



EQUAL PAY TASK FORCE ACCOMPLISHMENTS

Fighting for Fair Pay in the Workplace

APRIL 2012





“Right now, women are a growing number of breadwinners in the household. But they’re still earning just 77 cents for every dollar a man does—even less if you’re an African American or Latina woman. Overall, a woman with a college degree doing the same work as a man will earn hundreds of thousands of dollars less over the course of her career. So closing this pay gap—ending pay discrimination—is about far more than simple fairness. When more women are bringing home the bacon, but bringing home less of it than men who are doing the same work, that weakens families, it weakens communities, it’s tough on our kids, it weakens our entire economy.”

*President Barack Obama
April 6, 2012*

Despite passage of the Equal Pay Act of 1963, which requires that men and women in the same workplace be given equal pay for equal work, the “gender gap” in pay persists. In 2010, full-time women workers’ earnings were only 77 percent of their male counterparts’ earnings. The pay gap was even greater for African-American and Latina women, with African-American women earning 64 cents and Latina women earning 56 cents for every dollar earned by a Caucasian man. Decades of research shows that no matter how you evaluate the data, there remains a pay gap—even after factoring in the kind of work people do, or qualifications such as education and experience. Those same studies consistently conclude that discrimination is the best explanation for the difference. In other words, pay discrimination is a real and persistent problem that continues to shortchange American women and their families.

When women start at a disadvantage, they stay at a disadvantage. And over time, that gap adds up. In 2011, a typical 25-year-old woman working full time all year will earn \$5,000 less than a typical 25-year-old man. If that earnings gap is not corrected, by the age of 65 years, she will have lost \$389,000 over her working lifetime. When women earn less than their fair share, that loss not only harms women, but also weakens families, communities, and our entire economy.

All Americans should receive equal pay for equal work. That is why President Obama, from his first days in office, has made it a priority to close the pay gap. As evidence of that commitment, the first bill that the President signed into law was the Lilly Ledbetter Fair Pay Act, which enables victims of pay discrimination to seek redress where they previously could not. That early commitment has been reaffirmed time and again over the course of the President’s Administration, including through the creation of the National Equal Pay Task Force (the “Task Force”). The Task Force, which consists of professionals at the U.S. Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor and the Office of Personnel Management, was established in response to the President’s pledge in 2010 to crack down on violations of equal pay laws. Since then, the Task Force has worked diligently to promote full compliance with the pay discrimination laws and to address challenges to gender pay disparities, and this report reflects that effort. Enforcement actions have increased, the government has recovered unprecedented monetary recoveries, and investments in education and outreach for both employers and employees are paying huge dividends.

The Task Force has made significant progress, as evidenced by the record of accomplishments outlined here—but there is much more work to do. It is critically important that we continue to tackle the persistent gap in compensation for men and women, especially in light of the economic challenges

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facing American families today. The pay gap has a real and substantial impact on American households: families have less money for basic necessities and less flexibility to invest in their children's futures; and, in the longer term, women's loss of income translates into lower aggregate pay over the course of their working lives, reduced pensions and retirement savings, and diminished Social Security benefits. At a moment of financial challenge for many Americans, families cannot afford the loss of these essential earnings.

Forty-nine years after President John F. Kennedy signed the Equal Pay Act, the Task Force's work is more important now than ever before. Task Force members are working to ensure that all workers are paid fairly, while rapidly and effectively building the infrastructure for an unprecedented level of collaboration across the federal government. We pause to celebrate this progress but recognize that, to close the pay gap, our vigilance and concerted work must continue.

—*Members of the Equal Pay Task Force*



Equal Pay Task Force

Each of the Equal Pay Task Force member agencies has made significant progress in implementing the Task Force recommendations, which were released in July 2010. This progress has centered on engaging in robust enforcement efforts, conducting effective outreach and education efforts, building the infrastructure for an integrated civil rights agenda, and working to ensure the federal government is a model employer on equal pay issues.

Enforcement and Litigation Efforts

Task Force members have taken important steps to increase enforcement of existing laws that prohibit pay discrimination. The U.S. Equal Employment Opportunity Commission (EEOC), for instance, continues to engage in administrative enforcement and litigation to enforce the rights of women in the workplace broadly—not just in the realm of pay discrimination.

