Edith Rogers (R-MA) requiring "equal pay for work of comparable value requiring comparable skills." Congress enacted the Equal Pay Act,¹ a version of the 1955 bill, in 1963. AAUW's 2007-2009 Public Policy Program states that AAUW is committed to supporting "fairness in compensation, equitable access and advancement in employment, and vigorous enforcement of employment antidiscrimination statutes."²

AAUW's interest in this issue is reflective of women as a whole. Among issues identified as important to women, 90 percent say equal pay for equal work is a priority.³ This is not surprising, since the wage gap is a pervasive issue affecting women in all walks of life, regardless of marital, familial or employment status. Further, surveys show that most business leaders consider pay equity "good business" and a step that is necessary to remain competitive.⁴ Pay disparities are not limited to one career or to one demographic, and affect women of all ages, races, and education levels—regardless of their family decisions.

The Wage Gap Persists

According to the U.S. Census Bureau and Bureau of Labor statistics, women who work full time earn about 78 cents for every dollar men earn.⁵ Because of the wage gap, since 1960, the real median earnings of women have fallen short by more than half a million dollars compared to men.⁶ Minority women face a larger wage gap. Compared to white men, African American women make 67 cents on the dollar (African American men make 78 cents); Hispanic women make about 58 cents (Hispanic men make almost 66 cents).⁷

The wage gap has real consequences. With a record 70.2 million women in the workforce,⁸ wage discrimination hurts the majority of American families. On top of pervasive wage discrimination, women are as affected as men, if not more, by recent economic downturns. A report by the Joint Economic Committee found that the 2001 recession was particularly difficult for women—the percent of jobs lost by women often exceeded that of men in the industries hardest hit by the downturn.⁹

In addition, wage discrimination lowers total lifetime earnings, thereby reducing women's benefits from Social Security and pension plans and inhibiting their ability to save not only for retirement but for other lifetime goals such as buying a home and paying for a college education. New research calculates that the pay inequity shortfall in women's earnings is about \$210,000 over a 35-year working life.¹⁰

Origins of the Wage Gap

One partial explanation for the wage gap is occupational segregation. According to AAUW research, women are still pigeonholed in "pink-collar" jobs that tend to depress their wages. AAUW's 2003 report, *Women at Work*, found that women are still concentrated in traditionally female-dominated professions, especially the health and education industries. The highest

proportion of women with a college education work in traditionally female occupations: primary and secondary school teachers (8.7 percent) and registered nurses (6.9 percent).¹¹

A 12-state analysis based on data from the Department of Education found that women tend to be overwhelmingly clustered in low-wage, low-skill fields. For example, women constitute 98 percent of students in the cosmetology industry, 87 percent in the child care industry, and 86 percent in the health aide industry. In high-wage, high-skill fields, women fall well below the 25 percent threshold to qualify as a “nontraditional field.” For example, women account for 10 percent in the construction and repair industry, 9 percent of students in the automotive industry, 6 percent in the electrician industry, and 6 percent in the plumbing industry.¹²

Women’s achievements in higher education during the past three decades are considered to be partly responsible for narrowing the wage gap.¹³ At every education level, however, women continue to earn less than similarly educated men. Educational gains have not yet translated into full equity for women in the workplace.

Education and the Wage Gap

The impact of education levels on the wage gap is of particular importance to AAUW. Women with a college degree earn more than women without this credential. For example, on an hourly basis, women with a four-year college degree earned about 80 percent more than women with only a high school degree in 2001. Moreover, during the past two decades, this difference has grown. Men and women with college degrees enjoyed a real increase in the purchasing power of their earnings between 1973 and 2001. Women without these credentials saw little or no improvement, and men with a high school education or less saw a decline in the purchasing power of their earnings. Nevertheless, while women with a college education earn considerably more than women without this credential, women continue to earn less than men with similar educational backgrounds.¹⁴

While several measures of educational achievement show that on average women are faring as well as their male counterparts today, often these gains do not translate into comparable economic success beyond college. In 2006, college-educated women 25 and older earned 75 percent of what their male peers earned.¹⁵ AAUW’s recent report, *Behind the Pay Gap*, controlled for factors known to affect earnings such as education and training, parenthood and hours worked, and found that college-educated women still earn five percent less than men one year out of college and 12 percent less than men 10 years out of college, even when they have the same major and occupation as their male counterparts.¹⁶ These findings suggest that sex discrimination not only continues to be a problem in the workplace, but that it affects the incomes of even the most educated women and affects them immediately out of college.

