



Harold v. Harriett: Recognizing Gender Expectations @ Work

Joe Bontke

Outreach Manager, EEOC
Houston District Office
713 651 4994 office
713 907 2855 cell
joe.bontke@eoc.gov



EXCEL CONFERENCE
EXAMINING CONFLICTS IN EMPLOYMENT LAWS



double standards women face in 60 seconds



BOSS



BOSSY

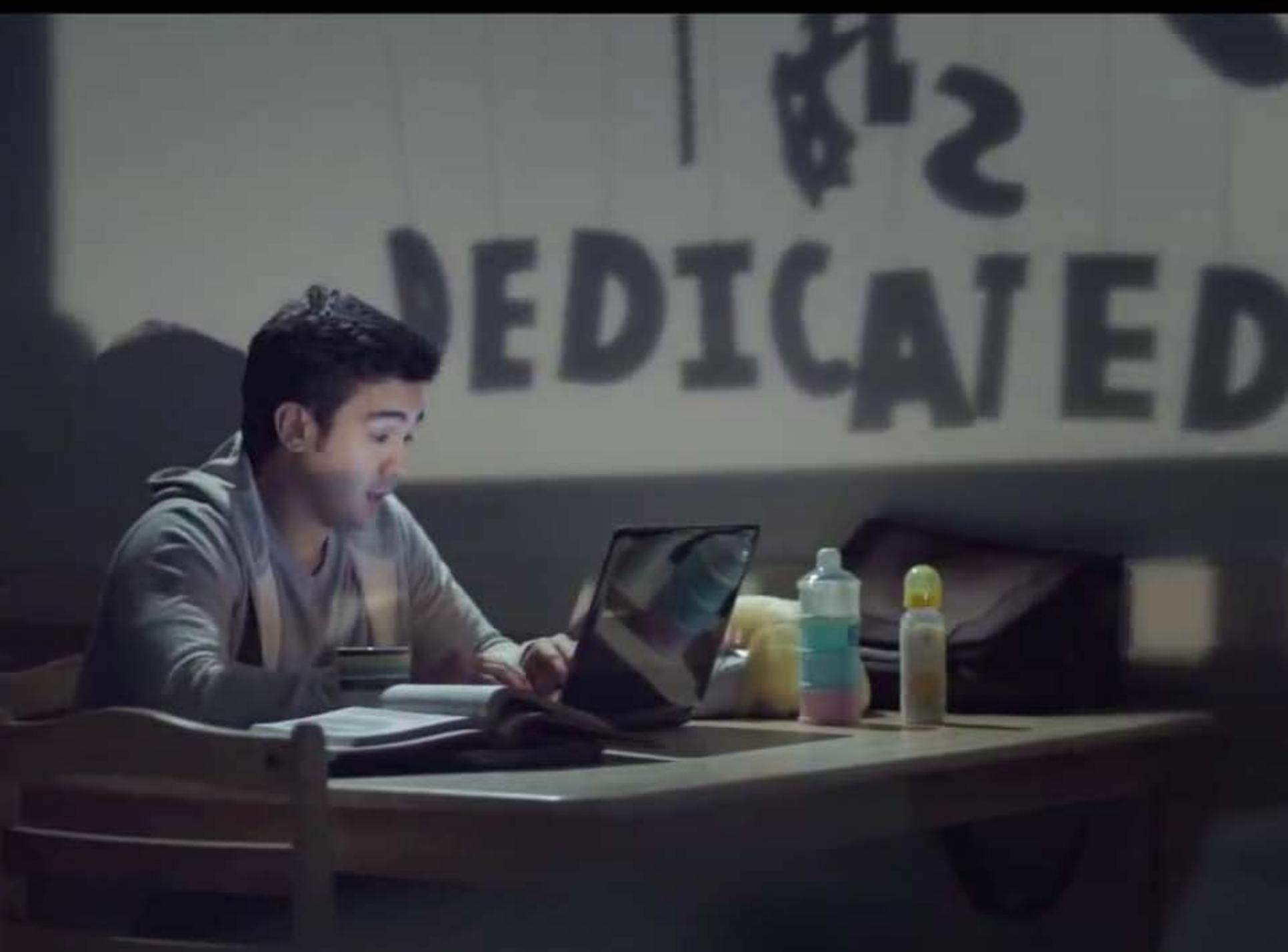


A man in a dark suit and light-colored checkered shirt is speaking at a podium. The podium has a large, semi-transparent graphic overlay in the center. The graphic is an oval shape with a laurel wreath border and the word "PERSUASIVE" written in bold, white, sans-serif capital letters in the center. The background is a dark, textured wall, possibly a stage backdrop. The lighting is focused on the speaker and the podium.

PERSUASIVE

A woman with short dark hair, wearing a dark blazer and a pearl necklace, stands behind a grey podium. She is smiling and pointing her right index finger upwards. The podium features a large, light-grey oval graphic with a laurel wreath border. Inside the oval, the word "PUSHY" is written in bold, white, sans-serif capital letters. The background is a dark red curtain, and the foreground shows the dark silhouettes of an audience.

