

POLICY PLAYBOOK

EQUAL PAY



TABLE OF CONTENTS

Policy Options	3 – 9
Communications & Messaging	10 – 14
Additional Resources	15 – 17

INTRODUCTION

America is a nation founded on the ideal that all of us are created equal. This ideal should hold true at home and at work. Paying people fairly for the work they do should not depend on gender or race. America is falling short of this ideal across all sectors of the economy.

The federal Equal Pay Act of 1963 and the Lilly Ledbetter Fair Pay Act of 2009 helped to close the gender pay gap, but they were not enough. Today, women still only make 79 cents for every dollar a man makes. The picture is even worse for women of color. African American women make 60 cents, and Latinas only 55 cents, per each dollar made by white men. It's unacceptable that today, with millions of women functioning as breadwinners in their households, the gender pay gap is still a reality. Closing the gap and ensuring equal pay is good for women, for working families, and for the entire economy, leading to a more productive workforce, less turnover, and stronger families that have more buying power. State legislators are leading the way in closing the wage gap that is holding so many working families back.

POLICY PLAYBOOK

EQUAL PAY



ABOUT THIS POLICY PLAYBOOK

This “Policy Playbook” is a summary of resources that we have compiled from state and national advocates, organizers, and leading policy organizations across the country. Here you will find a menu of policy solutions, legislative language, communications and messaging guidance, and national organizations and experts who can support your efforts.

This document does not contain a model bill. Rather, it is meant to serve as a starting point for thinking about legislation in this issue area. Drafting new policy requires state-specific research, analysis of underlying state and local law, and consideration of a complex range of issues. Legislators should also consider the political landscape and practical needs of their states in determining which policy approaches make the most sense. This document seeks to facilitate that process by providing information and a range of approaches and best practices from across the country.

As a starting point, legislators should always work with state partners to assess the local and state dynamics and to craft the strongest and most feasible legislation in their state – ensuring alignment with the work of groups in the field. On a related note, this resource is not meant to supersede working with advocacy organizations and policy experts to chart the most effective path for introducing such legislation.



POLICY OPTIONS

Almost all states have some form of equal pay statute or ban on gender discrimination, but these laws vary widely, and few offer any comprehensive solutions to the gender wage gap. The American Association of University Women (AAUW) has put together a comprehensive 50-state table on pay equity laws available here: <http://www.aauw.org/resource/state-equal-pay-laws/>. A quick scan of this table reveals that beyond the existence of equal pay laws in 46 states plus the District of Columbia, there are many tactics that state legislators have used to address pay equity in their states.

While there are a number of policy solutions to reduce the wage gap, after extensive conversation with national partners, SiX Action has decided to focus on the following strategies:

- (1) Anti-Retaliation
- (2) Comparable Worth
- (3) Creating Transparency
- (4) First Day Pay
- (5) State Contractor Responsibility
- (6) Strengthening Enforcement & Penalties
- (7) Limiting Justifications for Paying Unequal Wages

Within this section, we provide exemplary legislation and relevant legislative language. We have done so to provide an extra level of detail and hope that this serves to improve understanding of both the policy options and how these policies translate into statutory language.

Anti-Retaliation

Even when a woman discovers that she is being underpaid for her work, she may not be able to report the discrimination or take action to secure her rights without fear of losing her job. The National Labor Relations Act provides some protections against this type of employer retaliation but also has some significant limitations* (e.g., it does not protect supervisors). In many states, there are not laws that protect workers from employer retaliation if they are caught asking about pay in the office or if they bring a wage discrimination lawsuit. This puts women at an even higher risk of being discriminated against in pay, promotions, and raises.

By prohibiting retaliation against workers who ask others about their pay or disclose their own, states can help protect women and empower them to take action against unlawful salary discrimination.