The Wage Gap Reflects Sex Discrimination

Wage inequalities are not simply a result of women’s qualifications or choices. Wage discrimination persists despite women’s increased educational attainment, greater level of experience in workforce, and decreased amount of time spent out of the workforce raising children, according to a study by the Government Accountability Office.¹⁷

- **Education.** Although the number of women attaining baccalaureate and advanced degrees now surpasses the number of men,¹⁸ it has not translated into equal income. In 2006, a typical college-educated woman working full time earned \$45,408 a year compared to \$60,906 for college-educated male workers — a difference of \$15,498.¹⁹

- **Experience.** The pay gap between college educated men and women appears within the first year after college—even when women are working full-time in the same fields as men with the same major—and continues to widen during the first ten years in the workforce.²⁰
- **Child care.** Women spend more time in the workforce than ever before. In fact, 60 percent of women with children under the age of three and 77 percent of mothers with school-age children remain in the workforce. Time spent out of the workforce is not enough to account for the persistent wage gap that women experience.²¹

Examples of Pay Inequity

According to a study done by National Association for Female Executives, women marketing and sales managers earned \$46,696 in 2004, compared with \$74,932 for men; women physicians and surgeons earned \$50,856, compared with \$97,448 for men; and women securities, commodities, and financial services sales agents earned \$33,853, compared to \$60,736 for their male counterparts.²²

Legislative Efforts to Close the Wage Gap

AAUW believes that equal pay for equal work is a simple matter of justice for women. Wage discrimination impacts the economic security of families today and directly affects retirement security as women look down the road. But despite the Equal Pay Act and many improvements in women's economic status over the past 46 years, wage discrimination still persists and is attributable in part to the Equal Pay Act's limited scope. Not only does it fail to cover wage discrimination based on race (although Title VII of the 1964 Civil Rights Act does), it also fails to provide equal pay for jobs that are comparable but not identical. Further, it is remiss in excluding part-time or contingent workers, and does not allow groups of workers to file class action suits.

Although enforcement of the Equal Pay Act as well as other civil rights laws such as Title VII have helped to narrow the wage gap, significant disparities remain which need to be addressed. AAUW strongly supports initiatives that seek to close the persistent and sizable wage gaps between men and women, and minorities as well. To that end, AAUW supports legislation to promote pay equity.

In May 2007 the U.S. Supreme Court issued a decision in *Ledbetter v. Goodyear* that severely limited the ability of victims of pay discrimination to seek remedies under Title VII. Under this new interpretation, employers were immunized from accountability for their discrimination once 180 days had passed. The *Ledbetter* decision reversed the Equal Employment Opportunity Commission's longstanding position that repeated payments of discriminatory paychecks can be challenged as long as one discriminatory payment occurred within the charge filing period the paycheck accrual rule. Fortunately the 110th Congress acted quickly, introducing legislation in both the Senate and House to correct the Supreme Court's misstep. It took a year to push this necessary legislation through both the House and Senate, and find a friendly administration to sign the bill into law. Thanks to AAUW and its members, that happened on January 29, 2009. The Lilly Ledbetter Fair Pay Act became law, restoring the long-standing interpretation of civil rights laws and EEOC policies that allow employees to challenge any discriminatory paycheck they receive.

There are other legislative measures that have been pending in Congress for several years that will address longstanding discriminatory practices that contribute to the gender-based wage gap. These bills are AAUW priorities in the 111th Congress.

The Paycheck Fairness Act would expand upon the original scope of the Equal Pay Act. In January 2009, the House passed this bill by a vote of 256-163.²³ It would:

