EQUAL PAY ACT OF 1962

HEARING

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 2494 and H.R. 11677

TO PROVIDE EQUAL PAY FOR EQUAL WORK REGARDLESS OF SEX

STATEMENTS SUBMITTED IN LIEU OF ORAL TESTIMONY

AUGUST 1, 1962

Printed for the use of the
Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
87485 WASHINGTON : 1962

COMMITTEE ON LABOR AND PUBLIC WELFARE

LISTER HILL, Alabama, *Chairman*

PAT McNAMARA, Michigan
WAYNE MORSE, Oregon
RALPH YARBOROUGH, Texas
JOSEPH S. CLARK, Pennsylvania
JENNINGS RANDOLPH, West Virginia
HARRISON A. WILLIAMS, JR., New Jersey
QUENTIN N. BURDICK, North Dakota
BENJAMIN A. SMITH II, Massachusetts
CLAIBORNE PELL, Rhode Island

BARRY GOLDWATER, Arizona
JACOB K. JAVITS, New York
WINSTON L. PROUTY, Vermont
JOHN G. TOWER, Texas
MAURICE J. MURPHY, JR., New Hampshire

STEWART E. MCCLURE, *Chief Clerk*
JOHN S. FORSYTHE, *General Counsel of Committee*

SUBCOMMITTEE ON LABOR

PAT McNAMARA, Michigan, *Chairman*

WAYNE MORSE, Oregon
JENNINGS RANDOLPH, West Virginia
BENJAMIN A. SMITH II, Massachusetts
CLAIBORNE PELL, Rhode Island
QUENTIN N. BURDICK, North Dakoa

BARRY GOLDWATER, Arizona
WINSTON L. PROUTY, Vermont
JOHN G. TOWER, Texas

JOHN L. SWEENEY, *Professional Staff Member of Subcommittee*
EDWARD D. FRIEDMAN, *Counsel to Subcommittee*
MICHAEL J. BERNSTEIN, *Minority Counsel*

CONTENTS

ADDITIONAL INFORMATION

CHARTS AND TABLES

EQUAL PAY ACT OF 1962

WEDNESDAY, AUGUST 1, 1962

U. S. SENATE,
SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

In lieu of oral testimony the following individuals and organizations submitted prepared statements in support of S. 2494 and H.R. 11677; and the chairman ordered them printed:

PREPARED STATEMENT OF ARTHUR J. GOLDBERG, SECRETARY OF LABOR

The administration's equal pay proposal, S. 2494, introduced by the chairman of this subcommittee and Senator Morse, has the basic purpose of securing wage justice for working women. Its direct effect would be to prevent discriminatory wage practices on the basis of sex in employment in interstate commerce.

Special attention and special emphasis are required to plan programs for the ever-increasing numbers of women workers entering the labor force. Basic to the success of all of these programs, however, is the objective sought by the bill before you, wage justice for working women.

Under this proposal the democratic principle of equal pay for equal work should be established as a touchstone of our national labor policy. Discriminatory wage practices based upon sex, like other forms of discrimination in employment, are contrary to our basic traditions of freedom and fairplay. Moreover, from the standpoint of our national security, we cannot afford to waste our vital manpower resources in such wanton fashion.

The proposal prohibits an employer having employees engaged in commerce or in the production of goods for commerce from discriminating between his employees by paying lower wages to one sex than he pays to the other sex for substantially the same job. In other words, "work of comparable character on jobs the performance of which requires comparable skill" must be paid for on an equal, nondiscriminatory basis. Payment of different rates is permitted, however, pursuant to nondiscriminatory seniority or merit increase systems.

The proposal would also expressly prohibit such wage rate discrimination by certain Government supply contractors on contracts in excess of $10,000. This is substantially the Walsh-Healey public contracts coverage.

When efforts to secure voluntary wage restitution are not successful in violation cases, the bill provides administrative enforcement proceedings which may terminate in cease and desist orders by the Secretary of Labor enforceable in court.

A section-by-section analysis of this bill is attached.

Traditionally, in the sphere of remedial labor legislation the Federal Government leads—here it lags. Twenty-two States have equal-pay laws. Laws of this kind are also in effect in Canada—a Federal law and eight Provincial laws—and in other foreign countries. The U.N. has repeatedly emphasized the importance of an international equal pay standard, and there is an ILO Convention on this subject, ratified by a substantial number of countries. It is highly significant also that the Rome treaty, establishing the European Economic Community, includes an equal-pay provision.

Favorable action on S. 2494 is particularly urgent in view of the forecast that by 1970 we will have 30 million women in our labor force as compared with an average of 24¼ million in the labor force during 1961. These workers must have the unqualified incentive of fair treatment—for which there is no substi-

tute—to be a creative part of our labor force. They should be encouraged through this and other means to increase their skills to the maximum in their own interest and in the interest of our Nation.

The adoption of S. 2494 will help to create this incentive. Two other keys to favorable career prospects for women are recommendations for action expected from the inquiries of the recently established President's Commission on the Status of Women and the impetus for skill development provided by the recently enacted Manpower Development and Training Act. These actions—all different but with important underlying relationships—together should contribute substantially to a real advance in the status of women.

Action on the bills before you is essential if we are to remove from the channels of interstate commerce and from certain Federal contract operations the practice of denying to women the just remuneration they have earned.

Prompted by our growing social consciousness, we have advanced notably in constructive programs to end various other forms of discrimination. The blot of unequal pay policies, however, remains to deface our record. The purpose of the equal pay proposal before you to wipe out these discriminatory policies is not only fundamental in terms of equity and fairness and as an expression of our national ideals, it also has significant and persuasive economic justification.

The aim of the proposal is to prevent employers engaged in interstate commerce as well as large-scale Government supply contractors from unreasonably and irrationally determining rates for their employees on a basis which is irrelevant: is the particular job performed by a man or woman?

Reason cannot muster any arguments for these differences which so often force women workers to sell their industrial skills at discount rates. The all-too-human impulse for a bargain would be restrained by the proposed bill when the bargain is that of buying the work effort of female hands. A woman working for bargain rates necessarily must feel that her effort itself is cheapened when the objective measure of its worth to the employer; namely, her wage rate is less than a male worker's for the same job. In addition to the problems implicit in performing a job, therefore, down-graded women workers have to cope with a sense of defeat, inhibiting to their job potentials and achievements. The workers lose and the economy loses out of all proportion to an employer's short-sighted and illusory gain.

The origin of the rate differential for men and for women performing comparable jobs is the false concept that a woman intrinsically deserves less money than a man. This outmoded concept, rooted in a psychological down-grading of women's skills, has been amply demonstrated to be false in every field of endeavor, and we simply cannot afford to give it credence in tis modern space age. It is indefensible from every standpoint. To state this concept should suffice to refute it, but this has not proven to be true.

Discrimination in wage payment on the basis of sex continues to exist. Many will contend it is not pervasive, but this does not mitigate its degrading effect in the cases where it is practiced. In some, it is evident; in others, it is successfully concealed; and in still others, employers may not be positively aware that they are practicing it. It may come to light only when it is to be eliminated, for example, through a new collective bargaining agreement.

Certain unions have been very effective in bargaining the practice away. But practices deeply rooted in prejudice yield slowly to change through such a method, and it is scant consolation to a worker suffering wage discrimination that a remedy may be forthcoming at some possible future time.

The bargaining method, as labor itself has asserted in advocating a Federal law, is not adequate to eliminate unequal pay from the industrial scene. One immediately obvious deficiency of this method is that it cannot improve the lot of those most in need of help, the unorganized worker.

If this proposal is enacted, we would hope and expect that the bargaining method to eliminate unequal pay will continue to be used as a supplement to this law, as well as to remove practices by employers not subject to this proposal or to any State equal pay law. It is our firm belief that its enactment would stimulate greater efforts of unions to remove this discrimination in noncovered employment.

Enlightened and progressive employers do not hold the conviction that there is a rationale to support unequal pay practices and they accordingly follow a rate-for-the-job policy. We do not intend for a minute, therefore, to overlook or fail to give them credit for their fairplay in the face of the disadvantage they may encounter when competing with the employers who do use a double standard pay structure.

We also hope, if this proopsal is adopted, that employers, even though not amenable to it or otherwise under legal obligation to apply equal pay principles, would be influenced to abandon an unpopular unequal pay policy in the face of their conspicuously minority position as well as convincing demonstration that such a discriminatory practice has no justifiable basis.

It should be made clear for the record that the prohibition in this bill against this unequal pay practice is addressed to individual employers. The bill is not designed to standardize wage rates between different employers within an industry. To paraphrase an equity maximum, the bill would require to be done only that which ought to be done; that is, to accord fair treatment to employees as a matter of principle.

The effect of the proposed law in improving the outlook for women has been emphasized because in the great majority of cases it is they who are the victims of unequal pay practices. However, we want to point out also that the same protection would be afforded men under this proposal in those instances where a reverse discrimination is made or threatened.

The bill would diminish the possibilities of using women to force wages down and of taking advantage of the sharp competition for jobs in times of substantial unemployment. The measure would strike at wage rate discrimination based on sex whenever it appears.

It would also stimulate another worthwhile purpose—that of maintaining the purchasing power of workers to add to their prosperity and the growth of our economy.

The equal pay principle has in the past been highly praised by some of the same spokesmen who object to the enactment of an equal pay law on the ground that it is unnecessary. This objection does not persuade. A worthy principle which is not being adhered to should be promoted by law when it is manifest that such action is essential to its application.

The language of the bill is, it is believed, completely clear. But, to obviate any possible misunderstanding of its import, it is emphasized that differences in pay rates which the bills proscribe are those which have no relation to job performance or job content. What they do relate to is the arbitrary distinction based on the sex of the worker assigned to the job.

Opponents of equal pay legislation are prone to assert that it is impossible or impractible to compare work performed by different workers or the skill required for certain jobs. This assertion is just not tenable. Wage rates for jobs with varying skills are agreed upon daily in thousands of employer-worker situations. A similar kind and degree of practical judgment based on careful analysis is necessary to compare work and skills in order to administer an equal pay law effectively. In making these essential comparisons we do not contemplate using any one specific method to determine the comparability of jobs, such as formal job evaluation.

The Department of Labor intends to use that method of job analysis and comparison which is appropriate to a particular job situation. We consider a high degree of flexibility in making these determinations essential to administer this proposal realistically and equitably.

We visualize that our first step under this proposal would be to use all of the resources available to us to educate and publicize the purpose and scope of the law. We would endeavor to develop good will toward its eminently just aim in order to secure its voluntary observance. Compliance—not coercion—would be our watchword.

The rulemaking process authorized by the bill which would be used, among other ways, to set standards for determining work comparability would furnish a valuable point of contact with employers for educational efforts in behalf of the equal pay principle at the very outset of our administration.

When violations do occur, we intend to follow—whenever possible the informal methods enumerated in section 5(a)(3) of the bill, namely, conference, conciliation, and persuasion, to eliminate discriminatory wage practices and to secure voluntary restitution of wages wrongfully withheld in violation of the proposal.

Regarding voluntary restitution, we are pleased to say that the Department of Labor's experience under other wage laws which it administers testifies to the fact that employers, when given an opportunity, often readily accept suggestions for voluntary wage settlements.

These settlements, of course, save time, money, and effort and tend to furnish the basis for a more mutually satisfactory employee-employer relationship in the future.

When voluntary wage restitution and commitment to future compliance cannot be secured, administrative proceedings would be held to determine formally

the question of violation. Since compliance with this proposal does involve the technical proposition of job content, as well as wage rates, it lends itself especially to enforcement by the administrative proceedings which the proposal authorizes.

Further, hearings officers and other officers of the Department engaged in the enforcement of this law would gain an understanding of job evaluation concepts and problems which, in my opinion, would greatly facilitate these proceedings. Enforcement by these experts, who would be particularly aware of the roots of employer motivation in unequal pay practice cases and of the shifts in social thinking essential to wholehearted acceptance and widespread use of the equal pay principle would make for consistent administrative policy. It is well recognized that in order to secure uniformity in the application of a law primary exclusive jurisdiction in a single forum is essential.

After carefully studying the question of enforcement we determined, therefore, that administrative proceedings were preferable to the court action enforcement procedure authorized in other bills.

However, cease and desist orders which it may be found necessary to issue at the conclusion of administrative proceedings would be subject under the proposal to review and enforcement by the Federal district courts.

Wage restitution is authorized by the bill in the amount of the wages of which employees have been deprived and an equal amount as liquidated damages. Violators of the proposed act would also be subject to Government contract ineligibility until, acting in good faith, they establish assurance of future compliance.

We do not believe a proposal of this kind warrants a criminal sanction and none is, therefore, included.

In summary, this proposal would favorably affect many phases of our national life and contribute to the accomplishment of some of the most important of the administration's aims. It would be for women not a bounty but a pledge of their acceptance in partnership in the industrial life of our Nation. We urge Congress not to withhold this pledge, and the cooperation and assistance of the Department of Labor is offered in helping to fulfill it.

EQUAL PAY PROPOSAL

SECTION-BY-SECTION ANALYSIS OF S. 2494

Section 1. Title of act

Establishes short title of "Equal Pay Act of 1962."

Section 2. Findings and declaration of policy

Enumerates undesirable conditions in industries engaged in commerce or in the production of goods for commerce resulting from payment of wage differentials based on sex and declares policy of act to correct these conditions through the commerce power.

Section 3. Definitions

Defines terms used in the act, for the most part, as the same terms are defined in the Fair Labor Standards Act.

Section 4. Prohibition of wage rate differential based on sex

Prohibits employers having employees engaged in commerce or in the production of goods for commerce from discriminating, on the basis of sex, in payment of wages in any place of employment in which their employees are so engaged by paying to any employee wages lower than those which they pay to any employee of the opposite sex for work of comparable character on jobs the performance of which requires comparable skill.

The language descriptive of proposed coverage and the supporting definitions in section 3 are phrased to make available precedents established under the Fair Labor Standards Act in determining coverage under the proposed legislation. Nondiscriminatory seniority or merit increase systems are excepted.

Section 5. Administration and enforcement

(*a*) Authorizes the Secretary of Labor: (1) to issue rules and regulations, including regulations to provide standards for determining work of a comparable character on jobs which require comparable skills; (2) to make investigation regarding compliance with the act; (3) to use informal methods of conference, conciliation, and persuasion to eliminate discriminatory wage practices and to secure restitution of wages which an employee would have received in com-

pliance with the act; (4) to hold hearings in conformity with the Administrative Procedure Act to determine whether violations have occurred. Upon a finding of violation, authorizes the Secretary to issue an order directing an employer to cease and desist from such violation and to pay to each employee adversely affected thereby the amount of the wages due, plus an additional amount as liquidated damages; (5) after a hearing, under the same procedure as provided in paragraph (4), to issue an order with respect to any employee discriminated against by reason of assisting in the enforcement of this act; to reinstate; to remove any other discrimination; and to pay any wages of which the employee has been deprived, including an additional amount as liquidated damages.

(*b*) Vests the Secretary of Labor with subpena power as provided under the Federal Power Act of June 10, 1920.

(*c*) Provides the Secretary may apply to the appropriate U.S. district court for enforcement of his orders. Also provides express authority for him to seek restraining orders.

The findings of the Secretary on questions of fact if supported by substantial evidence on the record considered as a whole will be conclusive.

(*d*) Authorizes persons aggrieved by final orders of the Secretary to obtain a review of such order in the appropriate U.S. district court.

(*e*) Provides the Norris-La Guardia Anti-Injunction Act will not apply to proceedings under this act.

Section 6. Supervision of wage payments

(*a*) Authorizes Secretary to supervise payment of wages, withheld in violation of the act, and to hold such sums in a special deposit account and to order payment therefrom directly to the employee. After 3 years, unpaid sums from the account must be covered into the Treasury as miscellaneous receipts.

(*b*) Limits wage restitution to periods of 4 years preceding the date the Secretary commences his first administrative or judicial proceeding.

Section 7. Government contracts

(*a*) Provides that all Government supply contracts in an amount exceeding $10,000 shall contain a stipulation requiring the contractor to compensate persons employed by him on the contract in conformity with the requirements of the act and shall be subject to all of its other provisions. Authorizes the Secretary of Labor when he deems that special circumstances in the national interest require to exempt any contracting agency from the requirement of including this stipulation in a specific contract.

(*b*) Provides that no contract shall be awarded by any U.S. Government agency to persons determined to have violated the act or contract stipulations entered into under subsection (a) unless the Secretary determines the contractor has come into full compliance. The Comptroller General is directed to distribute a list of contractors ineligible under this section and immediately to remove from the list the name of any contractor the Secretary has determined to have come into compliance.

Section 8. Posting

Requires employers subject to act to post a copy of it on premises where any employee covered by the act is employed.

Section 9. Appropriation

Authorizes necessary appropriations to carry out the act.

Section 10. Effective date

Provides that act will take effect 120 days after passage.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., October 4, 1961.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 2494, 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 and to provide for the restitution of wages lost by employees by reason of any such discrimination.

This bill, drafted by the Department of Labor, has the purpose of assuring that women receive wages equal to the rates received by men when they do comparable work.

The Bureau of the Budget has no objection to the enactment of S. 2494.

Sincerely yours,

WILFRED H. ROMMEL,
Acting Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., November 6, 1961.

HON. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 2494, a bill 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 and to provide for the restitution of wages lost by employees by reason of any such discrimination.

This bill would prohibit an employer engaged in commerce or the production of goods for commerce from discriminating in wage rates based on sex where men and women are performing comparable work on jobs requiring comparable skills. This prohibition would not apply where the payment is made pursuant to a seniority or a merit increase system which does not discriminate on the basis of sex. The Secretary of Labor would be authorized to prescribe the necessary rules and regulations and to implement the act with a right of review in appropriate district courts of the United States.

The subject of this bill is not one for which the Department of Justice has primary responsibility and, accordingly, we prefer to make no recommendation thereon.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

PREPARED STATEMENT OF ESTHER PETERSON, ASSISTANT SECRETARY OF LABOR

I appreciate the opportunity to submit this statement in support of S. 2494, a bill to provide for the establishment of equal pay for comparable work for men and women.

This proposal is an important part of the broad program of domestic legislation which this administration has submitted to the Congress. It represents a continuation of our efforts to help maintain the stability of the Nation's work force, to insure the maximum utilization of the skills of our workers, to improve the living and working conditions of all our people, and to eliminate economic discriminations.

Recognizing the need for eliminating wage discrimination based on sex and promoting full participation by women in all facets of our national life, President Kennedy less than 6 months ago, established a Presidential Commission on the Status of Women. At the Commission's first meeting in Washington on February 7 and 8, members expressed their unanimous support of the equal pay principle as a measure to carry out the President's objectives (exhibit A).

The principle of equal pay, or the rate for the job, has been recommended and continuously supported by the Women's Bureau since its earliest days. Legislation incorporating this principle has been introduced in each Congress since the end of World War II, but no hearings have been held on a Federal equal pay bill since 1950.

Testimony presented a few weeks ago on the administration proposals embodied in H.R. 8898 and H.R. 10226 (companion bills to the measure, S. 2494, you are considering today) showed enthusiastic support for equal pay legislation and a widespread demand throughout the country today for elimination of the age-old practice of wage discrimination based on sex.

All of use are looking to this Congress to make the equal pay principle a reality by enacting the measure under consideration by this committee.

Purpose and scope of proposed legislation

S. 2494 is designed to insure that workers covered by its provisions will have a legal right to a rate of pay based on the job and not on the sex of the worker. This is the bill's direct and immediate purpose. However, enactment of this bill into law will have many additional and far-reaching benefits. It is well known that discrimination in rates of pay is an important element in maintaining unequal opportunities between men and women workers. Payment of the rate for the job would remove one of the main objections to opening new jobs for women, i.e., the fear that the women will be paid lower wage rates and thus undercut the established wage levels of men workers.

By removing this major barrier to women's economic advancement, the enactment of this bill will help to promote greater flexibility in the labor force. In our highly industrialized economy, with its technological advances and growing demand for new skills, the ability to draw upon a broadly trained, skilled labor force is essential to expanded production. If employers were required to pay the rate for the job, without prejudice because of sex, they could more readily use men and women workers interchangeably. Women would have a real incentive to equip themselves with higher skills, and would thus be prepared to make their maximum contribution to the economic progress of our country.

It may be pointed out, too, that labor disputes result from discriminatory wage practices which these bills are designed to correct. As a longtime union member and one who will always have the interest of the worker at heart, I know from firsthand experience that labor disputes will inevitably arise as long as unfair wage practices continue to exist. The operation of lower wage standards for women promotes a feeling of unrest in workers of both sexes. It adversely affects efficient operation of the individual establishment and militates against the stability of the labor market as a whole.

The bill establishes administrative procedure which will protect the rights of both employers and workers. As an initial step, it calls for conference and conciliation procedures. If these are unsuccessful, it provides for administrative hearings and the issuance of enforcement orders by the Secretary of Labor, after which an employer who is dissatisfied has the right to take the issue to court. The Secretary of Labor may also seek enforcement of his orders by the courts.

The bill does not require any specific method of determining comparability of jobs, such as formal job evaluation. Different methods may be used, depending on the circumstances relating to the particular job.

Some of the States have enacted equal pay laws to try to correct wage discrimination based on sex. Today there are 22 States in which equal pay laws are in force (exhibit B). At a later point in my statement, further reference will be made to these laws.

We are aware that much can be learned from State enforcement experience. One aspect is that the effective implementation of an equal pay bill will require the cooperation of trade unions as well as employers.

Women union members have a certain protection against wage discrimination, at least to the extent that equal-pay clauses are written into union contracts. Unorganized women workers lack their protection and also lack any bargaining strength. They are targets for unfair employer practices and particularly for payment of lower rates than the job calls for. Payment of lower rates to unorganized women workers is a constant threat to wages of organized workers, both men and women. As long as some employers have this big margin for the exploitation of unorganized women workers, organized women workers will have greater difficulty in getting the fair rate for the job.

We believe that all workers, organized and unorganized, are entitled to protection of a Federal statute establishing the policy of the Congress that wages shall be based on the job and not on the sex of the worker.

The place of women in the labor force

Today women are employed in virtually all occupations. Each succeeding census shows that the employment of women has increased in all occupational groups with the exception of household workers and farmers. The great majority of occupations and industrial processes of today are not by their nature exclusively "men's work" or "women's work." Heavy lifting and arduous work are more and more frequently being done by mechanical means and machine power. Given necessary training and opportunities for employment, women are capable of performing nearly any kind of job.

In April 1961, more than half (51 percent) of all women in the labor force were 40 years of age or over. The proportion over 45 years of age has mode than doubled since 1920, rising from about 20 percent to about 40 percent of the total number of women workers. (See chart 1.) Studies of the economic responsibilities of women show that women work for the same reasons that men do, to support themselves and their dependents. Women's earnings are a substantial factor in meeting the high cost of living for many families. Labor force data show that the proportion of wives at work is materially higher among families in the low-income groups.

Widowed and separated women are often the only wage earners in the family and many single women and some married women carry the entire responsibility for family support. In 1961, women were the heads of 4.6 million of the country's families, i.e., about one-tenth of all families in the United States.

Perhaps one of the best ways to illustrate the importance of providing equal pay for equal work is to view the employment of women in historical perspective. Figures for 1961 show that an average of 24¼ million women were working or seeking work, and constituted a third of the labor force. In 1900, women in the labor force numbered 5 million and presented less than 1 in 5 of all workers. Thus, in a period of a little more than half a century during which the number of men in the labor force had doubled, the number of women has more than quadrupled. In the decade of the 1960's, the Department of Labor estimates that the U.S. labor force will grow nearly 20 percent. About half of the additional number will be women.

Pointing out that "Womanpower * * * is the largest untapped source of manpower in the United States," the National Industrial Conference Board, in its April 1961, "Management Record," suggested that: "If the emerging requirements for highly educated people who can fill supervisory positions are to be met, many believe that business must tap this source more effectively than it has in the past."

That this is not being done adequately is indicated by a recent survey by the Wall Street Journal of employment prospects for young women who will complete their college studies this spring. Reported in the February 1, 1962, issue, the Journal's survey covered 30 college placement officials and 50 corporation personnel executives. It showed that, while the current business upturn will mean some new jobs for women, considerable sentiment against hiring them persists in some quarters, and women as a whole will not benefit nearly as much as will men graduates.

"Young women winding up their college studies this spring will find more jobs to choose from than last year's graduates did. But lingering sex barriers and fierce competition in some popular fields will force many of the graduating coeds to settle for less attractive positions than they had hoped for.

* * * * * * *

"According to Government estimates, some 145,000 girls will receive bachelor's degrees this spring, up from 134,000 a year earlier and 116,000 5 years earlier. Of these, if Labor Department studies of past graduating classes are indicative, around 80 percent will seek full-time work. Well over a third of the women graduates will probably be married within 6 months after graduation, but a majority of this group will nevertheless continue to work.

* * * * * * *

"Though women with scientific and technical college backgrounds frequently can command the salaries on a par with those of their male counterparts, pay for college women generally continues to trail men's pay. 'There is always wage discrimination against girl graduates, particularly in the retailing field,' says a University of Tenessee official. At the University of Wisconsin, a placement official observes: 'The double wage standard still holds, except in mathematics and sciences.' Starting salaries for women will edge upward this year but will still lag by $50 to $100 a month behind offers to men for equivalent positions * * *."

* * * * * * *

Referring to the quotation from the placement official, our data indicates there are also differences in salaries paid to men and women in mathematics and the sciences.

Nothwithstanding the vast changes that have taken place in the economic position of women since the beginning of this century, the situation reported by the Wall Street Journal is corroborated by other studies, by individual cases,

and by personal observation. Many employers continue to regard women workers as casual earners, or as working for pin money, or merely marking time until they can leave their jobs for marriage.

Labor force data show, however, that married women (with husband present or absent) accounted for three-fifths of the total number of women workers in 1961. (See chart II.) Nearly one in every three married women in the population was in the labor force in 1961, compared with one in nine of married women in 1910.

Statistical data relating to the need for equal pay

Despite the increasing participation of women workers as shown by their numbers and the widening range of occupations in which they are employed, their income and earnings levels have not only remained relatively low as compared with men, but the difference has widened. Among year-round, full-time workers, women have earned on the average less than two-thirds as much as men during each of the past 6 years (1955–60). In 1960, women's median wage and salary income of $3,293 was $2,124 less than men's—just 61 percent of men's income. In 1955, it was $2,719, which was $1,533 less than the men received, or 64 percent of men's income. These differences exist in all the major occupational groups, ranging from 42 percent among sales workers to 68 percent among clerical workers.

While such differences in earned income result from a variety of factors, persistent differences in earnings of men and women in comparable occupational classifications suggest the need for equal pay legislation as a first step toward more equitable treatment of women. Although it is not feasible to measure the extent to which unequal pay rates for identical or comparable work exist within the same establishment, there are sufficient data to strongly suggest such inequities. Because I do not want to dwell at length upon statistics in my direct testimony, we are submitting supplementary material entitled "Economic Indicators Relating to Equal Pay, 1962." This material summarizes the findings of studies covering a wide range of occupations, industries, and cities. I should like to cite just a few examples from this material which give some insight into this problem.

Bureau of Labor Statistics studies of average earnings in selected occupations and industries

The Bureau of Labor Statistics wage surveys disclose lower average earnings of women than men in many occupations. While the job averages reported cover a variety of establishments, represent varying amounts of experience or length of service among workers, and encompass some minor differences in duties, it is significant that men almost always average more than women.

As an example of these findings, a recent survey of bank tellers showed women consistently earning less than men in all areas surveyed even though the data were separated to some extent by length of experiene and type of work. Moreover, the average weekly hours worked on these jobs were the same in most of the cities, and differed only slightly in the remainder. In the group of note tellers with less than 5 years' experience, the differences in average earnings of men and women ranged among the survey cities from $5.50 per week to $31 per week. Granted that some of the differences resulted from variations in rates among establishments, in job content, or in amounts of work experience, nonetheless the differences are so great as to suggest inequities in the treatment of men and women.

Surveys of factory jobs also show lower earnings of women workers. In manufacturing it is quite common for men nad women workers to be assigned to different jobs. However, the BLS surveys show instances of men and women in the same occupational categories and paid on a time rather than a piece-rate basis. In virtually all these instances, women received lower average earnings than men. I realize that, here again, these differences in earnings may be due to differences among establishments, length of service, and job duties, but they may also reflect the lower value placed upon work done by women. For example, in a 1961 survey of wages in nonelectrical machinery firms in Chicago, women assemblers (class C) earned $1.68 an hour, while men earned $2.07; women machine tool operators (class C) earned $1.71, while men earned $2.05. In the latter classification, in the Hartford-New Britain-Bristol, Conn., area the difference was even greater—$1.61 for women as compared with $2.33 for men. Among drill press operators, single or multiple spindle (class C) in Chicago, women earned $1.73 an hour and men earned $1.94 an hour.

Similar patterns emerge from surveys in the clothing industry in New York City, in confectionery products in Chicago and even in some of the newer industries.

It appears that women's work is now also being devaluated by lower wage rates in newly developing industries. The spread of the practice—even more than its perpetuation—gives me the most serious concern. For example, in synthetic textiles in North Carolina (August 1960) women workers in one classification (twister tenders) showed identical average earnings with men—$1.29 an hour—but in another (uptwisters) they averaged $1.25 an hour, while men averaged $1.33, showing an 8-cent difference. Women weavers paid on a time basis in the same State averaged 4 cents an hour less than men; women weavers in other States including Maine, New Hampshire, and an area in Pennsylvania, also averaged 5 and 6 cents less per hour than men.

In another of the newer industries, plastic products (February 1960, Chicago) women employed as finishers (on molded plastic products) received average hourly earnings of $1.39; and men, $1.58.

Bureau of Labor Statistics studies of average earnings of men and women in selected occupations in the same establishments

In order to eliminate differences in average earnings resulting from averaging of earnings paid by different establishments, the Bureau of Labor Statistics in the winter of 1958–59 made a special analysis of earnings of men and women in the same job categories in the same establishments. The analysis covered six office jobs and three plant jobs. But, of the six office jobs studied, women in a majority of the survey establishments, averaged less than men in all but one job category—that of office boy or girl. The other classifications included accounting clerks (class A and class B), order clerks, payroll clerks, and tabulating machine operators. The differences generally amounted to at least $8 a week and even exceeded $20 a week (see exhibit C).

In the plant occupations, men and women elevator operators had comparable average earnings in a majority of establishments, but women packers and janitors averaged less than men in at least 2 out of every 3 establishments and in the majority of these the difference was at least 17 cents an hour (see exhibit D).

An earlier study of seven occupations in plants manufacturing machinery in the winter of 1952–53 showed women averaging less than men in from two-fifths to two-thirds of the establishments. It appears from the report that variations in length of service and experience might account for a difference of from 5 to 10 cents an hour. But, women earned at least 10 cents an hour less than men as milling machine operators (class C) in 11 percent of the establishments; as grinding machine operators in 17 percent, and as inspectors (class C) in 36 percent of the firms (see "Economic Indicators Relating to Equal Pay, 1962").

Job orders in public employment service offices

To narrow the comparison to wage and salary rates for men and women in specific jobs in the same establishments, the Women's Bureau last year studied employer orders for workers in public employment offices in five different cities. Some of the orders requested only men or only women applicants for specific job openings, and many, but not all of the orders for either men or women offered the same rate for the same job. However, about 120 job orders were found offering higher wage or salary rates for men than for women, though applicants of both sexes were acceptable. Most of these differences in hiring rates occurred on orders for clerical, service, or sales workers, but there were also orders for production workers from manufactuing establishments offering different rates to men and women. No reasons for these differences were given and the orders were for jobs bearing the same title and covering the same major duties and skills.

There are numerous other examples of lower hiring rates for women which appear in the supplementary material, and exemplify differences in hiring rates based on sex.

I would like to refer at this point to a few examples of orders from establishments which would probably be subject to the Federal legislation. You will find a list of such orders attached to this statement. It shows for instance that a retailer seeking an accounting clerk offered $42 a week for a woman employee and $45 a week for a man worker. A distillery with a clerk-typist job to be filled offered $1.87 an hour for a woman employee and $2.19 an hour for a man worker. An electrical manufacturer with a job opening for an assembler offered $1.40 an

hour for a woman worker and $1.55 an hour for a man employee. A machinery manufacturer seeking a bookkeeper offered from $70 to $75 a week for a woman worker and from $85 to $90 a week for a man.

