Pay Equity

Nancy Perlman

I would like to do five things in this presentation. First, I would like to define the issue of comparable worth. (Comparable worth *is* synonymous with pay equity, and I will probably use them interchangeably.) Second, I would like to give you some background to explain the development of comparable worth as an issue in this country. Third, I would like to talk about what is happening around the country to address the problem of pay inequities. (There is a great deal happening, and there is actually a great deal happening for librarians.) Fourth, I would like to discuss some of the major arguments against comparable worth and how those arguments can be answered. And finally, I would like to discuss some of the things that you might want to do following today to address the issue of comparable worth.

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Before I begin with these five things, I would like to tell you a true story. It is a story I think is important because it says a great deal about assumptions we have about groups of people and how powerful and far reaching those assumptions can be. I grew up in Tucson, Arizona. We moved there when I was eight years old from Ann Arbor, Michigan. When I tell this story, I have to give you some facts about me and about Tucson. I am Jewish, and when we moved to Tucson, lots of people assumed that there weren't very many Jews in Tucson. (I assume the same thing about North Carolina; it's probably not correct either.) At any rate, when we got to Tucson, it turned out that there were three synagogues: there was a Reform synagogue, which is the modern, not very traditional synagogue; there was a Conservative synagogue, which is middle ground; and then there was a super-Orthodox synagogue, and that synagogue was very small—there were a small number of families that belonged to it. But over the years, off and on, there were enough families to support a rabbi. Now a friend of ours, our ex-next-door neighbor from Ann Arbor, whose name was Bea Kahn and who was also Jewish, was out visiting Tucson. She and my mother were sitting around the kitchen table, and my mother was telling her about the great scandal in the Jewish community in Tucson, with great glee. A Jewish woman had been arrested and convicted for hiring someone to shoot her husband, to kill her husband. Now, this is not supposed to happen, and after she was convicted, they sent her off to the state prison in Florence, Arizona. Bea Kahn was shocked at this to start with, but then the story continued. It turned out that around the time this woman was in jail, the Orthodox synagogue did have enough families to support a rabbi. So this young man and his family, his wife and children, came to Tucson. He settled in and became active in community affairs. One of the things he did was become the Jewish chaplain for the state prison system. Because of that, he would go off to Florence, Arizona, and counsel with the Jewish prisoners. He met this woman who had tried to kill her husband, and they fell in love.

They fell in love, and then the rabbi convinced the parole board to let her off early under his supervision, and the parole board did that. She came back to Tucson, and they ran off together. Then they were caught, and she was sent back to the state prison, and the rabbi and his family left town. So my mother is embellishing this story, and Bea is very shocked. At the end of the story, there was a long silence at the end of which Bea said, "A *Jewish* rabbi?" Now, I tell that story because obviously she had very strong assumptions about Jews and about rabbis, and those assumptions were very good. (It turns out that in this case they weren't true, but they were very good.) These kinds of assumptions about groups of people aren't always so good, and oftentimes these bad assumptions about women or minorities or the disabled or Hispanics are built into our personnel systems—into how we classify jobs, how we establish salaries, how we decide to promote people, and so on. Assumptions are very important, and they have been built into our institutions.

Definition and Development

So what is comparable worth? What about pay equity? Comparable worth is an attempt to find out whether the salaries of jobs predominantly filled by women are artificially depressed because those jobs have been historically filled by women. In other words, they have been artificially depressed because of some of those assumptions, those not-so-good, not-so-true assumptions about women workers. By artificially depressed, we mean that the wages paid for the work in female-dominated jobs are lower than the wages would be in those same jobs if the jobs had been filled by men.