*(source: http://www.nwlc.org/sites/default/files/pdfs/combating_punitive_pay_secretcy_policies_9.10.15.pdf)



2015 Oregon House Bill 2007 / Chapter 307 (Amends ORS Chapter 659A)

<https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/HB2007>

- (1) It is an unlawful employment practice for an employer to discharge, demote or suspend, or to discriminate or retaliate against, an employee with regard to promotion, compensation or other terms, conditions or privileges of employment because the employee has:*
- (a) Inquired about, discussed or disclosed in any manner the wages of the employee or of another employee; or*
 - (b) Made a charge, filed a complaint or instituted, or caused to be instituted, an investigation, proceeding, hearing or action based on the disclosure of wage information by the employee.*

2014 Vermont House Bill 99 / Act 31 (Amends 21 VSA, Section 495)

<http://legislature.vermont.gov/bill/status/2014/H.99>

- (8) Retaliation prohibited. An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:*
- (B) has lodged a complaint or has testified, assisted, or participated in any manner with the Attorney General, a state's attorney, the Department of Labor, or the Human Rights Commission in an investigation of prohibited acts or practices;*
 - (C) is known by the employer to be about to lodge a complaint, testify, assist, or participate in any manner in an investigation of prohibited acts or practices;*
 - (D) has disclosed his or her wages or has inquired about or discussed the wages of other employees;*

Comparable Worth

Women's work is often devalued through the practice of title discrimination, where they may be paid less based on their job title, not based upon the work that they actually do. Such practices make it difficult for women to prove wage discrimination as, on paper, their title and work may be classified differently than those held mainly by men, though they are providing the same value to the company as men in those other jobs. In many states, this hurdle has been overcome by creating "comparable worth" programs, which evaluate a worker based upon their skill, effort, responsibility, and working conditions. Workers of comparable worth to the company must be paid comparably.

Wherever possible, it is preferable to implement robust comparable worth laws that cover all employees and employers, but when this is not feasible, one incremental step is to narrow the scope of the bill to state agencies and other government entities. Comparable worth presents a unique opportunity for states to expand their equal pay laws to ensure that women are not paid based upon their job title, but upon their actual skill, effort, responsibility, and working conditions.

1984 Minnesota House File 1766 / Chapter 651 (Amended Stat. Sec. 471.992)

<https://www.revisor.mn.gov/laws/?id=651&year=1984&type=0>



. . . every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees.

1983 Montana Chapter 310 (Amended Stat. Sec. 2-18-208)

<http://leg.mt.gov/bills/mca/2/18/2-18-208.htm>

The department of administration shall, in its continuous efforts to enhance the current classification plan and pay schedules, work toward the goal of establishing a standard of equal pay for comparable worth. This standard for the classification plan shall be reached by:

- (1) eliminating, in the classification of positions, the use of judgments and factors that contain inherent biases based on sex; and*
- (2) comparing, in the classification of positions, the factors for determining job worth across occupational groups whenever those groups are dominated by males or females.*

Creating Transparency

One of the greatest barriers to securing equal pay in the workforce is simply a lack of information. Few companies publish salary data for their employees to examine. Additionally, in many companies, policies are in place that prohibit employees from discussing pay information with each other. These policies make it difficult, if not impossible, for women to determine if they are being paid less than their male counterparts. Lilly Ledbetter, whose prominent case about pay inequity inspired the federal legislation President Obama signed into law in 2009, only found out that she was paid less than her male counterparts at the Goodyear Tire & Rubber Company because a colleague sent her an anonymous note. We shouldn't have to rely on anonymous tipsters to reveal these disparities. In some cases, attempting to discover if a pay discrepancy exists may put a woman's job at risk. In short, the system is currently set up to make sure women are kept in the dark about pay disparity.

Making pay more transparent is a viable and important step to making pay equity achievable. In the public sector, where salaries are generally publicly available information, the gender gap in pay is smaller than in the private sector. In addition to employees gaining a valuable tool, knowing that this data will be public gives employers an incentive to do the right thing. Government agencies would be able to use the information to spot trends, provide technical assistance to adopt best practices, and enforce equal pay laws. By requiring employers to publish their salary data (perhaps at some level of aggregation) to their employees, enforcement divisions, and the public, workers would gain a valuable tool in ensuring that they are paid based upon their work and not upon their gender.

2015 Massachusetts House Bill 1733 (Amends General Laws Chapter 149, Section 105A)

<https://malegislature.gov/Bills/189/House/H1733>

(b) It shall be an unlawful practice for an employer to:

- (1) Require, as a condition of employment, that an employee refrain from disclosing, discussing, or sharing information about the amount of his or her wages, benefits or other compensation, or*



from inquiring, discussing or sharing information about any other employee's wages, benefits or other compensation.