Scanning the list, we see it represents orders for workers in a variety of jobs and in a number of different industries. While it is possible that the employers who placed these orders might still make some minor adjustments in duties or rates when hiring particular applicants, the quoted rates on these orders raise many unanswered questions. As for example, why should employers offer higher salaries to male clerk-typists than to female clerk-typists? I realize that one person may be better qualified than another. But this is true among men as well as among women. Does the employer assume that better performance on the job is related to the sex of the worker? Why should an employer quote a higher salary range for a male bookkeeper in machinery manufacturing than for the female bookkeeper?

State equal pay laws

Equal pay law action on the State front continues. In March, Arizona became the 22d State to pass such legislation.

A survey made by the Women's Bureau early in 1961 of the 20 States with equal pay laws at that time clearly demonstrates that State equal pay laws fill a definite and continuing need.

In States with active enforcement programs, the benefits of equal pay laws show in the pay envelopes of women workers.

State experience proves that public education programs are effective in obtaining a high degree of voluntary employer compliance. These programs, regular plant inspections, informal administrative hearings, and wage collections through voluntary settlement and court action combine to improve the earning status of women in equal-pay-law States. Some of the principal equal pay cases that have come to the attention of the Women's Bureau are summarized in exhibit E.

The effectiveness of the equal pay laws in some States has been seriously hampered by inadequacies of their basic provisions (see exhibit F). Such inadequacies are of three major kinds: (1) Numerous exemptions from coverage, such as exemptions of employers with less than 10 employees; employees covered by collective bargaining agreements; all industries except manufacturing. (2) Qualifying provisions that constitute loopholes for evasion. For example, some laws permit a wage rate differential if a woman worker has had different training from her male fellow worker; if she is not available for other types of operation than the work she is primarily engaged in; or if there are differences in shifts, hours of work, time of day worked, weight-lifting, and various other conditions. (3) Lack of adequate enforcement provisions. A few do not require the employer to keep records. Some do not expressly place responsibility for administration and enforcement in the Commissioner of Labor or other State official or authorize the issuance of essential rules and regulations.

Where the State laws fail to make clear the responsibility for administration, the employee must initiate a court action in order to claim his or her rights. In the absence of definite standards as to what constitutes equal work, the court is likely to have great difficulty in determining the application of the law in an individual case.

Collective bargaining agreements

Progress continues to be made by unions in bargaining for equal pay. This, however, is a gradual process upon which our economy cannot afford to wait. A study, by the Women's Bureau in March 1956, of 510 collective bargaining agreements in BLS files, showed that only 38 percent contained equal-pay clauses. The so-called key contracts (those covering 1,000 employees or more) showed a higher proportion, 45 percent, with equal-pay clauses. In the electrical and metal fabrication industries, more than 60 percent of the key contracts had such provisions. (See exhibit G.)

The absence of an equal-pay clause in a union contract does not necessarily mean that pay is not equal; some contracts specify one rate for the job, and no equal-pay provision is needed. Of the 315 contracts studied by the Women's Bureau that did not have equal-pay clauses, some applied to firms with job evaluation plans or other wage payment provisions based on a rate-for-the-job policy. Nevertheless, the absence of equal-pay clauses in a large number of contracts shows at the very least that discriminatory wage practices have not been expressly outlawed in the agreement between the parties. (See exhibit H.)

Management policy

Some of the Nation's leading management groups have long advocated that job rates be related to job content and have advised companies to make certain that differences in wage rates be based on fundamental differences in the nature, the duties, and the physical requirements of the job. Nevertheless, in spite of such repeated urging, some employers continue the practice of paying wage rates with differentials and based on sex.

International progress toward equal pay

In the last 10 years, many countries have taken positive action toward establishment of equal pay on a nationwide basis, formally incorporating labor standards into national law and labor-management contracts. We should not lag behind other nations in correcting injustice in this vital area. More than 10 years ago, in 1951, the ILO adopted an international convention and recommendation (convention 100 and recommendation 90) calling for equal remuneration for men and women workers for work of equal value. (See exhibit I.)

One of the most recent development was inclusion of an equal-pay provision in the treaty establishing the European Economic Community. This treaty signed in Rome in 1957, binds Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, and the Netherlands "to insure and subsequently to maintain the application of the principle of equal remuneration as between men and women workers." The executive committee of member states of the Community has given urgent attention to methods for implementing this provision. At its most recent meeting held in December 1961, the committee agreed that the steps toward implementation should follow a reasonable schedule.

In conclusion, I would like to quote a great American woman, Jane Addams, who said many years ago: "Civilization is a method of living, an attitude of equal respect for all. * * *"

I believe that by taking the initial step offered by S. 2494 we can greatly improve our chances of meeting this test and thus give more of that respect to the efforts of women workers.

TABLE 1.—*Employer job orders for workers, 1961*

Job title	Industry	Hiring rate		Period
		Women	Men	
Accounting clerk	Retail trade	$42.00	$45.00	Week.
Assembler	Electrical manufacturing	1.40	1.55	Hour.
Do	do	1.25–1.35	1.40	Do.
Bookkeeper	Machinery manufacturing	70.00–75.00	85.00–90.00	Week.
Do	Insurance	350.00	400.00	Month.
Do	Printing	325.00	375.00	Do.
Do	Moving	350.00	450.00	Do.
Clerk-typist	Distillery	1.87	2.19	Hour.
Do	Printing	60.00	65.00	Week.
Copywriter	Publishing	55.00–60.00	[1]	Do.
Credit clerk	Retail trade	50.00	60.00	Do.
Do	Wholesale trade	265.00–300.00	400.00	Month.
Elevator operator, passenger	Retail trade	1.40	1.60	Hour.
General office clerk	Oil refining	300.00	325.00	Month.
Do	Wholesale trade	250.00	300.00	Do.
Grocery checker	Retail trade	56.88	62.90	Week.
Inventory clerk	Metal manufacturing	250.00	300.00	Month.
Key punch operator	do	240.00–245.00	260.00–265.00	Do.
Order clerk	do	225.00–275.00	275.00	Do.
Receptionist-salesclerk	Retail trade	70.00	80.00	Week.
Sales clerk	do	1.00–1.05	1.25	Hour.
Do	do	1.00	1.125	Do.
Tailor	do	65.00	75.00	Week.
Teller	Credit agency	2,800.00	3,000.00	Year.
Traffic clerk	Wholesale trade	270.00	300.00	Month.

[1] Up to $100.

Source: U.S. Department of Labor, Women's Bureau. "Economic Indicators Relating to Equal Pay, 1962."

CHART I

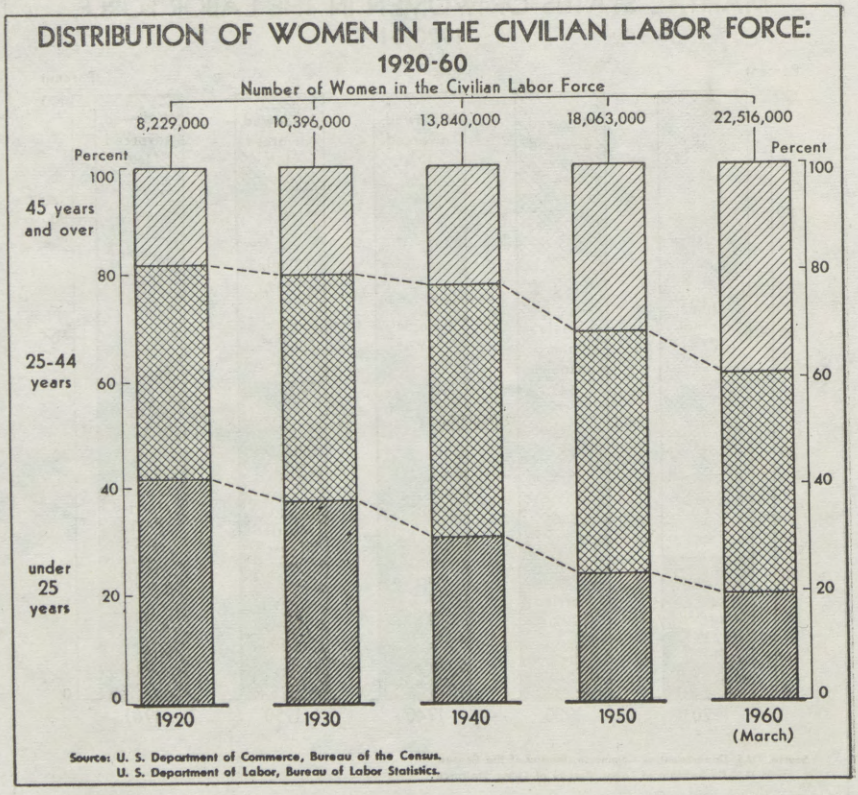
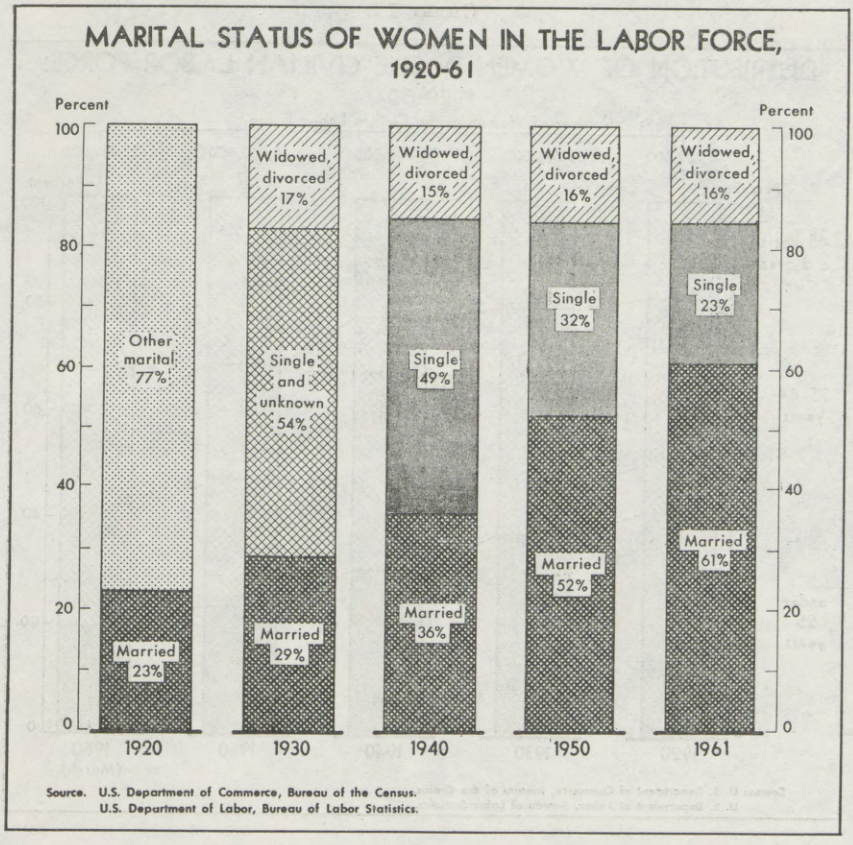

DISTRIBUTION OF WOMEN IN THE CIVILIAN LABOR FORCE: 1920-60
Number of Women in the Civilian Labor Force
8,229,000
10,396,000
13,840,000
18,063,000
22,516,000
Percent
100
80
60
40
20
0
45 years and over
25-44 years
under 25 years
1920
1930
1940
1950
1960 (March)
Source: U. S. Department of Commerce, Bureau of the Census.
U. S. Department of Labor, Bureau of Labor Statistics.

CHART II


MARITAL STATUS OF WOMEN IN THE LABOR FORCE, 1920-61
Percent
100
80
60
40
20
0
Other marital 77%
Married 23%
Widowed, divorced 17%
Single and unknown 54%
Married 29%
Widowed, divorced 15%
Single 49%
Married 36%
Widowed, divorced 16%
Single 32%
Married 52%
Widowed, divorced 16%
Single 23%
Married 61%
1920
1930
1940
1950
1961
Source. U.S. Department of Commerce, Bureau of the Census.
U.S. Department of Labor, Bureau of Labor Statistics.

[Reprint from Federal Register, vol. 26, No. 242, dated Dec. 16, 1961]

PRESIDENTIAL DOCUMENTS

TITLE 3—THE PRESIDENT

Executive Order 10980

ESTABLISHING THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

WHEREAS prejudices and outmoded customs act as barriers to the full realization of women's basic rights which should be respected and fostered as part of our Nation's commitment to human dignity, freedom, and democracy; and

WHEREAS measures that contribute to family security and strengthen home life will advance the general welfare; and

WHEREAS it is in the national interest to promote the economy, security, and national defense through the most efficient and effective utilization of the skills of all persons; and

WHEREAS in every period of national emergency women have served with distinction in widely varied capacities but thereafter have been subject to treatment as a marginal group whose skills have been inadequately utilized; and

WHEREAS women should be assured the opportunity to develop their capacities and fulfill their aspirations on a continuing basis irrespective of national exigencies; and

WHEREAS a Governmental Commission should be charged with the responsibility for developing recommendations for overcoming discriminations in government and private employment on the basis of sex and for developing recommendations for services which will enable women to continue their role as wives and mothers while making a maximum contribution to the world around them:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I.—ESTABLISHMENT OF THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

SEC. 101. There is hereby established the President's Commission on the Status of Women, referred to herein as the "Commission". The Commission shall terminate not later than October 1, 1963.

SEC. 102. The Commission shall be composed of twenty members appointed by the President from among persons with a competency in the area of public affairs and women's activities. In addition, the Secretary of Labor, the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Secretary of Agriculture and the Chairman of the Civil Service Commission shall also serve as members of the Commission. The President shall designate from among the membership a Chairman, a Vice-Chairman, and an Executive Vice-Chairman.

SEC. 103. In conformity with the Act of May 3, 1945 (59 Stat. 134, 31 U.S.C. 691), necessary facilitating assistance, including the provision of suitable office space by the Department of Labor, shall be furnished the Commission by the Federal agencies whose chief officials are members thereof. An Executive Secretary shall be detailed by the Secretary of Labor to serve the Commission.

SEC. 104. The Commission shall meet at the call of the Chairman.

SEC. 105. The Commission is authorized to use the services of consultants and experts as may be found necessary and as may be otherwise authorized by law.

PART II.—DUTIES OF THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

SEC. 201. The Commission shall review progress and make recommendations as needed for constructive action in the following areas:

(a) Employment policies and practices, including those on wages, under Federal contracts.

(b) Federal social insurance and tax laws as they affect the net earnings and other income of women.

(c) Federal and State labor laws dealing with such matters as hours, night work, and wages, to determine whether they are accomplishing the purposes for which they were established and whether they should be adapted to changing technological, economic, and social conditions.

(d) Differences in legal treatment of men and women in regard to political and civil rights, property rights, and family relations.

(e) New and expanded services that may be required for women as wives, mothers, and workers, including education, counseling, training, home services, and arrangements for care of children during the working day.

(f) The employment policies and practices of the Government of the United States, with reference to additional affirmative steps which should be taken through legislation, executive or administrative action to assure nondiscrimination on the basis of sex and to enhance constructive employment opportunities for women.

SEC. 202. The Commission shall submit a final report of its recommendations to the President by October 1, 1963.

SEC. 203. All executive departments and agencies of the Federal Government are directed to cooperate with the Commission in the performance of its duties.

PART III—REMUNERATION AND EXPENSES

SEC. 301. Members of the Commission, except those receiving other compensation from the United States, shall receive such compensation as the President shall hereafter fix in a manner to be hereafter determined.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 14, 1961.

[F.R. Doc. 61-12014; Filed, Dec. 15, 1961; 11:27 a.m.]

U.S. DEPARTMENT OF LABOR, WOMEN'S BUREAU

TABLE 2.—*Equal pay activity in State legislatures (1957–62)*

States with no equal pay laws in which bills were introduced in—

1962 [1]	1961	1960	1959	1958	1957
Arizona.[2] Maryland.	Arizona. Florida. Indiana. Maryland. Minnesota. Nevada. Utah. Wisconsin.[2]	Arizona. Nevada.	Florida. Hawaii.[2] Indiana. Maryland. Minnesota. Ohio.[2] Wisconsin. Wyoming.[2]	Kentucky.	Florida. Indiana. Minnesota. Nebraska. Ohio. Utah. Wisconsin.

States with equal-pay laws in which bills were introduced in—

1962 [1]	1961	1960	1959	1958	1957
Michigan. New York.	Illinois. Michigan. New Jersey. New York. Washington.	Michigan. New York.	Illinois. Michigan. New York. Oregon. Pennsylvania.[3]	New York.	California.[3] Illinois. New Jersey. New York. Pennsylvania.

[1] Report for 1962 incomplete.
[2] Equal-pay law enacted for 1st time.
[3] Pennsylvania enacted a new equal-pay law and California amended existing legislation.

TABLE 3.—*Establishment differences in earnings of men and women office workers (distribution of establishments studied by relationship between establishment average weekly earnings for men and women in selected office occupations, 20 labor markets combined, winter 1958–59)*

Relationship of women's earnings to men's	Accounting clerks, class A	Accounting clerks, class B	Order clerks	Payroll clerks	Office boys or girls	Tabulating machine operators
Total number of establishments	748	603	207	317	376	472
Establishments with women's average higher than men's [1]	170	182	43	91	112	176
$20 or more	5	6	2	7	3	5
$18 but less than $20	2	2	1	1	1	2
$16 but less than $18	2	4	----	4	2	5
$14 but less than $16	6	4	----	5	2	3
$12 but less than $14	9	6	2	6	6	5
$10 but less than $12	14	10	4	5	6	17
$8 but less than $10	12	8	3	10	5	13
$6 but less than $8	23	16	9	9	17	24
$4 but less than $6	35	35	4	15	25	30
$2 but less than $4	40	60	10	19	26	48
$1 but less than $2	22	31	8	10	19	24
Establishments in which difference was less than $1	91	81	18	30	108	43
Establishments with men's average higher than women's [1]	487	340	146	196	156	253
$1 but less than $2	36	24	4	14	27	20
$2 but less than $4	58	61	10	19	46	41
$4 but less than $6	51	57	15	18	24	33
$6 but less than $8	63	37	7	14	14	26
$8 but less than $10	52	44	8	21	13	26
$10 but lss than $12	44	32	11	13	14	21
$12 but less than $14	35	23	13	14	7	20
$14 but less than $16	26	15	11	19	6	11
$16 but less than $18	24	13	8	10	----	12
$18 but less than $20	22	8	9	7	4	13
$20 or more	76	26	50	47	1	30

[1] Limited to establishments in which the difference is $1 or more.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Bull. No. 1240–22. Wages and Related Benefits, 20 Labor Markets, 1958–59, p. 45.

TABLE 4.—*Establishment differences in earnings of men and women plant workers (distribution of establishments studied by relationship between establishment average weekly earnings for men and women in selected plant occupations, 20 labor markets combined, winter 1958–59)*

Relationship of women's earnings to men's	Janitors, porters, and cleaners	Packers, shipping	Elevator operators, passenger
Total number of establishments	1,232	185	110
Establishments with women's average higher than men's [1]	58	16	14
25 cents or more	3	2	----
23 but less than 25 cents	----	----	----
21 but less than 23 cents	1	----	----
19 but less than 21 cents	5	----	----
17 but less than 19 cents	2	1	----
15 but less than 17 cents	2	----	3
13 but less than 15 cents	6	2	----
11 but less than 13 cents	2	2	----
9 but less than 11 cents	2	----	1
7 but less than 9 cents	4	3	1
5 but less than 7 cents	13	3	2
3 but less than 5 cents	18	3	7
Establishments in which difference was less than 3 cents	284	39	61
Establishments with men's average higher than women's [1]	890	130	35
3 but less than 5 cents	52	9	3
5 but less than 7 cents	64	10	7
7 but less than 9 cents	63	8	6
9 but less than 11 cents	63	14	6
11 but less than 13 cents	63	14	----
13 but less than 15 cents	56	6	2
15 but less than 17 cents	45	6	5
17 but less than 19 cents	52	2	----
19 but less than 21 cents	47	6	1
21 but less than 23 cents	38	6	2
23 but less than 25 cents	28	6	----
25 cents or more	319	43	3

[1] Limited to establishments in which the difference is 3 cents or more.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Bull. No. 1240-22. Wages and Related Benefits, 20 Labor Markets, 1958–59, p. 45.

Selected State Court Cases Involving State "Equal-Pay" Laws

I

General Motors Corporation v. *Thomas Read, Attorney General et al.*, 294 Michigan 558; 293 N.W. 751, September 6, 1940.

Plaintiff Corporation filed for an injunction against enforcement of Michigan "Equal-Pay" Act (Act No. 328 of Public Acts, 1931 sec. 556 of the Penal Code) which provides: "Any employer of labor in this state, employing both males and females in the manufacture or production of any article, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female engaged in the manufacture or production of any article of like value, workmanship and production a less wage, by time or piece work, than is being paid to males similarly employed in such manufacture, production or in any employment formerly performed by males, shall be guilty of a misdemeanor: *Provided, however*, That no female shall be given any task, disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health or her potential capacity for motherhood." Plaintiff contended that the statute was unconstitutional in that it was uncertain, arbitrary, confiscatory, discriminatory and denied equal protection of the laws.

In upholding the constitutionality of the law, the Court stated: "A reading of the Statute is convincing that it sets out only one offense and that the words 'or who shall pay any female engaged in the manufacture or production of any article,' etc., are only definitive of what constitutes discrimination in the payment of wages. The first objection is that the phrase 'males *similarly* employed' is indefinite. We do not think so. The word 'similarly' has a definite meaning and as used in this statute means *substantially alike*. This phrase simply means that the employer shall not, because of her sex only, pay a woman employee less than it pays a man employee for doing work of substantially the same character, quality and quantity. The standard so set is clear and unambiguous."

The Court further stated: "The law applies a uniform standard to all employers subject to its provisions. The law does not endeavor to set the same wages for women employees, but rather it seeks to provide the same wage conditions for women as for men, and necessarily the difference in pay of men will be reflected in the wage scale for women."

II

St. John v. *General Motors Corporation*, 308 Michigan 333, 13 N.W. 2d 840, April 3, 1944.

Plaintiff employee in her own behalf and as assignee of 28 other women instituted civil action to recover the differences in wages paid them, as women employees, and men engaged in similar industrial employment in defendant's Olds Motor Works Division at Lansing, Michigan. The action was based upon the Michigan "Equal-Pay" Act (Act No. 328 of Public Acts, 1931, sec. 556 of the Penal Code).

In remanding the case to Circuit Court for calculation of separate damages suffered by each claimant, the Michigan Supreme Court upheld the right of a woman worker to maintain a civil action to recover damages under the act (a penal statute) stating that "the statute establishes specified personal civil rights and if there has been discrimination between sexes in the instances at bar, the remedy by action at law is available to claimants." The court further held that the right against self-incrimination claimed by defendant in objecting to producing the employment records at the trial did not apply in the present situation, citing a previous court enunciation that the "privilege against self-incrimination is personal to a witness and cannot be claimed in behalf of another, inclusive of an employing corporation unless guilt of the witness producing the record is also involved."

St. John v. *General Motors Corporation*, 310 Michigan 392; 17 N.W. 2d 226, January 2, 1945.

Affirmed the computation by the Circuit Court of the amount due each of the 29 claimants.

III

Edward Corsi, Industrial Commissioner of the State of New York v. *Bentley Stores Corporation*, New York, Municipal Court of New York City, Borough of Manhattan, First District, No. 23060, October 31, 1947, 13 Labor Cases ¶ 64, 149.

Affirmed without opinion by New York Superior Court, Appellate Division, June 17, 1948.

Action was instituted to recover civil penalties for alleged violations by defendant company of sec. 199–a, Labor Law (enacted July 1, 1944) reading in part as follows:

"*Discrimination in Rate of Pay Because of Sex Prohibited.* No employee shall, because of sex, be subjected to any discrimination in the rate of her or his pay. A differential based in facts or factors other than sex shall not constitute discrimination within the meaning of this section."

The Court held that the New York "Equal-Pay" Law forbids discrimination in pay because of sex, but does not prohibit pay differentials between male and female employees based on substantial factors other than sex. In dismissing the case, it was stated that "there are differences in the work of the defendant's employees; . . . and that the differences in their work do constitute a substantial factor other than sex to justify a differential in the wages paid."

IV

Stollar, et al., v. *Continental Can Company, Inc.* Pennsylvania Court of Common Pleas, Washington County, No. 185. February Term, 1960, October 7, 1960, 41 Labor Cases ¶ 50, 081.

Affirmed by Pennsylvania Superior Court, Nos. 57 and 58. December 14, 1961, 43 Labor Cases ¶50, 415.

Action was brought by a number of employees of the Hazel Atlas Division in Washington County, Pennsylvania, against the Continental Can Company, Inc., to recover wages allegedly due them under the so-called Women's Equal-Pay Law of July 7, 1947 (P.L. 1401, 43 P.S. 335.1 et seq.). The plaintiffs claimed that they were paid less than the male employees doing the same or comparable work, and that the difference in wages actually paid was due solely to the difference in sex. During the course of the trial, the parties stipulated as to the bargaining contract and the wage rates in effect which provided a variation in wage rates for males and females doing the same work as packers and checkers.

The judgment was directed in favor of the defendant on the basis of subsection (c) of the act which provides that any employee may through his collective bargaining representative waive any claim which such employee may have under the act either before or after commencement of suit thereon. The Court arrived at this decision in spite of the provision of subsection (a) which provides that any agreement between the employer and the employee to work for less than the wage to which such employee is entitled under the act shall be no defense. The Court was of the opinion that subsection (a) must yield to subsection (c) by reason of its social and economic implications and the legal protection affecting collective bargaining and the benefits resulting therefrom, stating that a private right must yield to a public right where there is a conflict.

(Note: Pennsylvania's Equal-Pay Law of 1947 was repealed and a new law enacted in 1959 without the controversial subsection (c)).

TABLE 5.—*Digest of State equal pay laws revised as of Mar. 1, 1962*

[U.S. Department of Labor, Arthur J. Goldberg, Secretary, and Women's Bureau, Mrs. Esther Peterson, Director, Washington 25, D.C.]

NOTE.—The column entitled "Authority of administrator" relates only to provisions of the equal-pay law. In some States where no entry appears in this column, commissioner has enforcement authority as one of the basic functions of his office.

ALASKA

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
Alaska: Session Laws 1949, ch. 29. Effective May 7, 1949.	Any occupation, i.e., any industry, trade, business, or branch thereof, or any employment or class of employment therein.	Prohibits discrimination by an employer in any way in the payment of wages as between the sexes, or employment of any female at salary or wage rates less than rates paid to male employees for work of comparable character, or work in the same operations, business, or type of work in the same locality.	Empowers commissioner or authorized representative to enter place of employment; inspect and copy pay rolls and other employment records; compare work on which employees are engaged; question employees; obtain other necessary information; issue subpenas; examine witnesses under oath; and issue administrative regulations.	Requires employers to make, keep, and maintain records of wages, wage rates, job classifications, and other data on employment; to preserve such records and make such reports therefrom as the commissioner prescribes.	Provides for employee suits to collect unpaid wages and empowers commissioner to take assignment of wage claim, bring legal action on behalf of employee, join various claimants in one action.	Makes violation a misdemeanor, punishable by a fine of not more than $500.

ARKANSAS						
Arkansas: Ark. Stats., Anno., 1947, secs. 81-623 to 81-629. Effective June 9, 1955.	Any person employed for hire in any lawful business, industry, trade, or profession or in any lawful enterprise, but not including persons engaged in domestic service, in agricultural service, in temporary or seasonal employment, or employees of any nonprofit social club, fraternal, charitable, educational, religious, scientific or literary association.	Prohibits discrimination by employer in payment of wages as between the sexes, or payment to any female of salary or wage rates less than rates paid male employees for comparable work. However, variations are not prohibited when based on difference in seniority, experience, training, skill, ability, duties and services performed, shift or time of day worked, or any other reasonable differentiation other than sex.	Empowers commissioner of labor to enforce the act.	Requires employers to keep and maintain records of salaries and wage rates, job classifications and conditions of employment. Records must be preserved for 3 years. Records must be made available to parties and court in wage-collection actions.	Provides for employee suits. Empowers commissioner to take assignment of wage claim and to bring legal action on behalf of employee. Makes employer liable to pay back wages due, plus equal amount as liquidated damages, court costs, and reasonable attorney's fee. Any agreement to work for less is not a defense to such action. Limits period within which action may be brought to 2 years after accrual thereof.	Provides for fine of not more than $500 or imprisonment of not more than 1 year, or both, for any employer violating act or who discharges or in any other manner discriminates against employee because such employee makes complaint or institutes proceedings under act, or testifies in such proceedings.
CALIFORNIA						
California: Calif. Labor Code Anno., 1197.5. Effective Oct. 1, 1949, as amended, ch. 2384, Laws 1957. Amendment effective Oct. 8, 1957.	Any employer employing males and females in the same establishment.	Prohibits payment by an employer to any female of wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work. Variations in rates of pay are not prohibited where based on a difference in seniority, length of service, ability, skill, duties, or services performed (whether regularly or occasionally), shift or time of day worked, hours of work, restrictions on lifting or moving heavy objects, or other reasonable differentiation factors other than sex when exercised in good faith.	Empowers division of industrial welfare to enforce the act.	----------	Provides for employee suits. Empowers division of industrial welfare to take procedures necessary to enforce payment of any sums found to be due and unpaid. Limits period within which action may be brought to 6 months after date of alleged violation; limits employer's liability to period of 30 days prior to receipt by him of written notice of claim from employee. Places burden of proof on claimant.	

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
COLORADO						
Colorado: Colo. Rev. Stats., 1953, secs. 80-23-1 23-1 to 80-23-5. Effective April 7, 1955.	Public and private employment, except household domestic servants, farm and ranch laborers.	Prohibits discrimination in wage or salary rate solely on account of sex.	Provides that commission on written complaint of employee, hear and determine same, and make award. Empowers commission to inspect books, records, payrolls, and other pertinent data of employer against whom complaint is made. Empowers industrial commission to enforce act, make rules and regulations, and supply copies to employees and employers on written request.	----------	Provides for judicial review of commission's award. Employee may sue on award or assign claim to commission, which may join claims against one employer. Makes employer liable for difference between amount paid and amount which employee should have received.	On willful violation, commission may impose penalty of an additional equal amount.
CONNECTICUT						
Connecticut: General Stats. of Conn. Rev. of 1958, secs. 31-75, 31-76. Effective Oct. 1, 1949. Amendment effective June 18, 1953.	Any employer.	Prohibits discrimination by an employer in amount of compensation paid to any employee solely on basis of sex. Wage variations based on employment practices recognizing length of service or merit rating as factor in determining rates are not prohibited.	Authorizes labor commissioner upon complaint or own motion to carry out provisions of act. For this purpose he may enter place of employment, inspect payrolls, investigate work and operations in which employees are engaged, question employees and take other necessary action to determine compliance.	----------	Provides for employee suits to collect unpaid wages; provides that any agreement to work for less is no defense to such action; authorizes commissioner to take assignment of such claim. Makes employer liable to pay attorney's fees and court costs. Limits period within which action may be brought to 1 year after date of alleged violation.	Provides for fine of not more than $100 for violation or for discrimination against any employee because of filing a complaint or taking any other action under act.

HAWAII						
Hawaii: 1955 Rev. Laws of Hawaii (secs. 94-4.5, 94-7), S.B. 15. Session Laws, 1959, p. 101. Effective May 21, 1959.	Any employer.	Prohibits discrimination in payment of wages as between persons of different races, or religions or as between sexes; or payment to any female at wage rates paid less than rates paid to lowest paid male employee in same establishment for same quantity and quality of same classification of work. Wage variations are not prohibited where they are based on difference in seniority, length of service, substantial difference in duties or services performed, differences in shift or time of day worked or hours of work.	----------	Requires employer to keep records of name, occupation, and amount paid each pay period, daily and weekly hours, and other data. Director or representative to have free access to records.	----------	Provides fine of not more than $500 and/or imprisonment up to 90 days for employer's willful hindrance of enforcement or refusal of admission to premises; failure to keep records or falsification thereof; or refusal to furnish necessary information.
ILLINOIS						
Illinois: Ill. Rev. Anno. Stats., 1943, ch. 48, pars. 4a-4b. Effective July 1, 1944.	Any employer of 6 or more persons employing both men and women in manufacture of any article.	Prohibits payment by any employer to any female engaged in manufacture, of wage not equal to that paid to males employed in such manufacture. Wage variations are not prohibited where based on difference in seniority, experience, training, skill or ability, duties or services performed (whether regularly or occasionally), availability for other operations, or other reasonable classification except differences in sex. Wage differentials based on sex are not prohibited where authorized by contract between employer and recognized bargaining agent.	----------	----------	Limits period within which action may be brought to 6 months after date of alleged violation.	Makes violation of act a misdemeanor punishable by a fine of from $25 to $100.