PUSHY



MEDICATED

1610
SELFISH



NEAT

VAIN







Gender

- **Gender** refers to the way members of the two sexes are perceived, evaluated, and expected to behave.
- **Sexual dimorphism** refers to the physiological differences between men and women.
- *U.S. culture recognizes only two genders, male and female, but other cultures recognize a combined male/female gender.*

Gender Roles

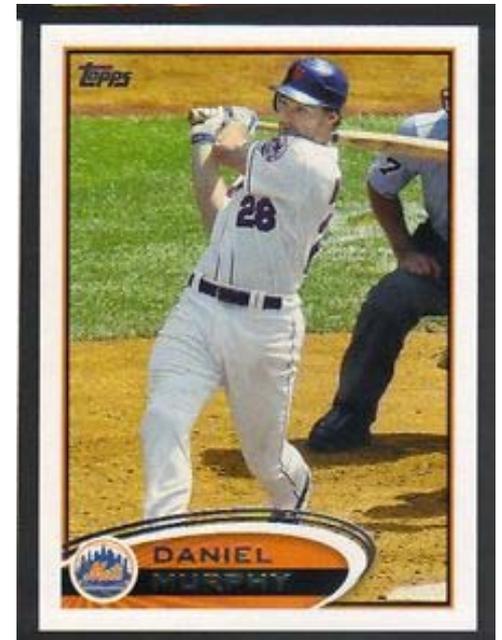
- Men have greater body mass and strength and are better equipped for hunting, warfare, and land clearing.
- Women do tasks that are compatible with pregnancy, breastfeeding, and child care.

Gender Roles



© Bob Sacha

- This baseball player engaged in child care in the locker room is an example of changing gender roles in the US



A woman's place is in the _____

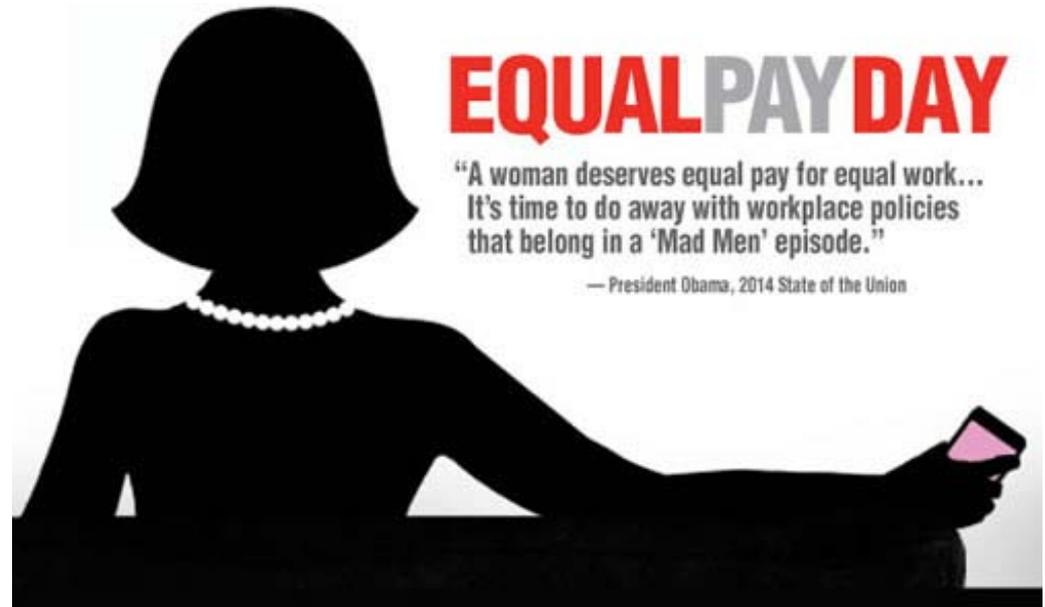


The next
Equal Pay Day
is April 8, 2015.

*This date symbolizes
how far into 2015
women must work
To earn what men
earned in 2014.*

Gender in the U.S.

- Breadwinner
 - A traditional gender role found in the US that views males as being responsible for the economic support and protection of the family.
- Housewife
 - A traditional gender role found in the US that views females as responsible for child-rearing and domestic activities.



Why focus on Equal Pay?



- Despite significant gains in labor force participation and educational attainment, women still are paid an average of only 78 cents for every dollar paid to men
- The gap is even greater for women of color and women with disabilities
- In 2009, there was an 11 cent wage gap between men and women in the federal sector workforce

