

The Fight for Pay Equity: A Federal Road Map

Updated September 2016

In 2015, U.S. women working full time, year-round were paid just 80 percent of U.S. men’s median earnings — a gap of 20 percent. While a portion of this gap can be explained by various factors, an apples-to-apples comparison looking at workers one year out of college and controlling for factors known to affect earnings, such as major, occupation, and hours worked reveals there is still an unexplainable 7 percent gender pay gap. Despite this persistent gap, the Equal Pay Act has not been updated since 1963. Immediate legislative and executive action is needed to enable women to bring home the pay they have rightfully earned.



Issue executive orders and memoranda expanding pay equity protections. President Barack Obama signed three orders in 2014 to address gaps in federal equal pay protections — thereby protecting segments of the civilian workforce from pay discrimination despite congressional gridlock.



Issue regulations to enforce executive actions. To implement executive orders and memoranda, agencies must issue draft regulations, take public comments, then issue final regulations.

- Prohibit retaliation against employees of federal contractors who talk about their salary with their co-workers
- Collect compensation data from federal contractors including the race and sex of their employees
- Require federal contractors to disclose labor law violations
- Ensure more mid-level salaried employees receive overtime pay (effective December 1, 2016)



Pass the Paycheck Fairness Act (S. 862/H.R. 1619). This much-needed update would close loopholes in the Equal Pay Act of 1963 by creating incentives for employers to follow the law, empowering women to negotiate for equal pay, and strengthening federal outreach and enforcement efforts.



Pass the Pay Equity for All Act (H.R. 6030). This bill would provide important protections to workers by prohibiting employers from asking job applicants for their salary history before making an offer.

Pennsylvania: Tell your member of Congress you want fair pay!

Member of Congress*	District	Men	Women	Earnings Ratio**	Ranking in State***
Brady (D)	PA-1	\$45,463	\$40,109	88.2%	2
Vacant	PA-2	\$46,781	\$41,971	89.7%	1
Kelly (R)	PA-3	\$50,235	\$33,556	66.8%	18
Perry (R)	PA-4	\$50,155	\$37,587	74.9%	13
Thompson (R)	PA-5	\$45,385	\$33,325	73.4%	15
Costello (R)	PA-6	\$63,351	\$50,518	79.7%	5
Meehan (R)	PA-7	\$66,252	\$51,738	78.1%	8
Fitzpatrick (R)	PA-8	\$64,925	\$50,537	77.8%	9
Shuster (R)	PA-9	\$46,159	\$33,468	72.5%	16
Marino (R)	PA-10	\$45,884	\$34,548	75.3%	12
Barletta (R)	PA-11	\$46,943	\$36,353	77.4%	10
Rothfus (R)	PA-12	\$54,375	\$40,622	74.7%	14
Boyle (D)	PA-13	\$52,210	\$45,371	86.9%	3
Doyle (D)	PA-14	\$46,354	\$38,451	83.0%	4
Dent (R)	PA-15	\$50,586	\$39,134	77.4%	10
Pitts (R)	PA-16	\$46,093	\$36,365	78.9%	6
Cartwright (D)	PA-17	\$46,403	\$36,527	78.7%	7
Murphy (R)	PA-18	\$57,414	\$41,253	71.9%	17

*The above congressional districts represent the 114th Congress. **The pay gap figures are from 2015, the most recently available data. *

**The congressional districts are ranked from smallest gap to largest.

The Fight for Pay Equity: A State Road Map for Pennsylvania

Median earnings for men in **Pennsylvania** were \$50,976 compared to \$40,214 for women — **an earnings ratio of just 79 percent, or 27th out of all states and the District of Columbia.** As efforts stall at the federal level, states can enact legislation to help women and families at the local level.

Pennsylvania has some equal pay protections, but they are incomplete.

Women deserve robust protections guaranteeing equal pay.

- AAUW Member Engagement.** AAUW members care about equal pay and have tools from AAUW National to make progress on state equal pay laws!
- Equal Pay.** Employers must provide men and women with equal pay for equal work.
- Cover All Employees.** Public, private, and small business employers are all covered, no exceptions for those covered by the federal Fair Labor Standards Act.
- Offer Protections.** Protect employees from intentional and unintentional discrimination.
 - Employer can't retaliate or discriminate against individuals involved in legal proceedings to enforce the law
 - No retaliation or discrimination against employees who discuss their wages
 - State contractors must comply with nondiscrimination laws
 - Employers can't reduce another employee's pay to comply with the law
 - Pay discrimination hotline
 - Employers can't request salary history
 - Employers must post a salary range in job advertisements
 - Employers can't provide less favorable career opportunities or tracking based on sex
- Clarify Employer Defenses.** Employer defenses should be well-tailored and narrow to ensure pay disparities only exist in appropriate situations.
 - Employer defenses must be job-related, a business necessity, and not based on a sex-based differential
 - Defense does not apply if there is an alternative employment practice available
 - Agreement for lesser wage is not a defense
- Establish Strong Legal Procedures and Remedies.** Appropriate protections will incentivize employers to pay an equal wage to begin with in order to avoid litigation.
 - Employer is liable for damages
 - Class actions or joint claims permitted
 - Attorney's fees, experts' costs, and other litigation costs covered by employer
 - High fines act as a deterrent; increased fines for employers who have multiple violations
- Take Preemptive Action.** Employers and the state must act to investigate and close the pay gap.
 - Employers must keep records of wages
 - State provides education programs on pay disparity
 - State collects and publishes data on the pay gap from all employers
 - State creates an advisory committee on pay equity
- Comparable Worth.** Employers must compensate men and women equally for jobs that are comparable but not identical and provide guidelines for designating jobs as dominated by one sex, race, or national origin.

To learn more, contact AAUW Public Policy and Government Relations staff:

202.785.7793, @AAUWPolicy, advocacy@aauw.org, or visit www.aauw.org/resource/state-equal-pay-laws.