- (2) *Require an employee to sign a waiver or other document that denies the employee the right to disclose the amount of his or her wages, benefits or other compensation or to inquire about, discuss or share information about any other employee's wages, benefits or other compensation.*

2009 Illinois House Bill 3634 / Public Act 96-0467 (Amended 820 ILCS 112, Section 20)

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0467>

An employer subject to any provision of this Act shall make and preserve records that document the name, address, and occupation of each employee, the wages paid to each employee, and any other information the Director may by rule deem necessary and appropriate for enforcement of this Act. An employer subject to any provision of this Act shall preserve those records for a period of not less than 5 years and shall make reports from the records as prescribed by rule or order of the Director, unless the records relate to an ongoing investigation or enforcement action under this Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.

First Day Pay

Many women receive decreased wages from the moment they accept a job. This can be traced, in part, to the practice of basing an employee's starting salary off of pay history. For women, this often means they will start a new job at a lower salary than that of a man with similar talent, experience, and education, thereby continuing previous gender-based pay discrimination.

By prohibiting employers from asking about an employee's pay history, decisions about pay can be focused on determining a worker's salary based upon qualifications, not based upon previous salary. Furthermore, by requiring that employers provide a minimum salary or salary range in any job posting, the law can create a baseline by which women can evaluate their pay over a period of time and compare their pay to other employees.

2015 Massachusetts House Bill 1733 (Amends General Laws Chapter 151B, Section 4)

<https://malegislature.gov/Bills/189/House/H1733>

(It shall be an unlawful practice): (20) For an employer, personally or through an agent, to publish, list, or post, publicly or within the organization; or publish, list, or post with any employment agency, job-listing service, or website an advertisement to recruit candidates for hire or independent contractors to fill a position within the organization without including the minimum rate of pay . . . In addition, no employer shall pay wages for the position less than what were advertised.

(22) (a) For a current or prospective employer, personally or through an agent, to seek salary history information, including but not limited to compensation and benefits, from the potential employee for an interview or as a condition of employment; or (b) for an employer to release the salary history of any current or former employee to any prospective employer in response to a request as part of an interview or hiring process without written authorization from such current or former employee.



State Contractor Responsibility

State procurement laws have long been a mechanism through which the government sets precedent for fair labor practices. It is common for state procurement laws to require companies to pay prevailing wages, to be located within the state or hire from the local labor market, and to give preference to companies that are locally owned or owned by minorities, women, or veterans, in order to ensure that all communities benefit from public investment. Adding pay equity standards to this set of government procurement requirements is a way to further government accountability.

2015 California Assembly Bill 1354 - Enrolled (Amends Government Code Section 12990)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1354

- (b) (1) (A) (i) Prior to becoming a contractor or subcontractor with the state, an employer with 100 or more employees in the state and a contract of 30 days or more shall submit a nondiscrimination program to the department and shall submit periodic reports, no more than annually, of its compliance with that program . . .*
- (2) A nondiscrimination program shall include policies and procedures designed to ensure equal employment opportunities for all applicants and employees, an analysis of employment selection procedures, and a workforce analysis.*

2014 Minnesota House File 2536 / Chapter 239 (Created Stat. Sec. 363A.44)

<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF2536&y=2014&ssn=0>

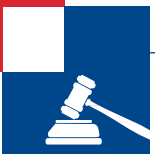
(a) No department, agency of the state . . . shall execute a contract or agreement in excess of \$500,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has an equal pay certificate or it has certified in writing that it is exempt. A certificate is valid for four years.

Subd. 2. Application. (a) . . . The commissioner shall issue an equal pay certificate of compliance to a business that submits to the commissioner a statement signed by the chairperson of the board or chief executive officer of the business:

- (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal Work Law;*
- (2) that the average compensation for its female employees is not consistently below the average compensation for its male employees within each of the major job categories . . . taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors;*
- (3) that the business does not restrict employees of one sex to certain job classifications and makes retention and promotion decisions without regard to sex;*

Strengthening Enforcement & Penalties

Many states have enacted statutes requiring equal pay for equal work; however, these laws could be more strongly enforced. A few examples include:



Expanding individual liability for an equal pay violation:

2012 Illinois Senate Bill 2847 / Public Act 97-0903 (Created 820 ILCS 112, Section 27)

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0903>

In addition to an individual who is deemed to be an employer . . . any officers of a corporation or agents of an employer who willfully and knowingly permit such employer to evade a final judgment or final award provided under this Act shall be deemed to be the employers of the employees.