Gender in the U.S

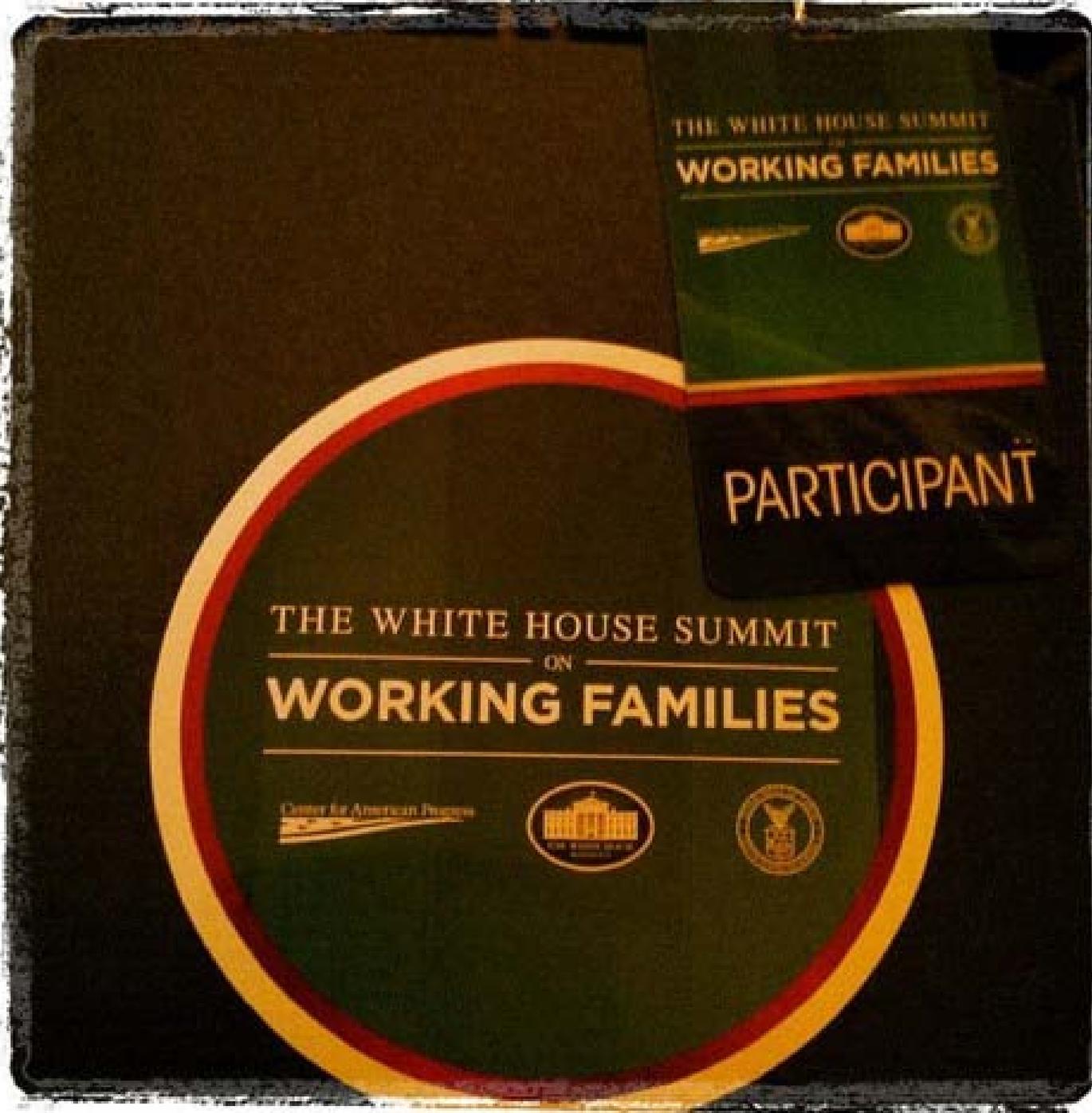
- Double workload
 - Situation in which employed married women, particularly those with children, are both wage employed and primarily responsible for housework & child care.
- Occupational segregation
 - The predominance of one gender in certain occupations.

BY AGE 65,
**THE AVERAGE WOMAN WILL
HAVE LOST \$431,000**



**OVER HER WORKING LIFETIME
BECAUSE OF THE EARNINGS GAP.**

Based on median weekly wage and assuming the woman works every week of the average woman's working life.

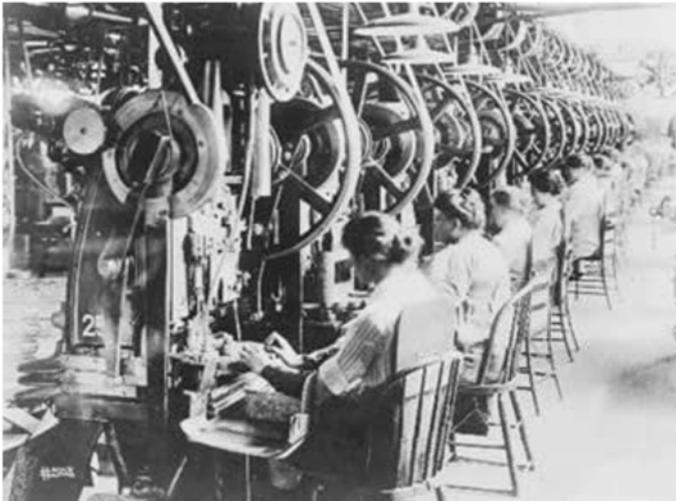


June 23, 2014
was the first
White House
Summit on
Working
Families

1868 - The National Labor Union,



World War I (1914 – 1918)



1938 – Fair Labor Standards Act



FLSA

employers \$7.25 employees

M	T	W	Th	F
8	8	8	10	10

= overtime pay for over 40 hours



law does not apply to execs

World War II (1939 – 1945)



In 1945, Senators Claude Pepper & Wayne Morse Introduce an Equal Pay bill.