Why do we care? Why has this issue developed? It has developed because we have a very longstanding and persistent wage gap in this country. I am sure most of you know (and there is a very good article in your *Ms. Management* about this problem, particularly for librarians) that, on average, we have had a gap between the earnings of men and women. In 1957, women received on average 64¢ for every dollar earned by a man. In 1974, the wage gap had widened, so that women were only earning 57¢ for every dollar a man earned. In 1982, we were back up between 59¢ and 64¢ for every dollar earned. So here is a good twenty-year period; and we don't see the gap closing, we see it getting wider. It is a problem. In 1981, full-time year-round working women were paid $12,000 compared to $20,000 earned by men. (That makes it seem even worse, I think, than the 59¢: you don't get a real sense of it. But $12,000 compared to $20,000.)

A lot of people said that this wage gap was due to a number of things. One of the things was education level. It must just be that women who work aren't as well educated as men. But, of course, you know that isn't true, and that in fact women with four or more years of college earn on average only as much as men with one to three years of high school—they earn $12,000 on average. So, all that time and money you spent educating yourselves as women or as men entering female-dominated occupations simply don't pay off in the same way education does in terms of salaries in male-dominated jobs.

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This wage gap has persisted although we have very strong equal employment laws. We really didn't think it would; we thought the laws would take care of the problem. We do have the Equal Pay Act, and that, as you know, says if men and women are filling the same jobs, they must get paid the same salary. When that law was passed, people really thought that it would take care of the wage gap, that the wage gap was because employers were choosing not to pay men and women filling the same jobs the same salaries. We also have Title VII of the Civil Rights Act, which says that there shall not be discrimination in the setting of salaries. We've had that for a while, and yet that too has not closed the wage gap. And what we have had to do is take another look at our employment system and figure out why, when we say that there shall be no discrimination, we have seen this gap that has been so persistent.

Occupational Segregation

After much analysis, we think that the reason for the gap is that there is enormous occupational segregation in this country and that the wages of female-dominated jobs are substantially lower than the wages of male-dominated jobs. This is no surprise to you, but let me explain how segregated our work force really is. In 1982, fifty per cent of all women in this country worked in

only 20 of a total of 427 occupations. Men, on the other hand, were spread among all job occupations. Less than 20 per cent of the men were in the ten largest male-dominated occupations. So we were crowded as women into a very small number of occupations, and those were low-paid occupations. We did a study, when the Center first started, of New York State Government employment, and we found that 90 per cent of the career ladders were sex-segregated. Ninety per cent were either female-dominated or male-dominated, and most were male-dominated. As a matter of fact, although half the state employees in New York are women, two-thirds of them were in only two occupations — clerical and paraprofes sional, where paraprofessional were mostly jobs in hospitals, hospital aid jobs. So you see enormous segregation, and then somehow the wages of these female-dominated occupations are lower than the wages of male-dominated occupations. But if there is segregation, it may or may not be bad. It may be that we choose to be librarians or nurses or clerical workers and that it doesn't really make any difference in what happens to us later. But that's not the case; it makes a great deal of difference, because we earn less and we are promoted less often. So the next question is, do the wages of female-dominated jobs reflect the value of the job? Or are they lower because the jobs are filled by women? Why, for example (and these are true examples), does a parking lot attendant make more money than a secretary? A sign painter, more money than a registered nurse? A liquor store clerk in Maryland, more money than a teacher with a master's degree? A dog-catcher, more than a nursery school teacher? Intuitively, I think we all know that something is wrong from these examples. There is now a substantial and growing body of evidence that the salary-setting process has not been free of bias.

So what has been happening with this new understanding of the labor market and wage setting? Whether you feel it in North Carolina or not, comparable worth really is emerging as a fact of life in this country. It is becoming a slowly accepted principle in both private and public sectors, and it is happening through four major types of activities. The first is through state and local government job evaluation studies. The second is through government commitment to close the wage gap and to establish a process to do so through legislation. The third type of activity is bargaining and organizing, both union and nonunion. The fourth activity is litigation. Let me go back and give you examples.

