

Paycheck Fairness Act

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Over sixty years have passed since the approval of the Fair Labor Standards Act of 1938. Despite this act, and the amendments encased in the Equal Pay Act of 1963, women continue to make, on average, a mere seventy-six cents to every dollar made by men. On April 19, 2005, Senator Hillary Clinton introduced S.841 into the 109th Congress. This Act is referred to as the “Paycheck Fairness Act” and seeks to close loopholes in the FLSA which allow for the continue discrimination of women in the workplace. Section 2(2) of S.841 states:

Even today, women earn significantly lower pay than men for work on jobs that require equal skill, effort, and responsibility and that are performed under similar working conditions. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

The effects of this discrimination are far-reaching and detrimental to individual women, their families, and the country as a whole. When women earn less than men for equal work, it affects their ability to contribute to the overall economy by hindering their purchasing power. In addition, it affects their ability to save for the future, and “undermines women’s retirement security, which is often based on earnings while in the workforce,” (S.841 Sec. 2(3)(b).)

The Act proposes provisions that would require greater enforcement of the current laws, and provides for the creation of training programs to teach women and girls workplace negotiation skills. These programs would be funded by grants given to educational agencies, non-profits, and community-based organizations. Each year, the Secretary of Labor and the Secretary of Education would be required to publish a report specifying any programs and activities funded by the grants.

Also written into the Act are provisions requiring the Secretary of Labor to conduct research, and publish such research, aimed at identifying ways to quickly correct the pay disparities between men and women. These reports would be made available to the public and would, hopefully, give women detailed information on their individual rights under the amended FLSA including means to ensure enforcements of such rights. An additional provision calls for the creation of guidelines by the Secretary of Labor to be used by employers to aid in determining whether pay disparities exist within their organizations. If pay disparities do exist, the employers must remedy the situation and are prohibited from doing so by lowering the salaries of the men working within the organization.

These provisions are all aimed at strengthening the anti-discrimination laws already in existence. If approved, this Act would significantly enhance the lives of the

women and families who are affected by wage disparities. Representative Rosa DeLauro (D-CT) has introduced an identical bill into the House and states, “closing the wage gap is a matter of fairness, opportunity and values for all women.”

Currently this Act has been referred to the Senate Committee on Health, Education, Labor, and Pensions. I strongly urge each person to write her senator in support of Senator Clinton’s Paycheck Fairness Act.” Together, we can help eliminate the wage gap.