- **Close a loophole in affirmative defenses for employers:** The legislation clarifies acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work have a business justification and are truly a result of factors other than sex.
- **Fix the “Establishment” Requirement:** The bill would clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees within clearly defined geographical areas to determine fair wages. This provision is based on a similar plan successfully used in the state of Illinois.
- **Prohibit Employer Retaliation:** The legislation would deter wage discrimination by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages (NOTE: employees with access to colleagues' wage information in the course of their work, such as human resources employees, may still be prohibited from sharing that information.) This non-retaliation provision would have been particularly helpful to Lilly Ledbetter, because Goodyear prohibited employees from discussing or sharing their wages. This policy delayed her discovery of the discrimination against her by more than a decade.
- **Improve Equal Pay Remedies:** The bill would deter wage discrimination by strengthening penalties for equal pay violations by providing women with a fair option to proceed in an opt-out class action suit under the Equal Pay Act, and allowing women to receive punitive and compensatory damages for pay discrimination. 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. For this reason, AAUW would strongly oppose any efforts to cap damages.
- **Increase Training, Research and Education:** The legislation would authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes. It would also 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. The bill would also require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, and conducting and promoting research about pay disparities between men and women.
- **Establish Salary Negotiation Skills Training:** The bill would create a competitive grant program to develop salary negotiation training for women and girls.
- **Improve Collection of Pay Information:** The bill would also reinstate the Equal Opportunity Survey, to enable targeting of the Labor Department's enforcement efforts by requiring all federal contractors to submit data on employment practices such as hiring, promotions, terminations and pay. This survey was developed over two decades and three presidential administrations, was first used in 2000, but was rescinded by the Department of Labor in 2006.

The Fair Pay Act would prohibit 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. This legislation specifically addresses equal pay for women working in female-dominated jobs equivalent in skills, effort, responsibility and working conditions to jobs dominated by men. In addition, the Fair Pay Act would:

- Amend the Fair Labor Standards Act of 1938 to ban retaliation and require employers to file wage information annually with the EEOC.
- Require employers to provide equal pay for jobs that are comparable but not identical, positions that require the same or comparable education, skills, responsibilities and working conditions.
- Eliminate the “gag rule” on wage disclosure, thereby prohibiting employers from punishing employees who discuss their wages with a co-worker.
- Prohibit employers from reducing any employee's wages in order to comply with pay equity requirements.
- Require the EEOC to issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race or national origin.
- Force employers with more than 25 employees to preserve records that document and support the method, system, calculation, and other bases used by the employer in establishing, adjusting and determining the wage rates paid to the employees of the employer.
- Require the EEOC to conduct studies and provide information to employers and the public with the goal of developing effective ways to correct the wage gap, as well as sponsor community informational and educational programs.

Improve and Advance Equal Opportunity

In addition to legislative efforts, there is other critical work to be done to create an equal footing for women in the workplace. Some of these remedies can come from the executive branch via regulations, executive orders and enforcement efforts. This can occur through a number of administrative avenues including:

- Issuing guidance on the permissibility of gender-based affirmative action.
- Rescinding the recent Small Business Administration regulations that negatively impacted the Women’s Procurement Program.
- Reinstating the Equal Opportunity Survey which would require all federal contractors to submit data on their employment practices such as hiring, promotions, terminations and pay. This data will result in better targeting of the Labor Department's enforcement efforts

- Ensure adequate enforcement of all civil rights laws through sufficient funding and staffing of the EEOC, the Office of Federal Contract Compliance Programs, and the various civil rights divisions. Going forward special attention in these entities needs to be given to strengthening the enforcement of laws prohibiting wage discrimination, as well as pregnancy and caregiving discrimination—two areas where claims are on the rise.
- Create an interagency civil rights task force to leverage resources, establish priorities, and ensure a coordinated approach for the federal government’s equal opportunity efforts—both as an employer and a contract administrator.
- Convene an advisory group to help reinvigorate the Department of Labor’s Women’s Bureau, the only federal agency devoted to the concerns of women in the workplace. Critical steps include reviving the regional office structure, and reconsidering the staff outsourcing plan initiated in 2006.

Resources for Advocates

Women have been hard at work to see the ratio of women’s and men’s median annual earnings increase from 77 cents in 2006 to almost 78 in 2007. This is the narrowest the wage gap has ever been, but it’s only an additional one cent on the dollar. One cent is chump change, it isn’t real change. Congress has failed to pass legislation that would give women effective equal pay protections. In light of this development, join AAUW in telling Congress: “Keep the Change until Women Have Real Change.”

AAUW has “Keep the Change” and “I am the Face of Pay Equity” posters and lapel stickers available for use at AAUW events, meetings, programs, even protests.

It is AAUW advocates across the country who speak their minds on issues important to them that truly advance AAUW’s mission. Stay informed with updates on the Paycheck Fairness Act and the Fair Pay Act, and other issues by subscribing to AAUW’s Action Network at www.aauw.org/takeaction. Make your voice heard in Washington and at home by using AAUW’s Two-Minute Activist to urge your members of Congress to cosponsor and support these critical pieces of legislation and tell them to “Keep the Change until Women Have Real Change.” Attend town hall meetings for your members of Congress, or set up a meeting with your elected official’s district office near you to urge their support. Write a letter to the editor of your local paper to educate and motivate other members of your community around the issue of pay equity. AAUW members can also subscribe to *Washington Update*, our free, weekly e-bulletin that offers an insider’s view on the latest policy news, resources for advocates, and programming ideas.