Increasing financial penalties for employers in violation of equal pay laws:

2015 Illinois House Bill 3619 / Public Act 99-0418 (Amended 820 ILCS 112, Section 30)

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0418>

(c) Employers who violate any provision of this Act or any rule adopted under the Act are subject to a civil penalty for each employee affected as follows:

- (1) An employer with fewer than 4 employees: first offense, a fine not to exceed \$500; second offense, a fine not to exceed \$2,500; third or subsequent offense, a fine not to exceed \$5,000.*
- (2) An employer with 4 or more employees: first offense, a fine not to exceed \$2,500; second offense, a fine not to exceed \$3,000; third or subsequent offense, a fine not to exceed \$5,000.*

Increasing damages awarded to employees who were discriminated against:

2015 Washington House Bill 1646 (Amends RCW 49.12.175)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1646&year=2015>

(2)(a) If any employee receives less compensation because of being discriminated against on account of gender in violation of this section, or if any employee receives less favorable employment opportunities because of being discriminated against on account of gender, that employee is entitled to recover in a civil action the full amount of compensation that the employee would have received had the employee not been discriminated against. An employee is entitled to recover any actual damages; statutory damages of twice the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. In addition, the court may order injunctive relief. In such action, however, the employer shall be credited with any compensation which has been paid to the employee upon account.

2004 Tennessee House Bill 189 / Chapter 822 (Amends Code Section 50-2-204)

<http://share.tn.gov/sos/acts/103/pub/pc0822.pdf>

(a) Any employer who violates the provisions of [this law] shall be liable to the employee or employees affected in the amount of their unpaid wages, and in instances of an employer knowingly violating [this law], up to an additional equal amount of unpaid wages as liquidated damages.

Empowering a state commissioner to enforce equal pay laws:

North Dakota Century Code Section 34-06.1-04

<http://www.legis.nd.gov/cencode/t34c06-1.pdf?20150925123614>

The [labor] commissioner has the power and duty to carry out the provisions of this chapter and for this



purpose, the commissioner, or the commissioner's authorized representative, has power to:

- 1. With the consent of the employer or upon appropriate court order, for cause, enter the place of employment of any employer to inspect and copy payrolls and other employment records, to compare character of work and operations on which persons employed by the employer are engaged, to question such persons, and to obtain such other information as is reasonably necessary to the administration and enforcement of this chapter.*
- 2. Examine witnesses under oath, and to require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to this section.*
- 3. Eliminate pay practices unlawful under this chapter, by informal methods of conference, conciliation and persuasion, and to supervise the payment of wages owing to any employee under this chapter.*
- 4. Issue such regulations, not inconsistent with the purpose of this chapter, as the commissioner deems necessary or appropriate to carry out its provisions.*

Limiting Justifications for Paying Unequal Wages

When a woman finds out that she is paid less than her male colleagues, how does she determine that she is paid less because of gender discrimination? Many equal pay laws permit employers to pay disparate wages based on “any factor other than sex.” This defense has become a big loophole for allowing discriminatory pay. Some states, such as California, close this loophole by limiting the justifications employers use for paying unequal wages.

2015 California Senate Bill 358 / Chapter 546 (Amends Labor Code Section 1197.5)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB358

(a) An employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, except where the employer demonstrates:

(1) The wage differential is based upon one or more of the following factors:

- (A) A seniority system.*
- (B) A merit system.*
- (C) A system that measures earnings by quantity or quality of production.*
- (D) A bona fide factor other than sex, such as education, training, or experience. This factor shall apply only if the employer demonstrates that the factor is not based on or derived from a sex-based differential in compensation, is job related with respect to the position in question, and is consistent with a business necessity. For purposes of this subparagraph, “business necessity” means an overriding legitimate business purpose such that the factor relied upon effectively fulfills the business purpose it is supposed to serve. This defense shall not apply if the employee demonstrates that an alternative business practice exists that would serve the same business purpose without producing the wage differential.*