MAINE

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
Maine: Rev. Stats. of Maine, 1954, ch. 30, sec. 52. Effective Aug. 6, 1949.	Any employer.	Prohibits employment of any female in any occupation for salary or wage rates less than those paid by the same employer to male employees for equal work. Wage variations are not prohibited where based upon a difference in seniority, experience, training, skill, ability, or difference in duties or services performed (either regularly or occasionally), or difference in the shift or time of day worked, or difference in availability for other operation, or other reasonable differentiation.	----------	----------	----------	Provides for a fine of not more than $200 for any individual, association, or corporation violating act.

MASSACHUSETTS

Massachusetts: Anno. Laws of Mass., ch. 149, secs. 105A–105C (1945), amended 1947, 1951. Amendment effective June 25, 1951.	Any person employed for hire by an employer in any lawful employment, but not including persons employed in domestic service; agricultural service; and employees of any social club, fraternal, charitable, educational, religious, scientific, or literary association.	Prohibits discrimination by an employer in any way, in the payment of wages as between the sexes, or payment to any female of salary or wage rates less than those paid to male employees for work of like or comparable character, or work on like or comparable operations. Variations in rates of pay are not prohibited when based upon a difference in seniority.	Empowers commissioner or authorized representative to enter place of employment, inspect payrolls, compare character of work and operations on which employees are engaged, question employees, and take other necessary action to determine compliance.	----------	Provides for employee suits to collect unpaid wages. Any agreement to work for less is no defense to such action. Authorizes commissioner to take assignment of such claims and to join various claimants in one action. Makes employer liable to pay additional equal amount of liquidated damages. Limits period within which action may be brought to 1 year after date of alleged violation. Makes employer liable for attorney's fee and court costs.	Provides for fine of more than $100 for any employer violating act, or discharges or in any other manner discriminates against employee because such employee makes complaint, institutes proceedings, or testifies in such proceedings.

MICHIGAN						
Michigan: [1] Mich. Stats. Anno., T. 28.824, sec. 556. Effective Aug. 14, 1919; reenacted 1931.	Any employer employing both males and females in the manufacture or production of any article.	Prohibits discrimination by any employer in the payment of wages as between the sexes; or payment to any female engaged in manufacture of an article of like value, workmanship and production of a lesser wage than is being paid to males similarly employed in such manufacture, production, or in any employment formerly performed by males.	----------	----------	([2]) ----------	Makes violation of act a misdemeanor.
MONTANA						
Montana: Mont. Rev. Code, 1947, secs. 41–1307, 41–1308. Effective July 1, 1919.	Any person, firm, State, county, municipal, or school district, public or private corporation.	Prohibits employment of any woman or women in any occupation or calling for salary, wages, or compensation less than that paid to men for equivalent service or for the same amount or class of work or labor in the same industry, school, establishment, office, or place of any kind or description.	([3]) ----------	----------	----------	Makes violation a misdemeanor, punishable by a fine of $25 to $500 for each offense.

[1] Constitutionality of act upheld: *General Motors Corp.* v. *Read;* Atty. Gen. et al. (1940): 294 Mich. 558; 293 N.W. 751.

[2] Right of woman worker upheld to bring civil action for damages: *St. John* v. *General Motors Corp.* (1944); 308 Mich. 333; 13 N.W. (2d) 840; 310 Mich. 392; 17 N.W. (2d) 226.

[3] Attorney General's Opinion No. 190, Vol. 21, Aug. 7, 1946: Department of Labor charged with enforcement under Revised codes, 1935, sec. 3635.

NEW HAMPSHIRE

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
New Hampshire: N.H. Rev. Stats., Anno., 1955, chs. 275:36 to 275:41. Effective July 1, 1947.	Any person employed for hire by an employer in any lawful employment, but not including domestic service in the home of the employer; agricultural service; temporary or seasonal employment; employees of any social club, fraternal, charitable, religious, scientific, or literary association.	Prohibits discrimination by an employer in the payment of wages, as between the sexes or payment to any female employee, salary or wage rates less than rates paid to male employees for equal work or work on the same operations. Variations in rates of pay are not prohibited where based on a difference in seniority, experience, training, skill, ability, duties or services performed (either regularly or occasionally); or in shift or time of day worked; or availability for other operations; or any other reasonable differentiation except difference in sex. Variations in rates between the sexes are not prohibited where provided by collective bargaining agreement, of if there is no recognized bargaining unit, by written agreement between employer and not less than 5 of his employees.	Empowers commissioner to enforce the act..	----------	Provides for employee suits to collect unpaid wages. Authorizes commissioner to take assignment of such claim and to join various claimants in one action. Makes employer liable to pay additional equal amount of liquidated damages. Limits period within which action must be instituted to 1 year from accrual of unpaid wages.	Provides for fine of not more than $200 or imprisonment of not more than 6 months, or both, for employer who violates the act or who discharges or otherwise discriminates against an employee because such employee makes a complaint, institutes proceedings, or testifies in any such proceeding.

New Jersey: N.J. Stat., Anno., secs. 34:11–56.1 to 34:11–56.11. Effective July 1, 1952.	Any person employed by an employer, but not including those performing volunteer service for nonprofit organizations or corporations; those employed in a hotel, on a farm, or in domestic service in a private home.	Prohibits discrimination by an employer in any way in the rate or method of payment of wages to any employee because of his or her sex. A differential in pay between employees based on a reasonable factor or factors other than sex does not constitute discrimination.	Empowers commissioner or authorized representative to enter place of employment, inspect and copy pay rolls and other employment records, compare character of work in which employees are engaged, question employees and obtain other necessary information. Empowers commissioner to issue administrative regulations. Permits commissioner, on complaint or on reasonable belief of violation, to hold a hearing on request of an alleged violator, after notice and opportunity for answer at which all interested persons must be given opportunity to appear. If, as the result of such hearing it appears that the violation will be corrected without prosecution, the commissioner is not obligated to prosecute.	----------	Provides for employee suits to collect unpaid wages plus an additional equal amount as liquidated damages, together with costs and reasonable attorney's fees. Any agreement to work for less is no defense to such action. Empowers commissioner to take assignment of wage claim and to join various claimants in one action	Makes violation a misdemeanor. Provides for penalty of not more than $200 or less than $50 or imprisonment, or both, for willful violation of the act or for discharge or for other discrimination against an employee because such employee has made a complaint, instituted any proceedings, or has testified in any such proceedings. Provides for a penalty of not more than $200 or less than $50 if employer willfully fails to furnish required records and information, or falsifies the records, or interferes with commissioner or authorized representative or refuses him entry into any place of employment.

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
NEW YORK						
New York: Consolidated Laws of N.Y. Anno., Labor, sec. 199a. Effective July 1, 1944.	Any person employed for hire by an employer in any lawful employment, except persons engaged in domestic service in the home of the employer, labor on a farm, or persons employed by any corporation, joint stock company, unincorporated association, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purpose.[4]	Provides that no employee shall, because of sex, be subjected to any discrimination in the rate of his or her pay. Variations in pay based on "a factor or factors other than sex," are not prohibited.	Appropriates the sum of $40,000 for administrative expenses.	----------	----------	Provides for civil action by commissioner whereby employer is subject to a $50 forfeit to the people of the State for each violation under the act.
OHIO						
Ohio: Rev. Code of Ohio, secs. 4111.17, 4111.99. Effective July 16, 1959.	Employers of 10 or more employees; except domestic service in employer's home and farm labor.	Prohibits discrimination between sexes in payment of wages, salaries or other compensation in any occupation where males and females regularly perform identical work. Prohibits discrimination against employee because of making complaint, instituting proceeding or testifying therein.	Empowers director of industrial relations to administer and enforce.	----------	Provides for employee suits to collect unpaid wages and costs. Empowers director of industrial relations to take assignment of wage claim and bring court action. Permits joinder of wage claimants in one action. Bars as defense agreement by employee to work for discriminatory wage. Limits period in which action must be commenced to 1 year after date of violation.	Provides for fine of not more than $100 for violating act.

[4] Attorney General's Opinion, Dec. 13, 1944: Law not enforceable against State and municipalities.

Oregon: Oreg. Rev. Stats., 1957, secs., 652.210, 652.220, 652.230, 652.240. Effective Aug. 3, 1955.	Any employer, except State, municipal corporation or political subdivision having civil service system, or Federal Government, employing persons who, other than copartners or independent contractors, render personal services to an employer who pays or agrees to pay at a fixed rate.	Prohibits discrimination by employer in payment of wages as between sexes or payment of wages to any employee at rate less than that paid to employees of opposite sex for work of comparable character, the performance of which requires comparable skills. Permits variation in rates based on seniority or merit system which does not discriminate on basis of sex, or based in good faith on factors other than sex. Prohibits discrimination in wage payment because employee has filed complaint, testified, is about to testify, or because employer believes he may testify in any investigation or proceeding under act.	----------	----------	Provides for employee suits to collect unpaid wages. Limits employer's liability to pay to 1-year period preceding commencement of action, plus additional equal amount as liquidated damages, attorney's fees, and court costs. No agreement to work for less is a defense to such action.	Makes violation of act a misdemeanor.

PENNSYLVANIA

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
Pennsylvania: Pa. Session Laws, 1959, p. 1163. Effective Jan. 7, 1948; reenacted in 1959; effective Mar. 17, 1960.	Any person employed for hire in any lawful business, industry, trade, or profession, or other lawful enterprise.	Prohibits discrimination in any place of employment between employees on the basis of sex by paying wages to any employee at a rate less than the rate paid to employees of the opposite sex for work under comparable conditions on jobs requiring comparable skills, except where such payment is made pursuant to a seniority, training or merit increase system which does not discriminate on the basis of sex.	Empowers secretary of labor and industry to enter employer's establishment to inspect and copy payrolls and other employment records; to compare character of work and operations in which employees are engaged; to question employees and to obtain other necessary information. Empowers secretary to issue rules and regulations.	Requires employers to keep and maintain records of wages, job classifications, and other related information and to preserve such records for such period and make such reports therefrom as secretary of labor and industry may prescribe. Requires employer to post a copy of the act in a conspicuous place.	Provides for employee suits to collect unpaid wages and an additional equal amount of liquidated damages, attorney's fee, and court costs. Any agreement to work for less is no defense to such action. Permits court action to be brought by any one or more employees for and in behalf of himself and others similarly situated. Permits secretary of labor and industry to join various claimants against the employer in one cause of action. Empowers secretary to take assignment of such claim for collection. Limits period within which action must be brought to 1 year from date violation occurs.	Provides for penalty of not more than $200 or less than $50. Upon default of such fine and costs, imprisonment for willfully and knowingly violating the act or for discharging or otherwise discriminating against an employee because such employee has made a complaint or instituted or caused to be instituted proceedings, or testified or is about to testify in any such proceeding; or for failing to keep records or furnish records; for falsifying records, or interfering with a department representative. Provides that each day such violation continues constitutes a separate offense.

RHODE ISLAND						
Rhode Island: General Laws of R.I., 1956, secs. 28–6–17 to 28–6–21. Effective Apr. 25, 1946.	Any person employed for hire by any employer in any lawful employment, except those employed in domestic service in the home of the employer, or those employed by any social club, fraternal, charitable, educational, religious, scientific, or literary association.	Prohibits discrimination by an employer in the payment of wages as between the sexes or payment to any female of rates less than the rates paid to males for equal work or work on the same operations. Variations in rates of pay are not prohibited where based on difference in seniority, experience, training, skill, or ability, or difference in duties and services performed (either regularly or occasionally), shift or time of day worked, availability for other operation, or any other reasonable differentiation except difference in sex. Wage differentials based on sex are not prohibited where provided by a contract between an employer and a recognized bargaining agent.	Empowers director of labor to enforce.	----------	Provides for employee suits to collect unpaid wages and an additional equal amount of liquidated damages. Authorizes director to take assignment of wage claims and to join various claimants in one action.	Provides for maximum fine of $200, or imprisonment of not more than 6 months, or both, for violation of act, or for discharge or other discrimination against an employee because such employee makes complaint, institutes proceedings under act, or testifies in any such proceeding.
WASHINGTON						
Washington: Rev. Code of Wash., sec. 49.12.210. Effective June 9, 1943.	Any employer employing both males and females.	Prohibits discrimination by any employer in any way in the payment of wages as between the sexes, or payment to any female of a wage less than is being paid to males similarly employed, or in any employment formerly performed by males. Variations in wages are not prohibited where based in good faith on a factor or factors other than sex.	----------	----------	Provides for employee suits to collect full amount of compensation due had no discrimination existed, less the amount the employer has paid to the employee on account.	Makes wage discrimination based on sex a misdemeanor.

WISCONSIN

State	Coverage	Prohibition of wage differential based on sex	Authority of administrator	Recordkeeping and posting	Court action	
					Wage collection	Penalty
Wisconsin: Wis. Stats., Anno., secs. 111.31–111.37,[5] as amended. Amendments effective Oct. 10, 1961, and Jan. 14, 1962.	Any employer except a social club, fraternal or religious association not organized for profit but not including any individual employed by his parents, spouse or child.	Prohibits discrimination by an employer individually or in consent with others against any employer or any applicant for employment in regard to his hire, tenure or term, condition or privilege of employment. A differential in pay between employees based in good faith on a factor or factors other than sex does not constitute discrimination.	Empowers industrial commission to administer and enforce. Empowered to hold hearings, subpena witnesses, take testimony, make investigations and issue orders of compliance which are subject to judicial review and enforced specifically in a court of equity.	----------	----------	

WYOMING

Wyoming: Wyo. 1959 Session Laws, ch. 150 (H.N. No. 167). Effective May 23, 1959.	Any occupation, i.e., any industry, trade, business, or branch thereof, or any employment or class of employment.	Prohibits payment to any female in any occupation of salary or hourly wage rate less than that paid to male employed by same employer for same work.	----------	----------	Provides for employee suits to collect unpaid wages and an additional amount as liquidated damages. Empowers commissioner to take assignment of wage claim, bring legal action on behalf of employees, and join various claimants in one action.	Provides for fine of not more than $200 or less than $25, and/or by imprisonment of not more than 180 days or less than 10 days for any employer violating act, or discriminating against any employee for making complaint to employer, commissioner or other person, or instituting proceedings or testifying to or planning to testify therein. Each day of violation is a separate offense.

[5] Wisconsin fair employment law, sec. 111.31-37, as amended by chs. 529 and 628, Laws of 1961, prohibits discrimination because of age, race, color, sex, creed, national origin or ancestry.

Source: Labor D.C. (WB 62-303).

Women's Bureau suggested draft bill.	Any occupation, i.e., any industry, trade, business or branch thereof, or any employment or class of employment.	Prohibits discrimination by an employer in any way in the payment of wages as between the sexes,or employment of any female at salary or wage rates less than the rates paid to male employees for work of comparable character or work on comparable operations.	Empowers commissioner to carry out provisions of act. Authorizes commissioner to enter place of employment to inspect and copy payrolls and other employment records, to compare character of work and operations on which employees are engaged, to question employees and to obtain other necessary information. Authorizes commissioner to examine witnesses under oath, to subpena the attendance and testimony of witnesses and production of documentary evidence. Authorizes commissioner to issue such regulations necessary for administration of act.	Requires employer to make, keep, and maintain such records of the wages, wage rates, job classifications, and other employment data and preserve such records for such period of time and make such reports therefrom as commissioner prescribes. Requires employers to post a copy of this act in a conspicuous place in or about the premises.	Provides for employee suits to collect unpaid wages and an additional equal amount of liquidated damages, attorney's fee and court costs. Permits employees to bring action for themselves and others similarly situated. Provides that no agreement to work for less shall be a defense to such action. Authorizes commissioner to take assignment of such claim and to join various claimants in one action.	Provides for fine or imprisonment, or both, for violation of the act or for discharging or otherwise discriminating against an employee because such employee makes complaint, institutes proceedings, testifies or is about to testify in any such proceeding. Provides for fine for misdemeanor of employer who willfully fails to keep the records required, falsifies them, fails to furnish such records, or who hinders, delays, refuses entry or otherwise interferes with the department representative in the enforcement of the act. Provides that each day a violation continues constitutes a separate offense.

TABLE 6.—*Equal pay clauses in union contracts, 1956*

Industry	Total number of contracts	Contracts with equal-pay clauses		Contracts with no equal-pay clauses	
		Number	Percent of total	Number	Percent of total
Total	510	195	38.2	315	61.8
Electrical machinery	112	59	52.7	53	47.3
Textiles	86	36	41.9	50	58.1
Transportation equipment	124	49	39.5	75	60.5
Drugs—medicines	18	7	38.9	11	61.1
Fabricated metals	51	19	37.3	32	62.7
Food products	71	25	35.2	46	64.8
Apparel	40	----	----	40	100.0
Book printing and publishing	8	----	----	8	100.0

Source: Women's Bureau study of union contracts in U.S. Department of Labor, Bureau of Labor Statistics' files, 1956 (unpublished data).

TABLE 7.—*Examples of differences in wage increases negotiated in selected current union contracts*

Date effective	Industry; union	Location	Number of employees covered by contract	Negotiated hourly increase	
				Men	Women
May 1961	Industry: Paper and allied products. Union: International Brotherhood of Pulp, Sulphite & Paper Mill Workers.	St. Paul, Minn	1,250	10 cents	8 cents.
July 1961	Industry: Chemicals and allied products. Union: Oil, Chemical & Atomic Workers International Union.	St. Paul and Hastings, Minn.	2,500	8 cents (production employees).	6.5 cents (production employees).
March 1960	Industry: Food and kindred products. Union: International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Northern California	10,000–60,000	11 to 15 cents	10 cents.
September 1959	Industry: Metalworking. Union: International Union, United Automobile, Aircraft & Agricultural Implement Workers of America.	Elkhart, Ind	1,000	6 to 16 cents	6 cents.
January 1960	Industry: Printing and publishing. Union: International Brotherhood of Bookbinders.	Philadelphia, Pa	(1)	9 cents (journeymen and journeywomen).	7 cents (journeymen and journeywomen).
July 1961	Industry: Warehousing, wholesale and retail trade. Union: International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Seattle, Wash	1,000	5 and 6¼ cents	3¾ cents.
	Industry: Miscellaneous manufacturing. Union: United Rubber, Cork, Linoleum & Plastic Workers of America.	Lancaster, Pa	(1)	7 cents (average)	5.5 cents (average).

[1] Not available.

Source: U.S. Department of Labor, Bureau of Labor Statistics. "Current Wage Developments," Nos. 146, 147, 151, 162, 164, and 168.

U.S. DEPARTMENT OF LABOR, WOMEN'S BUREAU, WASHINGTON

TEXT OF THE CONVENTION (NO. 100) CONCERNING EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK OF EQUAL VALUE

(Articles 1–6)

The General Conference of the International Labor Organization,

Having been convened at Geneva by the Governing Body of the International Labor Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and

Having determined that those proposals shall take the form of an international Convention,

adopts this 29th day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Equal Remuneration Convention, 1951:

Article 1

For the purpose of this Convention—

(a) the term "remuneration" includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;

(b) the term "equal remuneration for men and women workers for work of equal value" refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2. This principle may be applied by means of—

(a) national laws or regulations;

(b) legally established or recognized machinery for wage determination;

(c) collective agreements between employers and workers; or

(d) a combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.

2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.

3. Differential rates between workers, which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of this Convention.

Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labor Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labor Organization whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

RATIFICATION STATUS OF CONVENTION 100

Thirty-eight countries had ratified the convention as of November 15, 1961:

Albania
Argentina
Austria
Belgium
Brazil
Bulgaria
Byelorussia
China (Taiwan)
Costa Rica
Cuba
Czechoslovakia
Denmark
Dominican Republic
Ecuador
France
Gabon Republic
Federal Republic of Germany
Guatemala
Haiti
Honduras
Hungary
Iceland
India
Indonesia
Italy
Ivory Coast
Mexico
Norway
Panama
Peru
Philippines
Poland
Rumania
Syria
Ukraine
United Arab Republic (Egypt)
Union of Soviet Socialist Republics
Yugoslavia

SELECTED REFERENCES ON EQUAL PAY FOR WOMEN

1. UNITED STATES—FEDERAL AND STATE GOVERNMENT SOURCES

Bolton, Hon. Frances P. A discussion of the concept of "equal pay for equal work" for men and women. A speech in the House of Representatives, United States of America, July 19, 1954. Congressional Record, Proceedings and Debates of the 83d Congress, 2d Session, Washington, D.C. Reprint. 3 pp.

National War Labor Board, Program Appraisal and Research Division. National War Labor Board policy on equal pay for equal work for women, prepared by Ella J. Polinsky. Research and Statistical Report No. 32, September 1945.

U.S. Department of Labor, Bureau of Labor Statistics. Decisions of National War Labor Board, August and September 1942; equal pay for women workers. Monthly Labor Review 56: 63–4, January 1943.

——— Earnings and employment of women factory workers, April 1954. Monthly Labor Review 78: 1126–32, October 1955.

——— Employment of June 1956 women college graduates. Monthly Labor Review 81: 752–6, July 1958.

——— "Equal pay" for equal work. Monthly Labor Review 74: 41–5, January 1952.
——— "Equal Pay" principle in New York war industries. Monthly Labor Review 57: 102–4, July 1943.
——— Family characteristics of workers 1959. Monthly Labor Review 83: 828–36, August 1960.
——— Marital and family characteristics of workers, March 1960. Monthly Labor Review 84: 355–64, April 1961.
——— Women production workers in the machinery industries. BLS Report No. 98, January 1956. 10 pp., mimeographed.
——— Women's Bureau Case studies in equal pay for women. D–16, September 1951. 27 pp., mimeographed.
——— ——— Differential in pay for women. November 1945. 17 pp., mimeographed.
——— ——— Equal pay facts. Leaflet 2, revised July 1961.
——— ——— Equal pay for women in war industries. Bulletin 196. 1942. 26 pp.
——— ——— Equal-pay primer. Leaflet 20, revised March 1960. 11 pp.
——— ——— Progress toward equal pay in the meatpacking industry, Bulletin 251, 1953. 16 pp.
——— ——— Report of the National Conference on equal pay: March 31 and April 1, 1952. Bulletin 243. 1952. 25 pp.
——— ——— Suggested language for an act to abolish discriminatory wage rates based on sex. September 1952. 3 pp., mimeographed.
United States House of Representatives, Committee on Education and Labor. Equal pay for equal work for women; hearings before a subcommittee, February 9–13, 1948, on H.R. 4273 and H.R. 4408. 1948. 306 pp., tables, charts. 80th Congress, 2d Session.
——— Equal pay for equal work for women; hearings before a special subcommittee, May 17–19, 1950 on H.R. 1584 and H.R. 2438. 1950. 141 pp. 81st Congress, 2d Session.
United States Senate, Committee on Education and Labor. Equal pay for equal work for women; hearings before a subcommittee, October 29–31, 1945, on S. 1178. 1946, 222 pp., tables, charts, 79th Congress, 1st Session.
——— Report of the Committee on Labor and Public Welfare on S. 706, Women's Equal-Pay Act of 1950. July 20, 1950. 81st Congress, 2d Session. Senate Report No. 2263, Calendar No. 2264.
New York (State) Department of Labor. Equal pay: administration of equal pay reviewed by women's groups. Industrial Bulletin 24, No. 10: 32–3, Dec. 1945.
——— Equal-pay law: statute bars discrimination in pay based solely on sex: employers uphold principle. Industrial Bulletin 25: 7; 40–1, July 1946.
——— Equal-pay legislation. Industrial Bulletin 24: 10; 40, December 1945.
——— Women in industry: survey of women's wages on men's jobs in State industries. Industrial Bulletin 23: No. 4: 118–21, April 1944.
——— Women in industry: the equal-pay principle in replacement of men in the war industries. Industrial Bulletin 22: No. 3: 110–12, March 1943.
——— Division of women in industry and minimum wage. Women's wages on men's jobs. February 1944. 33 pp., processed.

2. UNITED STATES—PRIVATE SOURCES

American Management Association. Women workers: fact vs. fantasy. Management Review, January 1957. 47–48 pp.
——— Equal pay for the woman worker. Management Review 32: 131–3, April 1943.
Back from the home to business. Business Week, pp. 92–3, 97–99, October 7, 1961.
Benge, E. J. Can we pay women same wage rates as men? American Business 12: 12–13, December 1942.

Brady, Dorothy S. Equal pay for women workers. The Annals of the American Academy of Political and Social Science 251: 53–60, May 1947.
Columbia University. New York labor law section 199–a: "equal pay for equal work." Columbia Law Review 46: 442–52, May 1946.
Fisher, Marguerite J. Equal pay for equal work legislation. Industrial and Labor Relations Review 2: 50–7, October 1948.
Industrial Union Department, AFL–CIO. Problems of women workers. Summary report of a conference. June 12–14, 1961. 66 pp.
Leopold, Alice K. Federal equal-pay legislation. Labor Law Journal 6: 7–32, January 1955.
Lytle, Charles Walter. Job evaluation methods. The Ronald Press Company. New York 1954. 507 pp.
Management Publishing Group. Why women cause problems in business. Management Methods 20: 85–6, June 1961.
More women working. Factory Management and Maintenance 115: 114–27, February 1957.
National Federation of Business and Professional Women's Clubs, Inc., News on equal rights and equal-pay legislation. National Business Woman 36: 12, March 1957.
National Industrial Conference Board, Inc., Women on the Job. Management Record 23, No. 4; 25–26, April 1961.
Otis Jay L. and Leukart, Richard H. Job Evaluation. Prentice-Hall, Inc., New York. 1954 532 pp.
Smuts, R. W. Women and Work in America. Columbia University Press. New York, 1959. 180 pp.
Toner, J. L. Married Working Women. Review of Social Economy, pp. 44–56, March 1958.
United Nations. Equal pay for equal work. Sales No. 60. IV 4, 1960 (pamphlet) 65 pp.
Woman's place in work force. Business Week, pp. 160–1, March 16, 1957.
Women administrators find wider field for jobs, but few rise very high. Business Week, p. 98, May 14, 1960.
Zapoleon, M. W. Occupational Planning. Harpers. New York. 1961. 276 pp.

3. INTERNATIONAL

Brown, Ernest Henry Phelps. Equal pay for equal work. Economic Journal 59: 384–90, September 1949.
Department of Labour of Canada. Equal pay for equal work. Cat. No. L38–859. 1959. (pamphlet) 28 pp.
Great Britain. Royal Commission on Equal Pay. Minutes of evidence taken before the Royal Commission on Equal Pay, Feb. 16–Aug. 10, 1945, London, His Majesty's Stationery Office, 1945. 250 pp.
——— ——— Appendices to minutes of evidence taken before the Royal Commission on Equal Pay (Appendices I–XIX). London, His Majesty's Stationery Office, 1945–46. 192 pp.
——— ——— Report presented to Parliament by command of His Majesty, October 1946. London, His Majesty's Stationery Office, 1946. 220 pp.
——— International Labour Office. A comparison of the gainfully occupied population by sex and age in the various countries of the world. International Labour Review 41: 541–50, May 1940.
International Labour Office. Changing wage structures; an international review. International Labour Review 73: 274–83, March 1956.
——— Studies and reports, new series no. 1. The war and women's employment; the experience of the United Kingdom and the United States. Montreal. 1946. 287 pp.
——— Women in the labour force. International Labour Review 77: 254–72, March 1958.

U.S. Department of Labor, Bureau of Labor Statistics. Equal pay for equal work in Canada. Monthly Labor Review 55: 1160–1, December 1942.
——— Opinion on women's wages in Australian metal trades. Monthly Labor Review 56: 53–5, January 1943.
White, L. C. Equal pay. Labour Monthly 27: 55–7, February 1945.
——— Equal pay: for and against. Labour Research 34: 164–6, November 1945.
——— The rate for the job. Labour Research 33: 102–3, July 1944.
Wives at work: industry's petticoat revolution. The Economist. 198: 29–30, January 7, 1961.

Economic Indicators Relating to Equal Pay, 1962

U.S. Department of Labor, Arthur Goldberg, Secretary; Women's Bureau, Esther Peterson, Director, 1962

INTRODUCTION

The principle of paying men and women equal rates for equal or comparable work has been endorsed for several decades by many business, labor, and Government representatives in the United States. It was the guiding policy of the war labor boards during World War I and World War II and of the wage and salary stabilization boards during the Korean conflict.

At the beginning of 1962, equal-pay laws are in effect in 22 States. A majority of the women workers are located in these States. However, some State equal-pays laws exempt certain groups such as domestic workers, agricultural workers, or public employees, and other laws limit coverage to workers in specific industries. As a result, not all the women workers in equal-pay States are covered by law. In the remaining States, women workers have only such protection as is provided by labor-management contracts and voluntary policies of individual employers. No nationwide estimate, therefore, can be made either of the number of men and women doing comparable work or of the extent to which they are receiving equal pay.

Since prevailing wage rate data for men and women are not available on a plant-by-plant and job-by-job basis, it is useful to analyze various salary and earnings studies which have been made. From the summaries which follow, we are able to gain some insight into existing pay inequities.

ECONOMIC INDICATORS RELATING TO EQUAL PAY, 1962

I. Job hiring orders

When reporting job vacancies to employment offices, employers in States without equal-pay legislation sometimes list a vacancy with a single job title but a higher hiring rate for men than for women. About 120 examples of job orders with wage differentials were found by a Women's Bureau representative who visited public employment offices in 5 cities in 1961. A majority of the job orders examined, however, indicated that employers desired either "men only," "women only" for a specific job opening. Many other job orders, of course, listed one job title and one job rate, without any sex preference.

Most of the hiring orders with wage differentials based on sex were for clerical, service, or sales jobs. Probable reasons for this concentration are such factors as the kinds of jobs for which both men and women are hired, the prevalence of piece rates for many factory jobs, and different practices which employers follow in seeking various types of workers.

The following table is based on job orders on file in five public employment offices and lists selected examples of jobs with wage differentials:

Job hiring orders with wage differentials—Selected job orders in 5 cities, 1961

Job title	Industry	Hiring rate		Pay period
		Women	Men	
CITY A				
Bookkeeper	Laundry	$60.00–$70.00	$75.00	Week.
Clerk-Typist	Distillery	1.87	2.19	Hour.
Counter worker	Restaurant	.85	.90	Do.
Multilith operator	Printing	1.25–1.50	(1)	Do.
CITY B				
Auditor	Hotel	90.00	100.00	Week.
Bookkeeper	Construction	80.00–85.00	100.00	Do.
Clerk-typist	Dental laboratory	240.00	275.00	Month.
Cook	Restaurant	35.00	45.00	Week.
Do	do	40.00–50.00	65.00	Do.
Do	do	40.00	45.00	Do.
Do	do	45.00	50.00	Do.
Do	do	50.00	60.00–65.00	Do.
Do	do	50.00	55.00	Do.
Do	do	1.00	1.25	Hour.
Counter worker	Drugstore	33.00	35.00	Week.
Do	Restaurant	33.00	38.00	Do.
Do	do	35.00	40.00	Do.
Do	do	40.00	45.00	Do.
Do	do	45.00	50.00	Do.
Credit clerk	Retail trade	50.00	60.00	Do.
Dishwasher, machine	Restaurant	38.00	45.00	Do.
General office clerk	Hospital	55.00	60.00	Do.
Grocery checker	Retail trade	60.00	75.00	Do.
Sales clerk	do	1.00–1.05	1.25	Hour.
Do	do	1.00	1.125	Do.
Teller	Credit agency	2,800.00	3,000.00	Year.
Typist	Business service	65.00	75.00	Week.
CITY C				
Cook	Restaurant	35.00–40.00	45.00–50.00	Do.
Counter worker	do	30.00	40.00	Do.
Grocery checker	Retail trade	56.88	62.90	Do.
CITY D				
Accounting supervisor	Social service	310.00–325.00	325.00–350.00	Month.
Animal hospital attendant	Animal hospital	1.15	1.25	Hour.
Bookkeeper	Machinery manufacturing	70.00–75.00	85.00–90.00	Week.
Do	Construction	65.00–75.00	75.00–100.00	Do.
Do	Moving	350.00	450.00	Month.
Clerk-typist	Printing	60.00	65.00	Week.
Copywriter	Publishing	55.00–60.00	(2)	Do.
General office clerk	Oil refining	300.00	325.00	Month.
Key punch operator	Metal manufacturing	240.00–245.00	260.00–265.00	Do.
Meat helper	Retail trade	1.775	1.82	Hour.
Order clerk	Metal manufacturing	225.00–275.00	275.00	Month.
Presser, machine	Dry cleaning	1.60	1.75	Hour.
Receptionist-salesclerk	Retail trade	70.00	80.00	Week.
Salesclerk	do	1.15–1.20	1.25	Hour.
Silk screen printer	Business service	1.22	1.37	Do.
Traffic clerk	Wholesale trade	270.00	300.00	Month.
CITY E				
Accounting clerk	Retail trade	42.00	45.00	Week.
Assembler	Electrical manufacturing	1.40	1.55	Hour.
Do	do	1.25–1.35	1.40	Do.
Bookkeeper	Insurance	350.00	400.00	Month.
Do	Printing	325.00	375.00	Do.
Bookkeeping machine operator.	Retail trade	300.00	325.00–350.00	Do.
Collector	Business service	250.00	350.00	Do.
Cook	Restaurant	1.15–1.35	1.25–1.50	Hour.
Do	do	1.35	1.50	Do.
Credit clerk	Wholesale trade	265.00–300.00	400.00	Month.
Dishwasher, machine	Hospital	1.31	1.42	Hour.
Elevator operator, passenger	Retail trade	1.40	1.60	Do.
General office clerk	Wholesale trade	250.00	300.00	Month.
Grocery clerk	Retail trade	1.15	1.25	Hour.
Inventory clerk	Metal manufacturing	250.00	300.00	Month.
Inventory control clerk	Machinery manufacturing	300.00–450.00	400.00–550.00	Do.
Presser, machine	Dry cleaning	1.50	1.75	Hour.
Do	do	45.00	60.00	Week.
Salesclerk	Retail trade	50.00	60.00–65.00	Do.
Do	do	1.00	1.25	Hour.
Tailor	do	65.00	75.00	Week.