State and Local Job Evaluations

In terms of state and local job evaluations, in the last several years, there have been over twenty-five public jurisdictions that have funded job evaluation studies. These include Michigan, Connecticut, the state of Washington, Illinois, Maine, Wisconsin, Virginia Beach, and New York. They have done this to identify the extent of wage depression in female-dominated jobs. The findings of these studies, wherever they have been and whether they have used one type of methodology or another, have been very consistent. They have found approximately a 20 per cent discrepancy in wages based on the sex of the people filling the job, not on the established value of the job to the employer. For example, they are finding that librarian jobs are receiving 80 per cent of what they should be if you really, truly evaluate the work of the librarians accurately.

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Let me just briefly explain to you what a traditional job evaluation methodology looks like. Usually, these studies have three steps. The first is very important; it is to establish accurate, full, and explicit job descriptions. As you know, a lot of us have job descriptions that are ten or twenty years old, that may even then not have reflected the real work of the job. These are being redone. I was talking to someone at the American Library Association before giving this speech, in preparation. She said that some of the studies have found that librarian jobs, for example, are never given points for working conditions, and yet it is a very stressful job. With nurses now, they are starting to think in terms of stress because of contact, perhaps, with patients who are troubled. But librarians also have constant contact with the public, and there is a great deal of stress involved with that as well. So what they usually do in a big state study is questionnaire people in an occupation. There will be a questionnaire, and it will make you think through what it is that you really do in your job. Then, if you questionnaire twenty librarians and twenty nurses, you take those descriptions and you combine them and you get an aggregate, accurate job description. You establish what a typical librarian does, what the job requirements and tasks are. That is the first step.

The second step of a study is to assign points to each job. There are four major factors that are usually used in terms of assigning points; skill, effort, responsibility, and working conditions. In many of the studies, there has been a joint labor-management committee under the guidance of a job evaluation specialist. These joint committees sit in a room with the job descriptions, and they together, through consensus, assign the points. The third step is to compare jobs which have similar points to see if they have similar salaries (obviously, that's what you would think), to see, in effect, if women's jobs with 200 points get paid the same wage as men's jobs that receive 200 points. It is at this stage that you find discrepancies, and I will give you some examples from studies that have been already completed. I will be giving you examples of jobs that received the same number of points. In Minnesota, a registered nurse is a female-dominated job; she got 275 points. A vocational education teacher is a male-dominated job; that job also received 275 points. The difference in wages is $500 per month: the vocational education teacher receiving $2,260; the registered nurse, $1,723. In the same state, the typing pool supervisor received 199 points. A painter (this is a painter of a room) received 185 points, less than the typing pool supervisor. Yet, the painter made $1,700, and the typing pool supervisor made $1,300. In San Jose, California, a senior librarian (a female job) got 493 points; a senior chemist (a male-dominated job) also got 493 points. The chemist made $1,119; the librarian, $895. In Washington state, a licensed practical nurse (female) got the same number of points as a correctional officer, and yet the correctional officer made $436 more per month. So you see a very consistent pattern. These are from studies that have been done in states where no one has disputed the findings. It may be that the methodologies in each place were slightly different, but there has always been this consistent pattern of undervaluation of female-dominated jobs. New York state is now undertaking a study through the Center for Women in Government. We are looking at not only the impact of sex on the salary-setting process, but also race, to find out whether state service jobs that are filled with minorities have also been artificially undervalued. So this is the first major type of activity, these state and local government comparable worth studies, but there are methodologies now being developed where this is not needed, where a small jurisdiction can say, "Okay, we have librarians, we have secretaries, so on and so forth. Let's get an accurate job description for those jobs and then plug them into the big studies." Because in fact, if a librarian here has the same job description as a librarian in Washington state and you have other male-dominated occupations in your employment setting that are similar, then why can't you use those major studies to compare and see whether there are discrepancies, as long as you have good job descriptions to compare?

