



Paycheck Fairness Act Letter to the Editor
Submitted to *The Washington Post*
January 15, 2009

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To the editor:

Re “Two Sides of Fair Pay” (Editorial, January 15, 2009):

Your editorial argues that the Paycheck Fairness Act is anti-employer, and “would remove, rather than restore, a sense of balance.” We strongly disagree. “Balance” hardly describes a system in which women earn 78 cents for every dollar men earn.

Your editorial questions a provision that changes employers’ ability under current law to use “any factor other than sex” to justify pay disparities. Unfortunately, courts have interpreted those “other” criteria so broadly they include an almost limitless number of factors, even those without a business justification, even if the factors themselves are derived from prior employment discrimination. The Paycheck Fairness Act simply brings the 45-year-old Equal Pay Act in line with other civil rights laws by requiring the employer to identify a defense that is (1) not based upon or derived from a sex-based differential; (2) related to the position in question; and (3) is consistent with business necessity.

The Paycheck Fairness Act is critical to closing the wage gap. The bill, passed twice by the House in the past six months, creates strong incentives for employers to adhere to pay equity laws, strengthens enforcement efforts, and even trains women to negotiate better salaries.

The wage gap is especially pernicious to American women and their families in these difficult economic times. Any pay differences between men and women must be truly justified, and the Paycheck Fairness Act would write that principle into law. The Ledbetter measure is only a down payment; the Senate’s work is not done until this critical bill is passed.

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