[1] Up to $20.

[2] Up to $100.

II. Labor-management contracts

Labor-management contracts sometimes include provisions which guarantee equal pay to men and women doing the same or comparable work. Such provisions may be in the form of an equal pay clause, a schedule of job rates, a job evaluation system, or some combination of the three. Some contracts make no mention of equal pay because no or very few women are employed by the signatory establishment; in other cases, a clause may be considered unnecessary because most of the work force consists of women.

Equal pay clauses usually state that the principle of equal pay for equal work shall be adhered to. Sometimes they expressly prohibit wage discrimination based on sex. In a special analysis of collective bargaining agreements made by Women's Bureau representatives in 1956, equal pay was specifically mentioned in about two-fifths of the contracts studied. The "key contracts" (those covering 1,000 employees or more) had a slightly higher proportion of equal pay clauses than other contracts. In the electrical products industry, where large numbers of women production workers are employed, more than half the union agreements studied specified equal pay for equal work.

Typical examples of equal pay clauses follow:

"The parties hereto agree that the wage structure herein set forth is fully in accord with the principle of equal pay for equal work regardless of sex; and agree further to recognize and apply the principle of equal pay for equal work regardless of race, color, or creed."

"It is agreed that there shall be equal pay for equal work, regardless of sex or age."

Most collective bargaining agreements which include a schedule of job rates indicate that a single rate or rate range is to be paid for each job, regardless of the sex of the worker. Some of these contracts do not actually mention the phrase "equal pay," although some warn against discrimination. Illustrative contract provisions follow:

"The established rate of pay for each production or maintenance job, other than a trade or craft, apprentice, or learner's job as defined in paragraph 1 of this subsection B, shall apply to any employee during such time as the employee is required to perform such job."

"There shall be no discrimination by reason of age, sex, creed, color, or nationality, and all employees will be paid on the established base rate, hourly rate, or rate range for the job assigned except as otherwise provided in this agreement."

At some companies, a job evaluation system has been incorporated into the labor-management contract. As the wage or salary rate is by definition based on an objective evaluation of the skills and other requirements of each job, there may be no reference to the sex of the worker. Examples of clauses in contracts providing job evaluation follow:

"Job descriptions shall be agreed upon by the union and the management before the evaluation committee begins its work."

"An equitable wage plan has been scientifically developed by the company for all wage job classifications through the recording of the elemental values of each separate job and their fair evaluation in reference to the elemental values of every other job."

Of course, the absence of an equal pay provision does not indicate that unequal pay for equal work is either permitted or of no concern to the parties involved, since the principle may be voluntarily or unanimously accepted outside the written agreement. On the other hand, the presence of an equal pay provision does not necessarily insure equal pay practice. Important factors which influence the effectiveness of an equal pay provision include the method used in setting rates and the contract enforcement policy.

A few labor-management contracts set a man's rate and a woman's rate for the same job, or specify a different method of determining job rates. Examples follow:

"Different wage rates for men and women grocery clerks working in specific stores in specific cities and towns (in 18 States) are listed in the union contracts of numerous large and small grocery companies. Men receive higher starting rates than women in all but three contracts (when the rates are the same) and higher final rates in all 18 contracts. The differential is usually less than 10 cents an hour in the starting rates but varies greatly in the final rates, ranging from 17 to 40 cents an hour in half the contracts.

"Women employees fully performing work heretofore recognized as men's work will be paid the same piece rates as men except in cases where such rates increase unit costs. These exceptions will be studied and comparable rates established for women. The same procedure will be followed in determining base rates for women employees fully performing work heretofore recognized as men's work."

III. Pay practices of employers

Two private surveys in which employers were questioned whether or not they provide equal pay for equal work, give some indication of how employers view their own pay practices. In both surveys, significant proportions of employers acknowledged the existence of some wage or salary inequality.

As a result of a recent survey of more than 1,900 employers in the United States and Canada, the National Office Management Association has reported [1] the following question and answers:

> Do you have a double standard pay scale for male and female office workers? Yes,[2] 33 percent; no, 66 percent; no answer, 1 percent.

A mail questionnaire survey conducted by two university professors [3] was focused on salary and personnel practices affecting men and women in high-level positions in business, industry, and education. A total of 120 firms located in 20 States participated in the survey; they included manufacturers, oil companies, insurance firms, banks, universities, and department stores.

When questioned whether they always pay women the same salary as men if they both have the same position, the companies who responded answered as follows:

	Number	Percent
Always pay the same	65	83
Never pay the same		
Sometimes pay the same	13	17

The report of the university professors includes the following statement:

"Variations in practice from the policy of equal pay for women, even though the policy is favored, are explained as due to the factor of permanency (there is a relatively high rate of turnover among female employees for reasons of marriage, housekeeping, and family responsibilities) and the existence of jobs for which men are better suited (in which case the distinction in salary is primarily a difference in individuals rather than a difference based on policy)."

The comments contained in the above quotation may be viewed as individual interpretations, since there is no generally accepted proof that women in high-level positions have higher labor turnover than men, and since the jobs being compared were, by definition, similar—regardless of whether or not men were better suited to them.

IV. Annual wage and salary income

The wage and salary income data reported annually by the Bureau of the Census provide an overall view of the differences in pay levels of men and women. These differences are related primarily to the different types of jobs men and women hold, but they reflect also a variety of other factors, including amount of education and work experience, industry of employment, size of company, location of plant or office, and even wage differentials based on sex.

Among year-round, full-time workers, women have earned, on the average, less than two-thirds as much as men during each of the past 6 years (1955–60). In 1960, women's median income of $3,293 amounted to $2,124 less than men's. The following table shows the median income of men and women for the years 1955–60 and the percentage that women's income was of men's.

[1] See "Women on the Job" in the April 1961 issue of Management Record.

[2] These employers were probably all in the United States, since Federal and Provincial laws requiring equal pay for equal work cover virtually all employers in Canada.

[3] Information from a preliminary copy of "Men and Women in Executive Positions, a Comparison of Salary and Other Personnel Policies and Practices," by Lola B. Dawkins and E. Lanham.

87485—62——4

Wage or salary income of women and men, 1955–60 (year-round full-time workers)

Year	Median wage or salary income		Percent women's income of men's
	Women	Men	
1960	$3,293	$5,417	61
1959	3,193	5,209	61
1958	3,102	4,927	63
1957	3,008	4,713	64
1956	2,827	4,466	63
1955	2,719	4,252	64

Source: U.S. Department of Commerce, Bureau of the Census.

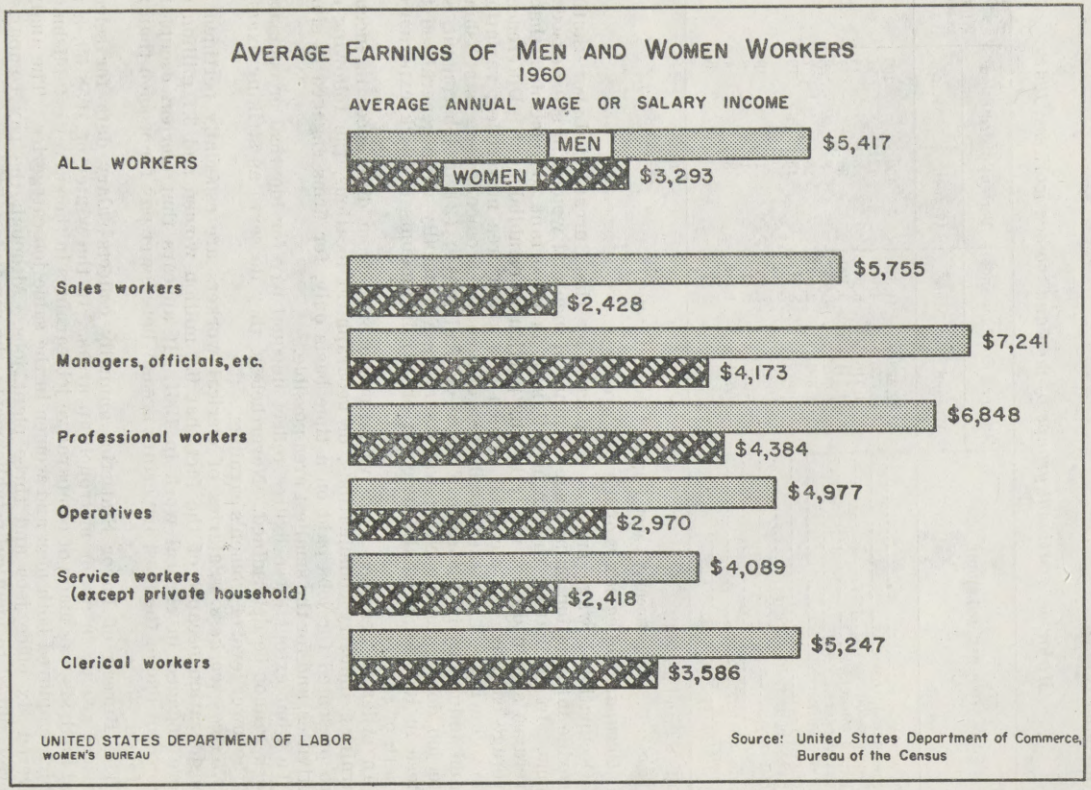
Even for the same major occupational groups, there are substantial differences in men's and women's incomes. (See chart.) In 1960, the greatest difference existed in the average earnings of men and women sales workers. The relatively best situated were the women clerical workers, who averaged almost seven-tenths as much as men clerical workers. Comparative earnings of men and women in the same major occupational groups are shown below:

Wage or salary income of women and men in selected occupations, 1960 (year-round full-time workers)

Occupational group	Median wage or salary income		Percent women's income of men's
	Women	Men	
Sales workers	$2,428	$5,755	42
Managers, officials	4,173	7,241	58
Service workers (except private household)	2,418	4,089	59
Operatives	2,970	4,977	60
Professional workers	4,384	6,848	64
Clerical workers	3,586	5,247	68

Source: U.S. Department of Commerce, Bureau of the Census.

CHART III


AVERAGE EARNINGS OF MEN AND WOMEN WORKERS
1960
AVERAGE ANNUAL WAGE OR SALARY INCOME
ALL WORKERS
MEN
$5,417
WOMEN
$3,293
Sales workers
$5,755
$2,428
Managers, officials, etc.
$7,241
$4,173
Professional workers
$6,848
$4,384
Operatives
$4,977
$2,970
Service workers (except private household)
$4,089
$2,418
Clerical workers
$5,247
$3,586
UNITED STATES DEPARTMENT OF LABOR
WOMEN'S BUREAU
Source: United States Department of Commerce, Bureau of the Census

Occupational distributions of men and women workers.—Although women are employed in almost every occupation, a large proportion of women are employed in a relatively small number of jobs, with only a few women in the remaining job array. To a large extent, women have different types of jobs than men. For example, over half of the women workers in 1961 were engaged in clerical or service work (including private household work), whereas over half of the men workers were operatives, craftsmen, or managerial workers, as indicated in the following table:

Major occupational groups of men and women workers, 1961

Occupational group	Number (in thousands)		Percent distribution		Women as percent of all workers
	Women	Men	Women	Men	
All workers	22,478	44,318	100	100	34
Professional workers	2,750	4,955	12	11	36
Managers, officials	1,116	6,003	5	14	16
Clerical workers	6,741	3,120	30	7	68
Sales workers	1,702	2,737	8	6	38
Service workers	3,393	2,930	15	7	54
Operatives	3,322	8,441	15	19	28
Private household workers	2,255	62	10	(1)	97
Craftsmen	216	8,407	1	19	3
Farmers	130	2,581	1	6	5
Farm laborers	774	1,685	3	4	31
Laborers	80	3,397	(1)	8	2

[1] Less than 1 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

V. Occupational earnings of selected groups

Occupational wage surveys conducted by the Bureau of Labor Statistics provide information on average earnings of men and women in selected occupations. In evaluating this information, it is important to remember that the averages shown do not relate to any particular establishment. Differences in average earnings for men and women in a given area may reflect variation in the following: (1) in the distribution of men and women among establishments (and industries in the case of office clerical jobs); (2) in job content, since the job descriptions used in wage surveys are usually more generalized than those in individual establishments; or (3) in amounts of work experience or length of service.

In order to decrease wage variations arising from differences in incentive earnings, industry combinations, or geographical locations, the following data are presented for jobs paid on a time basis only, for firms engaged in similar activities, and for the smallest area possible.

To what extent these figures reflect unequal pay for identical or comparable work cannot be determined. Nevertheless, they do serve as striking examples of the lower level of women's earnings.

Clerical workers.—Salaries of clerical workers are especially pertinent for consideration because of the fact that 6.7 million women and 3.1 million men were engaged in clerical work in 1961. It appears that clerical occupations represent one of the most important areas where lower pay for women than men is found.

The Bureau of Labor Statistics annually collects salary data for selected clerical groups in major metropolitan areas. In the winter of 1958–59, a special analysis was made of comparative job earnings in the survey establishments which employed both men and women in the same job categories. The analysis covered six office jobs and three plant jobs. Although the pay comparisons were confined to identical establishments, the remaining differences are at least

partially accounted for by differences in workers' position within rate ranges, in length of service, and in actual duties within the limits of the job descriptions.

From one-fifth to two-fifths of the establishments studied reported higher average earnings for women than for men in the same office jobs. About one-tenth of the establishments had fairly similar average earnings for men and women in five of the six office jobs. (Relatively more of the office boys and girls had similar averages.) Thus, in a majority of the survey establishments, women averaged less than men in five of the six office jobs. The difference generally exceeded $8 a week, as may be noted in the following table.

Establishment differences in earnings of men and women office workers (distribution of establishments by relationship between establishment averages for men and women in selected office occupations, 20 labor markets, winter, 1958–59)

Relationship of women's weekly earnings to men's	Accounting clerks, class A	Accounting clerks, class B	Order clerks	Payroll clerks	Office boys or girls	Tabulating-machine operators
Total number of establishments	748	603	207	317	376	472
Establishments with women's average higher than men's [1]	170	182	43	91	112	176
$20 or more	5	6	2	7	3	5
$18 to $20	2	2	1	1	1	2
$16 to $18	2	4		4	2	5
$14 to $16	6	4		5	2	3
$12 to $14	9	6	2	6	6	5
$10 to $12	14	10	4	5	6	17
$8 to $10	12	8	3	10	5	13
$6 to $8	23	16	9	9	17	24
$4 to $6	35	35	4	15	25	30
$2 to $4	40	60	10	19	26	48
$1 to $2	22	31	8	10	19	24
Establishments in which difference was less than $1	91	81	18	30	108	43
Establishments with men's average higher than women's [1]	487	340	146	196	156	253
$1 to $2	36	24	4	14	27	20
$2 to $4	58	61	10	19	46	41
$4 to $6	51	57	15	18	24	33
$6 to $18	63	37	7	14	14	26
$8 to $10	52	44	8	21	13	26
$10 to $12	44	32	11	13	14	21
$12 to $14	35	23	13	14	7	20
$14 to $16	26	15	11	19	6	11
$16 to $18	24	13	8	10		12
$18 to $20	22	8	9	7	4	13
$20 or more	76	26	50	47	1	30

[1] Limited to establishments in which the difference in average weekly earnings is $1 or more.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Another representative group of white-collar workers are bank tellers, for whom salary data were collected by the Bureau of Labor Statistics in 1960. Even though the salary data were separated by the length of experience of the tellers and the type of work done, women's average earnings were consistently lower than men's.[4] For example, the following table shows that women note

[4] In this report, the data are combined for all banks in each survey area. Thus, as stated previously, the differences in earnings are partially accounted for by variations in wages between small and large establishments, in job content, and in length of service.

tellers with under 5 years' experience typically averaged $5 to $15 a week less than men in the same occupational group:

Banks, May–July 1960—Comparison of average weekly earnings of women and men note tellers (under 5 years' experience)

Area [1]	Number of workers		Average weekly hours		Average weekly earnings		
	Women	Men	Women	Men	Women	Men	Difference [2]
Atlanta	27	6	39.0	39.0	$67.00	$72.50	−$5.50
Boston	44	13	35.5	36.5	69.00	77.00	−8.00
Chicago	26	66	39.5	39.0	78.50	89.50	−11.00
Dallas	21	11	40.0	40.0	64.00	79.50	−15.50
Denver	56	6	40.0	40.0	63.00	91.00	−28.00
Detroit	7	7	40.0	37.5	64.50	73.50	−9.00
Houston	27	23	40.0	40.0	69.50	89.00	−19.50
Kansas City	16	12	40.0	40 0	63.50	74.50	−11.00
Los Angeles-Long Beach	289	102	40.0	40.0	77.00	82.50	−5.50
Miami	31	19	38.5	39.0	62.50	68.00	−5.50
Milwaukee	22	14	39.5	39.5	63.50	94.50	−31.00
Minneapolis-St. Paul	27	15	39.5	40.0	65.00	88.50	−23.50
Newark-Jersey City	44	41	36.0	36.0	72.00	80.00	−8.00
New York City	21	125	37.0	36.5	75.00	80.50	−5.50
Providence	17	12	36.0	37.0	54.00	66.00	−12.00
St. Louis	19	16	37.5	36.5	62.50	80.00	−17.50
San Francisco-Oakland	60	68	40.0	40.0	71.50	81.50	−19.00
Seattle	43	16	39.5	40.0	67.50	85.00	−17.50

[1] Includes all survey areas in which both men and women in this occupation were paid on a time basis.
[2] Refers to the amount by which women's earnings vary from men's earnings.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Service workers.—There are about 3.4 million women and 2.9 million men classified as service workers (excluding private household workers). Earnings data for service workers have been collected by the Bureau of Labor Statistics in selected service industries, including power laundries, hotels, and hospitals. The following tables present wage comparisons in these industries for occupations employing both men and women workers on a time basis and show marked wage differences favoring men.

Power laundries, April–July 1960—Comparison of average hourly earnings of women and men workers

Occupation and area [1]	Number of workers		Average hourly earnings		
	Women	Men	Women	Men	Difference [2]
Assemblers:					
Boston	120	29	$1.12	$1.45	−$0.33
Chicago	224	96	1.12	1.24	−.12
Detroit	59	26	1.09	1.20	−.11
Los Angeles-Long Beach	273	12	1.35	1.84	−.49
Newark-Jersey City	85	27	1.17	1.29	−.12
New York	142	83	1.16	1.38	−.22
Philadelphia	120	13	1.14	1.27	−.13
Clerks, retail receiving:					
Chicago	122	14	1.17	1.58	−.41
Newark-Jersey City	42	13	1.12	1.48	−.36
Identifiers:					
Boston	14	44	1.16	1.31	−.15
Chicago	82	119	1.09	1.32	−.23
New York	46	86	1.16	1.36	−.20
Markers:					
Boston	51	30	1.12	1.22	−.10
Chicago	167	8	1.13	1.22	−.09
Los Angeles-Long Beach	156	13	1.32	1.63	−.31
New York	65	42	1.30	1.43	−.13
Philadelphia	43	6	1.12	1.24	−.12

[1] Includes occupations which cover both men and women workers and are generally paid on a time basis.
[2] Refers to the amount by which women's earnings vary from men's earnings.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Private hospitals, mid-1960—Comparison of average weekly hours and earnings of women and men workers

Occupation and area [1]	Number of workers		Average weekly hours		Average weekly earnings		
	Women	Men	Women	Men	Women	Men	Difference [2]
PHYSICAL THERAPISTS							
Buffalo	9	9	39.5	40.0	$81.50	$91.00	−$9.50
Chicago	65	18	39.5	40.0	81.00	98.50	−7.50
Los Angeles-Long Beach	80	20	40.0	40.0	99.00	91.00	+8.00
Minneapolis-St. Paul	31	7	40.0	40.0	95.50	120.50	−25.00
New York	105	41	37.5	38.5	80.50	89.00	−8.50
Philadelphia	32	8	40.0	39.5	85.50	100.00	−14.50
San Francisco-Oakland	39	9	40.0	40.0	95.50	99.50	−4.00
X-RAY TECHNICIANS							
Baltimore	44	24	40.0	40.0	69.00	74.00	−5.00
Boston	144	34	40.0	40.0	69.50	74.50	−5.00
Buffalo	36	12	39.0	40.0	70.00	75.00	−5.00
Chicago	195	96	40.0	40.0	81.00	86.00	−5.00
Cincinnati	30	10	40.0	39.5	64.50	72.00	−7.50
Cleveland	79	19	40.0	40.0	70.00	76.00	−6.00
Dallas	12	10	40.0	40.0	66.50	74.50	−8.00
Los Angeles-Long Beach	107	40	40.0	40.0	86.00	87.00	−1.00
Minneapolis-St. Paul	65	20	40.0	40.0	66.00	71.00	−5.00
New York	159	178	38.0	38.0	79.00	79.00	0
Philadelphia	152	14	40.0	40.0	65.50	68.50	−3.00
Portland	24	7	40.0	40.0	82.50	89.00	−6.50
San Francisco-Oakland	69	16	40.0	40.0	85.00	89.50	−4.50
NURSING AIDS							
Baltimore	1,726	395	40.0	40.0	37.50	44.50	−7.00
Boston	1,640	387	40.0	40.0	49.00	52.50	−4.50
Buffalo	1,294	96	40.0	40.0	46.00	52.50	−6.50
Chicago	4,987	380	39.5	40.0	50.00	58.50	−8.50
Cincinnati	839	91	40.0	40.0	40.00	47.00	−7.00
Cleveland	1,634	381	40.0	40.0	45.50	54.50	−9.00
Dallas	417	87	40.0	40.5	35.00	41.50	−6.50
Los Angeles-Long Beach	3,209	268	40.0	40.0	57.00	60.50	−3.50
Minneapolis-St. Paul	1,146	171	40.0	40.0	55.50	60.00	−4.50
New York	6,232	1,271	39.5	39.5	46.50	49.50	−3.00
Philadelphia	1,849	520	40.0	40.0	37.50	39.00	−1.50
Portland	511	54	40.0	41.5	56.00	61.00	−5.00
San Francisco-Oakland	1,037	228	40.0	40.0	64.50	65.50	−1.00

[1] Includes all areas in survey in which both men and women were working as physical therapists, X-ray technicians, and nursing aids and were paid on a time basis.
[2] Refers to amount by which women's earnings vary from men's earnings.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Hotels, March–July 1960—Comparison of average hourly earnings of women and men room clerks

Area	Number of workers		Average hourly earnings		
	Women	Men	Women	Men	Difference [1]
Boston	9	69	$1.43	$1.53	−$0.10
Buffalo	39	44	1.38	1.56	−.18
Chicago	39	149	1.37	1.76	−.39
Cleveland	16	32	1.44	1.48	−.04
Detroit	32	56	1.52	1.51	+.01
Kansas City	17	50	.92	1.30	−.38
Los Angeles-Long Beach	41	151	1.39	1.61	−.22
Miami	17	132	1.53	1.65	−.12
Milwaukee	13	30	1.49	1.68	−.19
Minneapolis-St. Paul	13	46	1.30	1.44	−.14
New York	15	530	2.03	1.96	+.07
Philadelphia	7	65	1.56	1.69	−.13
St. Louis	15	48	1.18	1.44	−.26

[1] Refers to the amount by which women's earnings vary from men's earnings.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Plant workers.—Comparative earnings of men and women classified in three plant jobs and employed in identical establishments were analyzed in the Bureau of Labor Statistics' community wage survey of 1958–59. Again, it is pertinent to note that individual plant averages for men and women in a specific job may be influenced by variations in job content and length of service.

It is interesting to note that the differences in average earnings of men and women were found to be least among passenger elevator operators and greatest among janitors. Men and women elevator operators had similar average earnings in a majority of the establishments. However, for janitors and packers, the women's averages were below the men's in at least 70 percent of the establishments. In the latter firms, the difference was typically 15 cents an hour or more, as shown in the following table.

Establishment differences in earnings of men and women plant workers (distribution of establishments by relationships between establishment averages for men and women in selected plant occupations, 20 labor markets, winter 1958–59)

Relationship of women's hourly earnings to men's	Janitors, porters, and cleaners	Packers, shipping	Elevator operators, passenger
Total number of establishments	1,232	185	110
Establishments with women's average higher than men's [1]	58	16	14
25 cents or more	3	2	
23 to 25 cents			
21 to 23 cents	1		
19 to 21 cents	5		
17 to 19 cents	2	1	
15 to 17 cents	2		3
13 to 15 cents	6	2	
11 to 13 cents	2	2	
9 to 11 cents	2		1
7 to 9 cents	4	3	1
5 to 7 cents	13	3	2
3 to 5 cents	18	3	7
Establishments in which difference was less than 3 cents	284	39	61
Establishments with men's average higher than women's [1]	890	130	35
3 to 5 cents	52	9	3
5 to 7 cents	64	10	7
7 to 9 cents	63	8	6
9 to 11 cents	63	14	6
11 to 13 cents	63	14	
13 to 15 cents	56	6	2
15 to 17 cents	45	6	5
17 to 19 cents	52	2	
19 to 21 cents	47	6	1
21 to 23 cents	38	6	2
23 to 25 cents	28	6	
25 cents or more	319	43	3

[1] Limited to establishments in which the difference in average hourly earnings is 3 cents or more.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Another study [5] is also available of comparative average earnings of men and women employed on similar jobs in the same establishments. This analysis was based on earnings data collected by the Bureau of Labor Statistics in the winter of 1952–53 from plants which manufactured machinery. For the seven plant occupations studied, the average earnings of time-rated women workers were lower than men's average earnings in from two-fifths to two-thirds of the establishments.

It was suggested in the study report that different distributions of men and women workers within an established range might account for from 5 to 10 cents of the total difference in men's and women's hourly earnings. Therefore, it is particularly interesting to note that men's earnings exceeded women's by at least 5 cents an hour in from one-sixth to one-half of the firms and by at least 10 cents an hour in from one-ninth to one-third of the firms. Following

[5] U.S. Department of Labor, Bureau of Labor Statistics Report No. 98, "Women Production Workers in the Machinery Industries, Their Employment Distribution and Earnings," January 1956.

are comparisons of women's earnings with men's, based on data contained in the special report:

Comparisons of men's and women's average earnings within plants—Percent of establishments with lower average earnings for women, 29 machinery centers, 1952–53

Occupation	Percent of establishments in which women's average hourly earnings were—		
	Lower than men's	Lower by over 5 cents	Lower by over 10 cents
Assemblers:			
Class B	68	47	26
Class C	70	50	30
Inspectors:			
Class B	70	44	20
Class C	65	47	36
Drill-press operators (single or multiple spindle), class C	42	32	19
Grinding-machine operators, class C	42	17	17
Milling-machine operators, class C	44	33	11

Source: U.S. Department of Labor, Bureau of Labor Statistics.

The occupation of "operatives" included 3.3 million women and 8.4 million men in 1961, but relatively few of these workers appeared to be doing similar work. The numerous wage surveys made by the Bureau of Labor Statistics in manufacturing industries yield relatively few examples of men and women in the same occupations and paid on a time basis. The examples which may be found virtually all show women receiving lower average earnings than men, as illustrated in the following occupational data for six manufacturing industries:

Manufacturing industries, 1960-61—Comparisons of average hourly earnings of men and women, by occupation

Occupation and area [1]	Number of workers		Average hourly earnings		
	Women	Men	Women	Men	Difference [2]
A. Nonelectrical machinery (May 1961):					
Assemblers, class C, Chicago, Ill	613	734	$1.68	$2.07	−$0.39
Machine tool operators, production, class C:					
Chicago, Ill	167	1,138	1.71	2.05	−.34
Hartford-New Britain-Bristol, Conn	123	470	1.61	2.33	−.72
Drill press operators, single or multiple spindle, class C, Chicago, Ill	99	432	1.73	1.94	−.21
B. Men's and boy's shirts (except workshirts) and nightshirts (May 1961):					
Sewing machine operators, New York City	378	21	1.51	1.98	−.47
Sewing machine operators on sport shirts:					
New York City	318	17	1.52	2.06	−.54
New York State	441	17	1.44	2.06	−.62
C. Candy and other confectionery products (November–December 1960):					
Dipping machine operator helpers, Chicago, Ill	357	11	1.22	1.35	−.13
D. Women's and misses' dresses (August 1960):					
Hand pressers:					
Fall River-New Bedford, Mass	230	58	1.71	1.78	−.07
New York City:					
All shops	125	155	2.09	3.61	−1.52
Contract shops	79	73	1.87	3.84	−1.97
E. Synthetic textiles (August 1960):					
Twister tenders, ring frame, North Carolina	509	318	1.29	1.29	------
Uptwisters, North Carolina	118	261	1.25	1.33	−.08
Weavers:					
Allentown-Bethlehem, Pa	49	65	2.02	2.07	−.05
Maine and New Hampshire	9	16	1.66	1.72	−.06
North Carolina	33	109	1.60	1.64	−.04
F. Miscellaneous plastic products (February 1960):					
Finishers, molded plastic products:					
Chicago, Ill	1,180	451	1.39	1.58	−.19
Newark-Jersey City, N.J	336	105	1.43	1.46	−.03
Injection-molding machine operators, Chicago, Ill	1,568	940	1.49	1.56	−.07

[1] Includes all surveyed occupations in the 6 industries which cover both men and women workers paid on a time basis only.

[2] Refers to amount by which women's earnings vary from men's earnings.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

VI. Salary schedules of teachers

Teachers' salaries hold special interest for two major reasons: Teaching is the most popular profession among women, and there are large numbers of men and women teachers. In 1961, there were, on the average, about 1,170,000 women and 474,000 men teachers in elementary and secondary schools.

Sixteen States and the District of Columbia have special laws which require that men and women schoolteachers be paid the same rate for comparable teaching positions. These States are California, Colorado, Connecticut, Illinois, Louisiana, Maine, Maryland, Massachusetts, Montana, Nevada, New Jersey, New York, North Carolina, Oregon, Washington, and Wyoming. In addition, in States where equal pay is not required by law, many school boards have set salary schedules which provide the same rate for men and women schoolteachers. However, higher salaries are often paid for teaching certain subjects, and high school teachers may be paid higher salaries than elementary schoolteachers. Men teachers generally benefit from such provisions, since the majority of them are in high schools and many teach the subjects which pay more.

