

Workplace Fairness Agenda for the 113th Congress

JUNE 2013

Federal laws such as the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1978 and the Civil Rights Act of 1964, are meant to protect women from workplace discrimination. Yet many women still face discrimination and harassment at work because of gender, pregnancy or caregiving responsibilities. In fact, employment discrimination claims have risen by 24 percent in the past decade, and the Equal Employment Opportunity Commission received an unprecedented number of charges in 2011 – nearly 100,000.¹

The National Partnership for Women & Families supports vigorous enforcement of our nation's employment anti-discrimination laws, in addition to policies that prohibit discrimination, expand opportunities and eliminate sexual harassment in the workplace.

Promote Fair Pay for Women

The gender-based wage gap has been closing at a rate of less than half a cent per year since 1963. Today, women working full time, year-round are paid just 77 cents for every dollar paid to men – a number that has not changed for the past decade. African American women are paid just 64 cents, and Latinas only 55 cents, for every dollar paid to white, non-Hispanic men.² And U.S. Census Bureau data show that this persistent gap affects women in 97 percent of the country's congressional districts.

84 percent of voters support “a new law that would provide women more tools to get fair pay in the workplace,” including 91 percent of Democrats, 77 percent of Republicans and 87 percent of Independents.

— Lake Research Partners, 2010

The National Partnership urges members of Congress to support the Paycheck Fairness Act, which would update and strengthen the Equal Pay Act.

The Paycheck Fairness Act (H.R. 377/S. 84) would:

- ▶ Protect workers from retaliation if they discuss their salaries with their colleagues;
- ▶ Require employers to prove that pay disparities exist for legitimate, job-related reasons;
- ▶ Create a negotiation skills training program for women and girls;
- ▶ Recognize employers who have excellent pay practices;
- ▶ Provide assistance to businesses to help them improve their equal pay practices; and
- ▶ Strengthen federal outreach, education and enforcement.

Protect Pregnant Workers

The Pregnancy Discrimination Act of 1978 outlawed pregnancy discrimination, yet pregnant workers in this country still face rampant discrimination. Congress made clear when it passed the law that discrimination based on pregnancy, childbirth or related medical conditions is illegal. However, employers often refuse to provide reasonable accommodations for pregnant workers, and courts have interpreted the law narrowly. Too often, pregnant workers are forced out of their jobs and denied reasonable accommodations that would enable them to continue working and supporting their families.

The National Partnership urges members of Congress to support the Pregnant Workers Fairness Act to help end pregnancy discrimination and promote the health and economic security of pregnant women, their babies and their families.

The Pregnant Workers Fairness Act (H.R. 1975/S. 942) would:

- ▶ Promote healthy pregnancies by helping to ensure that pregnant workers are not forced out of their jobs unnecessarily or denied reasonable job modifications that would allow them to continue working and supporting their families; and
- ▶ Help ensure the same workplace protections for women with pregnancy-related limitations as the protections already in place for workers with similar limitations.

Enable Workers to Challenge Systemic Discrimination

In 2011, the United States Supreme Court set a dangerous precedent that makes it harder for workers to challenge unlawful discrimination. In *Wal-Mart v. Dukes*, current and former female employees of the nation's largest private employer sought to join together to challenge nationwide, systemic discrimination in pay and promotions, but the Court denied them the ability to band together. It should not be so difficult for workers who suffer discrimination to have their day in court.

The National Partnership urges members of Congress to support the Equal Employment Opportunity Restoration Act, which would restore workers' ability to come together to vindicate their rights to equal employment opportunity.

The Equal Employment Opportunity Restoration Act would:

- ▶ Restore workers' right to combat systemic discrimination in the courts through group actions; and
- ▶ Promote effective enforcement of the nation's civil rights laws.

¹ U.S. Equal Employment Opportunity Commission. (n.d.). *Charge Statistics FY 1997 Through FY 2011*. Retrieved on 27 July 2012, from <http://www1.eeoc.gov/eeoc/statistics/enforcement/charges.cfm>

² U.S. Census Bureau. (2009). *American Community Survey: United States: B20017A. Median Earnings in the Past 12 Months (In 2009 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over With Earnings in the Past 12 Months (White Alone); B20017B (Black or African American Alone); and B20017I (Hispanic or Latino)*. Unpublished calculation.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at www.NationalPartnership.org.

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