Since the establishment of the Task Force in January 2010 through March 31, 2012, the EEOC, through its administrative enforcement and litigation programs, has obtained over \$381 million in relief for victims of sex discrimination.

Since January 2010, the EEOC has obtained more than \$62.5 million in monetary relief through administrative enforcement for victims of sex-based wage discrimination, obtained changes to workplace practices that benefit over one quarter of a million workers, and filed five cases including sex-based wage discrimination claims.¹

The EEOC's work to address wage discrimination extends beyond sex discrimination to encompass wage discrimination based on race, color, religion, national origin, age, disability, and genetic information. Since the Task Force's inception, the EEOC has received over 10,000 charges of wage discrimination, of which about 40 percent alleged wage discrimination based on sex.

Since the creation of the President's Equal Pay Task Force in January 2010, the EEOC has recovered more than \$62.5 million in monetary relief through administrative enforcement for victims of sex-based wage discrimination, obtained changes to workplace practices that benefit about one quarter of a million workers, and filed five cases challenging sex-based wage discrimination.

1. *EEOC v. Texas Department of Rural Affairs*, U.S. District Court for the Western District of Texas, Civil Action No. 1-11-cv-827; *EEOC v. Hyundai Ideal Electric*, U.S. District Court for the Northern District of Ohio, Civil Action No. 1:10-cv-01882; *EEOC v. Forrest City Grocery Company*, U.S. District Court for the Northern District of Mississippi, Civil Action No. 2:10-cv-00166-MPM-SAA; *EEOC v. Port Authority of New York and New Jersey*, U.S. District Court for the Southern District of New York, Civil Action No. 10 Civ 7462; and *EEOC v. National Railroad Passenger Corporation (Amtrak)*, U.S. District Court for the Eastern District of Pennsylvania, Civil Action No. 2:11-cv-00692.

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An example of EEOC's administrative enforcement work to ensure equal pay for women is the October 2011 conciliation of a \$550,000 settlement with Western Sugar Cooperative, resolving charges that the company paid women less than men at its Fort Morgan, Colorado facility, systematically steered women into lower paying jobs, and denied women training.

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) ensures that federal contractors live up to their commitments to provide equal employment opportunity and affirmative action to workers and job seekers. Since the creation of the Task Force in January 2010, OFCCP has recovered more than \$24 million in back wages and nearly 5,500 job opportunities on behalf of more than 50,000 victims of discrimination. During that period, OFCCP evaluated the pay practices of over 10,000 businesses that employ over 4.3 million workers.

As a result of its role on the Task Force, OFCCP rapidly has increased the proportion of its work dedicated to addressing pay discrimination. During this same time period, OFCCP closed over 50 compliance evaluations with financial settlements remedying compensation discrimination on the basis of gender and race. In so doing, OFCCP recovered \$1.4 million in back pay and salary adjustments for more than 500 workers. In 2011, 20 percent of OFCCP's financial settlements resolved matters relating to compensation claims, a substantial increase over prior years. Highlights from 2011 enforcement actions include backpay and pay adjustments for 56 women systematically assigned to lower paying jobs when hired, backpay and promotions for a group of Asian-American IT workers denied higher paying opportunities, and backpay and pay adjustments for the lone female Pipe Foreman on a construction site earning far less than her male counterparts.

In June 2011, OFCCP settled a lawsuit against multi-national pharmaceutical corporation AstraZeneca, involving claims the company paid certain female sales associates less than their male counterparts. Under the terms of the settlement, AstraZeneca agreed to pay \$250,000 to 124 female employees who worked at the company's business center in Wayne, Pennsylvania. AstraZeneca also agreed to re-examine its pay practices in offices across 13 states and the District of Columbia, to determine if women in that position were being underpaid and to adjust salaries accordingly.

The pay gap is partly attributable to discriminatory barriers that exclude women from traditional "men's jobs," which pay more than traditional "women's jobs." Therefore, in its work on sex discrimination issues, the Department of Justice (DOJ) has focused on cases that open non-traditional positions—such as police and correctional officer jobs—to women. Because these posts are relatively high-paying jobs, DOJ's efforts will help women enter new fields with higher salaries. For example, on February 10, 2012, DOJ filed a settlement agreement in a lawsuit against a state corrections department challenging the physical test it uses to hire new corrections officers. The settlement requires the corrections department to pay \$765,000 to women who were denied employment because of the test, to hire up to 30 qualified female corrections officers on a priority basis, and develop a new, lawful test.