Teacher salary schedules with differentials based on sex have decreased in number during recent decades, but a few still prevail. A National Education Association study of salary schedules for the school year 1961–62 showed higher rates for men than women in 16 out of 761 reporting school districts. As the following table shows, the differentials ranged from $100 to $400 a year, with a $200 differential predominating:

Classroom teachers—School districts with salary differentials, 1961–62

District	Salary schedule provisions		
	Minimum	Maximum	Differential
500,000 and over population			None.
100,000 to 499,999 population:			
Kansas City, Kans.	$4,600	$7,700	$400 additional for men assigned extra duties.
Topeka, Kans.	4,300	8,325	$200 additional for men.
Wichita, Kans.	4,300	8,300	Do.
Columbia, S.C.	3,552	5,100	$204 additional for men.
30,000 to 99,999 population:			
Mason City, Iowa	4,410	7,770	$100 additional for men with M.A.
Salina, Kans.	4,200	7,150	$400 additional for men until maximum is reached. Maximum for men is $200 above schedule.
Newton, Mass.	4,600	8,750	$200 additional for men.
Ann Arbor, Mich.	4,500	8,800	Men start at $300 above scheduled minimums but do not exceed scheduled maximums.
Albert Lea, Minn.	4,500	7,600	$150 additional for men.
Biloxi, Miss.	3,550	5,105	$200 additional for men.
Beaufort, S.C.	3,573	5,295	$250 additional for men.
Fond du Lac, Wis.	4,425	7,050	$100 additional for single men; $400 more for heads of families and married men.
Janesville, Wis.	4,500	8,400	$200 additional for men.
La Crosse, Wis.	4,400	8,400	$200 additional for married men.
Wausau, Wis.	4,500	7,330	$200 additional for men.
Wauwatosa, Wis.	4,600	9,200	$100 additional for single men and $200 for married men.

Source: National Education Association.

VII. Social workers' salaries

Another professional group for whom comparative earnings data are available are the social workers, who include about 62,000 women and 43,000 men. In 1960, a joint study of their average salaries was made by the National Social Welfare Assembly, Inc.; the U.S. Department of Labor; and the U.S. Department of Health, Education, and Welfare. Obscured by the averaged data, of course, are variations in specific jobs and specific educational levels, as well as in length of employees' work experience, type and size of employing establishment, and labor market areas.

Nevertheless, the data do illustrate the generally lower level of women's salaries. For example, the following table shows that women social caseworkers, when broadly grouped by employing agency and level of education, averaged from $90 to $260 a year less than men in three categories and $40 more than men in one category:

Social caseworkers, 1960—Average salaries of men and women, by employing agency and education

Employing agency	Bachelor's degree, no graduate study		Bachelor's degree with 2 years or more of graduate study	
	Women	Men	Women	Men
State or local governments	$4,280	$4,540	$5,780	$5,740
State or local voluntary agencies	3,950	4,190	5,750	5,840

Source: National Social Welfare Assembly, Inc.; U.S. Department of Labor; and U.S. Department of Health, Education, and Welfare.

VIII. Salaries of recent college graduates

Comparative salaries of recent college graduates are particularly pertinent to study, since length of service and work experience may generally be excluded from the list of possible factors related to differences in average salary data. Such information is available in a study of college graduates made by the Bureau of Social Science Research, Inc., for the U.S. National Science Foundation.

Again, women were found, generally, to have lower salaries than their male counterparts in the same occupational classification—in this survey of college graduates, class of 1958, 2 years after graduation. The occupations allowing comparisons, relatively few in number, are listed below—except for teachers (who are discussed in sec. VI). The differences in average salaries for the men and women graduates, when compared by occupation and type of degree, range from $290 to $1,560 a year—all in favor of the men.

Salaries of 1958's college graduates, 2 years later—Comparison of men and women, by occupation and degree

A. GRADUATES WHO EARNED A BACHELOR'S DEGREE IN 1958

Occupation	Number		Median annual salary in 1960		
	Women	Men	Women	Men	Difference [1]
Pharmacists	31	273	$5,500	$7,060	−$1,560
Writers	115	123	3,990	5,380	−1,390
Artists	49	78	3,720	5,100	−1 380
Accountants	42	910	4,290	5,490	−1,200
Personnel workers	56	127	4,290	5,400	−1,110
Research assistants	171	336	3,940	4,920	−980
Mathematicians	67	146	5,520	6 090	−570
Chemists	50	205	5,540	5,960	−420
Social and welfare workers	247	181	4.180	4,470	−290

B. GRADUATES WHO EARNED A MASTER'S DEGREE IN 1958

Psychologists	36	46	5,000	5,690	−690
Social and welfare workers	126	92	5,340	5,710	−370
Librarians	62	22	5,080	5,170	−90

[1] Refers to amount by which women's earnings vary from men's earnings.

Source: Bureau of Social Science Research, Inc.

IX. Federal salaries

The Federal Government compensates its employees in accordance with the principle of equal pay for equal work. The principle was first written into law in 1870 but was not fully implemented until the Classification Act of 1923 established a uniform system of job grades and salaries.

The majority of women Federal employees, however, are concentrated in the lower salary levels; whereas, most of the men are in the middle levels. A Civil Service Commission survey made in October 1959[6] showed that job grades 1 through 5 accounted for almost 80 percent of the women Federal employees but less than 30 percent of the men. On the other hand, in the top grades of 13 through 18, there were less than 1 percent of the women and 12 percent of the men.

Reasons that women's grades are lower than men's include such factors as the differences in kinds of jobs held, nature and amount of education and training, length of service, and preferences for men or women in certain types of work.

The job grade distributions of men and women white-collar workers in Federal service follow:

Federal Government—Distribution of white-collar employees, by grade and sex, 1959

Grade	Women			Men	
	Number	Percent distribution	Percent of all employees	Number	Percent distribution
Total	476,448		32.7	982,778	
Grade specified	413,303	100.0	42.5	560,103	100.0
GS-1	946	.2	26.5	2,625	.5
GS-2	23,652	5.7	56.7	18,057	3.2
GS-3	119,276	28.9	71.9	46,528	8.3
GS-4	114,921	27.8	71.8	45,170	8.1
GS-5	68,199	16.5	61.3	43,084	7.7
GS-6	25,248	6.1	52.2	23,135	4.1
GS-7	30,021	7.3	32.5	62,425	11.1
GS-8	5,496	1.3	21.5	20,113	3.6
GS-9	13,825	3.3	13.7	86,942	15.5
GS-10	1,494	.4	10.6	12,571	2.2
GS-11	5,974	1.4	7.3	75,960	13.6
GS-12	2,634	.6	4.4	57,594	10.3
GS-13	1,158	.3	2.9	38,185	6.8
GS-14	351	.1	2.0	17,563	3.1
GS-15	90	(1)	1.1	8,416	1.5
GS-16	9	(1)	.8	1,058	.2
GS-17	7	(1)	1.4	496	.1
GS-18	2	(1)	1.1	181	(1)

[1] Less than 0.05 percent.

Source: U.S. Civil Service Commission.

PREPARED STATEMENT OF MRS. CHARLES W. TILLETT, U.S. REPRESENTATIVE ON THE UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN

I am Gladys Tillett, U.S. Representative to the United Nations Commission on the Status of Women. It was a pleasure to testify before your committee at the hearings in Washington in March, and I appreciate your invitation to appear here today.

At the hearings in Washington you asked me to report on the action taken on equal pay by the Commission on the Status of Women during its recent 16th session held here in New York City from March 19 to April 6, 1962. Our Commission is composed of 21 women representing 21 countries from all regions of the world. This year for the first time countries of Africa were represented. This Commission has been interested from the beginning in the subject of equal pay, and took leadership in urging action by the International Labor Organization.

This year equal pay was a very important item on our agenda. We reviewed the progress made toward establishment of the equal pay principle throughout the United Nations and recommended that governments implement the ILO Convention and recommendation on equal remuneration for work of equal value

[6] See the U.S. Civil Service Commission report "Occupations of Federal White-Collar Workers, Oct. 31, 1959," and the Women's Bureau forthcoming bulletin, "Women in Federal Service, 1939–59."

by putting equal pay into effect. We called on the ILO to continue to work in this area and expressed the hope that the national and international voluntary organizations would continue to demand legislative and practical application of the principle of equal pay for equal work. With your permission I would like to file a copy of the text of the resolution adopted by the United Nations Status of Women Commission.

During the discussion of this subject at the Commission meeting representatives of many countries summarized the progress that had been made in their countries in putting the equal pay principle into effect. It is noteworthy that of a 21-member Commission, 11 representatives came from countries that had formally adopted the ILO Convention on this subject: Argentina, China, Cuba, Czechoslovakia, France, Indonesia, Mexico, Philippines, Poland, United Arab Republic, U.S.S.R. In addition, two countries on this Commission that had not ratified the convention had adopted national legislation putting the equal pay principle into effect: Iran and Spain.

I am on my way today to a United Nations Seminar on Women in Family Life, which will be held in Tokyo, Japan, for 2 weeks beginning May 8. This seminar will be attended by all the U.N. countries in the Far East. In January and February of this year I had an opportunity to travel through southeast Asia and meet some of the men and women who are going to participate in this seminar. I found that countries in this area, almost without exception, have established the principle of equal pay for equal work either in their constitution or by statute. These are the women with who I, as a representative of my Government, will be working during the coming month at the meeting in Tokyo.

For example: Burma in its Constitution of 1947 guarantees to women the same pay for similar work. Indonesia, in its provisional Constitution of 1950, provided that every worker shall have the right to equal pay for equal work. Thailand, in its 1956 Labor Code, provided that for work of the same nature and under the same conditions, the rates of pay shall be equal regardless of the worker's sex. Japan, the country which will hold the UN Women's Seminar this coming month, requires equal pay in its Constitution of 1946; India requires it in its Constitution of 1949; Vietnam, in its Labor Code of 1952.

I am proud of the record made by women in the United States and of the many laws which Congress has enacted to promote the welfare of all of our citizens. However, in visiting the emerging countries, where women are just getting their rights for the first time, I feel deeply the importance of insuring that our country shall not lag behind in according women the rights due them in all fields. All over the world today women are working for the economic development of their countries. On this development rests not only the standard of living of individual men and women but also the security of the entire Nation, security both for their persons and for their families and homes.

In the United States there is one woman to every two men in the labor force. Since the turn of the century the employment of women has been increasing at a more rapid rate than the employment of men. Here, as in other countries, women are employed as teachers, nurses, technicians in factories, in offices, in the service industries, and increasingly in the professions. Women deserve to be paid the same rate as their male fellow workers.

The United States has always been a leader in the practical implementation of political and legal rights for women. Yet our women still do not yet have the right to equal pay for equal work. To maintain our present position of world leadership, it is of vital importance to adopt the legislation under consideration today by your committee.

Joseph Alsop's recent article in the Saturday Evening Post, on the "President's Grand Strategy," points out that "if the time ever comes when the Communist system is more productive than the mixed economy of the West, that will indeed be a 'turning point in history.'" Gentlemen, women are making an increasing contribution to the economy of our country. They have demonstrated their ability in the winning of the Second World War. They can make an equal contribution in the winning of the economic war that confronts our country today. To insure this women must be paid the same wage rates as men.

In conclusion, may I say that all over the world today women are making an important contribution to the economy of their countries. In the majority of the countries which I have visited, this has been recognized through the adoption of a law requiring equal pay for equal work.

In the United States, women are making an equal or greater contribution. They have earned the right to equal pay. The idea of equal pay is constantly

gaining ground. Nobody can stop an idea whose time has come. But those who have power can step up the time. The women of this country look to you, our elected representatives, to step up the time and enact an equal pay law.

It is in the hands of you, Members of the 87th Congress, as to whether or not the women of the United States can help our country keep the leadership or fall behind. We must look to you to stand guard for continuing our leadership as part of the heritage and the hope of all Americans.

EQUAL PAY FOR EQUAL WORK

Resolution adopted by the United Nations Commission on the Status of Women at its 16th session held in New York City March 19 to April 6, 1962 (Res. E/CN.6/L.337)

The Commission on the Status of Women,

Having considered the report of the International Labour Office on equal pay for equal work,

Being of the opinion that the legal and factual differences in wages and salaries for men and women, which still exists in many countries, constitutes a serious obstacle to real equality of women in the economic field,

Believing that for the purpose of removing this discrimination against women effective measures should be taken on national and international levels,

Requests the Economic and Social Council to adopt the following resolution:

The Economic and Social Council,

Having examined the report of the Commission on the Status of Women on its sixteen session,

Sharing its opinion that the legal and factual inequality between men and women in questions concerning wages and salaries, still existing in many countries, constitutes a serious obstacle to the achievement of real equality of men and women in the economic field, and that effective measures on national and international levels should be taken to remove this discrimination against women,

Emphasizing in this connexion particularly the responsibilities of Governments for the removal of discrimination against women in the question of wages and salaries and for the consistent application of the principle of equal pay for equal work.

I. *Calls upon:*

I. Governments of Member States which have not yet ratified or Otherwise implemented the principles of Convention No. 100 of the International Labour Organization relating to equal pay for equal work to do so, as appropriate under the Constitution of the ILO, and also to implement the provisions of ILO Recommendation No. 90 and, by the adoption of the relevant legislative and practical measures in all economic fields, to apply and promote consistently the principle of equal pay for equal work;

2. The International Labour Organization to continue to follow the introduction of the principle of equal pay for equal work on a world scale and to bear this principle always in mind in considering working and social questions on an international level;

II. *Expresses* the hope that national and international women's organizations in consultative status with the Economic and Social Council may continue to advocate consistently in their activities the principle of equal economic working conditions for men and women and demand the legislative and practical application of the principle of equal pay for equal work.

III. *Requests* the Secretary-General to submit, in co-operation with the International Labour Office, a report to the eighteenth session of the Commission on the Status of Women on both the progress achieved in the field of equal pay for equal work, and obstacles existing so far in this field.

PREPARED STATEMENT OF REVA BECK BOSONE, JUDICIAL OFFICER OF THE POST OFFICE DEPARTMENT

It's like old home week for me again to be attending a congressional hearing—and it is a bit exciting for me to attend not as a Member of Congress or as a legal counsel—but an interested citizen.

Mr. Chairman, I do appreciate your kind invitation to appear, and consider it an honor that you took time out to ask me.

Unlike all the difficult problems in the world today with their complex ramifications that throw one into a tizzy trying to decide what is the right thing to do—this issue before the committee today is a simple one. Just why it even exists amazes me.

Because one through the accident of birth is born boy or girl, black or white, should in all justice make no difference in opportunities to express oneself as a human being.

And if two human beings make the same contribution both should receive the same reward—the same pay. The issue is as simple as that.

There are thousands of women who don't care about working outside of the home—but there are thousands who do—and most of those who do are compelled to even though they in many cases won't admit to this because they don't wish to embarrass a husband or other family people. There are thousands of women who feel within them that they can make a contribution and have a burning desire to do so. They have the ability, the training, and the ambition. Some of them as you well know have become some of our greatest scientists, doctors, lawyers, business executives, educators, musicians, etc.

Of course the greatest field for women is first of all in the home—her family must come first. But thousands of women can handle both the home and a career or occupation. It may be hard, as I personally know, but it can be done.

Then why aren't women given the same pay—the same opportunity as men? War and love create strange bedfellows—and so does competition. A man who knows he is qualified has confidence in his own ability, and if he's been associated with smart women, will not hesitate to hire and pay a man's wage to a woman. A man not sure of himself will ponder embarrassment of having a "skirt" around who knows more than he. He's afraid she'll get the credit—get the headline maybe He's afraid of competition.

When I was a girl I heard my wonderful mother say, "A man who doesn't respect a woman has either associated with dumb women or with prostitutes."

Show me the man who has a smart wife, sister, or daughter and I'll show you a man who does not discriminate in his opinion of a woman's ability. In my experience this observation has never failed.

Oh, yes—there are some "she devils" as well as "devils" in the work world. But fortunately for the man his disposition and qualifications are not attributed to his being a man. But let Mrs. Sussie Que have a miserable disposition and poor qualifications and the comment is, "That's a woman for you." For the mistakes of one single woman all women get the same reputation.

Surely one nowadays doesn't have to argue the mental qualities of the sexes—or the ability or emotional setup. If one does then he hasn't read statistics of the past 25 years.

There is no difference in the sexes except the biological one. From my vast personal experience I have worked with men's groups, women's groups, and mixed groups. I've see the performance under stress of each sex on the witness stand in court and whatever reaction one has depends upon the person—not sex. Some women are gossipy—some men are gossipy; some women are emotional—some men are emotional; some women think superficially and some men think superficially; some women don't know who represents them in Congress—just as many men don't know who represents them in Congress. It is entirely the particular individual—regardless of sex or color.

No human being has a monopoly on brains, ability, and character. And those people who have all three and the ambition to work should be given equal opportunity and certainly equal pay.

Some propositions are fair and right—this is one of those, so I hope there is no hesitancy on voting in favor of the legislation now before you.

PREPARED STATEMENT OF CLARENCE R. THORNBROUGH, COMMISSIONER OF LABOR, STATE OF ARKANSAS, AND PRESIDENT, INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

Mr. Chairman and members of this Senate Subcommittee on Labor, my name is Clarence R. Thornbrough; for the past 7 years I have been commissioner of labor for the great State of Arkansas. I am presently serving as president of the International Association of Governmental Labor Officials, an organization made up of the commissioners of labor and industry from the 50 States, the Canadian Provinces, Puerto Rico, and the Federal Departments of Labor of both the United States and Canada.

My statement is in support of S. 2494 and H.R. 10226 and all similar legislation designed to provide equal pay for equal work regardless of sex.

I am in complete agreement with the declaration of purpose contained in the bills, in that wage differentials based on differences in sex, in my opinion, do the things outlined in the five categories. Especially true is the statement that wage differentials based on sex constitute an unfair method of competition.

It is doubtful anyone could present a convincing argument against the generally accepted principle that employers pay for the job they want done; not for who does it. Regardless of whether a job is done by a 6-foot, 6-inch, 250-pound male brute or by a 5-foot, 95-pound wisp of a girl is immaterial; the same amount of service has been rendered, the same result has been accomplished, and the same amount of pay has been earned. My interest is to attempt to convince the members of this subcommittee, and through you to convince the Members of Congress, that it would be beneficial to the economy of our country and to the stability of our Nation's work force to enact legislation which would insure where the same amount of service has been rendered, where the same results have been accomplished, and the same amount of pay has been earned, that the worker, be he the 6-foot, 6-inch, 250-pound male brute, or the 5-foot, 95-pound wisp of a girl, receives the same amount of pay.

It amazes me that with all the good laws the Congress has passed for the benefit and protection of the workers of America, that here in the year 1962 we are still holding hearings to determine whether or not the Congress should take action to eliminate discrimination in pay between the sexes. I would imagine the reason for the delay is simply that the problem has never been a major one.

Back a half century ago when females first began to come into the labor force in any appreciable number, the thinking seemed to be that a married man should receive more wages than a single man because he had more responsibilities. It was common practice for an employer to give a man a raise when he took unto himself a wife. The basis for wages was the status of the individual, not pay for a certain job which he performed; by the same reasoning at that time, a female received less money because she had less need for money.

If the female happened to be a widow with a family of small children to raise, it was common practice for her neighbors to help out by the donation of food and clothing.

I can remember some of these instances, and I am confident some members of this committee can also. Regardless of the type of work this widow was doing, it never seemed to occur to the good people of those days that the fairest way to assist her in the wonderful job which everyone admitted she was doing was to pay her the same amount which would have been paid a man for the same work.

Two World Wars were primarily responsible for the change on which pay was based; when Rosie the Riveter and thousands of her sisters moved into the labor force to take the place of their menfolks who had gone off to fight a war, they went in great numbers to the plants where the guns, ammunition, and machines of war were being manufactured. There she lost her identity as a female—the job they were all doing, male and female alike, was of such prime importance to this Nation that the individuals became numbers on a time card.

Honest and fair employers paid for the job and not for the needs of the individuals; this probably accounted for 90 percent or more of the employees on jobs where male and female workers performed the same duties, and the 10 percent or less were relatively unimportant so the problem was not a major one then.

In my opinion, we are still talking about 10 percent or less of that part of the work force where members of both sexes in a sense compete for the jobs. However, I don't think the number is too important. I do think it is important that we set a standard by which this country operates, and that standard should state emphatically that there should be equal pay for equal work regardless of sex.

As a good example of how this problem has been overlooked, I find in a search of the records of the International Association of Governmental Labor Officials that we have never had the question of equal-pay legislation before the association as a formal matter for action. Consequently, this group of labor law administrators, who are charged in their respective jurisdictions all over this North American Continent with looking after the welfare of the workers, have never gone on record for or against this type of law. I assure you this will be remedied at the 1962 convention which will be held in Little Rock, Ark., this coming August. However, in the years past when the subject was mentioned, I find that all the reaction was favorable and indicated complete support for equal-pay laws. Because of this, I feel confident that I can speak as president

and put the International Association of Governmental Labor Officials on record as approving the bills we are considering here today. With the approval of this group plus the international labor organizations, the United Nations, the AFL–CIO, all women's organizations, all educational and teacher's organizations, we wonder who, if anyone, is opposed to such honest and fair legislation.

Organized labor and the teacher organizations have done a lot to correct this wrong in the fields in which they operate, but they can't do the whole job alone—and shouldn't be required to.

I have been an apprentice and journeyman member of the International Typographical Union for 34 years and am happy to report my union, at the 1870 convention, declared that women printers admitted to membership must be paid the same wages. This same policy has applied to all other benefits and advantages of membership of the International Typographical Union for the past 92 years.

I can't find it in my heart to be too critical of Congress for the lack of attention to this matter because in 28 States and the District of Columbia they have also failed to provide this protection. However, now that the need has been brought so forcibly to their attention, they should be condemned if they fail to take corrective action.

It probably won't have any real bearing on the outcome of this legislation, but I would like to mention that it isn't often that we find Arkansas ahead of the majority of the States and ahead of the Federal Government in the passage of good laws, and I am happy to find it so in this case.

The only contribution I can offer to the hearings on this proposed legislation is to share with the members of this committee my personal knowledge and experiences with equal pay legislation; to relate to you the events which led to the passage of an equal pay law in Arkansas and the experiences my department has had in the enforcement of the law.

We, in Arkansas, were made aware of this inequality back in 1954 when the Business and Professional Women's Clubs of our State adopted the passage of an equal pay for equal work law as their project for the year. As usual, instead of doing a job which was equal to what a group of men could have done, they did a better job of publicizing this inequality in pay scales between the sexes.

It was never their intention to spotlight the fact that the inequality was almost always to the detriment of the females. Instead, their program was directed toward the principle that payment was made for an article produced or a service performed regardless of who was responsible for the production or service. As is always the case, the idea of bringing the rates of pay for female workers up to that of male workers, who were doing the same job, crept in. Actually, the proposed law was commonly referred to as the equal pay for women law, althought the Business and Professional Women's Club members objected strenuously to this title. However, if that had been the purpose of the Arkansas equal pay law, or if that was the purpose of the proposed legislation being considered here today, I would still favor it because this is the area where the major part of the inequality exists.

Primarily because of the sincerity of these fine women in trying to correct an inequality, and because of the justness of their cause, very little opposition developed, and the bill was passed by the 1955 Arkansas General Assembly.

A copy of the bill which became Act 361 of 1955 is inserted; and it will be noted in section 2 that, despite efforts to the contrary, the words "male" and "female" managed to get into the law. I am happy to see that these words do not appear in the bills before us today. Act 361 of 1955 is as follows:

"ACT 361 OF 1955

"H.B. No. 417 (Mayfield of Union and Durrett of Union)

"A Bill for an Act to be entitled: 'AN ACT To Prohibit Discrimination in Rate of Pay Because of Sex; Providing for Recovery of Unpaid Wages and Prescribing Penalties; Conferring Powers and Imposing Duties on the Commissioner of Labor; and for Other Purposes'

"*Be it enacted by the General Assembly of the State of Arkansas:*

"SECTION 1. DEFINITIONS. 'Employee' as used herein shall mean any person employed for hire in any lawful business, industry, trade or profession or in any lawful enterprise, but shall not include persons engaged in domestic service in the home of the employer, or in agricultural service, or in temporary or seasonal employment, or employees of any social club, fraternal, charitable,

educational, religious, scientific or literary association, no part of the net earnings of which inures to the benefit of any private individual.

" 'Employer' shall include any person, natural or artificial, acting in the interest of an employer directly or indirectly.

" 'Employment' means any employment under contract of hire, expressed or implied, written or oral.

"SECTION 2. No employer shall discriminate in the payment of wages as between the sexes, or shall pay any female in his employ, salary or wage rates less than the rates paid to male employees for comparable work. Provided, however, that nothing in this act shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or differences in duties and services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex.

"SECTION 3. ADMINISTRATION. The Commissioner of Labor shall have the power and it shall be his duty to carry out and administer the provisions of this act.

"SECTION 4. COLLECTION OF UNPAID WAGES. An employer who violates the provisions of Section 2 of this act shall be liable to the employee or employees affected in the amount of their unpaid wages. Action to recover such wages may be maintained in any court of competent jurisdiction by any one or more employees. Any agreement between the employer and the employee to work for less than the wage to which such employer is entitled under this act shall be no defense to such action. The court in such action shall, in addition to any wages recovered allow an additional equal amount as liquidated damages plus a reasonable attorney's fee and court costs. At the request of any employee, paid less than the wage to which he or she is entitled under this act, the Commissioner of Labor may take an assignment of such wage claim in trust for the employee and shall bring any legal action necessary to collect such claim. The Commissioner shall not be required to pay any court costs in connection with such action.

"SECTION 5. RECORDS OF EMPLOYERS. Every employer subject to this act, shall keep and maintain records of the salaries and wage rates, job classifications and other terms and conditions of employment of the persons employed by him, and such records shall be preserved for a period of three years. Such records shall also be available to the parties and to the court wherein action to recover unpaid wages under this act is pending.

"SECTION 6. PENALTIES. Any employer who violates any provision hereof, or who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his or her employer, the Commissioner of Labor, or any other person, or instituted, or caused to be instituted any proceedings under or related to this act, or has testified or is about to testify in any such proceeding, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

"SECTION 7. LIMITATION OF ACTIONS. Any action to recover wages and liquidated damages based on violation of Section 2 of this act must be commenced within two years of the accrual thereof and not afterwards."

Certain exemptions were permitted which allowed a difference in pay based on a difference in seniority, experience, training, skill, ability, or differences in duties and services performed, or differences in the shift or time of day worked, or any other reasonable differences except the difference in sex. Most of these exemptions, when viewed separately, are basically reasonable, but only if they stand up under the scrutiny of whether or not their application constitutes discrimination because of sex. Where an employer follows a stated or proven policy of periodic increases for longevity, the exemption for seniority is acceptable; where the periodic increase applies to one sex but not to the other, or where the amounts are not the same, then the seniority exemption is not acceptable. It was the general opinion, including mine, when the law was first proposed, that the only way it could ever be applied would be to find twins, one male and one female, who went to work on the same day at the same hour and continued to be identical in skill, training, experience, and ability. This impression has been proven false because the only exemptions which will stand up are the ones which apply regardless of sex; this has been well cared for in section 4 of the bills before us today.

A lapse of 70-odd days between the signing of the Arkansas Act and the effective date gave the Arkansas Department of Labor time to acquaint every-

one with the provisions of the new law. As an educational program, we mailed the inserted letter to about 175 weekly and daily newspapers in Arkansas; letters similar in content went to some 70 radio and television stations:

DEPARTMENT OF LABOR,
State Capitol Building, Little Rock, Ark.

DEAR SIR: Enclosed find copy of Act 361 of 1955. This new law is of utmost importance to every employer of female help in our State and we are sending copies of this bill to all newspapers in Arkansas in an effort to inform the people of the impact a new law such as this may have on them.

The act provides that "No employer shall discriminate in the payment of wages as between the sexes, or shall pay any female in his employ, salary or wage rates less than the rates paid to male employees for comparable work."

Variations are allowed for seniority, experience, training, skill, ability or differences in duties and services performed, or difference in the shift or time of the day worked, or any other differentiation except difference in sex.

Excluded from the act are persons engaged in domestic service in the home of the employer, or in agricultural service, or in temporary or seasonal employment, or employees of any social club, fraternal, charitable, educational, religious, scientific, or literary association, no part of the net earnings of which inures to the benefit of any private individual.

An employer who violates the act is liable for the amount of unpaid wages, an equal amount for liquidated damages plus a reasonable attorney's fee and court costs. Every employer subject to this act, shall keep and maintain records of the salaries and wage rates, job classifications and other terms and conditions of employment of the persons employed by him, and such records shall be preserved for a period of 3 years. Such records shall also be made available to the parties and to the court wherein an action to recover unpaid wages under this act is pending.

Any employer who violates any provision of the act, or who discharges, or in any other manner discriminates against any employee because such employee has made a complaint to his or her employer, the commissioner of labor, or any other person, or instituted, or caused to be instituted any proceedings under or related to this act, or has testified, or is about to testify in any such proceeding, shall be fined not more than $500, or imprisoned not more than 1 year or both.

It is the power and duty of the Commissioner of Labor to carry out and administer the provisions of the act. At the request of any employee paid less than the wage to which he or she is entitled under this act, the Commissioner of Labor may take assignment of such wage claim in trust for the employee and shall bring any legal action necessary to collect such claim.

The Department of Labor will appreciate any publicity you can give this new law so our people can make any adjustments they consider necessary before the law becomes effective, which will be June 9, 1955.

Very truly yours,

CLARENCE R. THORNBROUGH,
Commissioner of Labor.

We asked in each letter that they give whatever publicity possible to the enactment of the new law. Our purpose was twofold, we wanted both employers and employees to know of its provisions, and we were hopeful they would ask questions, which they did. Finally, we sent a similar letter to more than 300 of the larger employers explaining to them that they had this time lapse in which to bring their operations into compliance.

Because of the fairness of the law and the widespread publicity which came as a result of these letters, we obtained almost complete compliance—so far as we can determine. Since the effective date of our equal-pay law, the Women's Division of the Arkansas Department of Labor has made approximately 37,000 inspections in places employing females in Arkansas and have failed to find a single enforcible violation. The reason for the words "enforcible violation" is because it was only after investigation that we were able to determine what at first glance appeared to be a violation was covered under one of the acceptable exemptions, usually there was a complete difference in the work performed.

During the more than 7 years since the passage of the Arkansas equal-pay law, we have had many inquiries but only two formal complaints. Both concerned themselves with production line operations where it appeared that all

jobs were similar. On investigation, it developed that the male workers were doing the same work as the female workers; but, in addition, they were doing all of the heavy work for both; such as lifting bundles and boxes onto and off the line and pushing heavy carts of material, a complete difference in duties and services performed. It happened that both plants were working under negotiated labor agreements in which both the duties and the rates of pay were outlined; and this heavy work which the men were doing called for the extra pay.

Where we had informal complaints, or where routine inspections by our investigators showed doubtful practices, we followed the practice outlined in section 5(3) of H.R. 10226 in that we "* * * before taking further action * * * by informed methods of conference, conciliation, and persuasion, endeavor(ed) to eliminate discriminatory wage practices * * *." The very fact that we did question a particular job or part of a plants operation in many cases brought about a change which put the job or operation in complete compliance with the law.

In my State, I know it happened; and I believe it will happen nationwide that the existence of a law providing for equal pay for equal work will result in substantial compliance in places where there is now discrimination because of sex; that the publicizing of the passage of such a law will cause both employers and employees to further evaluate their operations and make whatever adjustments are necessary; and finally, in the small number of places where discrimination in pay because of sex remains, it will provide the enforcement machinery which is needed to guarantee that every person, regardless of sex, will receive the same pay for the same job. It may very well be that the Congress is a quarter of a century late in the passage of such a law, but certainly its passage should not be delayed.

In conclusion, Mr. Chairman and members of this Senate Subcommittee on Labor, I want to express my appreciation to you for the opportunity of submitting a statement to you on this subject. I strongly urge your favorable consideration of S. 2494, H.R. 10226, and any similar legislation which will provide equal pay for equal work.

PREPARED STATEMENT OF WILLIAM F. SCHNITZLER, SECRETARY-TREASURER, AFL–CIO

My name is William F. Schnitzler. I am secretary-treasurer of the American Federation of Labor and Congress of Industrial Organizations. I am happy to be here today to support the Zelenko-Green bill, H.R. 10226, the Equal Pay Act of 1962.

