

The Fight for Pay Equity: A Federal Road Map

Updated September 2015

In 2014, U.S. women working full time, year-round were paid just 79 percent of U.S. men’s median earnings — a gap of 21 percent. 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



Pass the Paycheck Fairness Act (S. 862/H. 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.

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

Member of Congress*	District	Men	Women	Earnings Ratio**	Ranking in State***
DelBene (D)	WA-1	\$72,423	\$46,858	64.7%	10
Larsen (D)	WA-2	\$51,360	\$41,434	80.7%	2
Herrera Beutler (R)	WA-3	\$51,335	\$37,922	73.9%	9
Newhouse (R)	WA-4	\$41,913	\$32,334	77.1%	6
McMorris Rodgers (R)	WA-5	\$46,581	\$36,709	78.8%	5
Kilmer (D)	WA-6	\$50,995	\$40,396	79.2%	4
McDermott (D)	WA-7	\$67,306	\$51,852	77.0%	7
Reichert (R)	WA-8	\$61,617	\$46,017	74.7%	8
Smith (D)	WA-9	\$56,829	\$45,613	80.3%	3
Heck (D)	WA-10	\$49,712	\$40,616	81.7%	1

*The above congressional districts represent the 114th Congress.
 **The pay gap figures are from 2014, 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 Washington

Median earnings for men in Washington were \$54,358 compared to \$41,926 for women — **an earnings ratio of just 77 percent, or 36th 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.

**Washington has some equal pay protections, but we have lots of work to do.
We won't stop until all workers have fair 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.
- Prohibit Retaliation.** Employer can't retaliate or discriminate against individuals involved in legal proceedings to enforce the law
- Establish Transparency.** Wage transparency can help reduce the wage gap.
 - No retaliation or discrimination against employees who discuss their wages
 - Employers can't request salary history
 - Employers must post a salary range in job advertisements
- Clarify employer defenses.** Employer defenses should be well-tailored and narrow to ensure pay disparities only exist in appropriate situations.
 - A "bona fide factor other than sex" defense limited to education, training, or experience
 - Employer defenses must be job-related and consistent with business necessity
 - 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.
 - 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
- Keep Records.** Employers must keep records that document method, system, and calculations used to establish, adjust, and determine wages.
- Comparable Worth.** Employers must compensate men and women equally for jobs that are comparable but not identical—such as jobs requiring comparable education, skills, responsibilities and working conditions.

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.