Legislation and Bargaining

The second major area of activity in terms of comparable worth is state and local government legislation or executive order to close the gap or to establish a process to do so. This has been going on in many more jurisdictions than you would ever think. In 1981, for example, California law established the policy of setting salaries on the basis of comparability of the value of the work. In the same year, three comparable worth resolutions were passed in Hawaii requesting all employers, both public and private, to establish the concept of comparable worth in those work situations. In 1981, the city of San Francisco adopted a policy of pay equity for city workers. Most important and probably the biggest pay equity victory anywhere started in 1982, when Minnesota passed a law which both established the state's commitment to comparable worth and also established a procedure for earmarking a certain amount of the budget to pay for pay adjustments. This summer, they appropriated money ($22 million) to start closing their wage gap. It was a very interesting case, because they had had a very traditional job evaluation consultant come in (Haye Associates) and do a study. The study was being attacked for not being fair enough to women in their jobs, and a woman state legislator said, "Wait a second. It may not have been the perfect study, but they still found a substantial gap. Why don't we use the material that we have now, go back to the legislature, and try to get them to act on the evidence we have now. Later on, we'll go back and do a better study and try and refine things. But let's not throw away what we have, whether it's imperfect or not, because we now have enough evidence to move forward."

A third area of activity is bargaining and organizing, both union and nonunion. This has been going on all over the country, sometimes through the negotiating process. In Connecticut, Local 1199 of the Hospital Workers had a contract settlement that established a pay equity fund equal to 1 per cent of the payroll. One per

cent of the total payroll now is set aside. It's an extra appropriation. What they do is look at where their job evaluation and study has shown undervaluation and use that 1 per cent to start closing the gap. In Santa Clara, California, the service employees union negotiated 5 to 10 per cent pay equity increases on top of general increases of 16.5 per cent. They also negotiated a joint appeals board with both labor and management representatives to hear challenges to classification decisions. So, if you as a librarian felt that the classification decision was not appropriate, that in fact there was a larger gap than what was being addressed, you could go and make a complaint. In the private sector, at AT&T, the Communications Workers of America in 1980 negotiated a joint labor-management occupational/job evaluation committee to develop a new job evaluation system for nonmanagerial employees, and it has comparable worth as a goal. This new system is now being tested by AT&T and the union. This is very interesting because most things, have happened in the public sector where it is easier to take on this kind of issue. But AT&T was interested in the new job evaluation plan because they were creating totally new jobs. Unlike most organizations which create jobs that are similar to other jobs in other businesses, AT&T couldn't go into the labor market and say, "Okay, well I have a secretary here and I'll peg that salary to a secretary's job elsewhere." They were creating whole new jobs because of new technology, and they really felt that they had to do it right. They had to take a lot of things into consideration, and comparable pay was one of the things. Nine to Five, the organization of working women in Boston, had a nonunion campaign against John Hancock Insurance, and they won a 10 per cent wage increase there for clerical employees.

What's happening in this area for librarians? I would like to give you some union examples and some nonunion examples. At Temple University in Philadelphia in 1978, the librarians filed an EEOC case. They withdrew the case because they negotiated a very interesting comparable worth settlement in the contract. The librarians proposed not getting more money but moving themselves from a twelve-month to a nine-month appointment, an academic appointment, at the same salary. What finally happened is that the University agreed on a ten-month contract. So librarians there, at Temple University, now work ten months for the salary that they had been receiving for twelve months before. In the next year, in the second year of the contract, they had a 2.3 per cent increase that was tied to pay equity. That's the first example of that kind I have ever heard. In Los Angeles, AFSCME (American Federation of State, County, and Municipal Employees) has just filed EEOC charges. In San Jose, I think all of you heard about the first com parable pay strike; librarians were part of that strike. They were also represented by the American Federation of State, County, and Municipal Employees. They won a 15 per cent comparable worth increase over two years. So librarians in San Jose are getting that increase as well. The Newspaper Guild negotiated a very interesting contract, and they didn't call it comparable worth, they didn't even talk about pay equity. They decided that they would compare librarians to reporters, and based on that comparison they won upgrades through their negotiations, so that the salaries of the librarians were increased to match the salaries of reporters. In San Diego in 1977, EEOC charges were filed. Those were withdrawn too, and the union negotiated an increase which the city absolutely refused to call a comparable worth increase. But they did win a 10 per cent adjustment on top of an 8 per cent cost-of-living increase. I think all of you have heard about the bad news in the federal government where the Office of Personnel Management is attempting to downgrade the librarian positions. But I would like to tell you that, because of a great deal of political and union pressure, the decision has been delayed. Whether it will be delayed forever, we don't know, but it's really been substantially slowed down because there has been so much political and union pressure. What about nonunion examples? You know they had that San Jose strike. After the strike was settled, the director of the library in Long Beach, California went to the city manager and pointed out the facts that Long Beach had a similar situation as they had in San Jose in terms of comparable worth. Because of that conversation and nonunion negotiation, the salaries of librarians were increased by 5 per cent. A pay equity increase of 5 per cent. In Fairfax County, Virginia, with all levels of the library working together with the director of the employee association of the county and the director of personnel, there has been a long period of negotiation (which has not been successful) with the county board of supervisors and the librarians have just filed an EEOC suit. In Canada, where there is a comparable worth law, librarians receive $2.3 million in increases by using the federal pay equity legislation. There it is dealt with on a case-by-case basis; if you feel you're not getting a fair salary, you complain to what is their