DOJ also fights gender segregation of the public work force by protecting women from discrimination that forces them out of these important jobs. For example, DOJ recently reached a settlement in a case of egregious retaliation by a police department in Wisconsin that fired a female officer after she complained of sex discrimination. Under the terms of the settlement, the town must offer to reemploy the female officer and pay her over \$300,000 in monetary relief.

Changing the hiring policies and practices of public employers can give women a fair opportunity to compete for higher paying jobs. Having a steady, well-paying job means money for women and their families. Just as importantly, it allows women access to these jobs that are essential to and highly visible in our communities. Visibility of women in these types of jobs is another vital aspect of fighting gender segregation of the work force. Every woman police officer is a role model who shows a generation of girls that they really can be anything they want to be.

Additionally, DOJ has brought several cases to protect the financial security of women—protecting the money they do earn—including suing lenders that refuse to extend mortgages to women who are on maternity leave and bringing actions against landlords that sexually harass their female tenants.

Tabatha Wagner learned that she was paid less than a male colleague who was hired after her at Hyundai Ideal Electric Company. After she raised the issue, she was fired in retaliation for complaining. The EEOC sued, and in May 2011, Hyundai Ideal Electric agreed to pay \$188,000 to Ms. Wagner to settle the lawsuit. As part of the settlement, the company also agreed to provide training for all human resource personnel and employees at their Mansfield, Ohio facility, to help prevent future violation of federal employment discrimination laws.

Education and Outreach Efforts

Educating employers and employees about their rights and responsibilities under our nation's equal pay laws is essential to ending the pay gap. Many workers are unaware of their rights and of the fact that pay discrimination is still a problem in the twenty-first century American workplace. For this reason, Task Force members have spent significant time and resources educating the public about equal pay laws.

- The Department of Labor (DOL), in conjunction with the Equal Pay Task Force, issued an “Equal Pay App Challenge.” This challenge invited developers to use publicly available data and resources to create applications that accomplish at least one of the following goals: provide greater access to pay data broken down by gender, race, and ethnicity; provide interactive tools for early career coaching; help inform negotiations; and promote online mentoring. The goal of this challenge is to empower individual users by educating them about the labor market, salary ranges, and skill level requirements.
- DOL's Women's Bureau, in partnership with the Department's Office of Public Engagement and Center for Faith-Based Neighborhood Partnerships, convened a series of four briefings to highlight the plight of America's most vulnerable workers. The series, named “Vulnerable

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Women Workers,” assembled national women’s organizations, private foundations and government agencies to learn more about the working conditions and gender-based pay equity challenges of vulnerable workers. Each briefing also examined exemplary employers and potential models for reform. The first briefing took place in November 2011 and highlighted the pay equity challenges faced by female restaurant workers, where women compose the majority of the workforce. The second briefing, held in March 2012, focused on the vulnerability of Latina workers. The panelists from DOL’s Wage and Hour Division, OFCCP and Occupational Safety and Health Administration addressed issues of equal pay, workplace safety and violence against Latina workers and wage theft. Future briefings will focus on migrant and domestic workers.

- In 2011, the EEOC hosted twenty-eight Equal Pay Day events around the country with participation from Task Force agency members, experts in equal pay advocacy and private sector leaders. Over 2,000 people attended the various events, in cities such as Atlanta, Birmingham, Boston, New York, Phoenix, Miami, Nashville, Cheyenne, Los Angeles, and Salt Lake City.²
- DOL’s Women’s Bureau hosted a series of meetings with employers, contractors and advocates to launch educational materials and highlight available tools and resources for pay equality. The Women’s Bureau conducted four regional events and co-sponsored 34 additional events in collaboration with OFCCP and the EEOC that focused on equal pay.
- The EEOC conducted an equal pay panel at the 2011 Fair Employment Practices Agency (FEPA) national conference to educate state and local partners in civil rights enforcement about the pay gap. The conference also provided an opportunity to share highlights about the work underway to close the pay gap. Conference attendees included FEPA leaders from 45 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.
- Through the EEOC Training Institute, which provides a variety of training programs to help employers learn how to comply with federal equal employment opportunity laws, the EEOC trained approximately 950 people at its 2011 Technical Assistance Program Seminars on equal pay, in Oklahoma City, Chicago, Dallas, Miami, New Orleans, New York, and Washington, D.C.
- DOL Secretary Hilda L. Solis recorded a video blog on “The Real Cost of the Pay Gap,” where she argued that, over a lifetime, the average working woman stands to lose \$380,000 because of the pay disparities.³ Women’s Bureau Director Sara Manzano-Díaz also published a blog entitled “Where’s My 20?”⁴ In June 2011, OFCCP and the Women’s Bureau jointly published an article on the DOL blog to articulate some of the key lessons learned from the Department’s investigation, lawsuit and settlement in the AstraZeneca case.
- The Women’s Bureau launched its Equal Pay toolkit on the agency’s website. The toolkit includes a White House Equal Pay Fact Sheet, a statement by Secretary Solis on Equal Pay Day, Women’s Bureau Regional Data Fact Sheets Highlighting Women’s Earnings, and charts showing the cumulative impact of the pay gap on women’s earnings.