STATEMENT OF EARNINGS
DETACH AND RETAIN AS YOUR RECEIPT FOR TAXES AND OTHER DEDUCTIONS

EMPLOYEE'S NAME	O. A. B. TAX	GROSS EARNING
W MINNIX	49	4888
UNION DUES		100
BOND 41839		625

D

PERIOD ENDING	DATE PAID	DEPT.	CLOCK NO.	FED. TAX	AMOUNT OF CHECK
224	3	75	5740099	780	3334

Goodyear Aircraft Corporation
Akron, Ohio



**EQUAL WORK
DESERVES
EQUAL PAY!**

1950 - 1960

apply now for a *Career in the Sky*
 as a **UNITED AIR LINES**



Stewardess!

Be a United Air Lines stewardess—do the traveling you've dreamed of doing, visit romantic cities and famous vacationlands, meet interesting people, and thrill to the pleasure of flying United's fast, comfortable Mainliners!

Starting pay is good—and you get regular raises. After acceptance, you fly to Cheyenne, Wyoming, for training at company expense, with free Mainliner transportation from your nearest United city.

QUALIFICATIONS: Please be sure you meet these requirements before applying:

- Age—21 to 27
- Height—5'2" to 5'7"
- Unmarried
- Weight—not over 135 lbs.
- 20/30 vision or better (without glasses)
- Must be a registered nurse or have two years of college, or 1 year of college and 1 year business experience or 3 years of business experience in lieu of the college requirements.

Apply Monday through Saturday for an interview, 9 a.m. to 2 p.m.

UNITED AIR LINES
 Personnel Office: 5939 S. Cicero Ave., Chicago 38, Ill.



**HAVE JOBS
NEED HELP**

MALE & FEMALE

Duckett Employment
 1705 Hampton St. Ph. AL 3-3747

PBX operator, experienced, companion, under 29, well groomed. \$4 wk.\$275

Legal Stone (5 openings). Salary starts at \$225 for an inexperienced stone to \$250.

RECEPTIONIST with switchboard experience, prefer young lady under 25. No typing. \$4

DRUG SALESMAN for lower E. C. Experienced only.

HEAVY EQUIPMENT MECHANIC.

PIPE WELDER

COLUMBIA PERSONNEL SERVICE
 Suite 310 Carolina Life Bldg.
 Corner Gervais & Main

JOBS FOR COLORED

SEAMSTRESS, Typist, Janitors, Truck Drivers, Maids, Cooks and

progressive full-time experience in the field of architecture, one of which must have been in a responsible advisory capacity. If interested contact Merit System Supervisor, South Carolina State Board of Health, Columbia, South Carolina.

SIX MEN
Start Monday 7 AM
 Construction experience necessary.
 Apply,
Diamond Swimming Pool Co.
 6790 North Tranholm Rd.

WANTED: 1 experienced truck mechanic. Apply 220 Senate St., Cold.

WANTED: Experienced service station attendant. Apply Shell Station, 1041 Gervais.

NORTHWEST dragline operator wanted. Must be experienced in small conservation work. \$2.50 per hour. Sleeping quarters in our trailer furnished free. Call P. R. Stokes at Jefferson 4-3853, Orangeburg, S. C.

Female Help Wanted 10

RICE MUSIC HOUSE STUDIOS
 & SCHOOL OF MUSIC

The Equal Pay Act of 1963

[PUBLIC LAW 88-38]

S. 1409

Eighty-eighth Congress of the United States of America

AT THE FIRST SESSION

Began and held at the City of Washington on Wednesday, the ninth day of January, one thousand nine hundred and sixty-three

An Act

To prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Pay Act of 1963."

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex—

- (1) depresses wages and living standards for employees necessary for their health and efficiency;
- (2) prevents the maximum utilization of the available labor resources;
- (3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;
- (4) burdens commerce and the free flow of goods in commerce; and
- (5) constitutes an unfair method of competition.

(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries.

SEC. 3. Section 6 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. et seq.), is amended by adding thereto a new subsection (d) as follows:

"(d) (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex. *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

"(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

"(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

"(4) As used in this subsection, the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."



S. 1409-2

SEC. 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided*, That in the case of employees covered by a bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d) (4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall first occur.

Shall Whitehouse
 Speaker of the House of Representatives.