EEOC, they investigate, and then they make a decision. So $2.3 million has gone to librarians in Canada.

Litigation

The last area of activity is the litigation area. You can see that there is a lot of overlap because, in fact, some of the state studies have been initiated as a result of union pressure. The unions have gone to EEOC and have also bargained, so that there is a great deal of mixing of these strategies. Litigation has been very important. The major issue in terms of litigation is whether Title VII of the Civil Rights Act does cover comparable worth situations. The people who are fighting comparable worth say that there is no law in this land that says they must pay the same salaries for jobs that are not exactly the same. So the big dispute in the courts is whether Title VII, which says you cannot discriminate in the setting of wages, really covers situations where the jobs are not identical. There have been some very important, very supportive federal court decisions. In the *Gunther v. Washington* case, the Supreme Court decision explicitly states that Title VII of the Civil Rights Act does apply to wage discrimination cases in which men and women do not fill exactly the same jobs. The Supreme Court did not endorse the concept of comparable worth, but they said that Title VII goes well beyond the Equal Pay Act and the fact that people are not filling the same jobs does not mean that you don't have protection under the laws. We just had an extremely important victory in Washington state, where the first comparable pay study was undertaken in 1974. There have been two or three subsequent studies, all showing the same thing. At one point, there was money in the state budget to start increasing the salaries of female-dominated jobs, and then the female governor, Dixie Lee Ray, took that money out. So finally the union went into court, and they just won the case. They even had ex-governor Evans testifying that, in fact, there was a great deal of discrimination in the setting of salaries in the state. There has been no monetary award attached to that victory, and the state says it is going to appeal. But it was a very important decision. Then there was the *International Union of Electrical Workers v. Westinghouse* case, which was a case where there were the clearest facts in terms of downgrading of the salaries of females jobs being intentional. In most cases it is really not intentional; it may be those old assumptions that you carry with you when you say that a librarian should be a grade V as opposed to a grade VII. But in the *Westinghouse* case, it went back to the forties, when Westinghouse brought in a job evaluator and told him to evaluate all the jobs in the plant. So this job evaluator did that, and they came up with points for jobs. Obviously the jobs with the same points should have gotten the same salaries. But then Westinghouse looked over the list of the jobs with the same points and noticed that some were filled by women and some were filled by men. So they said, "Oh no, we're going to lower the salaries of the jobs filled by women by 30 per cent." They did this very openly. They even had documents in their files saying it; there was a kind of personnel manual that said they had done it for reasons, too numerous to mention, having to do with sociological facts of life or something. It was almost funny in retrospect. But it was not until IUEW and Westinghouse settled last year that the gap had been completely narrowed, that gap that was based on the 30 per cent depression of the wages of those female jobs. So we have a lot of things going on in the federal courts in terms of Title VII. We also have many state laws which specifically prohibit unequal compensation for comparable worth. And they use the words *comparable worth*. As far as I know, none of these state laws has ever been tested. I think you will see a lot more activity in that area, especially when there is some unease about whether the federal courts will be sympathetic or not.

