

June 18, 2012

Re: Support the Equal Employment Opportunity Restoration Act of 2012

Dear Member of Congress:

As organizations dedicated to combating employment discrimination and promoting the economic security of our nation's families, we urge you to support the Equal Employment Opportunity Restoration Act of 2012. This is a critical bill that would restore the ability of workers to join together to challenge discriminatory workplace policies and practices with a broad impact, promoting the effective enforcement of our nation's civil rights laws.

On June 20th, 2011, the Supreme Court issued a decision in *Wal-Mart v. Dukes* that struck a blow to the ability of employees to challenge employer discrimination. Betty Dukes, a female greeter for Wal-Mart, received lower pay and fewer promotion opportunities than her male co-workers. When she learned that she was not alone, and that her story was shared by countless women who worked for Wal-Mart, she sought to join with them in a class action lawsuit to hold Wal-Mart accountable for unlawful company-wide discrimination.

In fact, well-documented evidence demonstrated that the women working at Wal-Mart stores across the country were paid less and promoted less than men, despite higher performance reviews and greater seniority than their male counterparts. Yet, the Supreme Court ruled that the women of Wal-Mart could not proceed as a group to challenge the company's discriminatory practices.

The *Wal-Mart v. Dukes* decision dealt a devastating blow not only to the women who faced discrimination at Wal-Mart, but also to workers around the country who seek equal employment opportunity. Without the ability to join together, individual workers who seek to combat discrimination are more vulnerable to retaliation from their employers, have greater difficulty getting legal representation, will often lack the financial resources to proceed with an individual case, and are less likely to obtain a company-wide remedy for company-wide discriminatory practices.

The Equal Employment Opportunity Restoration Act will reverse the damage done by the Supreme Court and will restore the right of workers to combat systemic discrimination in the workplace. The bill would ensure that in cases raising claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 1981 of the Civil Rights Act of 1866, the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act:

- Workers are once again able to band together to fight unlawful discrimination and uphold their rights;
- Workers can join together to challenge subjective employment practices that are systematically tainted by unlawful bias. The Equal Employment Opportunity Restoration Act would make it clear that when patterns of widespread, unlawful discrimination creep into subjective personnel decisions left to the unfettered discretion of supervisors, workers have the right to join together to challenge that discrimination;
- Employers' written nondiscrimination policies are only considered in cases where those policies are consistently and effectively implemented; and

- Courts have discretion to determine the appropriate amount of monetary relief due to victims of discrimination. This discretion is critical to ensuring that workers can obtain the remedies guaranteed by civil rights laws.

Workers who suffer discrimination in this country must have the tools to battle it. When employees cannot come together as a group to challenge discrimination that affects all of them, the barriers individuals face in bringing discrimination claims threaten to undermine the guarantee of equal opportunity. The Equal Employment Opportunity Restoration Act of 2012 will restore the effectiveness – and intent – of the nation’s civil rights laws and will reestablish fair standards that enable working men and women to redress their rights under those laws.

The Equal Employment Opportunity Restoration Act of 2012 will be introduced on June 20th, which marks the one-year anniversary of the Supreme Court’s decision in *Wal-Mart v. Dukes*. We urge you to join the bill’s lead sponsors Senator Al Franken and Representative Rosa DeLauro in supporting critical legislation that would restore the rights of workers throughout the country who face unlawful workplace discrimination.

Sincerely,

Leadership Conference on Civil and Human Rights
9to5, National Association of Working Women
Alliance for Justice
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Federation of Teachers
Arkansas Interfaith Alliance
Asian American Justice Center, member of Asian American Center for Advancing Justice
Coalition of Labor Union Women (CLUW)
Community, Faith & Labor Coalition
Direct Care Alliance
Hadassah, The Women's Zionist Organization of America, Inc.
Equal Rights Advocates (ERA)
Institute for Science and Human Values
Interfaith Worker Justice
Interfaith Worker Justice of Colorado
Jewish Women International
Jobs with Justice
Labor Project for Working Families
Lawyers’ Committee for Civil Rights Under Law
Mon Valley Unemployed Committee
National Association for the Advancement of Colored People (NAACP)
National Committee on Pay Equity
National Council of Jewish Women
National Council of Women's Organizations (NCWO)
National Employment Law Project

National Gay and Lesbian Task Force Action Fund
National Partnership for Women & Families
National Women's Law Center
New York Paid Leave Coalition
North Carolina Justice Center
PathWays PA
Prince George's County Drug Policy Coalition, Inc.
Sugar Law Center for Economic & Social Justice
TakeAction Minnesota
US Women's Chamber of Commerce
USAction
United Food and Commercial Workers, International Union
United Sikhs
Voices for Vermont's Children
Women Employed
Workers' Dignity