2. View the Washington, D.C. event here: http://www.eeoc.gov/eeoc/events/equalpayday2011_dc.cfm.

3. Video Blog: The Real Cost of the Pay Gap, available at:

<http://www.dol.gov/dol/media/webcast/20110411-equalpay/>

4. Blog Post: Where’s My 20? available at: <http://social.dol.gov/blog/where%E2%80%99s-my-20/>

Building the Infrastructure for an Integrated Civil Rights Agenda

- Building an interagency approach to addressing the pay gap requires a commitment to building the interagency systems and relationships that will facilitate information sharing and collaboration in enforcement. In the Task Force's first two years, much of the agencies' work has centered on laying the groundwork for long-term impact and success in eliminating the pay gap.

Building the Framework for Interagency Collaboration

- Since Spring 2010, DOJ attorneys have worked closely with EEOC District Offices through a pilot project to improve coordination in the investigation of charges against state and local public employers. Four EEOC Districts—Philadelphia, Chicago, Los Angeles, and San Francisco—are formally involved in this pilot project. Other EEOC offices, including Denver, New York, Indianapolis, and Washington, D.C., are involved in investigations that are being conducted under the auspices of the pilot project as well. Through the pilot project, the EEOC and DOJ have consulted on over 125 discrimination charges.
- In February 2011, DOJ, EEOC and OFCCP hosted a live webcast that joined employees from the three agencies to discuss their mutual commitment to collaborate in the enforcement of employment discrimination laws. Then Director of the White House Domestic Policy Council Melody Barnes provided introductory remarks focused on the President's commitment to building a unified civil rights agenda across the federal government, and Deputy Secretary of Labor Seth D. Harris moderated a panel, consisting of Assistant Attorney General for Civil Rights Thomas E. Perez, EEOC Chair Jacqueline A. Berrien and OFCCP Director Patricia A. Shiu. This webcast marked the first time in the history of the three agencies that their national and field staffs convened to discuss opportunities for increasing coordination, improving collaboration and sharing information in order to strengthen enforcement.⁵
- In July 2011, the EEOC and OFCCP launched a pilot project to improve interagency coordination. The pilot involves the EEOC's Birmingham, San Francisco and Houston Offices, and the OFCCP Pacific, Rocky Mountain / Southwest and Southeast Regions. The pilot project focuses on improving collaboration in outreach, training, and enforcement.
- In conjunction with the work of the Task Force, OFCCP referred three cases to EEOC and one to DOJ. These referrals evidence greater collaboration in investigation and enforcement efforts than has existed in more than two decades.
- OFCCP and the EEOC have strengthened their Memorandum of Understanding (MOU) that supports the agencies' shared mission of ensuring equal employment opportunity under Title VII of the Civil Rights Act of 1964 and Executive Order 11246. The revised MOU, which became effective in November 2011, aims to promote greater coordination, reduces duplication, and maximizes efficiency across the agencies.