So those are our four major types of strategies for working on comparable worth: state and local government research projects; legislation at the state level endorsing comparable worth and a way to close the gap; organizing and bargaining, both union and nonunion; and litigation.

Myths About Comparable Worth

Now what about the reasons we shouldn't be doing anything about comparable worth? What about what we consider the common myths about comparable worth? I would like to talk about those a little, because I am sure you have heard them, and then tell you what I think some of the answers are to those myths. The first myth is that you cannot compare dissimilar jobs for the purposes of setting salaries. This is known as the apples-and-oranges argument. The second myth is that you cannot interfere with the free market system by establishing comparable salaries. The third myth is that you cannot pay women workers what their jobs are worth because it will cost too much.

Let's turn to the apples-and-oranges myth. It

turns out that for decades employers have been comparing dissimilar jobs for the purposes of establishing salaries. In fact, modern employer-initiated-and-administered job evaluation systems were developed about forty-five years ago, first to evaluate managerial jobs. These systems were used to create organizational hierarchies and to justify wage structures. They were later used with some revisions to evaluate other jobs—blue-collar jobs, service and clerical jobs. So this has been going on, this comparing of dissimilar jobs, for years and years. In addition to private employers, the federal government has also been involved in evaluating dissimilar jobs for the purposes of setting salaries. The U.S. Department of Labor for years has published the *Dictionary of Occupational Titles*, and in the *Dictionary of Occupational Titles*, there is a ranking of jobs from what the department has believed in the past to be the most important and most valuable to the least important and least valuable. The *Dictionary of Occupational Titles* has been offered and used by thousands of firms as an aid in setting salaries. For example, if I set up a library and I want to know what to pay, I would go to the *Dictionary of Occupational Titles*, and it would say "Librarian." It was really a ranking, and the example of the dogcatcher being more valuable than a nursery school teacher comes from an old edition of the *Dictionary of Occupational Titles*. It was a way for employers to easily find out what they should be paying. Employers who have been happily comparing dissimilar jobs for years have suddenly said that job evaluation systems cannot be used to compare male-dominated and female-dominated jobs. They say that it is impossible to compare apples and oranges. But the National Academy of Sciences, which did a very important job evaluation study, parts ways with these opponents and in its study concluded that, even though there are some difficulties, such comparisons are feasible as long as care is given in collecting and analyzing information about jobs, in other words, if care is given when you do that first step in coming up with accurate job descriptions. But to go back to the analogy of apples and oranges, the analogy alludes to the difficulty of finding one method for describing and evaluating dissimilar jobs. Of course, it is true that any particular apple may not be equal to any particular orange; they have different shapes and tastes and textures and so on. But there are general characteristics of fruit, such as the number of calories, the vitamin and mineral content, which make it possible to compare specific apples and specific oranges. In some ways, nutritional value, for example, the apples and oranges may be equivalent. In the same way, dissimilar jobs may not be identical but may be comprised of tasks and characteristics that are equivalent or comparable. The comparable worth issue emphasizes the need to design job evaluation systems that are free from sex bias—systems, if you will, that will pay the orange and apple equally for giving us the same amount of energy; systems which do not pay the orange less than the apple simply because it's not red. I hope that takes care of the apples-and-oranges argument.