COMMUNICATIONS & MESSAGING

Background:

When talking about equal pay, here are a few important things to keep in mind:

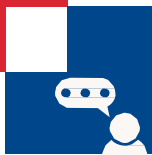
- First, define the problem.
- When outlining the solution, focus on outcomes rather than process.
- Emphasize the values reflected in equal pay – equality, fairness, and respect for women.
- Talk about “equal pay,” not “pay equity” or “fair pay.” Research shows this is the term that helps most people understand the problem of women being paid less for the same work.

Topline Message:

America is a nation founded on the ideal that all of us are created equal, and that ought to hold true at home and at work. Paying people fairly for the work they do shouldn't depend on their gender.

Talking Points:

- More and more women are breadwinners for their families, and our policies need to keep up. We need to fight for equal pay for equal work because what is good for working women is good for the economy.
- We need an economy that works for everyone, not just the wealthy few - one that puts working families at the center of economic success, not as an afterthought. Since so many working households are headed by women, that means paying women the same as men.
- Policies that help women overcome barriers to economic participation are good for women, for working families, and for the entire economy, leading to a more productive workforce, less turnover, and stronger families that have more buying power.
- Our families and our needs have changed, but the workplace hasn't kept up.
- One of the key ways we show how much we value someone's contributions in the workplace is how much we pay them.
- Chances are good that women you know are being paid less than male co-workers in the same job - whether they know it or not.
- There's no women's discount on rent, electricity, or any of life's other necessities. They have to spend the same as men, and they should be paid the same, too.
- Not only is closing the pay gap the right thing to do, but it also helps women and their families make ends meet and even get ahead.
- Many families rely on two incomes and still barely make ends meet. With so many Americans living paycheck to paycheck, equal pay for equal work could mean saving for a home, retiring with dignity, or sending kids to college.
- It's illegal to pay women less, but gender discrimination in pay is still a big problem across the country.
- The wage gap has long-term effects on the economic security of women and families. Women lose hundreds of thousands of dollars, up to over a million, over their careers. That means less money to make ends meet and achieve economic security for families today. It also means



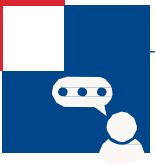
less retirement savings for tomorrow - earning less, there is less to save, and Social Security and pensions are based on earnings.

- With Washington mired in gridlock, it's time for [STATE] to make equal pay for equal work a reality.

Supporting Facts:

It's always good to have supporting evidence to strengthen your message. Here are a few good statistics to get you started:

- Forty percent of women with children at home are the sole breadwinners for their families. (<http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>)
- Over the course of a 35-year career, a woman with a college degree will make an average of \$1.2 million less than a man with the same level of education. (http://www.americanwomen.org/body/EqualPayToolkit_National.pdf)
- In 1944, the first equal pay bill was introduced in Congress. But it wasn't until 1963 that the Equal Pay Act, outlawing pay discrimination based on sex, became federal law. (<http://regender.org/EqualPayAct1>)
- Despite policies outlawing pay discrimination and creating avenues for women to sue for lost wages, women still only take home around 79 cents for every dollar a man earns. (http://www.nwlc.org/sites/default/files/pdfs/wage_gap_is_stagnant_9.23.15.pdf)
- Over the last 10 years, reductions in wage gaps have slowed down. The gender wage gap is not projected to close until 2059. (<http://www.iwpr.org/publications/pubs/the-gender-wage-gap-2014/>)
- Nationally, on average, a woman who holds a full-time, year-round job is paid \$39,621 per year while a man who holds a full-time, year-round job is paid \$50,383 per year. This means that, overall, women in the United States are paid 79 cents (rounded up from 78.6 cents) for every dollar paid to men, amounting to a yearly wage gap of \$10,762 between full-time working men and women. (<http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/americas-women-and-the-wage-gap.pdf>)
- For women of color, the numbers are even worse, with African American women earning only 60 cents for every dollar a white man earns. For Latinas, that number drops to 55 cents. (http://www.nwlc.org/sites/default/files/pdfs/wage_gap_is_stagnant_9.23.15.pdf)
- Such a wide gap has compounded effects over a woman's lifetime: women lose somewhere between \$500,000 and \$1.2 million over the course of a lifetime due to the wage gap. (*Make It Work – The Facts About Equal Pay, available on request*)
- If the wage gap were eliminated, on average, a working woman in the United States would have enough money for approximately: 83 more weeks of food for her family (1.6 years' worth), over seven months more of mortgage and utilities payments, over 11 months of rent, or 4,635 additional gallons of gas. (<http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/americas-women-and-the-wage-gap.pdf>)
- Equal pay would mean the poverty rate for working women would be cut in half, lifting almost 3 million women out of poverty. The increased wages would mean \$447.6 billion in additional



