



February 22, 2005

Amy A. Hobby, BLS Clearance Officer
Division of Management Systems
Bureau of Labor Statistics
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**Re: Comments on Proposed Discontinuation of Current Employment
Statistics Women Worker Series**

Dear Ms. Hobby:

On behalf of the American Civil Liberties Union (ACLU), we respectfully submit these comments in opposition to the Bureau of Labor Statistics' proposal to discontinue the Current Employment Statistics Women Worker Series (CES WWS), published at 69 Federal Register 76793 (December 22, 2004). If implemented, this proposal would eliminate an important source of information that provides a reliable and timely indication of how women are faring in the economy. More significantly, this data provides a critical link necessary to identify and address patterns of gender discrimination and segregation that perpetuate economic inequities in the workplace.

The ACLU is a nationwide, non-partisan organization of nearly 400,000 members, dedicated to protecting the individual liberties and rights guaranteed by the Constitution and laws of the United States. Through its Women's Rights Project, the ACLU has been a leader in efforts to secure women's full equality in American society, including equal access to employment opportunities.

As a federal fact-finding agency, the Bureau of Labor Statistics (BLS) provides independent national statistical data for the American public, the U.S. Congress, other Federal agencies, State and local governments, business, and labor. The CES WWS is one of the crucial tools the agency uses to paint a full picture of the employment and labor conditions in the United States. Many rely on this information to track the effects of economic trends in wage and salary employment on women and men. Policy formulations, studies, and reports about the status of women in employment settings are based in part on the findings of the CES WWS. For example, in 2000 the Discrimination Research Center (DRC) relied on data compiled from the CES WWS to

produce a study that examined the treatment of female and male job applicants by auto service shops. According to this study, male applicants were preferred four times as frequently as female applicants.¹ In this instance, the data collected by the CES WWS was the key factor in identifying gender bias in the auto service industry in California.

Because occupational segregation means that women's work experiences differ significantly from men's, it is especially important for BLS to gauge how women are faring in comparison to men, particularly in times of economic downturns. It is essential to know if women are suffering a disproportionate number of job losses so that steps can be taken to provide the appropriate training and displacement assistance. Without compiling data to identify emerging gender patterns and employment gaps, on the other hand, devising meaningful solutions to remedy gender disparities in the workplace and to prevent acts of discrimination becomes increasingly difficult. This vital function is served by CES WWS. Discontinuing the collection of employer data on the number and distribution of women in the workplace would be irresponsible, given the history of gender discrimination in this country.

Despite the progress women have made in entering and advancing in the workforce, barriers for women in employment persist, which makes the need to retain the CES WWS even more critical. Women continue to be passed over for jobs and promotions for which they are qualified; to be paid less than men for equal work; to be sexually harassed on the job; to be discouraged from entering nontraditional jobs and industries; and to be disadvantaged in numerous other ways based not on their skills and abilities, but based on the fact that they are female. Ignoring and obscuring these problems by failing to collect the data that reveal their scope would do a disservice to working women throughout the country.

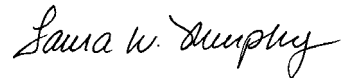
The BLS is recommending substituting data collection from the Current Population Survey (CPS) for data collected by CES WWS, but the information conveyed by CES is much more reliable because it is taken from a larger sample size and from employer payroll records and because unlike CPS, it is not dependent on employee self-reporting. In addition, collection of the CES WWS data places a minimal burden on employers, given that larger employers are already required to report data on their employees' sex and smaller employers can easily determine this information.

The CES WWS is essential to assembling a complete picture of the status of women in the workforce. Vigorous efforts continue to be needed to redress the adverse effects of gender discrimination in American society; CES WWS plays a vital role in these efforts through its identification of gender

¹ Nunes, Ana P. and Brad Seligman "A Study of the Treatment of Female and Male Applicants by San Francisco Bay Area Auto Service Shops", May 2000.

disparities in workplace participation. Discontinuing the collection of this information could have far-reaching negative consequences for the continued employment of women in this country. The ACLU urges the Bureau of Labor Statistics to leave the CES WWS intact and to continue to collect data on the number of women in the workplace.

Sincerely,

A handwritten signature in cursive script that reads "Laura W. Murphy". The signature is written in black ink and is positioned above the typed name and title.

Laura W. Murphy, Director
Washington Legislative Office

Lenora M. Lapidus, Director
Women's Rights Project