AAUW’s Pay Equity Resource Kit contains a variety of useful resources to help you take action on Equal Pay Day, April 28, 2009, and beyond. It includes information about state and federal legislation, and step-by-step suggestions to help you pursue pay equity projects. For more information, read AAUW’s related position papers on retirement security and work-life balance, and AAUW’s research, including *Behind the Pay Gap*. Download state-by-state wage gap data. You can find these and other resources on our website at www.aauw.org/payequity.

Conclusion

Many years of family-friendly legislation in action, including the Equal Pay Act, Family and Medical Leave Act, Pregnancy Discrimination Act, and policies such as flex time and telecommuting, have increased options to create a win-win situation for women and their

employers—yet wage discrimination still persists. AAUW is engaged in grassroots action to educate the public about what they can do to address the wage gap. AAUW will continue to advocate within Congress and the administration to ensure that current equal pay laws are enforced, and to urge that appropriate measures to more thoroughly address the wage gap be passed.

For more information, call 202/785-7793 or e-mail VoterEd@aauw.org.

AAUW Public Policy and Government Relations Department
January 2009

¹ Equal Pay Act of 1963, 29 U.S.C. § 206(d), (June 10, 1963).

² American Association of University Women. (July 2007). *2007 – 09 AAUW Public Policy Program*. Retrieved December 11, 2008, from http://www.aauw.org/advocacy/issue_advocacy/upload/2007-09-PPP-brochure.pdf.

³ Center for the Advancement of Women. (June 2003). *Progress and Perils: New Agenda for Women*. Retrieved December 1, 2008, from http://www.advancewomen.org/learn/progress_perils/.

⁴ National Committee on Pay Equity. (2000). *Questions and Answers on Pay Equity*. Retrieved December 11, 2008 from <http://www.pay-equity.org/info-Q&A.html>.

⁵ U.S. Census Bureau and the Bureau of Labor Statistics. (August 2008). *Annual Demographic Survey*. Retrieved December 11, 2008, from http://pubdb3.census.gov/macro/032008/perinc/new05_000.htm.

⁶ National Committee on Pay Equity. (September 2007). *The Wage Gap Over Time: In Real Dollars, Women See a Continuing Gap*. Retrieved December 11, 2008, from <http://www.pay-equity.org/info-time.html>.

⁷ U.S. Census Bureau and the Bureau of Labor Statistics. (August 2008). *Annual Demographic Survey*. Retrieved December 11, 2008, from http://pubdb3.census.gov/macro/032008/perinc/new05_000.htm.

⁸ U.S. Department of Labor, Women’s Bureau. (2007). *Employment Status of Women and Men in 2006*. Retrieved December 11, 2008, from <http://www.dol.gov/wb/factsheets/Qf-ESWM06.htm>.

⁹ Joint Economic Committee. (July 2008). *Equality in Job Loss: Women are Increasingly Vulnerable to Layoffs During Recessions*. Retrieved December 11, 2008 from http://jec.senate.gov/index.cfm?FuseAction=Reports.Reports&ContentRecord_id=4aaaa4af-e9c5-429e-7fab-4a700496c4f4&Region_id=&Issue_id=

¹⁰ Institute for Women’s Policy Research. (July 2008). *Improving Pay Equity Would Mean Great Gains for Women*. Retrieved December 11, 2008 from <http://www.iwpr.org/pdf/payequityrelease.pdf>.

¹¹ AAUW Educational Foundation. (March 2003). *Women at Work*. Washington, DC.

¹² National Women’s Law Center. (2005). *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*. Retrieved December 11, 2008, from <http://www.nwlc.org/pdf/NWLCToolsoftheTrade05.pdf>.

¹³ See, for example, Blau, Francine and Lawrence Khan. *The Gender Pay Gap: Going, Going ... But not Gone*. Paper presented at the Cornell University Inequality Symposium, October 2002.

¹⁴ Economic Policy Institute. (2007). *The State of Working America 2008-2009*, (Figures 30, 3P). Retrieved December 11, 2008, from <http://www.stateofworkingamerica.org/index.html>.

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