income circulating in the U.S. economy - a figure that is approximately 2.9 percent of the GDP. (<http://www.iwpr.org/publications/pubs/how-equal-pay-for-working-women-would-reduce-pov-erty-and-grow-the-american-economy>)

Opposition Messaging and Responses:

Argument: The Wage Gap Is a Myth

“Women already get equal pay... We don’t need symbolic pieces of legislation jumbling up our code.” --former Texas Governor Rick Perry, 8/16/2015
(<http://talkingpointsmemo.com/livewire/rick-perry-women-equal-pay>)

“That brings us to Equal Pay Day... the fictitious ‘holiday’ liberal women’s groups have manufactured to try to expose the so-called ‘wage gap.’ Supposedly this is the day of the year that women have finally earned enough to make up for last year’s wage gap... It’s like comparing apples to oranges.” --Sabrina Schaeffer, Executive Director of the conservative Independent Women’s Forum, 4/7/2014
(<http://iwf.org/media/2793591/Script-from-Press-Call:-Why-President-Obama’s-executive-orders-and-the-%22Paycheck-Fairness-Act%22-won’t-advance-equal-pay>)

Response: The gender wage gap is not a lie. In fact, it is the result of several different factors, including: discrimination in pay, recruitment, job assignment, and promotions; lower earnings in occupations mainly held by women; and women’s disproportionate share of time spent taking care of their families. The 79 percent wage ratio figure, which is the most commonly used figure to measure the wage gap between men and women in the United States, is a clear and accurate measure of the inequality in earnings between women and men who work full-time, year-round in the labor market.

Argument: Women Don’t Want or Deserve to Have the Wage Gap Closed

“Women do earn less in America because they choose to... They would rather go to their daughter’s piano recital than stay all night at work, working on a proposal, so they end up earning less. They’re less ambitious.” --Gavin McInnes, co-founder of Vice Media, 6/15/2015
(<http://www.msnbc.com/rachel-maddow-show/watching-the-pay-equity-debate-go-over-the-cliff>)

“I think most women do not want to be treated as sort of a special class of citizens... And they don’t want to be treated like some group of people who have to be, you know, given a little special handout just to make sure that they’re okay. Many women get paid exactly what they’re worth.” --Martha MacCallum, Fox News anchor, 1/30/2014
(<http://www.msnbc.com/rachel-maddow-show/the-gop-case-against-pay-equity>)

Response: Arguments about “choice” are often based on assumption, and there is considerable evidence of the barriers that women face in choosing their occupation – from lack of unbiased information about job prospects to actual harassment and discrimination in male-dominated professions. In a world where these obstacles did not exist, men and women might “choose” very differently than they do now. What we do know is that young women and men generally express the same types of desires regarding their future careers – things like earning a decent wage, having autonomy and flexibility at



work, and having the ability to spend time with family. Every individual – regardless of gender – should have the right to choose any occupation and know that they will be paid fairly for the work they do.

