

## The Fight for Pay Equity: A Federal Road Map

Updated September 2017

In 2016, median annual earnings in the U.S. for men working full time, year-round were \$51,640, compared to just \$41,554 for women. **That means women were paid just 80 percent of men’s earnings — a gap of 20 percent.** The gap narrowed over the past half-century, but progress has stalled in recent years. Yet, the Equal Pay Act has not been updated since 1963. Immediate legislative and executive actions are needed to enable women to bring home the pay they have rightfully earned.

**Pass federal bills advancing pay equity.** Congress must take action to close the gender pay gap by passing legislation that will enable all women to take home a fair paycheck.

- The **Paycheck Fairness Act** would protect workers by closing loopholes in the Equal Pay Act of 1963
- The **Pay Equity for All Act** would prohibit employers from asking about salary history before making a job offer
- The **Fair Pay Act** would require employers to provide equal pay for work of equal value (comparable worth)

**Preserve and enforce agency actions.** The final information issued by agencies to protect workers must be maintained and actively implemented.

- Prohibit retaliation against employees of federal contractors who talk about their salary with their co-workers
- Collect summary pay data by gender, race and ethnicity through the EEO-1 form (begins March 2018)
- Ensure more salaried employees receive appropriate overtime pay (Overtime Rule)

### Kentucky: Tell your member of Congress you want fair pay!

Member of Congress*	District	Men	Women	Earnings Ratio**	Ranking in State***
Comer (R)	KY-01	\$40,952	\$30,510	74.5%	5
Guthrie (R)	KY-02	\$46,097	\$35,767	77.6%	4
Yarmuth (D)	KY-03	\$46,223	\$40,094	86.7%	1
Massie (R)	KY-04	\$51,393	\$41,660	81.1%	3
Rogers (R)	KY-05	\$40,802	\$30,399	74.5%	5
Barr (R)	KY-06	\$45,262	\$37,431	82.7%	2

\*The above congressional districts represent the 115th Congress.  
 \*\*The pay gap figures are from 2016, 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 Kentucky

In 2016, median annual earnings for men in Kentucky were \$45,521 compared to \$36,259 for women — **an earnings ratio of just 80 percent, or 24th out of all states and the District of Columbia**. The gap is worse for most women of color and moms. As efforts stall at the federal level, states can enact legislation to help women and families at the local level.



**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 (mommy tracking)



**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, check out AAUW's helpful resources at [www.fightforfairpay.org](http://www.fightforfairpay.org).