I would first of all like to congratulate this subcommittee for its action in sponsoring these hearings. The question of a Federal equal-pay law in behalf of women has been before the Congress every year since 1945. But these are the first hearings since 1950. The issue has been shunted aside for 12 years. This subcommittee deserves a great deal of credit for bringing an equal-pay bill under active consideration at the present time.

The AFL–CIO is a federation of national and international unions with total membership of approximately 13 million, of whom an estimated 2.6 million are women.

H.R. 10226, which forbids employers in interstate commerce to discriminate in pay rates on the basis of sex, protects both men and women workers, but it is, of course of especial importance to women. The practice of paying women less than men for comparable work has a very long history, and has been consistently fought by the American trade union movement. A resolution adopted by the American Federation of Labor in 1898, for example, declared: "We emphatically reiterate the trade union demand that women receive equal compensation for equal work performed."

And 63 years later, in December 1961, the Fourth Constitutional Convention of the AFL–CIO, in its resolution on women workers, included the following statement: "*Resolved*, That this convention reaffirms its traditional support of equal pay for equal work through collective bargaining contracts and through appropriate legislation, both State and Federal. We specifically endorse the proposed Federal equal pay law, introduced in the past session of Congress as S. 2494 and H.R. 8898."

H.R. 8898 is, of course, identical with H.R. 10226, the bill introduced in the current session of the Congress by the distinguished chairman of this subcommittee.

Hopefully, there has been some progress since 1898. Trade unions have been increasingly successful in eliminating unequal pay practices in their industries. Twenty-two States have passed laws requiring that men and women be paid at the same rate for comparable services. Payment of the rate for the job is an accomplished fact in the Federal civil service and in many of the State governments as well.

Equal pay for women has been endorsed, at least in principle, by the leading employer organizations—the chamber of commerce and the National Association of Manufacturers. It was included in the platforms of both the Republican and Democratic Parties in 1960. International organizations including the United Nations General Assembly, the United Nations Commission on the Status of Women, the International Labor Organization, and the International Confederation of Free Trade Unions have all endorsed and worked toward the achievement of equal pay practices. In the words of the United Nations universal declaration of human rights, adopted by the General Assembly in 1948; "Everyone, without any discrimination, has the right to equal pay for equal work."

It remains now for the present Congress to build upon the real progress that has been made and to translate this widely accepted principle into equally widely accepted practice, by enacting a Federal law which concretely forbids discrimination in wage rates on the basis of sex.

For unequal pay has not been nearly so widely eliminated in actual practice as it has in principle. I have a few observations on this point.

Everyone knows as a general fact that women's earnings average much less than those for men, and also that there are many reasons for this, quite apart from discriminatory pay rates. These reasons include such factors as actual differences in job duties, less seniority, employment in lower paying occupations, lower paying establishments, and lower paying industries. Take-home pay over a year's time is further depressed for women as compared with men, by the fact that more of them are short-term workers and more of them are employed on part-time jobs.

All these factors enter into the overall averages in pay for men and women which show so striking a difference in favor of men.

In 1960, for example, the median wage or salary income for women was $1,595 or less than 40 percent of the median wage or salary for men,which was $4,300. And even for women who were year-round, full-time wage or salary workers, census figures show their income to be about 60 percent of the median income for men who are year-round, full-time workers—$3,293 for the women as against $5,417 for the men in 1960.

It is not easy to isolate the extent to which discriminatory pay rates, as such, contribute to this result. But we are convinced it does play a part.

You may be interested, for example, in the results of a recent survey conducted by the National Office Management Association covering more than 1,900 companies in the United States and Canada. (The results were published in Management Record for April 1961, a publication of the National Industrial Conference Board.) Among the questions asked was the following:

"Do you have a double standard pay scale for male and female office workers?"

One-third (33 percent) of the companies answered "Yes" to this question.

That was a pretty clear question and the answer seems equally plain.

I would like to cite another survey, less explicit perhaps, but certainly suggestive. I am referring to special material obtained by the Bureau of Labor Statistics in its 1958–59 community wage surveys.[1] There were 20 areas surveyed in all. These were large cities—such as Buffalo, Detroit, Milwaukee—in all parts of the country.

In this particular set of surveys, the Bureau made special comparisons of women's earnings with men's earnings in nine specific jobs—six office jobs and three plant jobs.

It is no surprise, of course, that for each job in each community, with only isolated exceptions, men's earnings averaged more than women's. Overall, the average pay difference in favor of men was 16 percent in manufacturing industries and 19 percent in nonmanufacturing.

---

[1] U.S. Department of Labor, "Wages and Related Benefits," 20 Labor Markets, 1958–59, Bulletin No. 1240–22.

The comparisons were then narrowed to include just those plants that employ both men and women in the same jobs—leaving out plants where only men were employed on a job or where only women were employed on a job. It was found that the difference in pay was less than shown by the overall figures, but that there was still a difference. Men averaged 9 percent more pay than women in manufacturing industries and 12 percent more in nonmanufacturing industries.

Perhaps some of this difference—the 9 percent in manufacturing and the 12 percent in nonmanufacturing—can be explained away on such grounds as length of service, differences in actual job duties, and the like. But we believe that at least part of it reflects discrimination in pay rates for women.

Our research department ran an additional tabulation from figures published in the BLS study, and I think the results are interesting. It so happens that 12 of the areas were in States that had equal pay laws for women and 8 of the areas were in States without an equal pay law. By dividing the areas into these two groups, it was found that the pay difference in areas covered by equal pay laws was definitely less than it was in the areas not covered by equal pay laws. This was true for both manufacturing and nonmanufacturing, and in both office and plant jobs.

I am attaching a table which shows our results. Overall, we found that in manufacturing, the pay difference between men and women was 13 percent in areas where no equal pay law was in effect. But in equal pay areas, the difference was narrowed to 10 percent.[2] In nonmanufacturing the picture was the same: there was a 14-percent differential where no equal pay law existed, but only an 11-percent difference in areas covered by a State equal pay law.

We think the results show two things: (1) At least some of the difference in men's and women's earnings is caused by unequal pay practices, and (2) that passing an equal pay law helps to correct these unequal pay practices.

We would like to be able to simply tell you that the ideal way to eliminate unequal pay practices is for all women workers to join trade unions. Some of the oldest trade unions have long had equal pay clauses written into their contracts. The International Typographical Union, for example, has had a mandatory equal pay clause in its constitution since 1891. These unions have been joined by many others and for some of them it has been a long and difficult struggle to secure observance of this principle. I am not able to tell you how many unions as of today have succeeded in eliminating or greatly reducing the problem, but I would guess it to be a fair number.

But even if every union had airtight equal pay contracts for their women workers, this would not begin to meet the problem for the great majority of women workers who are not members of unions. The number of women in trade unions (total for both AFL–CIO and unaffiliated national unions) has been estimated by the Bureau of Labor Statistics at 3.3 million in 1960. In that same year, the total number of employed women averaged 22.2 million. Even after subtracting out self-employed women and unpaid family workers, there was still a total of 19.1 million women earning wages or salaries in 1960. This means that nearly five times as many women wage and salary workers are outside trade unions as are in them.

We think there is a real need for protection of women who are not in trade unions, particularly in unorganized establishments in trades and services which employ millions of working women. We would like to broaden our coverage, of course, but I don't think we are likely to get anywhere near the coverage that a Federal equal pay law will.

On coverage, I think the same may be said about leaving the matter to State legislation. There are 22 States that have equal pay laws for women, but there are 28 States plus the District of Columbia that do not have equal pay laws for women. And from long experience with labor standards legislation, we know that employers in States without such legislation dislike relinquishing whatever competitive advantages they may obtain from not measuring up to the standards observed elsewhere. To provide generally available equal pay protection to women workers and to eliminate competition on unfair labor standards, Federal legislation is needed.

I would like to turn briefly to another question sometimes raised about equal pay legislation and that is the question: Can an equal pay law really be effective? Is it possible to enforce an equal pay law with any degree of success?

---

[2] As calculated by AFL–CIO, the overall differential in manufacturing was 11 percent, as compared with 9 percent in BLS calculations. See table.

It is no doubt true that equal pay laws can be evaded by employers who are relentlessly determined to do so, and especially if the equal pay law has loopholes in it.

But I think it has generally been found that laws such as this have met with a large degree of voluntary compliance. This expectation is made explicit in H.R. 10226 by its provision for the enforcing agent, the Secretary of Labor, to endeavor in the first instance to secure compliance by informal methods of conference conciliation and persuasion, before resorting to stronger means.

I think we have every reason to believe that this proposed law can and will be reasonably effective. It provides for comprehensive coverage in interstate commerce. It forbids discrimination on the basis of sex where the work performed is of comparable character and requires comparable skills.

The bill wisely places enforcement in the U.S. Department of Labor, thus assuring sympathetic and active interest in seeing that the principle of equal pay is observed as well as informed and experienced judgment in making determinations as to whether unequal pay exists in individual cases. Cases can be carried to the U.S. district courts if necessary, but hopefully this would be in rare instances. We are pleased with the further encouragement to compliance by the provision that Government contracts for goods valued at $10,000 or more shall stipulate compliance with this act by the contractor.

The trade union support for the equal pay principle is of long standing. Fundamentally this support is based both on belief in individual justice and on concern for the maintenance of wage standards for men and women workers alike. Employers should not be allowed to undercut men's wages by trying to hire women more cheaply for the same work. It is not fair to men, it is not fair to women.

I trust that the argument that this bill would be inflationary will not be raised at these hearings. If it were to be raised, we need only to recall the precedent set by the National War Labor Board in World War II in administering the wartime wage stabilization program. You will recall that despite the genuine inflationary pressures existing at that time from shortages of materials and labor in the face of unprecedented demand, the Board gave blanket approval to adjustments intended to equalize women's pay rates with men's on jobs of the same type.

In closing, I would like to say that we do not think an equal pay law is all that needs to be done in securing to women the full realization of their basic rights as citizens and workers. I have had the honor of being appointed as a member of the President's Commission on the Status of Women which has been directed to conduct a broad inquiry into this whole question. There will undoubtedly be many additional areas in which action can and should be taken. But on this particular issue—the payment of the rate for the job, without regard to the sex of the workers—the equities are so obvious and apparent that no further delay is warranted. In addition to correcting longstanding conditions of injustice, enactment of this bill will stand as a measure of our good faith in seeking to bring about further advancements in behalf of women.

We urge the speedy enactment of H.R. 10226.

Percent excess of men's earnings over women's in establishments employing both men and women in same job, 1958–59

	Equal pay law (12 areas)	No equal pay law (8 areas)	Total (20 areas)		Equal pay law (12 areas)	No equal pay law (8 areas)	Total (20 areas)
Manufacturing	10	13	11	Nonmanufacturing	11	14	12
Office	10	12	11	Office	11	14	12
Plant	11	14	12	Plant	10	12	11

Source: U.S. Department of Labor, Bulletin No. 1240-22, "Wages and Related Benefits," 20 labor markets, 1958–59, tables 5 and 6, pp. 39–44.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF MANUFACTURERS

The National Association of Manufacturers is a voluntary membership association composed of approximately 17,000 member companies representing a cross section of American industry. The great majority of association members are small businessmen; 80 percent employing fewer than 50 people and nearly half employing less than 100.

The National Association of Manufacturers has long aggressively supported equal pay to women for equal work done. In its stand, the association has also objected consistently to the substitution of "comparable" for "equal," for the reasons hereinafter stated.

As far back as April 24, 1942, NAM's board of directors formally stated the association's position in approving a recommendation by its industrial relations committee. The position is stated in part as follows:

"There is little difference between men and women as regards their satisfactory performance in industry. Sound employment and personnel practices are applicable to both men and women and no emphasis should be placed on any distinction between them as workers.

"In the matter of wage policies we advocate the principle of equal pay for equal performance for women."

The current published policy of NAM (repeating its position consistently followed since 1942) reads as follows:

"The principle of equal pay for equal work performance within the wage structure of business establishments is sound. Pay for individuals, allowable within the company's wage structure, is soundly based when work performance, irrespective of age, sex, or other personal factors is considered."

Beyond the foregoing, NAM undertook, in 1942, an active campaign to enlist full support and acceptance of its position by its members and by employers throughout the United States. This has been a continuing campaign through the activities of members of NAM's committee on industrial relations and NAM's staff servicing that committee together with other company members.

As a result of its initial campaign promoting the equal pay principle, many employers immediately eliminated inequities in job rates between men and women. This has been a steady and accelerating procession as a result of NAM's continuous vigorous promotion of its policy.

Then, too, State legislation is now effective in 21 States. These include the industrialized States of New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Ohio, and Rhode Island. The new States of Hawaii and Alaska are included. In 1948 there were only eight such State laws. Four States have adopted such laws since 1957. In 1945 and since then each year, Federal legislation has been introduced to provide by governmental fiat equal or comparable pay, more often comparable. The Federal bills have all failed of passage. NAM took its position against them for reasons hereinafter stated. It now opposes the current bills to which this statement is directed although standing behind the principle they support otherwise better achievable through other sources.

In 1946 Secretary of Labor Schwellenbach called a conference on the employment problems of women. We are not unmindful that the consideration given by the Congress and hearings held have stimulated the broad acceptance of the policy of equal pay for equal work and its inclusion in union contracts largely through the process of free and responsible collective bargaining. We do not deplore, therefore, the hearings now called on the current bills but we do emphasize, as we have previously through appearances, and statements filed, the undesirability of extending Federal intervention into this field of labor relations through the passage of compulsory legislation. Our reasons and the additional background for them follow herein.

INDUSTRY'S POSITION

For many years, the NAM has advocated that job and salary rates be related to job content, urging its member companies to make certain that differences in such rates be based on fundamental differences in the nature, the duties, and the physical requirements of the job. Through precept and practice, the manufacturers of this country are supporting, in general, the policy that the only sound and fair basis for payment of wages is to pay the rate for the job, without regard to the sex of the workers. Continuously, and encouragingly so, a large number of employers have for many years pursued this policy of equay pay for equal work in compensating employees.

Not only does there seem to be no necessity for this kind of Federal legislation, but these specific bills go far beyond the alleged purpose of advancing the cause of equal pay for equal work. They involve undue interference in the work relationship in a manner which would cause serious and numerous operating difficulties, interfere with efficient management, and prove disruptive to good relations between employers and employees.

There are four major developments which make this proposed law of dubious value. Advancement of the worthwhile and sound objective of equal pay for equal work has already been well accomplished through:

1. General acceptance by employers;
2. A continuing aftermath of World War II developments;
3. Collective bargaining agreements; and
4. The tremendous increase in the establishment of job evaluation systems under which pay differentials based on sex are automatically abolished.

It is through these channels that progress has been made and will continue to be made in eliminating multiple standards in the payment of wages.

I. VOLUNTARY ACCEPTANCE BY EMPLOYERS

There is a threefold reason why large numbers of employers voluntarily pay women the same rates as men where jobs are equal:

First, they believe it is a matter of simple justice to see that the person who does the job is paid the rate the job is worth.

Second, When two employees stand side by side and do the same work, good employee relations cannot long be maintained if they are treated unequally in the matter of pay. Dangerous and needless frictions arise; antagonism and discontent result when rates of pay differ unfairly between individuals.

Third, it is good management to eliminate inconsistencies between wage rates and administer the company's wage schedule on an equitable basis, fair to men and women alike.

Over recent years, this principle has been increasingly and broadly accepted by manufacturers throughout the country, so that today it is the rule, rather than the exception, for women to receive the same rate as men wherever they work on the same or equal job.

II. WARTIME DEVELOPMENTS AND WAR LABOR BOARD ACTION

Wartime developments

The importance of wartime events in broadening the practice of equal pay for the woman worker should not be overlooked. One of the major factors in the picture was the wartime employment of thousands of women, who were new to the labor market. While many employers had long before taken for granted the payment of equal wages for equal work, labor conditions during the war gave a strong impetus to this movement as indicated by the Bureau of Labor Statistics statement in the Monthly Labor Review, September 1946:

"Entrance of large numbers of women workers into war industries during World War II, accelerated the movement for paying women the rate for the job, regardless of sex."

In a high percentage of companies where women were hired for the first time, no separate wage scale was ever established. In plants where differentials existed, they were often voluntarily abolished by the employer who was quick to recognize the value of the woman employee as a production worker whose performance was equal—and in some cases superior—to that of male employees.

A further factor contributing to wide adoption of equal pay practices was the tight labor market. In many areas management was plagued by acute shortage of employees. Naturally, women were slow to take jobs in plants where the rates paid were lower than those for men doing the same work. The plant that was paying the rate for the job attracted them first and the employer with double rate schedules lost out. Many an employer forsook the practice of paying lower rates to women when he found that such a policy was keeping badly needed applicants away from his gate. In other words, the realities of life in wartime led management to change—of its own accord and almost overnight—many employment and wage policies which formerly had been practiced.

Still another element in the situation was the policy of equal pay under Government contracts, established by the War, Navy, and Labor Departments just after the United States entered the war, that "wage rates for women should be the same as for men, including the entrance rate." ("Equal Pay for Women Workers" by Dorothy S. Brady, Ph. D., Chief, Cost of Living Division, U.S. Department of Labor, Washington, D.C., in "Annals of the American Academy of Political and Social Science," May 1947.)

Dr. George W. Taylor, when Vice Chairman of the War Labor Board, expressed the view in one of his directives on this issue, that the principle of equal pay for equal work could not be entirely disposed of by any clause, but must be worked out in individual situations by parties who cooperate in good faith to secure the desired objectives.

III. EQUAL PAY THROUGH COLLECTIVE BARGAINING

The practice of equal pay for equal work has been substantially extended through the process of collective bargaining. Wherever unions have secured equal pay provisions by contract, they have retained them in subsequent agreements. The trend, as we know, is for unions to secure more—not less—especially where the international union has adopted the principle as official union policy as is the case with many unions in the matter of equal pay. The issue was brought to the fore as a contractual demand as a result of the rapid increase in women's membership in trade unions, accelerated by the war. Union members, both men and women have pressed for equal-pay provisions by contract, and in most cases, have secured them.

Various studies of collective bargaining trends reveal hundreds of contracts providing that rates of pay for women employees be based on established rates for the work performed. Bureau of Labor Statistics Bulletin No. 686, "Union Agreement Provisions," states:

"Many unions have faced the problem of the displacement of men in certain occupations by women workers who do the same work for lower wages. Therefore some agreements include provisions forbidding wage differentials based on sex. In other cases, sex differentials are simply abolished in the course of the wage negotiations and specific prohibitions do not appear in the agreement."

The situation has not changed since that bulletin was issued. Equal pay for equal work was not then and is not now a major issue. Most employers accept it. Most unions accept it. It is not a problem which requires a Federal law. In most plants, the question does not arise at all. There is no arbitrary distinction between the sexes and pay rates go by occupation.

There seems to be no basis for the statement made in both of the bills that the existence of wage differentials based on sex leads to labor disputes. We question that this could be supported by fact for this is just not an issue about which there is any real disagreement between unions and management as to the soundness and desirability of eliminating wage differentials based on sex. The thousands of equal-pay clauses in collective bargaining contracts attest to this fact.

When collective bargaining exists, the need for unions and management to agree between themselves in this fashion cannot be overemphasized. Experience abundantly proves that there is no substitute for voluntary agreement. Since the enforcement of equal pay for equal work involves matters of job classification, rates of pay, and the factor of disrimination, it is clear that these are issues which are more appropriately solved through good administration and effective grievance procedures or collective bargaining, than through Federal law. The satisfaction reached by mutual agreement between the parties can never be replaced by an order issued from Washington.

From past history of industrial relations in the United States it can be anticipated that organized labor and management may be relied upon jointly to eliminate any remaining inequities in plants where employees are represented by a bargaining agent.

IV. INFLUENCE OF JOB EVALUATION PROCEDURES

Apart from the fact that collective bargaining is a powerful force in removing any remaining discriminatory wage practices, traditional good management practice has established the principle that wages should be based upon the job rather than upon the identity of the individual doing the job.

Years ago, management recognized that the only fair and proper method of paying wages is on the basis of a systematic wage and salary program and about 1930, a serious movement was born, looking toward formal job evaluation as a method of making sure that wage rates are determined by equitable standards based on the requirements of the job to be performed. Since that time, an ever and greatly increasing number of companies have adopted this procedure—a plan whereby the rate for the job is determined not on the basis of the identity

of the employee, but on the basis of the requirements of the job in terms of responsibility, skill, training required, working conditions, physical effort, accident hazards, etc.

Most companies which have undertaken a job evaluation or job description program have declared it to be a most worthwhile improvement, enabling them to insure avoidance of either favoritism or discrimination, not only between male and female, but also as between individual employees. These programs have been installed as a matter of good management and as part of the overall effort to improve employer-employee relations.

The importance of establishing equitable wage structures, based on job evaluation, has long been actively promoted by the National Association of Manufacturers, the American Management Association, the National Electrical Manufacturers Association, the National Metal Trades Association, the Society for the Advancement of Management, and many other management organizations. Numerous unions, too, are in favor of establishing such systems as the basis for fair wage payments, and in many cases, have long cooperated with management in these job studies.

Job evaluation, or job description, as a plan for basing payment on the requirements of the job rather than on the identity of the man or woman performing it, is today accepted as a fundamental tenet of sound management and personnel administration. Many management associations, local employer associations, and management consultants are and have been busily engaged for many years in assisting employers in the installation and maintenance of sound job evaluation programs. In fact, some organizations have this as their sole purpose.

Thousands of plants are already operating under job evaluation systems. Since the essence of these plans is to determine the wage rate in accordance with the requirements of the job, there can be no disparity between men's and women's rates when work is equal.

OTHER PERTINENT CONSIDERATIONS

There are a few additional considerations bearing on this situation which deserve brief mention.

1. Inadequacy of statistics

Any figures advanced to sustain a case that extensive rate discrimination exists, are likely to be misleading because they cannot represent the full extent to which the principle of equal pay for equal work exists throughout industry. While contract provisions might show the degree to which equal pay is embodied in collective bargaining agreements, they fail to indicate the far greater number of cases where employers of their own volition paid the same rates to men and women where jobs were equal, or where an identical wage scale is applicable to men and women although no specific "equal wage" provision is contained in the agreement.

Comparisons of the average weekly and hourly earnings of men and women are especially misleading. For example, where they indicate that women's earnings are less than men's earnings in the same industry and in the same occupation, this does not prove rate discrimination. Such figures do not reflect basic hourly rates for the same jobs. Further, it is not clear to what extent these rates represent piecework earnings. As is well known, differences in average hourly earnings on piecework operations are common even as between males, and might merely indicate difference in productivity and not in rate of pay. Since such figures include varying numbers of men and women, with varying seniority and varying numbers paid by time and piece rates, they cannot be an index of either the existence or the extent of unequal pay on the same jobs.

Moreover, disparity in average earnings of men and women might also stem from the fact that the women's average workweek has usually been shorter, making the amount of premium overtime payments proportionately lower. Or it might be that women, being newer to industry, having fewer previously acquired skills, or devoting less years to factory work, have not attained to the higher job classifications in as many cases as men have. The fact that men have been employed in industry over a longer period than have women in general, and also the fact that the average length of time devoted to industry by a man is greater than that of women, makes it natural that the jobs which require more experience and certain higher skills are more frequently assigned to men than to women.

2. State legislation

A second reason for questioning the need for Federal legislation is that, whether needed or not (which is argumentative), the problem is already being handled by legislation at the State level. Twenty-one States, as hereinbefore stated, have already enacted statutes which prohibit discrimination in rate of pay because of sex; namely, Alaska, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, and Wyoming. Indeed, it is not unreasonable to question the need or advisability of State laws or their continuance in view of the substantial progress made at an accelerated pace through voluntary action and collective bargaining, but since all of the most heavily industrialized States have already legislated in this field, surely there is no need for duplication through Federal law. It is safe to say that a high percentage of all the women in the labor force are already covered by equal pay laws in the States named.

3. Increased employment of women

Still another factor in the picture is that greatly increased employment of women in industry reflects the progressive elimination of wage discrimination. The increasing elimination of wage inequities as between men and women is in part responsible for this influx of women into the labor force.

DANGERS OF SPECIFIC PROPOSALS IN H.R. 8898 AND H.R. 12206

Certain specific provisions of these bills are bound to result in extensive governmental intervention in employer-employee relations.

The broad provisions of these bills will surely open the door to much uncertainty and confusion and to serious questions of interpretation and difficulties in administration. Section 4 of each of these bills contains the basic provision prohibiting discrimination between employees based upon sex by paying wages to any employee at a rate less than the rate at which he pays wages to any employee of the opposite sex for work of "*comparable character*" on jobs the performance of which requires "*comparable* skills, except where such payment is made pursuant to a seniority or merit increase system which does not discriminate on the basis of sex." [Italic added.] The language does not refer to identical work or equal work, but to work of "comparable character on jobs the performance of which requires comparable skills." The phrase of each bill reading "jobs, the performance of which requires comparable skills" surely implies that jobs need not actually be of comparable character and seems to beg the question. This use of "comparable" opens a Pandora's box of disputes. "Equal" is a definite word. At best, "comparable" is a dubious word fraught with dispute inviting complications.

The most conscientious administrator, given these broad terms, could find fairly, quite different types of work to be "comparable" in character or requiring "comparable skills." The bill does not provide any specific basis for determining what jobs are comparable in character or what jobs require comparable skills. It is difficult to imagine how it could. These terms "comparable character" and "comparable skills" do not necessarily mean the same job. In fact, they are so general and so vague as to give an administrator a grant of power which could destroy the sound wage structure which many industrial companies have worked for years to perfect. This emphasizes the patent desirability of substituting "equal" for "comparable" in any reasonable consideration of the bill whether by its proponents or opponents.

Then too, these bills grant extensive powers to the Secretary of Labor which permit of arbitrary application. For in proceeding under the law, the conclusion of the Secretary of Labor could not be upset by the courts, even if a company could prove that the jobs were not comparable, as long as the Secretary could show any substantial evidence that they were comparable. Many jobs are of comparable character in spite of the fact that they contain measurable factors (other than seniority or merit increase systems) which warrant a difference in wage rate. For example: Men on shift beginning around midnight are often succeeded by women on a morning shift. When heavy equipment is involved, the men lift it onto the workbenches so that it is ready for the ensuing work of the women. Yet both men and women do the identical work on the equipment. Certainly the work of each man and woman is comparable, but it is not equal. Should there be no wage differential?

Collective bargaining would and job classification or description would and should determine a fair differential. It should not be a matter for Government intervention.

Again, under such provisions, the Secretary of Labor becomes prosecutor, judge, and legislator. He is given extensive authority to intervene and interfere in employer-employee relations. He must build a considerable Federal division of his Department to accomplish this purpose at increased cost to the taxpayers. Nor is there proposed in the bill any limit to the expenditures which the Secretary of Labor may incur in carrying out his broad authority.

Further, the Secretary is not required to await the complaint of an aggrieved employee. He is empowered to prevent any person from engaging in the prohibited wage discrimination. He may proceed on his own motion. There is no limit to the interference with efficient operations or the amount of snooping which may result in an effort to uncover evidence concerning existing or possible future wage discrimination.

It is one thing to pass a law. It is quite another thing to administer the law in such a manner as to eliminate specific abuses without encouraging even more objectionable abuses. We have only to recall the relatively simple purpose of the Fair Labor Standards Act to provide a penalty for overtime work, and to recall the claims for billions in back pay it brought about, requiring further legislation. The possibilities of abuse in these vaguely-worded bills are far greater than those which were apparent in the original wage-hour law. Or, take the Walsh-Healey Act, apparently designed to provide for the payment of prevailing wages in Government contracts and observe how it continues to be used to establish minimum wages never intended by act of Congress.

Recent experience has demonstrated that legislation in this field should be undertaken only if the need is compelling, the danger is imminent, and the abuses it seeks to prevent are widespread and serious. None of these conditions exists with reference to equal pay for equal work.

CONCLUSION

The major part of the job to eliminate inequitable wage rate differentials based on sex has been accomplished and is going forward both on a voluntary basis and under State laws of fast-growing proportions. This proceeds without Federal legislation. Wartime experience which influenced employer action, the increase of equal pay provisions in collective bargaining contracts, the use of objective standards for the payment of wages based upon the requirements of the job rather than the identity of the employee—these have implemented management's own recognition that it is simple justice and good management to eliminate unwarranted discrimination in wage rates.

The principle of the rate for the job, regardless of the employee's sex, has been wholeheartedly accepted by employers. It is reasonable to conclude that solution of the limited and ever-diminishing scope of the problem which remains can be accomplished best and least expensively through channels already established, without the need for another Federal law with all the machinery and unavoidable expenditures inherent in the governmental interference which the proposed law would entail.

PREPARED STATEMENT OF THEOLA GIERKE, SECRETARY-TREASURER, RETAIL CLERKS UNION LOCAL NO. 309, OLYMPIA, WASH.

Mr. Chairman, my name is Theola Gierke. I am secretary-treasurer of Retail Clerks Union Local No. 309, Olympia, Wash., a city of 18,000 population. Local No. 309 is a general local union of over 300 members, who are employed in various grocery, drug, department, variety, shoe, furniture, and other stores in Olympia, Wash. Approximately 64 percent of the members of our union are women.

I am interested in Federal legislation in favor of equal pay for equal work regardless of sex, as I feel such legislation would tend to eliminate much of the discrimination against women in the matter of wages. This discrimination is widespread, even under collective bargaining.

For a number of years our union has tried to negotiate equal pay for the people we represent, but we have not been able to solve the problem by bargaining with our employers. Therefore, our labor agreements covering the members of Retail Clerks Union No. 309; with the exception of our agreement with the

food industry and that part of our agreement with the drug industry which covers registered pharamacists; contain wage differentials based on the sex of the employee.

Actually, we are probably in a better position than the people who work in most States because we have a State statute (49.12.175) which purportedly makes it a crime to discriminate in the payment of wages between sexes. It also provides that any female employee suffering discrimination can sue for the additional wages she has coming.

But there are two problems with this statute: (1) There is a difference of opinion among attorneys as to whether or not it is constitutional or otherwise legally enforceable, and (2) more important, female employees are generally afraid to stand up for their rights under this State law. As an example of this, 2 years ago our local union retained attorneys for the purpose of filing an equal-pay suit on behalf of the women who work in drugstores in Olympia. The suit was filed but subsequently the employer put pressure on the women to drop the suit and in addition the employers convinced the male employees that if the employer had to pay additional wages to the women there would be no money left for additional increases for the male employees. Thus, the male employees also put pressure on the women clerks to abandon the lawsuit, and it was abandoned. We strongly believe that a Federal statute, expressing the public policy of the United States, would give our women the necessary courage to fight for equal pay.

I would like your committee to consider the way in which equal pay for equal work will be beneficial to male employees. Where women are employed at a lesser rate of pay then men for substantially the same work more women are employed than men, thereby lessening job opportunities for husbands and fathers. We have found that many women work all year long but that their husbands do not. In fact, many men are maginal employees, working only part time in gas stations part of the year in forestry, perhaps a few months on dairy farms, and so on. I feel that a Federal equal pay statute would make the hiring of women less attractive to the employers who have replaced the male employees who used to work in stockrooms in department and variety stores with female employees, and who have replaced male employees in mens furnishings, men's and boys' clothing, and other departments of department stores.

Our local union has found that the male and female sales clerks in drug stores do the same work, in fact work side by side, but that the rates of pay for the female clerk is $14 a week less than that paid to a male clerk, on the journeyman or experienced clerk level. This amounts to the sum of $728 a year, and may well account for the fact that more female clerks than male clerks are employed in drug stores in the Olympia area. The difference between the male and female rates in Olympia are in every way very nearly the same as those to be found in the other cities of the State of Washington, such as Seattle, Tacoma, and so on, and these differentials in wages between men and women employees exist today notwithstanding collective bargaining.

It is my sincere hope that whatever Federal legislation is enacted will be extended to as many small employers as is possible. In the past when Congress has enacted Federal legislation it has had little effect in many small cities, such as Olympia, because our retail outlets do not, in most cases, come under the Federal legislation.

Thank you, Mr. Chairman, for this opportunity to appear before you and your committee.

PREPARED STATEMENT BY JAMES B. CAREY, SECRETARY-TREASURER, AFL–CIO INDUSTRIAL UNION DEPARTMENT, AND PRESIDENT, INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL–CIO

My name is James B. Carey. I am secretary-treasurer of the Industrial Union Department AFL–CIO, and president of the International Union of Electrical, Radio & Machine Workers, AFL–CIO.

I appear here in both capacities. The IUD represents more than 6 million members; the IUE represents more than 425,000 in the electrical manufacturing industry.