Polling:

- Equal pay is a crucial issue to voters across age, income, and economic categories. A January 2015 poll found that [93% of voters want to ensure women and men receive equal pay for equal work.](#)
- In a September 2014 survey, [equal pay was ranked as the top issue facing working women in the United States today.](#) with roughly the same proportions of men and women agreeing.
- Despite progress among college graduates and those living in higher-income households, [American women continue to face more financial challenges and less opportunity than men in the workplace.](#) They experience more stress related to bills and monthly expenses than men and believe that they do not have the same opportunities for financial success as their male colleagues.
- According to a 2015 Gallup poll, [12 percent of women say they have been passed over for a promotion because of their gender at some point in their life; this is in contrast to five percent of men who believe gender has hindered their advancement.](#)
- According to an [April 2015 survey](#) administered by Lake Research Partners, 81% of likely 2016 voters would support a policy that ensures men and women earn equal pay for equal work – including making information available about the pay ranges that men and women earn for the same work. The proposed policy had strong support across party lines: 89% Democrats, 76% of Independents, and 77% of Republicans.

Compiled by Project New America & Make It Work



Sample Social Media Content:

Here are some sample tweets you can adapt for your own use. This language can also be easily modified for posting on Facebook:

#EqualPay would mean a raise of \$10,876 for working families & would lift almost 3 million women out of poverty.

Ending the #WageGap would add \$447.6 BILLION to the U.S. economy. That's 2.9% of GDP. #equalpay

The average woman will lose over \$700k to the #WageGap in her working lifetime. It's time for #equalpay now.

Did you know that Latina women earn 55 cents for every \$1 a white man earns? #WageGap #equalpay

In 1963, the #EqualPayAct passed Congress. Today, women still earn 79 cents for every \$1 a man earns. It's time to #CloseTheGap.

In [ADD STATE HERE] women only earn [ADD YOUR STATE'S % STATISTIC HERE] of what a man earns. It's time we #CloseTheGap.

The United States ranks 65th in the world for #equalpay. It's time we fulfill the half-century-old promise of the #EqualPayAct.

Over the course of a 35-year career, a college-educated woman will earn \$1.2m LESS than her equally educated male counterpart. #equalpay

40% of households w/ children have a woman as sole or primary breadwinner. Ending the #wagegap would mean a \$10k raise for them. #equalpay

Economists predict that closing the #wagegap would lead to a \$3 TRILLION stimulus, through increased wages & disposable income. #equalpay

Women are the sole or primary breadwinners in 40% of households with children. #EqualPay matters for families.

Source: Make it Work - Let's Talk About Economic Security, American Women
[Economic Security for Women and Families: A Conversation Guide](#)



ADDITIONAL RESOURCES

Supporting Organizations

[9to5, National Association of Working Women](#)

[A Better Balance](#)

[American Association of University Women](#)

[American Civil Liberties Union](#)

[Institute for Women's Policy Research](#)

[Make It Work](#)

[National Committee on Pay Equity](#)

[National Organization for Women](#)

[National Partnership for Women & Families](#)

[National Women's Law Center](#)

State Legislation

[Policy Guide to Equal Pay in the States, AAUW, 2016](#)

[Summary of State Statutes Requiring Equal Pay for Equal Work, NCSL](#)

[North Dakota Century Code Section 34-06.1-04](#)

[2004 Tennessee House Bill 189 / Chapter 822](#)

[2009 Illinois House Bill 3634 / Public Act 96-0467](#)

[2012 Illinois Senate Bill 2847 / Public Act 97-0903](#)

[2014 Minnesota House File 2536 / Chapter 239](#)

[2014 Vermont House Bill 99 / Act 31](#)

[2015 Illinois House Bill 3619 / Public Act 99-0418](#)

[2015 Oregon House Bill 2007 / Chapter 307](#)

[2015 California Assembly Bill 1354 \(Enrolled\)](#)

[2015 California Senate Bill 358 / Chapter 546](#)

[2015 Massachusetts House Bill 1733](#)

[2015 Washington House Bill 1646](#)

Fact Sheets, Messaging & Communications Materials

[What's the Wage Gap in the States? NPWF](#)

[The Economic Impact of Equal Pay by State, IWPR, February 2016](#)

[The Wage Gap: The Who, How, Why and What to Do, NWLC, September 2016](#)

[The Top 10 Facts about the Wage Gap, CAP, April 2016](#)

[The Gender Wage Gap by Occupation 2015 and by Race and Ethnicity, IWPR, April 2016](#)

[The Gender Wage Gap: 2015; Annual Earnings Differences by Gender, Race, and Ethnicity, IWPR, September 2016](#)