5. Blog Post: Enforcing Federal Employment Discrimination Laws, available at: <http://blogs.usdoj.gov/blog/archives/1193>

Training and Improved Investigation Practices

- In Spring 2011, a team of experienced EEOC investigators and lawyers worked to design a new compensation discrimination training program. The training was designed in consultation with OFCCP, DOL's Wage and Hour Division and the Department of Justice, to ensure that the training program effectively addresses opportunities for improving efficiency and effectiveness through interagency collaboration in compensation discrimination law enforcement activities. In August 2011, the EEOC trained 25 senior legal and enforcement personnel and managers to serve as trainers for the compensation discrimination training. The "train the trainer" session included a morning-long joint session with OFCCP's field managers, as well as a panel on interagency collaboration in equal pay enforcement actions. As of the end of March 2012, the EEOC had trained roughly 2,000 enforcement personnel from the EEOC, OFCCP, the Wage and Hour Division, and state and local civil rights agencies through this innovative, interagency training program.
- In April 2011, the EEOC's Office of General Counsel provided an online training on compensation discrimination under Title VII and the Equal Pay Act to EEOC attorneys. The training session, which also was open to DOJ's Civil Rights Division attorneys, included more than 170 attorneys.
- In addition to participating in EEOC's compensation discrimination training, OFCCP is developing improved and expanded protocols for its field staff to address a broader range of compensation issues and to identify and address discrimination in pay. OFCCP is devoting substantial resources to developing and implementing national and regional training for its managers and compliance officers on investigating and addressing equal pay issues.

Research and Data Collection

- In December 2010, DOL's Women's Bureau hosted an Equal Pay Research Summit with pay equity experts from academia, national organizations and Task Force members to determine data gaps and best approaches to information gathering.
- In August 2010, the EEOC initiated a study by the National Academy of Sciences to determine the type of pay data the EEOC should collect to enhance wage discrimination law enforcement, and how best to collect that data. A study panel was selected and seated in 2011. Results are expected by the summer of 2012.

Efforts to Help Women Achieve Pay Equity in the Federal Workforce

- Task Force members have made notable progress in efforts to ensure equal pay in the federal workforce. Some significant accomplishments include:
- EEOC and OPM released a joint memo to federal employees, Chief Human Capital Officers and EEO Directors pledging their commitment to rigorous enforcement of the laws that require equal pay for equal work for federal employees.⁶

6. Press Release: EEOC, OPM Pledge to Ensure "Rigorous Enforcement" of Equal Pay Laws for Federal Employees, available at: <http://www.eeoc.gov/eeoc/newsroom/release/8-16-11.cfm>

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- OPM continues to evaluate the role of Federal Women Program Managers and women in the Senior Executive Service (SES) to ensure their roles are elevated across the federal government. Specifically, OPM is working with partner agencies on a pilot project that seeks, among other things, to increase the diversity of applicants for select SES positions.
- OPM designed an innovative online portal for Federal Women Program Managers to discuss and share best practices to combat wage discrimination.⁷
- Under the leadership of Commissioner Chai Feldblum, the EEOC is working closely with OPM and the Government Accountability Office, consulting with experts on pay equity to determine what additional data may be needed to understand the pay gap more fully.
- In April 2012, OPM, in coordination with the Task Force, the EEOC and Federal Women Program Managers, hosted “A Symposium on Maximizing Work Life Effectiveness” to raise awareness about workplace flexibilities and family-friendly programs and policies offered in the Federal workplace.
- OPM and EEOC are developing a Federal Women’s Leadership Summit designed to equip women with the knowledge and skills needed to advance in their Federal careers. Through this Summit, Federal women employees will have the opportunity to meet and learn from senior leaders, including lessons on how best to navigate their careers and attain leadership positions in the Federal government.

Moving Forward

We know there is still much work to be done to advance the cause of equal pay for equal work. In 2010, more than 17 million women were living in poverty, and women were 30 percent more likely to live in poverty than men. In these tough economic times, the burden on women is greater than ever. A growing number of women are the primary breadwinners in their families, so, when women are denied equal pay for equal work, families suffer, communities are weakened, and the economic recovery is stymied. The importance of closing the pay gap and ensuring that each woman earns her fair pay is as paramount now as it was in 1963 when the Equal Pay Act was first enacted. And that is why, in his 2012 State of the Union Address, the President reaffirmed his deep commitment to fair pay for all and stated unequivocally that “an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work.” The Equal Pay Task Force remains committed to making the President’s directive a reality.

7. Agency personnel can access this resource at <https://max.omb.gov/>, in the “Diversity and Inclusion in Government” section.