Part of my testimony will deal with the IUD's overall viewpoint on H.R. 10226 and H.R. 8898, and then I will deal with some of the specific problems encountered by the IUE.

First of all, I wish to express my deep appreciation to this committee and its chairman, Mr. Zelenko, for giving me an opportunity to appear before you. We have long awaited hearings on this question of equal pay—a principle which seems to have developed almost universal support but which has not yet become reality.

I am grateful to Representatives Zelenko, Green, and the other Members of Congress who have introduced this equal-pay legislation. The question we are dealing with is a basic and fundamental one—whether men and women shall be treated fairly and equally in the matter of compensation for the work they perform for an employer. By equal pay we mean what these bills provide—that there shall be no discrimination on grounds of sex for work of comparable character which requires comparable skills.

This principle of equity seems so manifest that it should not require any discussion, and, much less, Federal legislation. Yet it is an unfortunate fact that discrimination against women on matters of wages is widespread and, because other methods of solving the problem have failed, Federal legislation appears to be required.

We have enthusiastic praise for the efforts being made by the present administration to root out discrimination in our national life and improve the economic and social opportunities for all citizens. The work of the President's Committee on Equal Employment Opportunities and the new Commission on the Status of Women are fine steps in the right direction.

But more than equity is involved. We must consider the needs of the Nation in terms of womanpower to meet the labor force requirements of the future. Increasingly we will have to depend on attracting and holding large numbers of women in our industry and offices.

We must consider also the prestige of this Nation as a leader of the free world. What we do or do not do on important social problems has an immediate effect upon the way people in other nations look upon us.

As the present bills correctly declare, the existence of unfair or unequal pay between men and women has the effect of depressing workers' wages and living standards, preventing maximum utilization of labor resources, provoking disputes, and certainly constitutes an unfair method of competition.

Unequal pay persists because employers feel that they can take advantage of what they consider to be the relatively weaker economic position of women to pay them lower wages.

Employers who follow this policy gain an unfair competitive advantage against employers who treat their employees fairly and without discrimination.

One of the great injuries of unequal pay is that it pits men against women in an economic struggle. Employers attempt to get women to work at lower wages because they feel this is economically advantageous to them.

Certainly the time is long since past when we can consider that women work simply for pin money. There are 4,500,000 women in manufacturing and a large percentage of them are actually heads of their families. Sixty percent of women in industry are married and must work in order to provide the standard of living they feel is necessary for their comfort and progress. Therefore, we have a right to assume that women in the labor force are entitled to the same rights as men and should be treated equally.

The fact of the matter is that we must increasingly depend on women to meet our manpower needs in the coming decade. The number of women in the labor force will increase by 25 percent as compared with 15 percent for men.

For many years, unions of the IUD have been represented on the National Committee for Equal Pay, an organization composed of a large number of labor, educational, and women's groups with an impressive membership. It was the purpose of the national committee to seek to remedy the injustices of unequal pay by collective bargaining, by education and by legislation, both State and national. I would like to review with you the effort that has been made in the various fields to indicate why we feel that Federal legislation is the only answer.

In the field of collective bargaining there is no question but that the growth of unions in the manufacturing industries has led to a diminishing of unequal pay practices. In some industries where unions are strong and where women form the preponderant majority of the employees there is no serious problem.

The issue became acute during World War II when large numbers of women entered the labor force, and found work in industries where previously they had not been employed, and have remained in the labor force ever since.

The problem of equal pay came before the War Labor Board which accepted the general principle that wages should be paid female employees on the principle of equal pay for equal work. The Board directed parties to disputes on this matter to include in their agreements provisions that wage rates for women should be the same as for men where they do work of comparable quantity and quality. But those directives ceased with the ending of the war.

While we believe that eventually collective bargaining will solve the problem in organized industries, it is reprehensible to require large numbers of women workers who are unjustly treated to wait years before they secure a redress.

Furthermore, large numbers of women workers are unorganized. Many of them are in the lower paid occupations. It is precisely the people who need the protection the most who have it the least.

The effort to secure equal pay through legislation on the State level has not been satisfactory. In the first place, only 22 States have such laws on their books. Secondly, State laws vary considerably in their terms, their effectiveness, and enforcement provision.

In many industrial States wage discrimination is permitted if sanctioned by a collective bargaining agreement. This means that where an employer is able to force upon a union unequal pay provisions, the State will not interfere.

This would not be permitted in Federal minimum-wage legislation.

In many States labor commissioners are prevented from taking effective action to compel compliance.

The basic fallacy of the State law approach is that it gives an advantage to an employer in a State where no State law exists or where the law is ineffective. We prevent this competitive advantage in minimum wage, social security, the Walsh-Healey Act, and other legislation. It has become a firm and recognized principle that in order to deal equitably on problems affecting interstate commerce, it is necessary to have the same law apply on a nationwide basis.

No important organization has yet come forward to oppose the principle of equal pay. In its 1960 platform the Democratic Party declared:

"Equality for women: We support legislation which will guarantee to women equality of rights under the law, including equal pay for equal work."

The Republican Party likewise supported it by the following statement:

"We pledge, therefore, action on these constructive lines: Assurance of equal pay for equal work regardless of sex."

The National Association of Manufacturers declared:

"In the matter of wage policies we advocate the principle of equal pay for equal performance by women."

And a spokesman for the chamber of commerce had the following to say:

"* * * We urge that the employers of this country voluntarily adopt such pay practices as will accurately reflect the value of the services performed by women for the particular employer."

What is necessary is to relate these expressions of good will into effective legislative action. We are sure there are no Members of Congress who opposed the equal pay planks of the Democratic and Republican Parties.

Several years ago the International Labor Organization adopted convention 100 calling for "equal remuneration for women for work of equal value." Since that time some 38 nations have adopted this convention. Among these nations, the United States is conspicuously absent. The nations which adopted the convention include many of those in the Soviet bloc and most of the nations of Latin America. While we may, of course, have reservations with regard to the application of such conventions in the Soviet Union, nevertheless we should not be put in the position of being one of the outstanding nations of the world which is lagging behind in this important matter.

The European Economic Community has also adopted this equal-pay principle, and is making plans for its implementation.

Equal pay is also a longstanding principle of the Federal Government for its own employees.

Unequal pay takes three forms:

1. Paying lower wages to women on the same jobs as men.
2. Changing a man's job by modifying it slightly at a much lower rate of pay for women, a rate change not justified by the modification.
3. Paying women lower wages irrespective of the value of the work performed. This occurs in situations where men and women work on different types of jobs in the same plant.

The pending bills, in our opinion, are fair and workable.

It is our belief that the terms of this legislation are designed to take care of all the three types of nonequal pay that has been mentioned.

Section 4 provides that it will be a violation of the act to pay wages to any employee "at a rate less than the rate at which he pays wages to any employees of the opposite sex for work of comparable character on jobs the performance of which requires comparable skills." The legislation provides that the Secretary of Labor would make regulations and standards "for determining work of a comparable character on jobs the performance of which requires comparable skills."

The argument will be made: How can this be determined? In fact, it is determined in most plants because employers do have yardsticks by which they determine the value of jobs. All we request in the application of the law is that where a 36-inch yardstick is used to measure a man's job, a 36-inch yardstick and not a 34-inch yardstick be used to measure the value of a woman's job in the same plant. In other words, where the skill, training, education, working conditions, and other factors make the value of the job the same, workers should receive equal pay.

We support also the provision enabling the Secretary of Labor to attempt by "conference, conciliation, and persuasion" to eliminate discriminatory practices before the penalties of the law are enforced.

We believe, too, where the law has been violated it is equitable to require employers to compensate employees for wage losses due to such violation and to prevent discharge of any employee who takes action to secure her rights under the act.

We support wholeheartedly also the provision requiring that on Government contracts in excess of $10,000 all provisions of the law must be followed. This would follow the excellent work being done to require payment of not less than the prevailing minimum wages on Government contracts and to prevent discrimination because of race, creed, color, or national origin. It is significant that the Executive order on Government contracts omits any prohibition of discrimination because of sex.

As in many similar situations, the very existence of this law would tend to discourage discrimination and encourage voluntary compliance. This is true where a law is fair and equitable, which we believe this one is

We are hopeful that when this law is passed, employers' organizations and individual employers will agree that it represents a good principle and since it provides for a fair basis of competition, they will lend their influence to see that the compliance is obtained.

But we must, unfortunately, face the fact that in every field of activity there are those who seek to chisel and to take an unfair advantage of others. It is to these people that the law would have the most direct and forceful application. I would like, therefore, to recommend wholeheartedly on behalf of the organizations I represent here the speedy passage of this act.

Equal pay for equal work has been a demand of the IUE since the start of our union. It has been adopted at each convention and we have pressed it in all of our negotiations with the companies that we deal with. In a large percentage of cases we have been successful in getting equal pay clauses incorporated in our contracts. We do not maintain that in all cases where no equal pay clauses exists that there is discrimination.

Typical clauses are as follows:

"There shall be no discrimination in wages based on sex or marital status. Wage rates and job classifications shall be based on job content and not on the sex of the worker."

Another says:

"It is understood and agreed that female employees shall receive pay equal to male employees where work is equivalent."

Our General Motors agreement declares:

"Wage rates for women shall be set in accordance with the principle of equal pay for comparable quantity and quality of work on comparable operations."

It will be noted that these clauses do not require that the jobs be identical. They provide that the same yardstick, in measurement of a job, will be used for jobs held by women and by men.

However, in contacts covering the majority of our members, we have not yet been successful in inducing the employers to include equal pay for equal work clauses.

Outstanding in the refusal to agree to equal pay clauses are to two leaders of the industry, General Electric and Westinghouse.

GE and Westinghouse employ about 30 percent of our total membership. Because they are the leaders in the industry they exert considerable influence upon many other companies.

In our 1960 negotiations we submitted a statement to General Electric dealing with inequities based on sex and geography. That statement declared:

"Progress among substantial numbers of GE employees has been held back because of the inequities in wage rates as between men and women and between employees in different areas of the country.

"In a number of plants women workers are paid far less than men for comparable skills. Differentials in wage rates as between plants in the northern parts of the country and those in the southern and rural areas mount up to $1 an hour for the same job.

"There is no justification for these inequities. Most union-management contracts provide that pay shall be based upon the work performed by the employee and not the employee's sex. Wage differentials based on the area of the country are fast vanishing in American industries and people are being paid for what they do without regard for where they work.

"GE has been outstanding among large employers in holding fast to these two unjust and outdated practices.

"We propose that our contract call for equal pay for work of equal skill and quantity irrespective of the sex of the employee or where the employee works. Wage rates for the various jobs in the lower paying plants shall be brought up to the highest prevailing rate in the company for that job."

In Westinghouse negotiations we said that:

"There are two serious problems in the field that need solution. The first is the problem of wage rates as between people doing the same kind of work in various plants. The second is the problem of the differentials between men and women in the same plant who are doing work of equal value.

"Westinghouse, like General Electric, has been a leader in the electrical industry in promoting and extending these wage differentials at a time when both types are being reduced and wiped out in other industries.

"The removal of these differentials is of great importance to the welfare of the employees. Cheaper labor in low-wage plants or female labor at a depressed wage rate, is unfair not only to the people who receive the lowar wage rates, but to the people whose jobs are threatened.

"Westinghouse as well as other companies use job evaluation schemes which measure the value of a job. Such job evaluation yardsticks should be applied to a job whether it is done in north, south, east or west or by female or male labor; and the same rate should be paid for the job no matter who does it."

Our difficulty with these two companies is based on the fact that when wage rate problems arise and when the company decides that a wage rate is proper there is no possibility of arbitration. The union has only two recourses—to accept the company's decision or to strike. The problem of striking over an individual wage rate is, of course, a very difficult one. Therefore, in some plants our membership has endured this discrimination for many years.

While the IUE's persistent pressure on GE and Westinghouse has diminished the differentials between comparable men's and women's jobs, the injustices still persist.

However, these companies argue that if they gave us a firm commitment on the equal pay question, they would subject themselves to many grievances. This would be true only if unequal pay existed. People do not generally submit grievances when there is not a contractual and factual basis for it. It is quite clear to us that these industry leaders have no intention of providing us with a firm contractual equal pay clause.

In Westinghouse for many years there existed two pay scales—one for women and one for men. In most cases the top of the women's scale was equal to the lowest part of the men's scale. Several years ago after we had persistently brought to its attention the absurdity of this system, it was eliminated by Westinghouse. However, in combining the two wage scales, Westinghouse put all the female jobs at the bottom of the ladder. Therefore, although in most plants they do not have two wage scales, one for the women and one for men, the effect is virtually the same.

Let me cite several examples of unequal pay for equal work, as defined by this legislation.

In the Fairmont, W. Va., Westinghouse plant, there are some 14 labor grades. With the exception of a few men in labor grade 4, women occupy labor grades 1

to 5. Men occupy labor grades 6 to 14. That there is no equity in this arrangement in terms of the work performed will be developed by a witness from our local in that plant.

In the Warren, Ohio, plant of General Electric, the lowest labor grade is called R–9. Women occupy labor grades R–9 to R–13. The lowest male labor grade is R–12. Thus the highest woman's rate is only one grade above the lowest male rate. A witness from our local will develop the lack of equity in that situation.

In our Westinghouse plant at Trenton, N.J., the female quality control worker who requires 12 months' experience gets $2.10 an hour. The male janitor who requires no experience gets $2.115 an hour. All female jobs, no matter what the skills, are paid below the male common labor rate.

In the Fort Wayne, Ind., GE plant the highest paid female job is called group leader or instructor. This has a rate of $2.345 an hour. This is 6 cents an hour less than the male job of assembler-FHP motors (standard types). The training time for the female job is 8 to 10 months, while that for the male job is 5 to 6 weeks.

The lowest male job in the plant is that of sweeper or janitor which is paid $2.14 an hour. The female job with the same rate is developmental and experimental rotor and stator fabrication. A new female employee for that job would require 6 to 8 months of training time. In actual practice, no one gets this job unless she has 4 or more years of combined experience in related occupations. The male job requires only incidental training with a maximum of 1 month.

In the plant of Gaynor Electric in Stratford, Conn., the lowest paid male job is that of janitor who has a training time of 1 week and gets $1.97 an hour. The female line leader, who controls the work distribution of seven to eight operators and must be skilled in all jobs, gets $1.95 an hour even though her training time is 16 weeks.

Equal pay legislation is long overdue if for no other reason than the age-old struggle that American women have conducted to eradicate discrimination against them in wages and other terms of employment.

Too often it is assumed that the campaign for equal pay broke out into the open about the time that American women won the vote—1920. The battle started, in fact, 130 years ago in the 1830's. In that decade women not only demanded an end to the gross discrimination that victimized them in wages and hours; they did something much more specific: they organized against it.

Thus the 1830's witnessed the establishment of such strictly female trade unions as the United Tailoresses Society, of New York, and the Lady Shoe Binders, of Lynn, Mass. Their members, it is clear, certainly had more than sufficient justification not only for organizing but for outright revolt.

A Boston newspaper in 1833 reported that women earned only one-fourth of men's wages, while another periodical asserted that three-fourths of Philadelphia's working women "did not receive as much wages for an entire week's work of 13 to 14 hours a day as journeymen receive in the same work for a single day of 10 hours."

Women's wages at that time ranged from $1 to $3 a week of which they had to pay $1.50 or $1.75 for board in company-owned boarding houses. But the first American strike by women workers against wage discrimination—in this case a pay cut—came as early as 1824. That year men and women weavers in Pawtucket, R.I., walked out and reportedly won their strike. This strike was of interest not only because it was the first but also because the men and women workers, for some unrecorded reason, held separate meetings. By 1828, however, women workers in Dover, N.H., staged a strike all by themselves.

Down through the 130 years or more since then, American history demonstrates that the struggle for equal pay was never abandoned. Sometimes it was somewhat muted and often the campaign had to be deferred or given secondary attention while major attention was concentrated on the suffrage issue. It is, I think, forever to the credit of women's groups, liberal and labor organizations that they never forfeited the struggle. The principle and idea of economic justice for women was never lost sight of.

But the unhappy fact is that we have not only lagged in terms of the long, long history of this struggle. We also lag severely behind other democratic nations in legislative enactments of equal pay for equal work.

In the past 9 years 38 countries have formally accepted the ILO convention calling for "equal pay for equal work of equal value," among them 9 countries behind the Iron Curtain.

Frequently when I attend ILO meetings in Geneva or meetings of various kinds of the International Confederation of Free Trade Unions in Brussels or elsewhere, I have become the target for semihumorous needling by union leaders from other countries. They point out to me that 11 Latin American countries, a number of Asiatic nations, and several in Africa have adopted the Equal Pay Convention, and that quite a few of these countries are sometimes referred to as "backward nations" or "underdeveloped countries." As a result, the question is thrown at me facetiously, "In view of its failure to do anything about equal pay for equal work, isn't the United States more backward and underdeveloped than those countries that have signed the ILO agreement?"

It should also be noted that there is agreement between the Common Market nations to institute equal pay for equal work by the end of this year (with a period of grace up to 2 years).

But it is our closest neighbor, Canada, that offers us the really impressive example of the principle of equal pay for equal work in effective operation.

I say this because members of my own union, the International Union of Electrical, Radio & Machine Workers, AFL–CIO, work under Provincial and Federal laws in Canada guaranteeing equal pay. And so do additional hundreds of thousands of Canadian workers who are members of the United Auto Workers, the United Steelworkers, and other unions whose jurisdictions cross the longest unarmed border in the world.

The first Canadian Province to enact such a law was Ontario, the most industrialized of the Provinces, in 1951. Saskatchewan followed in 1952 and British Columbia in 1953. In 1956 and 1957 the Federal Female Employees Equal Pay Act was signed and similar legislation was approved in Alberta, Manitoba, and Nova Scotia. Prince Edward Island passed its equal pay legislation in 1959.

I can tell you that members of the IUE in Canada—and I believe members of all other unions—are enthusiastic supporters of that country's equal pay for equal work law. In fact, they like it so much that they want it gradually improved and strengthened.

Perhaps more important, however, is the fact that the law appears to have the support—or at very least the acquiescence—of Canadian business and industry. There have been no serious attempts, I am told, by business and industry to have the legislation repealed or weakened.

Even more significant, possibly, is the fact that in our electrical, radio, and machine industry—and I imagine this is true in other industries in Canada—employers from the beginning adopted an attitude of compliance. Violations of the law have been absurdly few, and officials of my union tell me that they have had exceedingly few grievances—and these have been minor—on equal pay for equal work under either the Federal law or the Provincial laws.

I am also advised, both by union officials and Canadian Government officials, that political opposition to the law during the period before its enactment was conspicuous by its absence; and that it is almost inconceivable that any politician or Member of Parliament would today dare propose any weakening of the law.

In short, Canada's experience with equal pay for equal work legislation seems to have been successful and harmonious for both labor and employers.

There is, of course, indisputably, a grave and continuing civil rights issue in the persistence of wage discrimination against women, even though women are no longer a minority in this country. It is a civil rights issue that should have been resolved a long time ago, for the benefit of our national pride and prestige.

Just 15 years ago President Truman's memorable group, the President's Committee on Civil Rights, issued its now-historic report titled "To Secure These Rights."

That report was an assessment of where we stood as a Nation in the area of civil rights and democratic liberties, where we had failed, and the tasks that remained for the future. More and more as time goes on I appreciate the honor of having served on that President's committee because its recommendations still constitute a landmark of American democracy.

In writing that report we had in mind the importance of ending all forms of discrimination in our national life. Consequently, our report declared:

"The National Government of the United States must take the lead in safeguarding the civil rights of all Americans. We agree with the words used by the President:

" 'We must make the Federal Government a friendly, vigilant defender of the rights and equalities of all Americans * * *. Our National Government must show the way.' "

PREPARED STATEMENT OF GEORGE M. HARRISON, GRAND PRESIDENT, BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES

My name is George M. Harrison. I am president of the Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees, with offices at 1015 Vine Street, Cincinnati, Ohio. I appear here in behalf of our organization which represents approximately 95 percent of the 50,000 female employees now employed in the railroad industry.[1] I have been associated with our union in an official capacity since 1919 and have been its president since 1928.

Our union has consistently pioneered equal employment opportunities, wages, and working conditions for female employees. As a matter of fact, our rules agreements with the various common carriers have contained two very important rules bearing on this subject for over 40 years. One of these two rules reads substantially as follows:

"Positions (not employees) shall be rated and the transfer of rates from one position to another shall not be permitted."

The foregoing rule does not permit the juggling of rates between positions for any reason, and very definitely prohibits the carrier from paying different rates to employees on account of their sex. To further tie down and remove any room for doubt as to our intention to require "equal pay for equal work, regardless of sex," we include the following in our agreements covering working conditions:

"The pay of women employees for the same class of work, shall be the same as that of men, and their working conditions must be healthful and fitted to their needs. The laws enacted for the government of their employment must be observed."

The foregoing rule has been in effect for many years and appears in what we commonly refer to as the "national agreement," which was an agreement between the Director General of Railroads, U.S. Railroad Administration, and the Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees, that was signed at Washington, D.C., on January 13, 1920.

Our long history of "equal pay for equal work, regardless of sex," is further strengthened by the action of our 1939 convention by adoption of Resolution No. 108 affirming the established policy of our organization providing "that no discrimination shall be made in rates of pay, employment, retention, or conditions of employment of women employees" and authorized the grand president to compel strict adherence to this policy. This policy was reaffirmed by our 1943, 1947, 1951, 1955, and 1959 conventions by the adoption of Resolutions 75, 158, 246, 215, and 13, respectively.

In many instances female employees have sufficient fitness and ability to handle certain railroad jobs, but they are deprived of an opportunity to do so because the railroads take the position that the location of the work makes it impractical for them to assign a female employee and for the further reason that the employment is hazardous. For those reasons, the railroads contend that only male employees should be assigned. For example, a yard clerk is required to be out of doors in all kinds of weather checking cars in railroad yards. Although many female employees have the required fitness and ability to do yard clerk work and they would be willing to brave the hazards involved, in most instances the railroads refuse to assign them to such jobs.

Sometimes a female employee will insist on exercising her seniority rights on a yard clerk job. Our brotherhood then insists that the railroads strictly comply with the terms of our agreements governing hours of service and working conditions and award the job to the female employee. If necessary, we will progress a claim in behalf of such employee to the third division of the National Railroad Adjustment Board in an effort to force the railroad to assign the job to a female

---

[1] Source: Research Department, Railroad Retirement Board. A total of 836,000 employees performed service for class 1 railroads, switching and terminal companies in 1961. The Railroad Retirement Board has determined that female employees comprise 6 percent of the total work force. Therefore, there were approximately 50,000 females employed by class 1 railroads, switching and terminal companies in 1961.

employee. We have received a number of favorable awards from the National Railroad Adjustment Board in this connection. Indicative of those awards are the following:

One of our female members was employed as train and enginemen timekeeper in the timekeeping bureau of a western railroad. A temporary vacancy occurred in the position of head train and enginemen timekeeper. The female employee bid for the foregoing position but the carrier declined to award the job to her despite the fact that she possessed the required fitness and ability to do the work. The carrier awarded the job to a male employee. We progressed a claim in behalf of the involved female employee to the third division, National Railroad Adjustment Board. In an award handed down on April 22, 1957,[2] the Board held:

"The record is clear that claimant was the senior employee who applied to fill the vacancy in question. Likewise her application was timely. She had held the position of train and enginemen timekeeper for a number of years and was evidently acquainted with the work requirements of the higher rated position.

"There is no noted exception contained in rule 12(e) that permits the assignment of any employee other than senior qualified employees making application for a vacancy within the specified time. There is no distinction contained in this or any other applicable rule between male and female employees.

"We conclude that claimant's disqualification here was based primarily if not exclusively on the fact that claimant was a woman."

The board directed the carrier to compensate the involved female employee the difference between the rate of pay of her position as train and enginemen timekeeper and head train and enginemen timekeeper for the number of days she would have occupied the latter position.

A female employee of another western railroad was the senior bidder for position of assistant manager in the reservation bureau, but the carrier awarded the position to a male employee with less seniority. We progressed a claim to the third division, National Railroad Adjustment Board, on behalf of the involved female and on December 16, 1960, the board handed down an award [3] sustaining the claim of our brotherhood that the carrier had violated our rules agreement when it refused to assign her to position of assistant manager in the reservation bureau and directed that she be assigned thereto and be compensated the difference between what she earned and what she would have earned had she been properly assigned to that position. In sustaining our claim in this case the board observed: "In this dispute, when the evidence is all sifted, there remains but one valid objection to claimant holding this position. Claimant is a woman."

Another case involving discrimination against an employee because of her sex also occurred on a western railroad. The carrier refused to assign position of miscellaneous claim adjuster to a female employee because the occupant of the position was required to do some traveling. The case was finally submitted to a special board of adjustment for decision. In an award handed down on February 24, 1959,[4] that board sustained the contentions of our brotherhood that the carrier violated our rules agreement when it refused to assign claimant to position of miscellaneous claim adjuster and directed the carrier to compensate claimant the difference between the rate of pay of her regular position and the rate of pay of position of miscellaneous claim adjuster. In sustaining our claim the board observed:

"Rule 8 of the BRC agreement dictates that, in instances of promotions, when several applicants possess adequate fitness and ability, seniority shall be the decisive factor governing the choice of successful candidate. Nowhere in this broad concept of the seniority preference is any expression given to the proposition that accident of sex shall constitute a disqualifying factor.

"From a reading of the job specifications contained in Personnel Bulletin No. 35 dated April 9, 1956, advertising a vacancy in the miscellaneous claim adjuster position in the unadjusted accounts bureau, freight claim office, it cannot be presumed that female employees were ineligible to bid thereon. The fact that roadwork is included among the job requirements does not, in itself, preclude the acceptability of females for such performance. Carrier's obligation under rule 59(a) for the safety and protection of its employees is no greater with respect to a female incumbent than it is for a male employee.

"Actually, a review of claimant's qualifications abundantly establishes that she was competent to satisfactorily perform the job demands."

---

[2] Third division, NRAB, award 7817.
[3] Third division, NRAB, award 9765.
[4] Award 24 special board of adjustment 173.

Our organization is confronted only infrequently with such discriminatory practices because we effectively police our agreements and insist that the terms thereof be fully complied with. In the relatively few instances where female employees are discriminated against we are generally successful in requiring the carriers to afford female employees the same job opportunities with equal pay as are afforded to male employees.

RESOLUTION No. 108

Whereas the craft or class of employees represented by our brotherhood consists of both men and women who have equal rights under the Railway Labor Act and other laws governing collective bargaining; and

Whereas it has been and is still our purpose to secure the membership of all eligible employees represented by the brotherhood: Therefore be it

Resolved, That it is the declared policy of our brotherhood that no discrimination shall be made in the rates of pay, employment, retention, or conditions of employment of women employees; and be it further

Resolved, That all subordinate units of the brotherhood shall adhere to this policy and the grand president is authorized to take such action as will compel adherence to this policy.

PREPARED STATEMENT OF JUDITH G. WHITAKER, R.N., AMERICAN NURSES' ASSOCIATION, INC., NEW YORK, N.Y.

The American Nurses' Association is the organization of registered professional nurses with 170,000 members in constituent associations in 54 States, territories, and the District of Columbia.

The association supports the principle of equal pay for equal work. The problem of a differential in salary for women and men in this field is not of great significance, primarily because nursing as a profession attracts more women than men. The latter make up only 2 percent of practicing nurses. Neither men nor women nurses receive salaries commensurate with their preparation and responsibilities. However, in the hospital industry where the majority of nurses are employed, wage differentials do exist in the nonprofessional and technical categories of personnel who work in nursing service, such as aids. Aids are of both sexes but studies conducted by the Bureau of Labor Statistics in 1956, 1957, and 1960 do show higher salaries are paid men, although both do identical jobs. The report "Earnings and Supplementary Benefits in Hospitals Mid-1960 (15 areas)," Bulletin No. 1294, U.S. Department of Labor, Bureau of Labor Statistics, May 1961, shows women nurses' aids in Atlanta, Ga., were earning $33 a week; in Dallas, Tex., $35.50; and in Memphis, Tenn., $32.50. Men nurses' aids in Memphis earned $35. The highest weekly earnings for this category of worker was $67 for women in the San Francisco area (a high wage area) and $68.50 for men in Buffalo, N.Y., and San Francisco, Calif.

Although the specific problem of equal pay for equal work is not a grave concern to members of the nursing profession, dissatisfaction among auxiliary workers in nursing service because of wage discrimination on the basis of sex, can be disruptive. The American Nurses' Association believes in the concept of rewarding a person financially on the basis of job description rather than sex. We urge the Congress to enact legislation that will establish this principle.

PREPARED STATEMENT OF DAVID DUBINSKY, PRESIDENT, INTERNATIONAL LADIES' GARMENT WORKERS' UNION

On behalf of the International Ladies' Garment Workers' Union and its membership of over 443,000, I wish to add my voice to those of others supporting H.R. 8898 and H.R. 10226 which seek to provide equal pay for comparable work for men and women.

Discrimination in employment which is based on sex or any other ground is inimical to the principles of American democracy. Our organization has sought, from its earliest days, to provide the same standards for the determination of rates of pay for all workers, irrespective of their race, nationality, religion or sex. The attainment of these objectives in the organized sector of the women's garment industry is indicative of the feasibility of these objectives.

Thus, the agreements concluded between the many affiliates of the ILGWU and the employers in our industry treat all workers in a given craft or occupation on an equal basis. The great majority of garment workers are paid on a piecework basis; the same piecework rate is paid to all workers in the shop performing identical work. When there is not enough work in the shops, it is divided equitably among all the workers, thus assuring the principle of equality on which our union is founded. Admittedly, workers paid at the same piece rates for identical work may earn differing amounts, with some women earning a larger amount per hour during a given week than some men and vice versa. Whenever such differences arise, they are due to variations in individual proficiency and not to discriminatory practices because all workers—whether male or female—are paid at the same rate per unit of output.

Parenthetically, I must note that the minimum-wage guarantees, which are also provided in our agreements, also make no distinction between workers except for occupational differences. Thus, minimum-wage rates for sewing machine operators may differ from those of finishers or pressers; these, however, are purely occupational differentiations unrelated to sex of workers or to any of their other characteristics.

Women workers are an inherent part of the contemporary labor force in the United States. Over the years, the number of working women has risen steadily and today they hold one-third of the total number of jobs in the country. In our industry, which produces garments for women and children, women account for 80 percent of the work force. Their participation in gainful pursuits and their work performance speak eloquently of the contribution women make to the Nation's total output of goods and services. The continued existence of discriminatory practices in compensating women workers in the case of some firms creates an undesirable situation by spurring on unfair competition among employers. The very practice is contrary to the basic concept of justice and equality.

Aside from the practice which is demonstrated in our own industry, the experience of 22 States with equal-pay legislation demonstrates both its feasibility and practicality. The passage of a Federal statute will induce further legislation on a State level and will properly supplement other protective labor legislation such as the Fair Labor Standards Act (which makes no distinction on the basis of sex in the case of the national minimum wage rates).

I strongly urge the passage, at the earliest possible date, of the proposal embodied in the Equal Pay Act of 1962.

PREPARED STATEMENT OF THE NATIONAL RETAIL MERCHANTS ASSOCIATION

The National Retail Merchants Association is a voluntary trade organization serving more than 10,500 retail department and specialty stores, both large and small, throughout the Nation. The combined annual sales volume of these members is estimated to be more than $19 billion, and the total individuals employed by such member stores approximates 800,000. Its members have vital interest in the proposed legislation relating to equal pay for equal work for women. We appreciate this opportunity to present our views on such legislation which is presently being considered by the subcommittee.

The NRMA wholeheartedly and enthusiastically supports the principle of equal pay for equal work for women. However, we do take issue with several aspects of S. 2494, which is presently before this subcommittee.

Our objections to the bill are confined solely to the following points:

1. Federal legislation in this area is not needed.
2. The added enforcement cost is unnecessary.
3. The phrases "comparable character" and "comparable skills," as used in section 4 of S. 2494, are vague and ambiguous and will lead to confusion in the administration and enforcement of this legislation, if it is adopted.

1. FEDERAL LEGISLATION IS NOT NEEDED

We seriously question the need for Federal legislation in the field of equal pay for equal work at the present time. Twenty-one States have already adopted equal-pay laws. In addition, many collective bargaining agreements covering thousands of workers contain equal-pay clauses, and others are being negotiated each day. Many employers located in States without equal-pay laws and not

covered by union contracts have voluntarily established the equal-pay principle as a part of their personnel policies.