The second argument is the free market argument. The concern that social reforms will destroy our economic system is not at all new. When we were preparing testimony on comparable worth, we decided to look back and take a historical perspective and see what kinds of arguments had been given against similar reforms. We found that in the 1880s employers testified in the Massachusetts legislature that a proposed law would lead to chaos in the productive process, that employers would move out of the state, that it would destroy the excellent relationship between employers and employees, and that it would lead the country into socialism. This dangerous legislation was a child labor law prohibiting children from working more than eight hours a day. So some of the same arguments that we were hearing about comparable worth, in terms of how dangerous it was, we had heard about other social reforms. Our history showed that those social reforms had really been reforms; they had not destroyed the economic fabric of our country. Employers are invoking a similar list of disasters when talking about pay equity. They primarily focus on the inviolability of the free market system. Essentially, the argument is that the free market system always has and always should determine wages and that if it does not, economic havoc will ensue. But I think that this is a very weak argument, and there are many reasons I think that it is weak. In the first case, unfortunately or fortunately, there is no such thing as a free market, as a pure free market. As a society, we interfere all of the time in the marketplace. Sometimes we interfere for economic reasons to protect employers, to bail out a Lockheed or an Amtrak or a Chrysler. These are interferences in the free market system; we are not letting the laws of supply and demand and so on and so forth take over. We also interfere to protect employees because we have certain social values. We do have child labor laws because we think that it is more important to educate children than to have them working twelve hours a day.

We also have wage and hour laws limiting the number of hours that people are allowed to work and we set minimum wages because we feel that the lives of our citizens should include a certain amount of leisure as well as a living wage. We also have anti-discrimination laws that say, "Thou shalt not pay women and blacks or Hispanics less simply because you can get them cheaper, because they're desperate for jobs." It is not just government, however, that manipulates our so-called free market system. Employers also actively interfere. In Boston, Nine to Five, the association of working women, discovered the existence of something called the Boston Survey Group. This is a group of employers who employ large numbers of clericals. It turned out that this Boston Survey Group met every year to fix the wages of clerical jobs in order to keep the salaries low. The law of supply and demand (something that was supposed to be sacrosanct to employers) was ignored in this process. Another weakness, I think, in the free market argument is that there is currently sex bias in market wage rates. As I have said, the most common way of establishing a job salary is by paying what other employers pay for a similar job; this is called paying market wage rates. The use of these rates, however, does not reflect the value of a job relative to other jobs in the same firm and may well reflect prior discrimination by other employers. In effect, the reliance on the market wage rate is one important way through which the depression of women's wages is transferred to employer to employer to employer. The librarians in Fairfax County came up against this argument. The County Board of Supervisors said, "We are paying what other counties and other governments pay librarians. That's all we have to do. We have no other obligation." But in fact, in a Title VII case, *Norris v. The Arizona Governing Committee*, the judge makes the point explicit. He said, "Title VII has never been construed to allow an employer to maintain a discriminatory practice merely because it reflects the marketplace." There is also often a biased response to the marketplace on the part of employers. Sometimes organizations respond differently to market situations depending on whether the job that they are concerned about is made up by women or men. According to market theory, when there are shortages in occupations, salaries of these occupations should rise. There's a great deal of evidence, however, to suggest that this often does not occur when the occupation is female-dominated. An example of this was uncovered through testimony in a comparable worth case, *Lemons v. The City of Denver*. In the city of Denver, gardeners and tree trimmers were paid more than nurses although nurses were in short supply. It turned out again that once a year all hospital administrators met to set the salaries of nurses in the Denver metropolitan area. The law of supply and demand was not allowed to function. Denver hospitals were willing to absorb a shortage of nurses in order to keep the salaries depressed. I am sure that some of you have read that some hospitals have gone to the extent of recruiting nurses from the Philippines rather than paying nurses a fair wage.

The Issue of Cost

The third comparable worth myth involves the issue of cost. According to the opponents of pay equity, increasing women's salaries will lead to economic chaos. Employer advocacy organizations have estimated that the cost of implementing comparable worth would range from $2 billion to $150 billion. Now that's quite a range, the high estimate being seventy-five times greater than the low estimate; it's an estimate which makes me question the accuracy of the prediction. But I don't mean to indicate that comparable worth advocates are not concerned about cost. Rather, I think that they are interested in dealing with accurate figures in a reasonable manner. In the state of Minnesota, for example, the Council on the Economic Status of Women prepared a report on comparable worth. This was at the stage when the legislature was just trying to decide what to do about the issue. The report included specific figures for the cost of achieving pay equity and also identified a variety of salary pools which could fund these increases. Contrary to what we have been led to believe about cost, the hard data in Minnesota indicated that pay equity increases would amount to only between 2 to 4 per cent of the total budgeted for state salaries. There is also a great cost in fighting similar reforms through legislation. The Council on the Status of Women did a very clever thing in Minnesota. They presented some very convincing evidence regarding the cost in litigation fees for fighting a similar reform within the Minnesota State University system. They had a case in the University system that had been going on for years and was still going on. In that case, it turned out that litigation cost more than the amount needed to raise the salaries of women's jobs. This was very convincing, obviously, to the legislature. As a result of that information and the pressure from the union (AFSCME) and women's organizations, the legislature finally did