[Pay Secrecy and Wage Discrimination](#), IWPR, January 2014
[The Gender Pay Gap by State and Congressional District](#), AAUW
[Fact Sheet: Equal Pay](#), ABB
[State Fact Sheets](#), IWPR, 2015
[America's Women and the Wage Gap](#), NPWF
[Fact Sheet: The Wage Gap Is Stagnant for Nearly a Decade](#), NWLC
[How the Wage Gap Hurts Women and Families](#), NWLC
[FAQ about the Wage Gap](#), NWLC, 2015
[A Stronger California One-Pager](#), Stronger California Advocates Network
[Five Ways to Win an Argument about the Gender Wage Gap](#), IWPR, September 2016
[Equal Pay Day Toolkit](#), 9to5, NAWW
[Equal Pay Social Media Kit](#), NOW
[Common Arguments Against Pay Equity](#), AFSCME
[Handling the Arguments Against Pay Equity](#), NCPE
[Winning Economic Messages for 2014](#), Hart Research Associates, April 2014
[Economic Security for Women and Families: A Conversation Guide](#), American Women

Policy Briefs & Reports

[An Unequal Playing Field: America's Gender-Based Wage Gap, Binds of Discrimination, And A Path Forward](#), NPWF, April 2015
[Pathways to Equity: Narrowing the Wage Gap by Improving Women's Access to Good Middle Skill Jobs](#), IWPR
[The Gender Wage Gap and Public Policy](#), IWPR, February 2016
[Black-White Wage Gaps Expand with Rising Wage Inequality](#), EPI, September 2016
[How Equal Pay for Working Women would Reduce Poverty and Grow the American Economy](#), IWPR, January 2014
[We're Worth It!: An AFSCME Guide to Understanding and Implementing Pay Equity](#), AFSCME
[How Equal Pay for Working Women Would Reduce Poverty and Grow the American Economy](#), IWPR
[Policy Proposal on Equal Pay](#), MIW
[Everything You Need to Know about the Equal Pay Act](#), Re:Gender
[Graduating to a Pay Gap: The Earnings of Men and Women One Year After Graduation](#), AAUW
[The Simple Truth about the Gender Pay Gap](#), AAUW, Spring 2016
[An Unequal Playing Field: America's Gender-Based Wage Gap, Binds of Discrimination, and a Path Forward](#), NPWF
[What's Holding Women Back from Top Jobs](#), Pew Research Center
[Webinar: State Policy Solutions to Help Women Achieve Equal Pay](#), NWLC



Graphics

[Gender Wage Gap Projected to Close in Year 2058](#), IWPR [Policy](#)

[Guide to Equal Pay in the States](#), AAUW

[The Wage Gap for Mothers, State by State](#), NWLC

[What's Holding Women Back from Top Jobs](#), Pew Research Center [The Gender Pay Gap by State and Congressional District](#), AAUW [What's the Wage Gap in the States?](#) NPWF, 2015

Other Resources to Support Women's Economic Security

[Analysis of 2015 Census Poverty Data](#), NWLC, September 2016

[Status of Women in the States](#), IWPR, 2016

[A Double Blind: When States Deny Abortion Coverage and Fail to Support Expecting and New Parents](#), NPWF, September 2016

[Breadwinner Mothers by Race/Ethnicity and State](#), IWPR, September 2016

[Babygate: Pregnant or Parenting While Working? Learn about Laws in your State that can Help](#), ABB, 2015

[Moving Women & Families Forward: A Roadmap to Economic Justice](#), NWLC, March 2016 [Advancing a Family Friendly America: How Family Friendly Is Your State?](#) NPWF

[Expecting Better: A State-by-State Analysis of Laws That Help Expecting and New Parents](#), NPWF, 2016

[Not Enough Family Friendly Policies: High Stakes for Women and Families](#), NPWF, June 2016 [State-by-state Conversation Guide for Talking about Economic Security for Women and Families](#), American Women, 2016

[Work & Family Policy Database](#), NPWF

[Time to Care: A Work Family Policy Toolkit](#), Work Family Strategy Council

[Working Families Report Cards](#), U.S. House Committee on Education & the Workforce Democrats, October 2015

[American Community Survey](#), American FactFinder, U.S. Census Bureau