



NATIONAL COMMITTEE ON PAY EQUITY

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February 23, 2009

Dear Senator:

On behalf of the National Committee on Pay Equity (a coalition of women's and civil rights organizations; labor unions; religious, professional, legal, and educational associations; commissions on women; state and local pay equity coalitions, and individuals), I urge you to support quick action on the Paycheck Fairness Act (S.182).

U.S. Census Bureau figures show that among fulltime, year-round workers, women still earn only 78 cents for every dollar men earn, on average. The Paycheck Fairness Act is designed to narrow this wage gap by strengthening and updating the Equal Pay Act of 1963.

The Paycheck Fairness Act does not eliminate caps on damage.

There never was a cap on damages under the Equal Pay Act, and the modest provisions for compensatory and punitive damages in the Paycheck Fairness Act simply bring remedies for victims of sex-based wage discrimination in line with those available for victims of wage discrimination based on race and national origin.

The Paycheck Fairness Act does not expose employers to unlimited damages.

The Paycheck Fairness Act provides for compensatory and punitive damages only "as appropriate," and no further limitation or arbitrary cap is necessary. Courts will be bound by existing law in deciding when damages are appropriate, and if a judge feels a jury award is excessive, the judge can reduce or vacate the amount. Finally, there are constitutional limitations on the amount of punitive damages that a plaintiff can receive.

The Paycheck Fairness Act does not eliminate employer defenses for pay disparities.

The Paycheck Fairness Act simply clarifies that, under the Equal Pay Act, when an employer defends itself against pay discrimination by showing that its pay practices are determined by a "factor other than sex," that factor must truly be neutral; thus the bill will not allow employers to escape liability if their pay practices are, in fact, based on sex. This change simply restores Congress' original intent in enacting the Equal Pay Act.

The Paycheck Fairness Act does not prohibit employers from disciplining and discharging employees.

The Paycheck Fairness Act protects individuals from retaliatory action for alerting colleagues to the possibility of wage discrimination. It also has exceptions that protect employers' concerns about proprietary information. For example, Human Resources professionals who have access to others' wage data as a central part of their jobs are not protected if they disclose that information to others who do not have this access.

I urge you to vote for the Paycheck Fairness Act as an important step to close the longstanding gap between the wages of men and women.

Sincerely,

Michele Leber

Chair
National Committee on Pay Equity