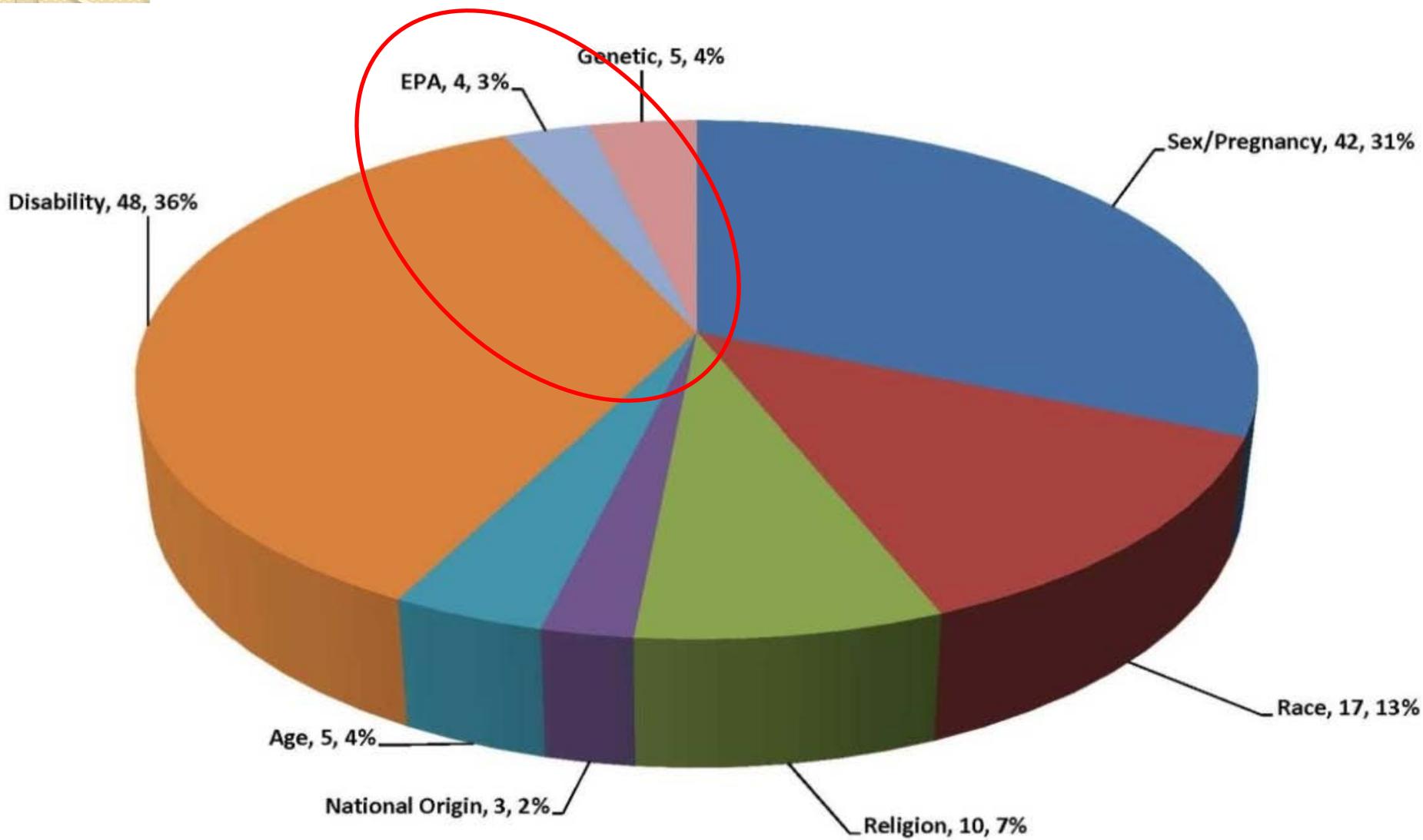
Lyndon B. Johnson
 Vice President of the United States and
 President of the Senate.

*Approved
 June 10 - 1963
 the White House
 Working on District of Columbia
 United States of America
 John Fitzgerald Kennedy
 12:00 P.M.
 W.S. A. Munn
 J.F.R. Munn*



In 1979
President
Jimmy Carter
Transferred
Enforcement of
Equal Pay Act to EEOC

EEOC Cases Filed By All Discrimination Types – FY 2013



Equal Pay Claim

The complainant receives a lower wage than an employee of the opposite sex in the same establishment; and

The employees perform substantially equal work requiring equal skill, effort and responsibility under similar working conditions.