pass that bill. In New York state, in the study that we are doing that was jointly negotiated by the union, we are also trying to deal with the cost question reasonably. This study will include economic forecasting to project state revenues as well as to assess the potential costs of closing any wage gap related to sex or race segregation. Now these employers—some of these states, along with AT&T, Colorado Springs, and others—are making what I think are wise and fair decisions. Our history of economic reforms really makes it very clear: things do go easier for employers who voluntarily comply with our laws. If employers wait to be forced to pay nondiscriminatory wages, they will not have the opportunity to cooperatively phase in salary increases, no matter how expensive these increases may be. In the state of Washington, the union is asking for $500 million in back wages. This is a lot of money for that state to absorb. Now, it may be that the court doesn't award that. That is very different than the state of Minnesota, which is starting to close the wage gap. They appropriated $22 million to start that process. There's not a question of back pay there. So I think we have a lot of evidence on our side that things are much worse if employers fight some of these reforms. Finally, I think the most critical thing to remember is that the cost of correcting discriminatory practices is no justification for violating the law. In 1978, the Supreme Court ruled (and this was in a case involving unequal pension contributions in the Los Angeles Department of Water and Power) that the cost of correcting discriminatory practices is no justification for violating Title VII. The Supreme Court stated that the cost argument of the employer "might prevail if Title VII contained a cost justification defense comparable to the affirmative defense available in a price discrimination suit. But neither Congress nor the courts have recognized such a defense under Title VII."

Recommendations

Where does all this leave us? What would I recommend to you? I recommend that you become leaders on this issue. Specifically, I think that you have a special talent and responsibility to educate the public and policy makers about comparable worth. I can't think of a group that could do it better. Second, I think you must become political, with a small *p* and a big *p*. You, more than any other group, have connections with community organizations, with church groups, with leaders, with politicians. Next week, the North Carolina Assembly on Women and the Economy is meeting. How many of you are going? How many of you know about this meeting? Good. Let me read something from the Employment Task Force report. The Employment Task Force report has two recommendations on pay equity. The first requests the governor and the General Assembly to fund an outside study of the state's job classification system to identify ways to provide greater equity in the system. The second recommendation requests the General Assembly to enact legislation committing the state to the concept of comparable worth and having as its first priority for study and implementation predominantly female occupations such as teachers, social workers, librarians, and clerical workers. I don't know how people get invited to that conference but I would say that librarians should be there in full force because you have a very unique opportunity here where the governor, I assume, is really listening to what's going on. So press hard. All of you can write letters to your legislators as well as to the governor. I think now is the time for you to organize yourselves politically (small *p*), to put pressure on in terms of comparable worth. Things could happen in North Carolina if you want them to. You have to think very broadly and build coalitions. Library technical assistants and clericals and obviously men who are librarians are affected. It is very important to work with nonlibrary groups who are concerned about comparable worth. It may be that there are unions in this state that are trying to take on this issue. Whether they succeed or not is very important to you, whether you are organized or not, because this is a concept that mushrooms. Once there has been a victory in one place, it becomes a slightly more acceptable concept, and that victory can be carried forward. That is what happened with the librarians in California; San Jose won, the union won the strike, so San Diego said, "Maybe we can use this victory for ourselves." I also think that you must build, as a group, short-term and long-term strategies based on a thorough analysis of your situation, using research, legislation, litigation, public education. I think it is up to you to keep the pressure on.