



April 3, 2014

United States Senate  
Washington, DC 20510

**ACLU Urges the Senate to Vote YES on the Paycheck Fairness Act, S.84**

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Dear Senator:

On behalf of the American Civil Liberties Union (ACLU), its over half a million members, fifty-three affiliates nationwide, and countless additional supporters and activists, we urge you to vote in support of the Paycheck Fairness Act (S. 84), without weakening amendments. American families cannot wait any longer to bring home equal pay. We understand that the **bill will be considered as soon as April 8, 2014**, which this year marks Equal Pay Day, the symbolic day into 2014 a woman must work to earn as much as a man did in 2013 alone.

In 2009, the House of Representatives overwhelmingly passed the Paycheck Fairness Act with bipartisan support. Since then, the bill has failed to move forward on procedural votes in the Senate, even though a majority of Senators have supported the bill. Momentum continues to build, now with 53 cosponsors in the Senate. Due to the importance of this bill for millions of women and their families, we urge Senators to not block this bill on procedural grounds, but rather to debate and consider the merits of a bill that could help your constituents all across America. **The ACLU will score both the cloture vote and the vote on the merits.**

The Paycheck Fairness Act provides a much needed update to the Equal Pay Act of 1963 – a law that has not been able to achieve its promise of closing the wage gap because of limited enforcement tools and inadequate remedies. Specifically, the Paycheck Fairness Act would:

- require employers to demonstrate that wage differences between men and women doing the same work have a business justification and stem from factors other than sex;
- prohibit retaliation against workers who inquire about their employers' wage practices or disclose their own wages, while also protecting certain confidential wage information;
- level 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; and
- authorize additional training for EEOC staff to better identify and handle wage disputes and require the U.S. Department of Labor to provide technical

assistance to employers and reinstate the collection of certain wage-related data.

- provide important safeguards for small businesses, including:
  - an exemption for small businesses;
  - a six-month waiting period from the time of enactment that allows businesses covered under the Act sufficient time to comply with its requirements;
  - a requirement that the Department of Labor help educate small businesses about what is required under the law and assist them with compliance;
  - recognition for employers' excellence in their pay practices; and
  - federal outreach and assistance to all businesses to help improve equal pay practices and training assistance to empower women to negotiate for fair pay.

As the Equal Pay Act celebrated its 50<sup>th</sup> anniversary last year, there should be little doubt that additional improvements are still necessary. Even fifty years after its passage, according to the U.S. Census Bureau, women who work full time still earn, on average, only 77 cents for every dollar men earn.<sup>1</sup> African American women were paid only 64 cents and the gap for Latinas widened over the last few years to, only 54 cents, as compared to white men.<sup>2</sup>

According to a recent, nationwide poll, support at home for the Paycheck Fairness Act is overwhelming. In the poll of registered voters, 84% said they support a new law that would provide women more tools to get fair pay in the workplace.<sup>3</sup> High levels of support for this bill held true regardless of political party, gender, race, ethnicity, or regions of the country. For example, 77% of Republicans support it, along with 91% of Democrats and 87% of Independents. Large majorities of both men and women support the law as well – 81% and 87% respectively. In another poll, support is equally high along racial lines with 66% of Latino voters and 78% of African American voters supporting the bill.<sup>4</sup>

This bill is a measure that the American public – **across the country and across parties** – overwhelmingly supports. Perhaps this is because in a record 40% of households with children under the age of 18, mothers are the sole or primary source of income. That figure jumps to 65% of families, when including women who are the primary or co-breadwinners.<sup>5</sup>

In fact, research shows that if women received pay equal to their male counterparts, the U.S. economy would produce **\$447.6 billion in additional income**.<sup>6</sup> Not only is correcting discrimination a matter of fundamental fairness, but doing so would help to contribute to economic

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<sup>1</sup> See NWLC, Fact Sheet: The Wage Gap is Stagnant in Last Decade (Sept. 2012), available at [http://www.nwlc.org/sites/default/files/pdfs/poverty\\_day\\_wage\\_gap\\_sheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/poverty_day_wage_gap_sheet.pdf) (last visited Mar. 31, 2014).

<sup>2</sup> NWLC, Fact Sheet: Closing the Wage Gap is Crucial for Women of Color and Their Families (November 2013), available at

[http://www.nwlc.org/sites/default/files/pdfs/2013.11.13\\_closing\\_the\\_wage\\_gap\\_is\\_crucial\\_for\\_woc\\_and\\_their\\_families.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013.11.13_closing_the_wage_gap_is_crucial_for_woc_and_their_families.pdf) (last visited Mar. 31, 2014).

<sup>3</sup> For more poll results, see Paycheck Fairness Act Coalition 2010 Polling Data, available at <http://www.aclu.org/womens-rights/paycheck-fairness-act-coalition-polling-data-graphs-2010>.

<sup>4</sup> For more poll results, see Voters Support Economic Justice Policies (Feb. 2014), available at <http://www.americanwomen.org/research>.

<sup>5</sup> PEW RESEARCH CENTER, BREADWINNER MOMS (May, 2013), available at <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/5/#appendix-1-additional-charts>.

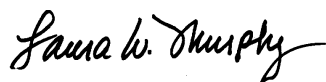
<sup>6</sup> The Shriver Report, A Woman's Nation Pushes Back from the Brink (Jan. 2014), available at <http://shriverreport.org/5-barriers-women-face-when-negotiating-compensation/>.

prosperity nationwide. Moreover, when businesses do not play by the rules, they make it harder on those companies trying to pay employees fairly. That is why business groups like the U.S. Women's Chamber of Commerce support this legislation.

This Equal Pay Day, Congress has the historic opportunity to change the lives of women and families all across American with just one vote. **We strongly urge you to support and seek swift passage of the Paycheck Fairness Act (S. 84), without weakening amendments.**

If you have questions or need additional information, please contact Deborah J. Vagins at (202) 675-2335 or [dvagins@aclu.org](mailto:dvagins@aclu.org).

Sincerely,



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