More Facts About Equal Pay, Comparable Worth, and Current Law

2013 – On average, women who worked full-time year-round in 2013 earned 78.3 percent of what full-time year-round men earned. In Louisiana, women faced the worst wage gap of any state. The median earnings for full-time, year-round female employees were 66 percent of male’s earnings. There was a difference of more than $16,000 in the median earnings. The wage gap for full-time employees was 22 percent and the wage gap for median weekly earnings was 18 percent.

2014 - Median weekly full-time earnings for women were 82.5 percent of men’s earnings, a mere 0.4 percentage point increase from 2013. Hispanic women are paid 61.2 percent of what white men are paid per week of full-time work. Black women are paid 68.1 percent of the weekly pay for white men, while white women are paid 81.8 percent.

Additional Information

Information from Jone Johnson Lewis, Women’s History Expert on Comparable Worth:

“The Equal Pay Act and many court decisions on pay equity revolve around the requirement that the work being compared be ‘equal work.’ Thus, when mainly men or mainly women are in a job, the pay of women and men may still be distributed unfairly, if the ‘male’ jobs were traditionally compensated more highly in part because they were held by men, and the ‘female’ jobs were compensated less well in part because they were held by women.”

Information from NOLO on Pay Equity in the Courts:

“In general, courts have ruled that two jobs are equal for the purposes of the Equal Pay Act when both require equal levels of skill, effort, and responsibility and are performed under similar conditions. There is a lot of room for interpretation here, of course, but the general rule is that small differences in the skill, effort, or responsibility required do not make two jobs unequal. The biggest problems arise where two jobs are basically the same, but one includes a few extra duties. It is perfectly legal for an employer to pay more for the extra duties.”

Information from Beth Pearsall and the American Association of University Women on the Pay Gap:

“By some estimates, women could lose up to $1 million over a 40-year career because of the pay gap.”

Information from Gysele Miranda of LCLAA National on Pay Equity:
“The Equal Protection Act states that the acceptable reasons for paying women less than men are to be based on seniority, merit, and productivity. However, it gives some ‘breathing room’ for companies by allowing them to use more vague reasons, such as personality, as a reason for less pay. Another issue with the EPA is that no punitive damages are dealt to the employer who is found guilty of discrimination. Only retroactive pay for the two previous years of employment can be won by the plaintiff, which is hardly a deterrent to large corporations. More and more private companies are also making sure that workers do not disclose their salary to others with the threat of termination. The disclosure of salary is not protected by the EPA.”

Information from Marie Claire on Salary Inequity:

“Disclosing your salary with fellow workers: Not protected. Currently, about 50 percent of private companies will fire you for doing so.”

Information from The Free Dictionary: Legal Dictionary on Comparable Worth:

“The term comparable worth describes the notion that sex-segregated jobs should be reanalyzed to determine their worth to an employer. In practice, comparable worth consists of raising wages for traditionally female-dominated jobs to the level of those for comparable male-dominated jobs.”

Information from World at Work on Comparable Worth:

“Comparable worth can be described as a U.S. doctrine that men and women who perform work of the same value to the organization should receive similar levels of compensation. According to this doctrine, jobs have an organizational value that can be compared across jobs of very different content.” (A comparable worth standard can fix pay discrimination that occurs when women occupy occupations men typically don’t and in which the pay is less just because these are jobs traditionally held by woman.)

“In the United States, it is presently legal to discriminate against women in pay if their job is not precisely identical to the work performed by a man. Even the minimal protection of equal pay for equal work was only enacted in 1963 as the Equal Pay Act. For all the centuries before, women’s work was always valued less than men’s work. Although equal pay for equal work is the law of the land (subject to allowable differences, such as seniority, merit, production-based pay plans and other non-gender-related factors like different locations), comparable pay for comparable work would be a major improvement. Advocates of pay equity feel that it is time to end systemic gender-based pay discrimination, just as the United States has outlawed slavery and child labor.”

“Competitive market pay surveys consistently show that jobs traditionally done by women have been systematically devalued in the marketplace. Employers thus have no problem maintaining the status quo when they are permitted to casually point toward ‘the market’ before they proceed to do whatever they choose. It is insufficient to make a vague claim that unseen economic forces decree a lower rate for female work.”
Information from Jolie Lipsig at Golden Gate University Law Review on Comparable Work:

“While women perform important jobs, their work is undervalued by employers because it is weighed on a scale in which ‘male’ traits, such as physical strength and aggression, rate high. Because the job market is segregated by gender, the low value assigned ‘women’s work’ is reflected in low salaries, whether the work is exactly the same as work done by men or merely worth the same to their employer.”

“Although attitudes towards women working in nontraditional jobs have changed somewhat, certain jobs remain linked to gender. Prevailing attitudes are expressed by the treatment of women in educational and vocational institutions. School counselors, teachers, and parents often encourage young women to develop only those skills necessary to perform traditional women’s work. Thus, a woman with the educational equivalent of a man lacks the experience or training required for a particular job, and the man will be hired.”

“In an Equal Pay Act case, the employee has the burden of proving coverage of the Act and must then show a prima facie sex-based wage differential.”

“Equal Pay Act does not address the problem of job segregation, nor does it provide a remedy for those women who are trapped in low-paying, sex-segregated jobs. In a labor market segregated by gender, 68 men and women perform different jobs, yet wage differentials between workers doing dissimilar work cannot be compared under the Equal Pay Act.”