April 14, 2015

Debra A. Carr, Director
Division of Policy and Program Development
Office of Federal Contract Compliance Programs
200 Constitution Ave. NW, Room C-3325
Washington, DC 20210

Via online submission

RE: RIN 1250-AA05 – Discrimination on the Basis of Sex

Dear Ms. Carr,

On behalf of the more than 170,000 members and supporters of the American Association of University Women (AAUW), I am pleased to share AAUW’s comments on the proposed regulations for the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP). AAUW’s member-adopted 2013-15 Public Policy Program strongly opposes “all forms of discrimination” and supports “equitable economic opportunities” as well as “freedom in definition of family and guarantee of civil rights in all family structures.”

In order to achieve economic self-sufficiency for all women, AAUW advocates “pay equity and fairness in compensation” as well as “equitable access and advancement in employment, including vigorous enforcement of employment anti-discrimination status.” As it currently stands, on average, women who work full-time earn about 78 cents for every dollar a full-time male worker earns. Over a lifetime of work (47 years), the total estimated loss of earnings of women compared to men is $700,000 for a high school graduate, $1.2 million for a college graduate and $2 million for a professional school graduate. Recent research has found that 40 percent of households with children include a mother who is either the sole or primary earner for her family. With so many families relying on women’s income, it is absolutely necessary to end pay discrepancies in a woman’s earning potential.

Signed by President Obama in 2014, Executive Order 11246 seeks to address pay discrimination impacting government contractors. The executive order attempts to close loopholes in the Equal Pay Act which allow for persistent gender pay discrimination in the workplace. AAUW believes that Executive Order 11246 has the potential to be an effective tool in guaranteeing pay equality for all government contractors, but it is critical that the new OFCCP sex discrimination regulations are updated to reflect current jurisprudence and the realities of today’s workplace.

The proposed regulations are a promising start, but to more effectively combat the pernicious consequences of gender pay discrimination, AAUW urges the OFCCP to consider additional proactive measures to ensure equitable business practices. These measures may include:
improving employer accountability and transparency; providing trainings and technical 
assistance to support employers in complying with the regulations; and focusing compliance 
reviews on industries with the greatest wage gaps based on sex. AAUW continues to advocate 
for strong pay equity legislation, executive action, regulation, and enforcement to protect 
employees and assist employers as they strive to follow the law.

In addition to these proposed measures to counteract gender pay discrimination, we support 
language similar to that of the Paycheck Fairness Act, which includes anti-retaliation provisions 
against employees. Pay secrecy policies and practices act as significant obstacles to achieving 
pay equity as they make it difficult for individuals, particularly women, to learn about unlawful 
pay disparities. If the Department of Labor is truly going level the playing field among federal 
contractors, all employees must have the freedom to discuss their wages without fear of 
retaliation from their employers.

Thank you for the opportunity to submit comments on this important issue. I look forward to 
working with you to ensure that all Americans receive equitable pay. If you have any questions, 
please feel free to contact me at 202-785-7720, or Erin Prangley, associate director of 
government relations, at 202-785-7730.

Sincerely,

Lisa M. Maatz
Vice President of Government Relations

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5 National Committee on Pay Equity. (2014). The Wage Gap Over Time: In Real Dollars, Women See a Continuing 