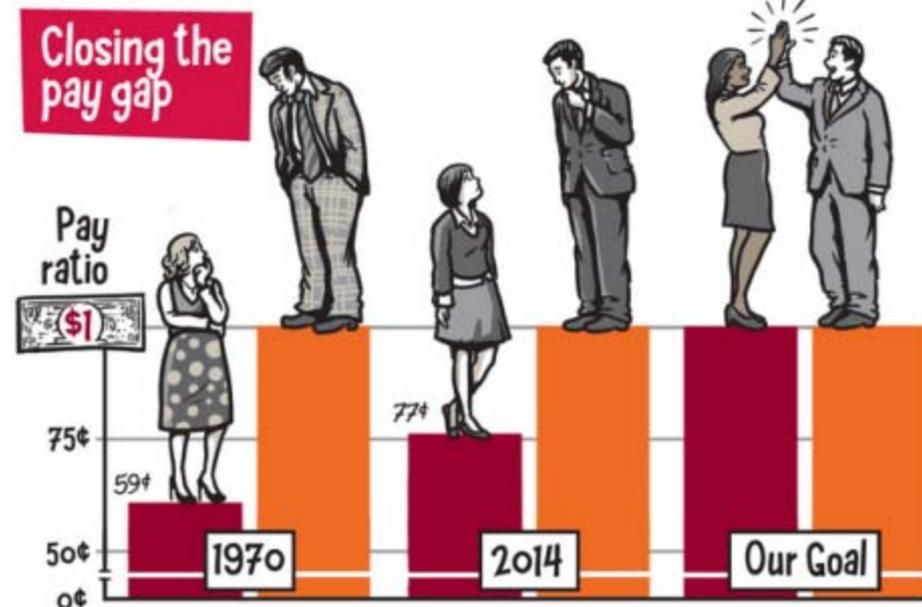
Equal Pay Claim

The complainant receives a lower *wage* than an employee of the opposite sex in the *same establishment*; and



Equal Pay Claim

The employees perform substantially *equal work* requiring equal *skill, effort* and *responsibility* under *similar working conditions*.



Employer Defenses for Wage Differences

Seniority system

Merit system

Incentive system

Any other factor other than sex/gender



Factor Other Than Sex

Education, Experience, Training, and Ability

Participation in Training Program

Shift Differential

Job Classification Systems

Factor Other Than Sex

“Red Circle” Rates

Temporary Reassignments

Revenue Production

Market Factors

Part-Time/Temporary Job Status

Factor Other Than Sex – Not a Defense

Error

Collective Bargaining Agreement

Remedies and Relief

- Two years back pay for violation; three years if willful;
- Liquidated damages if lacked good faith
- Salary increase
- Back pay
- Attorneys fees and costs
- Compensatory and punitive damages recovered for retaliation under EPA not subject to statutory caps which apply only to claims under Title VII and ADA
- Injunctive relief

