

July 13, 2021

Dear President Biden and Vice President Harris:

As a coalition of organizations that promote economic equity for women and vigorous enforcement of worker protection laws, we urge you to take timely and critical executive actions on the issue of equal pay. Decades of a stagnant wage gap mean that women—and the families who depend on their income—are facing dire circumstances, exacerbated by erosion of basic workplace protections and supports, and the economic and health consequences of the COVID-19 pandemic.

The pandemic has underscored and exacerbated race and gender inequities and barriers in the workplace. Women of color are bearing the brunt of the pandemic and recession: as essential workers risking their lives for less pay than their male coworkers; as those who have disproportionately borne devastating job losses; and as those who are shouldering the majority of responsibility for caregiving without necessary supports as our unstable caregiving infrastructure imploded this past year. Given that the wage gap is largest for women of color, and contributes to poverty and gender and racial wealth gaps, immediate and decisive action to advance equal pay is not only a matter of economic security, but also gender and racial equity.

We welcome and applaud the commitments to equal pay that your administration has already made and delivered on, including supporting the Paycheck Fairness Act, raising the minimum wage for employees of federal contractors, strengthening pay equity enforcement and accountability through proposed increases in resources for the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), and the U.S. Department of Justice's Civil Rights Division, and focusing on pay equity in your Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce.

However, given that the Senate recently blocked the Paycheck Fairness Act from proceeding to an up or down simple majority vote, immediate Congressional action on equal pay is unlikely. Accordingly, we urge you to act quickly to do everything in your power to promote equal pay through executive action; women and families can't afford to wait any longer.

Among other reforms, the Paycheck Fairness Act would prohibit employers from asking for salary history and would require employers to be more transparent about compensation by providing pay data to the EEOC and OFCCP. In response to the failure of the bill to move forward, we hope you will promptly advance these goals through executive action, including by issuing an executive order prohibiting federal contractors from relying on job applicants' salary history to set pay – a practice that research shows has narrowed wage gaps in states that have already adopted it – and requiring federal contractors to include salary ranges in job announcements.

We also urge you to take action to require employers to collect and report compensation data by race, ethnicity and gender to the EEOC and OFCCP, including but not limited to reinstatement of the EEO-1 Component 2 pay data collection, and to require federal contractors to publicly disclose gender and race wage gaps and display that information on an easily accessible public website. Internationally, many employers are required to collect and publicly disclose this information. For example, in the United Kingdom, companies with 250 or more employees are required to report gender pay gap measures to a government agency and disclose them on publicly accessible company websites. The requirement has spurred companies, including many U.S.-based companies with U.K. operations, to develop action plans

and implement proactive measures to close gender wage gaps. A 2006 Denmark law mandates that companies with over thirty-five employees report on gender pay gaps, and a recent study of the law showed that from 2003 to 2008, the gender pay gap at mandatory reporting firms shrank 7 percent relative to the pre-regulation wage gap.

Finally, we urge you to reinstate the National Equal Pay Task Force or similar working group to facilitate interagency coordination on these efforts, as well as data and research, enforcement, and stakeholder engagement efforts.

We hope you will continue to use the power of the White House to routinely and repeatedly underscore that ending pay discrimination and closing the wage gap are key components of economic recovery from the pandemic. Gender and racial wage gaps have been important tools for identifying structural inequities and should be a sign post for monitoring the recovery. Full economic recovery presents an opportunity to confront systemic problems in the workplace and economy that have plagued our nation for generations. We cannot build back an economy that works for everyone without ensuring that all women can work with equality, safety, and dignity, starting with pay equity.

Thank you for your leadership on this critical issue. Please do not hesitate to contact Kate Nielson, Senior Director of Public Policy, Research and Legal Advocacy at the American Association of University Women at (202) 728-7617 or nielsonk@aaup.org or Emily Martin, Vice President for Education & Workplace Justice at the National Women's Law Center at (202) 588-5180 or emartin@nwlc.org with any questions.

American Association of University Women (AAUW)
AnitaB.org
Better Life Lab, New America
California Women's Law Center
Catalyst
Center for Advancement of Public Policy
Center for American Progress
Clearinghouse on Women's Issues
Coalition of Labor Union Women
Equal Pay Today
Equal Rights Advocates
Feminist Majority Foundation
Gender Justice
Institute for Women's Policy Research
Jewish Women International
Justice for Migrant Women
KWH Law Center for Social Justice and Change
Labor Council for Latin American Advancement
MomsRising
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Mississippi Women's Economic Security Initiative
National Asian Pacific American Women's Forum (NAPAWF)
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