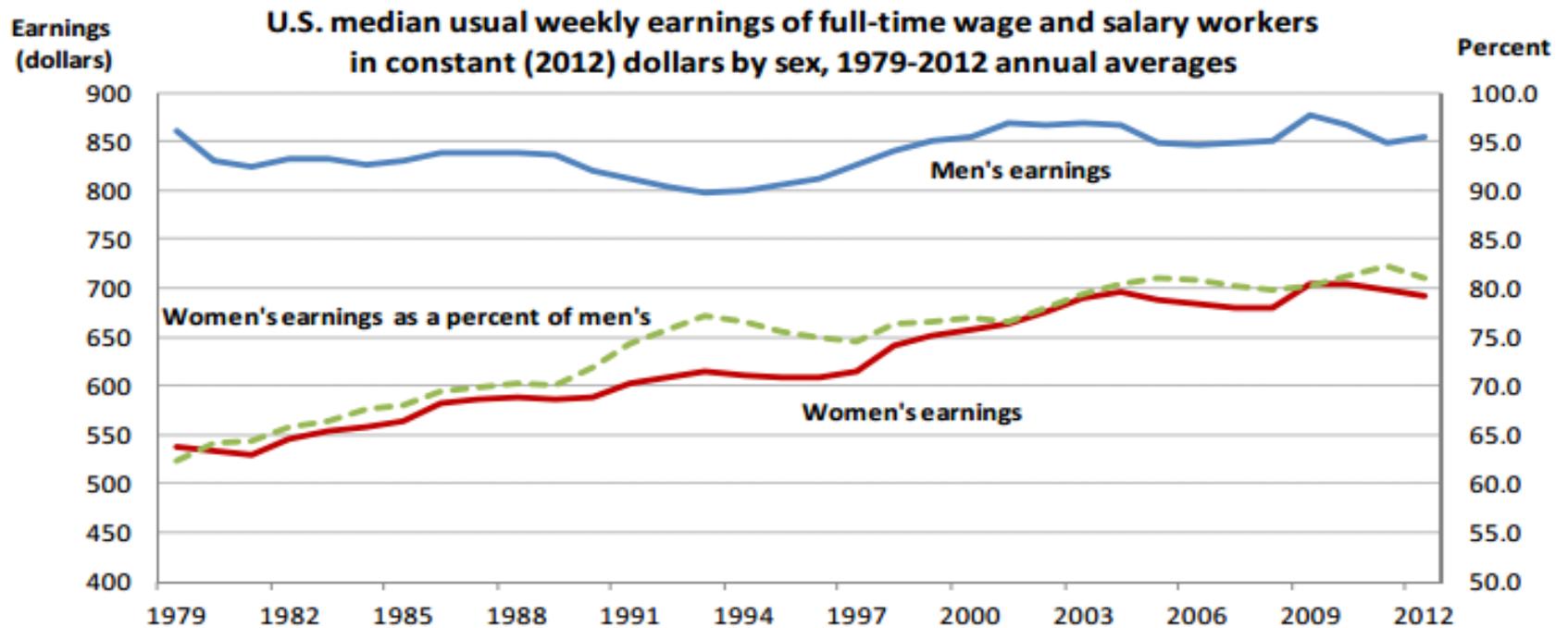
Highlights of Women's Earnings

Arizona, California, Hawaii, Nevada



Region IX: San Francisco

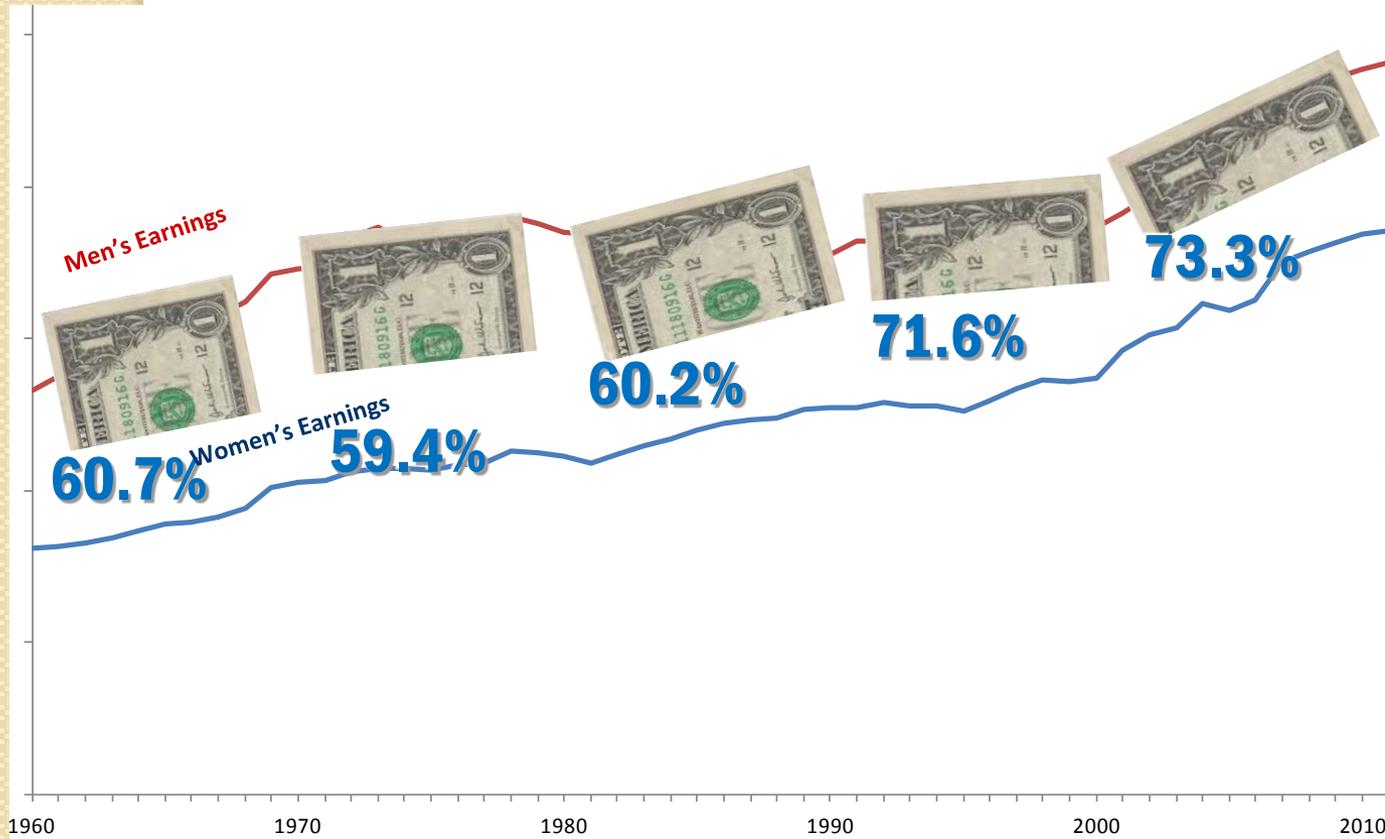
In 2012, women who were full-time wage and salary workers had median weekly earnings of \$691, or about 81% of the \$854 median for their male counterparts. In 1979, the first year comparable earnings data were available, women earned about 62% as much as men. The women's-to-men's earnings ratio has been in the 80 to 82 percent range since 2004; prior to this time the ratio had been gradually trending upward.



Source: Current Population Survey.

The ratio of female-to-male earnings varied by place of residence, ranging from 81 percent in Nevada to 87 percent in Arizona.

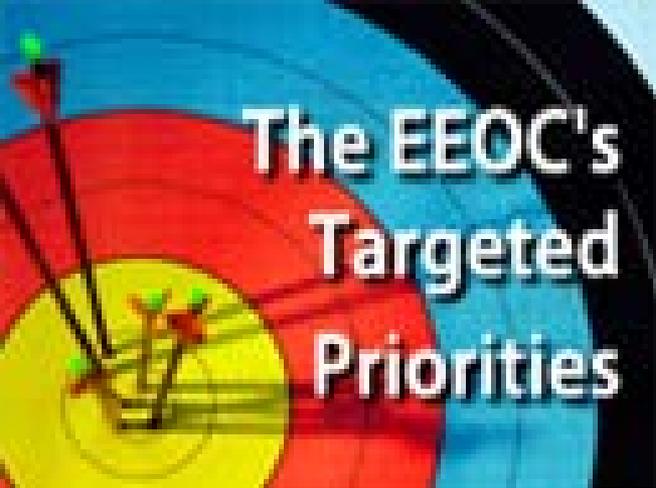
Wage Gap Over Time



77.4%

That's less than half a penny progress per year!





The EEOC's Targeted Priorities

Enforcing Equal Pay Laws:

The EEOC will target compensation systems and practices that discriminate based on gender.



Home

TrapMap

Traps

Blog

News

Contact

Help

Log in | Signup

Trapster® alerts you to police speed traps and other roadway hazards.

DOWNLOAD TRAPSTER FOR FREE!

Apple



iPhone, iPod touch

DOWNLOAD

NEW!

Android



Droid, Nexus

DOWNLOAD

Windows Phone



Windows Phone 7

DOWNLOAD

BlackBerry



Bold, Curve, Pearl

DOWNLOAD

Other



Smartphones

DOWNLOAD



Best Pay Practices

Consistency in Establishing Starting Salaries

Have a Written Policy for Promotional Pay Increases

Communicate Your Policy and Promote Transparency

Limit Managerial Discretion in Setting Pay



Best Pay Practices

Train Key Decision Makers

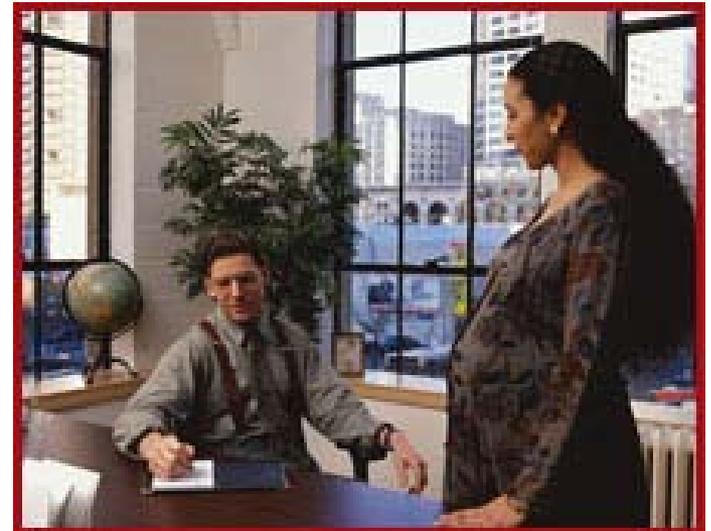
**Implement Checks and
Balances to Prevent
Discrimination & Avoid
Liability**



Caregiver Discrimination

(Motherhood Penalty)

- **Motherhood penalty** - when controlling for qualifications, childless women and fathers are generally rated significantly higher than mothers on competency, work commitment, promotability, and hiring recommendations.



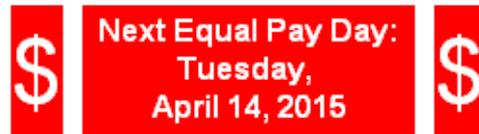
National Committee on Pay Equity



[Equal Pay Day Kit](#)

[Equal Pay Day](#)

The next Equal Pay Day is Tuesday, April 14, 2015. This date symbolizes how far into 2014 women must work to earn what men earned in 2013.



Wear RED on Equal Pay Day to symbolize how far women and minorities are "in the red" with their pay!

Equal Pay Day was originated by the National Committee on Pay Equity (NCPE) in 1996 as a public awareness event to illustrate the gap between men's and women's wages.

On **previous Equal Pay Days**, grassroots organizing on fair pay swept local communities. Women's business and professional associations, labor groups, civil rights organizations and others committed to equal pay coordinated activities to raise awareness about how to solve wage inequity.

Since Census statistics showing the latest wage figures will not be available until late August or September, NCPE leadership decided years ago to select a Tuesday in April as Equal Pay Day. (Tuesday was selected to represent how far into the work week women must work to earn what men earned the previous

Equal Pay Day 2013

Equal Pay Day 2012: NCPE honored Betty Dukes, who became the face of pay equity as the key plaintiff charging Wal-Mart with sex-based discrimination in pay and promotion. >> [Other 2012 activities](#)

Equal Pay Day 2011: NCPE honored Citizens Across Wisconsin for defending public workers' rights -- the root of fair pay. [Press release](#) >> [Other 2011 activities](#)

Equal Pay Day 2010: NCPE urged passage of the Paycheck Fairness Act.

[Home](#)

[About NCPE](#)

[Pay Equity information](#)

[Equal Pay Day](#)

[What You Can Do](#)

[Join](#)

fairpay@pay-equity.org

© National Committee on Pay Equity

Any Questions, Comments, Concerns or Complaints

Joe Bontke
EEOC Houston
Outreach Manager and Ombudsman
713 651 4994 office
713 907 2855 cell

joe.bontke@eEOC.gov

or

EEOC Training Institute
www.eEOCtraining.eEOC.gov

Equal Pay laws were
passed when Mad Men
was reality,

NOT A TV SHOW.



EEOC
Training Institute
...Learn from the Experts