2. ADDED ENFORCEMENT COST UNNECESSARY

In view of the rapidly increasing trend toward the establishment of the equal-pay principle throughout our economy, we believe that the passage of Federal legislation will add an unnecessary additional Federal bureaucracy and the inherent added enforcement expense will only increase the already large deficit in the Federal budget. State action and voluntary employer activity have done an excellent job in the area of equal pay to date, and we are optimistic that such activity will proceed at an even faster pace in the future.

3. "COMPARABLE" IS A VAGUE STANDARD

If Congress in its wisdom deems such legislation necessary, then we wish to suggest that the following changes be made in S. 2494.

S. 2494 purports to make the principle of equal pay for equal work for women a Federal requirement for interstate employers. However, when the statutory language of section 4 is examined, we find that the standard of equal pay for equal work is not used, but in fact, the phrase "*comparable* character on jobs, the performance of which requires *comparable* skills, except where such payment is made pursuant to a seniority or merit increase system which does not discriminate on the basis of sex," is used. [Italic added.]

The word "*comparable*" is too vague and ambiguous a standard to guide the Secretary of Labor in administering this law and in writing the regulations for its enforcement. It is subject to a wide variance in interpretation and would open up a large area of dispute as to the determination of what jobs require equal pay.

As an example of statutory language which we deem more desirable, we set forth below the pertinent statutory text of the equal-pay law presently in effect in the State of New York, together with a portion of the official interpretations and enforcement policy thereunder:

"No employer shall discriminate in the rate of pay of any employee because of sex. *A differential in pay based on a factor other than sex shall not constitute discrimination* within the meaning of this section." [Italic added.]

"Where men and women are now employed in the same job classification, the law requires that there shall be no discrimination in the rates or rate ranges applicable to any job classification solely because of sex. *The law does permit differentials in pay between employees in a specific job classification where the differentials are based on a factor or factors other than sex, such as length of service and quality or quantity of work.*" [Italic added.]

This law has worked exceptionally well in New York State without any serious enforcement difficulties. It prohibits discrimination solely on the basis of sex, but clearly and affirmatively permits wage differentials which are based on such factors as quality and quantity of work. This law creates a clear and definite standard on which the administrative regulations can be based.

As an example drawn from retailing, consider women employees who are frequently employed to perform stock work in a retail store or warehouse. Their work usually consists of handling light and easily movable goods. Men are also frequently employed to handle stock in a retail store or warehouse; however, their work generally entails the moving of heavy items such as furniture and major appliances. While these jobs may be said to be *comparable* under the vague language of section 4 of S. 2494, they are by no means "*equal*" or "*identical*" and it is obvious that the men deserve and usually do receive a higher wage than the women. Under the language of the New York State law and regulations, it is clear to any employer that the above situation is one which justifies a wage differential. The New York law and regulations set a clear and precise rule under which employers may guide themselves and not suffer the uncertainty of whether or not they are in compliance with the law. On the other hand, the vague and ambiguous standard set forth in S. 2494 is such as to make the promulgation of clear and precise regulations by the Secretary of Labor difficult, if not impossible.

If Congress deems the passage of this legislation appropriate, we submit that the use of the words "*equal*" or "*identical*" in place of the word "*comparable*" in section 4 of S. 2494, or the adoption of language similar to that contained in

the New York State law would be far more desirable and would certainly eliminate the confusion that almost certainly will be engendered by the present language of S. 2494.

PREPARED STATEMENT OF DR. DORIS DUFFY BOYLE ON BEHALF OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, THE NATIONAL COUNCIL OF CATHOLIC WOMEN, AND THE NATIONAL COUNCIL OF JEWISH WOMEN

My name is Doris Duffy Boyle. I am professor of economics at Loyola College, Baltimore, Md. I am submitting this statement on behalf of the American Association of University Women, the National Council of Catholic Women, and the National Council of Jewish Women.

All three organizations wish to go on record before this committee in support of Federal equal pay legislation. These organizations take this stand in favor of equal pay legislation because it is a democratic imperative, it is morally just, and it is economically sound.

Equal pay for equal work for women is not a new issue; nor is the proposal new that such a principle be embodied in legislation. The AAUW, the NCCW, and NCJW have long supported both.

Almost from the beginning of this century responsible and leading voluntary organizations of various kinds have supported the principle of equal pay for equal work; the principle was also enunciated by various agencies of the Federal Government, among them the Committee on Industrial Relations created by Congress in 1915, the War Labor Board of the First World War, the code authorities during NRA days, and the National War Labor Board of World War II.

Equal pay for equal work is also approved by various international organizations: both the U.N. Commission on the Status of Women and the ILO have supported this principle for many years. They are aware that much must be done before women are assured equality of rights as regards remuneration.

Article 119 of the Treaty of Rome of 1957, which established the European Economic Community, pledged its six member states (Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, and the Netherlands) "to insure and subsequently to maintain the application of the principle of equal remuneration as between men and women workers." The proposed methods of application were to be legislation, regulation, or compulsory collective agreements.

Although women have more to gain than do men from the passage of equal pay legislation, such a law would protect men as well as women from discriminatory rates. Equal pay means a rate of pay based on the job and not on the sex of the employee.

Equal pay is important to women workers, to men workers, to employers, and to the community:

To women, more than 23 million of whom are in the labor force—it signifies justice in wage treatment;

To men—it helps sustain wage rates and discourages employers from hiring women at lower rates;

To employers—it promotes good labor relations and efficiency;

To the community and to the general economy—it increases consumer purchasing power, increases the economic security of workers' families, and stimulates full employment.

Equal pay is a facet of good personnel or human relations programs. Wage inequities such as discriminatory rates between men and women are always a potential cause of discontent, low morale, and reduced productivity.

In a study published by the Institute of Industrial Relations at the University of California, "Wage Structures and Administration," by Harry M. Douty, the following points were made:

"Workers often attach as much importance to the fairness of wage rates for different jobs within the plant as they do to the general level. Even where the general level of wages is not in question, deep dissatisfactions can develop among workers over job rate relationships. These dissatisfactions, in turn, may be reflected in reduced effort and output and in excessive labor turnover."

And from a National War Labor Board case:

"There is no single factor in the whole field of labor relations that does more to break down morale, create individual dissatisfaction, encourage absenteeism, increase labor turnover, and hamper production than obviously unjust inequalities in wage rates paid to different individuals in the same labor group within the plant"

Increased productivity is a key to a higher standard of living. It has been evident for some years that if the United States is to meet its responsibilities at home and abroad, then a higher rate of economic growth is necessary. Equal pay for equal work legislation will contribute toward the goals of increased productivity and a higher rate of economic growth by fostering better labor-management relations.

Notwithstanding the fact that equal pay for equal work for women is being realized to some extent through collective bargaining, through systems of job evaluation, through education of public and employer opinion, and through laws in 22 States, the AAUW, NCCW, and the NCJW believe that a Federal equal pay statute is necessary because of the limitations, slowness, and inadequacies of those methods.

Some opponents of the legislation in the past have held that good results were being made on a voluntary basis and the problem would be solved in time through education.

Equal pay for women cannot be achieved by voluntary action alone. That voluntary measures have failed is evidenced by the fact that throughout the years substantial inequities have existed and continue to exist at the present time.

State legislation is not adequate: first, because less than half of the States have such legislation, and second, because the existing State laws vary widely in their terms. Enactment of a sound equal pay bill by the U.S. Congress would provide uniformity of treatment for women workers engaged in occupations under Federal jurisdiction, and would serve as a model for State legislatures.

Legislation is itself a most important form of education. The incorporation of equal pay for equal work into Federal law would make it the established public policy with which the large bulk of employers would voluntarily comply.

In the opinion of experts, the decade of the 1960's will likely bring revolutionary changes in the economy of the United States. President Kennedy has said that large and persistent unemployment is our most important domestic problem of the sixties. While unemployment has risen and fallen since the end of the Korean war in early 1953, depending on the stage of the business cycle, the peak of each boom thus far reached has left us with more unemployment than the peak of the previous boom.

Experts of the U.S. Department of Labor have been pointing out that we are on the threshold of an automation revolution, which is already changing the composition of the labor force.

A recent study for the Fund for the Republic's Center for the Study of Democratic Institutions by Donald Michael, "Cybernation; the Silent Conquest," warns that vast unemployment and social unrest, which could weaken the very foundations of our democracy, may be the end result of automation and widespread use of computers.

Michael cites outstanding examples of employment cutbacks already to be found in such service categories as the telephone and drycleaning industries, home maintenance, and elevator operation. Automation may eventually eliminate jobs now performed by bank tellers, statisticians, salesmen, and retail clerks.

In times of dwindling employment opportunities, women workers always suffer. In such times, as a minority group in the labor market, they are among the last to be hired and the first to be fired.

We ask the committee in its consideration of this legislation to recall that protective labor legislation for women was among the earliest of all types of labor legislation in the United States. The argument given for it was that women are weak bargainers in the labor market and therefore need the protection of a democratic government.

The AAUW, the NCCW, and the NCJW therefore support the principle of equal pay for equal work legislation, and enactment of such legislation, not only in view of present needs but also in light of expert predictions of changes in the labor market in the next few years.

The National Council of Catholic Women is a federation of Catholic organizations of women, numbering 14,000 organizations, composed of 9 million Catholic women. Miss Margaret Mealey is appearing before this committee and will present additional information on the council's history of support for Federal equal pay legislation.

The National Council of Jewish Women was established in 1893. It now has a membership of 123,000 in 325 local communities throughout the Nation. For many years the organization concerned itself with the promotion of equal op-

portunities for women, and as early as 1923, adopted a resolution in support of equal pay for equal work. The resolution, which was reaffirmed at every national convention, including the convention held in 1961, is as follows:

"The National Council of Jewish Women believes: That women should be assured of full civil, political and economic rights in national and international affairs * * *

"It therefore resolves to endorse measures which establish the principle of equality of legal status and economic opportunity with equal pay for equal work for men and women."

The American Association of University Women has a membership of approximately 150,000 university women graduates organized in some 1,500 branches throughout the 50 States, Guam and the District of Columbia. From its founding 80 years ago the association has supported legislation to eliminate discrimination on the basis of sex, and since 1945 has included in its legislative program an item specifically in support of Federal equal pay legislation.

PREPARED STATEMENT OF CAROLINE DAVIS, DIRECTOR, UAW WOMEN'S DEPARTMENT, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

For over 25 years the United Automobile, Aircraft & Agricultural Implement Workers of America (UAW) has been in the forefront of the effort to establish firmly in its labor contracts the important and basic principle that workers must be guaranteed equal pay for equal work.

We believe that our union has expended as much or more of its resources in money, manpower, and energy toward this end, has conducted more classes, held more meetings, and issued more pamphlets, posters, and leaflets on the subject of equal pay for equal work than any other organization or institution in the United States.

It was on the basis of strong representations by the UAW in a case involving General Motors Corp. that the National War Labor Board, on September 26, 1942, established the equal pay for equal work rule as a precedent for industries working on Government contracts during the Second World War. At that time the Board held: "This is not a new principle. It was enunciated by the War Labor Board set up in 1917 to deal with industrial problems arising during the First World War * * *. The Board has directed the parties to include in their new agreement a provision that wages for women shall be the same as for men where they do work of comparable quality and quantity in comparable occupations."

This decision was responsible for an award of back pay to thousands of women working for GM who had been victimized by being given less pay than was given men for comparable work. In one instance alone approximately 1,000 women at the General Motors-Melrose Park, Ill., plant received back pay awards amounting to more than $600,000.

The Chrysler Corp. has agreed in its contract with the union to establish the principle of equal pay for equal work throughout the corporation.

The contract with the Ford Motor Co. also contains an equal pay for equal work provision.

Hundreds upon hundreds of UAW contracts contain a similar provision.

In one situation, at Bendix, the union was put in the impossible position of appearing to be both for and against equal pay for equal work. In this case, male union members, because they feared the competition of women working for less than the contract rate for men, attempted to reserve certain jobs in the plant for themselves. This led to the establishment of men's classifications and women's classifications for the same jobs in different locations in the plant at different rates of pay. Dr. George W. Taylor, defining the problem, set down objectively and unemotionally what every impartial observer of the industrial scene believes is the classic formula for establishing wage rates on jobs:

"What is obviously needed in this situation is a reevaluation of the job classification on the basis of job content. The job classifications should not be divided on the basis of male and female classifications. They should be evaluated on the basis of skill, effort and job content and classified into various grades of work with appropriate rates for each classification. The rates for each type of job should be made available to every employee on the job whether male or

female. In other words, the female classifications for all departments should be eliminated as such."

At the end of the war, an important aspect of UAW's bargaining involved the negotiation of additional wage increases for women over and above the agreed upon general wage increase for the purpose of equalizing wage rates which traditional discriminatory practices had rendered grossly unequal. In one situation, a very long strike was prolonged by a full week for the sole purpose of securing an additional 15 cents an hour for women workers beyond the 18½ cents that was provided for all the workers in the plant.

The UAW would be gratified to be able to assert that, after two and a half decades of struggle, it has, by hard, courageous, and unstinting effort, finally succeeded in eliminating unequal pay for equal work from the industries under contract with it.

But fact is, this is not so.

While the vast majority of our contracts contain equal-pay-for-equal-work clauses, this principle in some of the plants where our members work is, unfortunately, still tarnished by wage differentials based on sex. The differentials today are substantially less than they were in years gone by, when they very often amounted to 25 or 35 percent of the prevailing man's wage. But they still exist in some locations, depriving women of their due, denying justice, creating irritations, suspicions, and resentments. They exist, we should point out, despite the fact that our union, in bargaining power, in resources, in willingness to defend the rights of our members, has worked as hard in this area as any in the United States.

Pay differentials for comparable work still exist in our industries in spite of the acknowledged leadership which the UAW has given to end the immoral economic practice of discriminating against women in their wage payments.

The power and resources available to a voluntary organization simply are not adequate to the task of dealing across the total economy with a problem which is rooted in tradition, that is reinforced by strongly held prejudices, and whose continuance is encouraged by an economic incentive which induces the least moral, the least sensitive and least responsible of employers to take competitive advantage of competing employers who recognize the injustice of unequal pay for equal work.

Voluntary organizations and individual citizens should no more bear the total responsibility of defending the rights of women against wage discrimination than they should be saddled with the burden of defending against price discrimination. We have our antitrust laws and our Interstate Commerce Act; we have outlawed discrimination in Government agencies; we forbid unequal justice in the courts. We must take similar action to guarantee against wage discrimination by adopting a universal rule of equal pay for equal work.

It is the Federal Government's responsibility to insure equal justice especially where the interests of a population are involved which is as large as the women's population in the United States. Twenty-two States have acknowledged this responsibility, but the fact is, neither the separate States nor the individual unions are, by themselves, equal to this task.

The UAW, for the most part, is organized in the States where there are equal pay laws and most of our own contracts provide for equal pay for equal work.

Yet recently the UAW, in preparation for this testimony, made a sample survey of the plants where our members work and in 18 of the 53 locations studied there were differentials in rates of pay for substantially similar work, with women receiving from 8 to 15 cents per hour less than men. Company resistance to the equal pay for equal work principle is essentially the reason for this.

The wage rate differentials that continue to exist represent a residue of unresolved argument after 25 years of bargaining in which the union and its members have applied their energy and resources to grinding the inequity away. Twenty-five years of direct application to the problem have reduced the differential substantially from its original dimensions, but the disparity and the injustice, though reduced, nevertheless remain.

Progress is still being made, but the inroads on inertia, the resistance offered by the prejudices of management, not always as official policy, very often, in fact, as an obdurate personal eccentricity, even the prejudices of male union members, result in a rate of advance which is far too slow and which indicates that it will be many years under present conditions before this evil, and it is an evil, will be eliminated, if at all.

Continuous improvement, moreover, is put into jeopardy by the persistence of substantial unemployment and the unremitting pressure of automation on factory and clerical employment.

This experience is proof that the usual dog-eared citations of arguments against an equal pay law are, in fact, frivolous.

Education, unless reinforced by the compulsion of law, will not serve to persuade employers or convince workingmen who are under the illusion that they are enjoying a special privilege in men's jobs or rates, to recognize or accept that the injustice of wage discrimination must be corrected.

It bears repeating that, willing though the American union movement may be to enforce a rule of morality on American industry, the task of enforcing equal pay for equal work through unions alone is beyond the ability of voluntary organizations to accomplish. At the same time, once the injustice of unequal pay for equal work is recognized, it is manifestly an impropriety for the community to place on voluntary organizations the burden of enforcing a rule which public morality demands.

It is increasingly evident that collective bargaining alone is not the ultimate answer to this difficult problem. It requires the establishment of public policy through enactment of law.

During the two generations equal pay laws have been pending before the Congress, every argument for them has been made, and the Members of Congress are very likely familiar with them. Nevertheless they bear repeating:

1. Unequal pay is immoral in that it deprives women of what is rightfully theirs. When this kind of immorality exists in other contexts, society deals with it as the evil which it is and outlaws it. For example, railroads and other common carriers may not discriminate against one shipper in favor of another by charging one a higher or a lower schedule of prices. Businesses are protected from price discirmination on the part of wholesalers and manufacturers. Obviously, there is no more justification for a dual wage system based on sex than there is for a dual price system based on sex.

2. The inequity is an irritation and a bar to effective employer-employee relations. The wage differential is a source of uneasiness and insecurity to the men on the job inasmuch as the incentive to the employer to shift work to the low-cost women's classifications is a continuing threat to the jobs of men. Where the dual wage system prevails there is an inevitable latent volatile instability, which is a hazard and an injury to employer and employee alike.

3. The inequity assesses a penalty upon the workers in the economy who are already as a rule paid the lowest rates, yet these workers have responsibilities that are no less burdensome than those of other workers.

4. Unequal pay results in the uneconomic use of man and woman power in that dual wage classifications interfere with what should be an occupational mobility that allows each person in the plant to work at the job he or she is most capable of performing.

5. An unfair competition in wage costs inevitably results, puts an undesirable pressure on standard wages, and creates disadvantages for those employers who do accept the moral responsibility to establish a single wage level for the same work.

The declaration of purpose in the equal pay bill make each of these arguments. But the bill cannot convey in its legalistic language the personal hurt and abuse which the victims of injustice feel.

There would be no question that the Congress would enact this legislation promptly if each legislator could experience only for a moment the bitterness a woman feels working day by day beside a man who does nothing that she does not do, and yet who receives 8, 9, 10, 15 cents an hour more than she; and, in plants where progress equal to that of the UAW has not been made, perhaps a third more pay.

No one, however, in stating the moral, social, economic, and political case against unequal treatment of women, has improved on the original classic statement by John Stuart Mill almost 100 years ago in his essay on the subjugation of women.

"When we consider the positive evil caused to the disqualified half of the human race by their disqualification * * *" Mill wrote, "one feels that, among all the lessons which men require for carrying on the struggle against the inevitable imperfections of their lot on earth, there is no lesson which they more need than not to add to the evils which nature inflicts, by their jealous and prejudiced restrictions on one another."

The Congress, by the enactment of the aqual pay bill, is in a position now to discharge a long overdue obligation of conscience and national need. The American community is surely overready to accept it.

The fact is, unequal pay is a form of cheating whose victims include widows and orphans who too often already have too little to maintain a decent standard of life in the United States. The immediate personal quality of the injury to women and children is so great as to entitle the legislation to the highest priority. The deprivation is not theoretic either in the hurt to the workers affected or to the Nation's economy. Each day until the equal pay bill is passed and provision is made for its enforcement, hundreds of thousands of women will be paid less than they are entitled to and they need, and their dependents will be injured by the deprivation of food, clothing, and shelter their mothers have earned.

Surely, this is a burden that should be lifted without delay from the conscience of the Nation.

PREPARED STATEMENT OF ARNOLD MAYER, LEGISLATIVE REPRESENTATIVE, AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN, AFL–CIO

My name is Arnold Mayer. I am the legislative representative of the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL–CIO.

The AMCBW is a labor union with 375,000 members organized in about 500 local unions throughout the United States and Canada. The AMCBW and its locals have contracts with thousands of employers in the meat, retail, poultry, egg, canning, leather, fish processing, and fur industries.

On behalf of my union, I want to express to you our appreciation for this opportunity to testify on the equal pay bill. We are delighted that the committee is considering this legislation and that such an imposing group of witnesses are appearing to support the measure.

Your hearings concern a very basic principle: equal pay for equal work. If a person receives lower pay because of either his race, religion, natural origin, or sex, a grave injustice is committed. Comparable human efforts are being recompensed incomparably.

This situation is not only a violation of principle, it is also a matter of basic harm to all workers. Lower wages paid to one group will undercut the higher wages paid to another group. If the wage for men is $2 an hour to pack sausages and women are hired to do the same job for $1.75, then the higher wage will be cut back sooner or later. The men may think they have an advantage, but actually they are setting the stage for either a wage cut or a job loss for themselves.

The fact is that there is no real basis for unequal pay for equal work. Most jobs which both men and women perform is done just as well by one as the other. The difference in proficiency is an individual difference rather than a difference between the abilities of men as compared to those of women or vice versa. The old argument that men must earn more because they are breadwinners is no justification for a wage differential. Those employers who use this alibi do not check to determine which of their workers, male or female, are family breadwinners and which are not.

Some progress is being made in bringing about equal pay for equal work. Our own experience in the meatpacking industry is a case in point.

Before widespread union organization existed in the meatpacking industry, women's rates of pay in some plants were as much as 50 percent lower than men's rates for the same job performed. In other plants the amount of inequity was less, but there were large differentials. Our union chipped away at these inequities until in 1956, the male-female wage differential was eliminated in the master contracts with the most important packers.

The table below shows the closing of the differential. It shows the common labor rate (lowest rate) in our contract for metropolitan meatpacking plants of major packers.

Date	Male common labor (per hour)	Female common labor (per hour)	Difference (cents)
Aug. 20, 1942	$0.725	$0.61	8½
Jan. 27, 1952	1.45	1.40	5
Sept. 20, 1954	1.55	1.51½	3½
Oct. 1, 1956	1.79	1.76½	2½
Sept. 1, 1959	2.16½	2.16½	0
Today	2.36	2.36	0

But current progress in the economy, as a whole, is very slow and sometimes consists of one step forward, two steps back. Discrimination and unfounded ideas are difficult to root out. While we do not believe that legislation will succeed in ending the ideas of discrimination, we believe that the practical consequences of it can at least be mitigated by legislation.

This is the case with S. 2494. We believe this legislation can bring about the necessary progress toward ending unequal pay for equal work. It may not convince employers or other workers that women are the equal of men on a particular job where both sexes are employed, but it will bring about equal payment for equal work. We believe that the enactment of S. 2494 is necessary because it is the surest way of ending wage inequities on account of sex.

We would like to caution, however, that the committee prevent a common subterfuge. That is, prevent companies from slightly changing the job description, so that unequal pay is feasible. The failure to clamp down on such an action would defeat the whole meaning of the legislation. Slight changes may make jobs, which in reality are the same, technically different.

We would suggest that the committee protect against such a subterfuge both in the bill, itself, and its report.

In conclusion, the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) heartily endorses S. 2494. We respectfully urge the committee to speedily approve it.

PREPARED STATEMENT OF JOHN W. EDELMAN, WASHINGTON REPRESENTATIVE, TEXTILE WORKERS UNION OF AMERICA, WASHINGTON, D.C.

Will you be so good as to note for the record that the Textile Workers Union of America, AFL–CIO, strongly supports S. 2494. As I testified before the Zelenko subcommittee of the House Committee on Education and Labor, the problem of sex discrimination in relation to pay rates is happily not one that besets the textile industry.

Because of the fact that incentive pay systems are now so general in textile plants, it is not possible to determine with certainty from BLS data that, in fact, equal pay for equal work applies, as to women and men workers, to all textile jobs in this country. However, we can say with complete assurance that no difference exists in the unionized section of the industry; in the unorganized areas where we make frequent informal surveys on wage rates we have come across no instances where women are paid differently from men for comparable work.

You are, I assume, aware of the fact that despite the very drastic contraction in textile employment during the past 10 to 15 years, the total number of persons engaged in all branches probably exceeds the number of employees in any other single manufacturing industry in this country. Some 48 percent of all persons working in textile plants are women. On many jobs, weaving for example, women work alongside of men on the same type of looms. There are some few operations in our mills which involve a great deal of lifting on which women are not employed. Essentially, however, we can assert with confidence that whatever the shortcomings of our industry, and they are many, discrimination as between men and women has not for some years been one of our shortcomings.

The Textile Workers Union of America believes that both as a matter of principle and from the standpoint of present day practical economic and social realities, all remaining pay inequities relating to sex should and must be eliminated. It is characteristic of women employed in the textile industry that they shoulder responsibilities equally with the men. The industry, indeed, could not operate without its complement of female employees.

The legislation you are sponsoring to deal with this problem is ethically sound, socially necessary, and can be effectively administered. We are happy to add our endorsement in favor of speedy enactment of S. 2494.

PREPARED STATEMENT OF MURRAY PLOPPER, VICE PRESIDENT, RETAIL CLERKS INTERNATIONAL ASSOCIATION

My name is Murray Plopper. I am fourth vice president and assistant to the president of the Retail Clerks International Association and have been with this organization since October 1937. I should like to thank the committee for the opportunity to express our views on the proposed legislation on equal pay for equal work regardless of sex as set forth in S. 2494.

In presenting this statement we speak on behalf of some 400,000 organized workers in the retail trades, about half of whom are women, as well as on behalf of several million female employees in retailing who do not enjoy the protection afforded by a collective bargaining agreement.

But this is not our sole concern. As a trade union, the Retail Clerks International Association must look beyond its specific organizational objectives to those of the Nation as a whole. In this particular situation, to which your committee has addressed itself, we are concerned with the manpower needs of the country. Yet the archaic, outmoded policies of discrimination in wages based on sex represent a regrettable waste of human resources and thereby impede economic growth.

This is a condition we can ill afford at a time when the urgent problems of the world demand that we bend every effort to utilize our resources to the fullest degree possible. When war struck in 1941, we learned painfully how to employ our capabilities and our manpower resources. Ought we not learn from that costly lesson that in peacetime too we need to use our resources effectively?

Discrimination in pay based merely on whether one is a woman or a man is a serious problem, virtually as serious as that of the quality of our educational accomplishments. In fact, we seek to educate our populace and then allow people to waste their abilities by accepting a wage policy that simply serves to depress their position in the work force. Thus a double waste is the outcome.

Women are an important factor in the labor force today. This statement is incontestable. Our economy cannot function at its present levels without the direct participation of women in economic activity. The urban explosion, the growth of suburbia, deep-rooted changes in technology, the rise of government as an employer, wars, depressions, changes in our social values, the lengthened span of life—all have contributed to the revolution in the work pattern now pursued by women. The fantastic spread of mechanical appliances in the home during the last 40 years, the development of a huge ready-to-wear clothing industry and the greater availability of domestic workers have freed women from labors in the kitchen and have allowed them to seek jobs outside the home. Yet if women were not required in industry and trade, they would not be employed. The fact is that there is a need for women workers.

The idea that a woman is inferior to a man in certain jobs is one that has long since been refuted by actual experience. We now recognize that the psychological differences between men and women stem from different expectations and cultural experiences rather than supposed innate intelligence and ability. In fact, we do know that there is little difference in general intelligence as between men and women. In certain psychological tests, women do better than men on verbal and clerical aptitudes, while men do better on mechanical aptitudes. The differences, however, are slight and explained by cultural factors (National Manpower Council, "Womanpower," New York, 1957, p. 228). Yet unequal pay for equal work continues. In retailing, for example, management will seek to justify lower rates for women clerks on the ground that they are physically unable to do heavy stockwork.

Now this may have been a factor 20 years ago, but it no longer reflects the true conditions of work life in retailing today. First, in department stores,

all clerks are expected to do their own stockwork, whether they be men or women. Secondly, in supermarkets, the work in the back room has been so mechanized and so automated, with conveyor belts, palletized operations and the like, that it no longer requires brute strength to do the job. There is substantially little difference between what a man and woman now does in a supermarket. Yet, management will seek to pay less to women than to men solely on grounds of sex.

The Retail Clerks International Association has for many years opposed this practice. Our constitution contains this clause:

"We denounce the practices of employers who disregard health, safety, and other laws enacted for the welfare of workers, as likewise we denounce discriminatory and unfair practices of employers fixing wages on the basis of sex and we demand that the laws passed for the benefit of the workers be lived up to and enforced and that irrespective of sex, there be equal pay for equal work" (sec. 3, par. F).

It is interesting to note that this statement in somewhat different language is to be found in the original declaration of principles published in our official journal, the Retail Clerks Advocate, in October 1896. The Retail Clerks International Association's concern with this problem does indeed have a long history.

We could not help but meet up with this problem at the inception of our organization in the 1880's and 1890's. Even then women workers were to be found in retailing, and they always were paid less for the same work.

Approximately half the membership of our organization is comprised of women. They work in all sections of retailing and at all sorts of jobs. Women are found working in supermarkets, variety stores, department stores, discount houses, apparel shops, and drugstores. They work as salesclerks, checkout clerks, inventory clerks and, of course, in offices. There are over 1,400,000 women salesworkers, about 440,000 more women than men ("Employment and Earnings, February 1962, Bureau of Labor Statistics.") And we must add to the salesclerk, another million women employed in nonselling occupations, giving a total of 2.4 million women in the retail industry. Too many of these, we know, are paid less for the same work that men do.

When we in the Retail Clerks International Association started to organize intensively in the late 1930's and early 1940's, we found unequal pay for equal work to be an almost universal condition. Following the dictates of our constitution and our conscience, we fought to eliminate this condition. Our collective bargaining agreements all virtually provide for a single pay scale. There are remaining pockets of resistance, we must concede, as reflected in perhaps a fifth of the agreements we have on file at international headquarters. But most of these are to be found in small locals, serving small towns.

In about 20 years, we have successfully eliminated unequal pay scales in a large part of retailing, at least that part which has been organized successfully. But this does not begin to reach the entire female work force in retailing, 85 percent of which is still beyond the protective boundaries of a collective-bargaining agreement. Hence, we must support the proposed legislation embodied in S. 2494.

Average hourly earnings of women in the retail field are consistently less than that of men. This was demonstrated in the October 1956 study of retailing made by the Bureau of Labor Statistics which showed that for the industry as a whole, women then averaged $1.11 an hour as compared with $1.58 for men. In the food sector, women averaged $1.16 an hour as compared with $1.59 an hour for men; in department stores the figures were $1.15 and $1.74 respectively for women and men; and in variety stores $0.85 and $1.15.

The difference in earnings as between women and men was revealed at all wage levels. Thus, for the lowest 20 percent, women's earnings were 74 percent of men's earnings; for the lowest 40 percent, women earned 79 percent as much as men; and for the lowest 60 percent, the ratio was 69 percent, and kept falling as more retail workers were included.

It is sometimes said that retail wages and earnings are low because productivity in the industry is low. This is a complete fallacy. Productivity in retailing is higher than in the rest of the economy. Our studies, based on data obtained from the Department of Labor and the Internal Revenue Service, show that while output in retailing, as measured by value-added, increased 62 percent from 1947 to 1960, man-hours increased but 17 percent. This means a rise in productivity during that period of time of 38 percent, a rate of increase that was higher than in basic steel and many another industry.

The retail employee consequently has been producing and has been working quite hard at his job. All too often employers pursue a false tradition in dealing with their female employees. It is said that women prefer to work for a fixed salary rather than sell merchandise on a commission basis or it is said that women do not sell appliances as well as men. This, therefore, supposedly justifies a lower rate of pay for the same work. This is a false and short-sighted outlook. In fact, it is well known that certain department stores will assign women salesclerks working on guarantees plus a small commission to "big ticket" floors, merely as a device to cut costs.

The conclusion to which we in the Retail Clerks International Association came a long time ago, is that unequal pay for equal work is merely a device to reduce expenses, a reduction that in the long run serves to depress standards and injure the entire economy.

Nor can it be said that women work for "pin money." This notion too, is false. Studies by competent economists show that the income of a woman worker is essential to maintaining the level of family requirements. (H. Lydall and J. B. Lansing, "Distribution of Personal Income and Wealth" American Economic Review, March 1959). In a small survey conducted by our organization in the city of Pittsburgh in June 1960, covering almost 600 department store employees, we found only 12 respondents who said that they were working for "pin money." Of the 150 multiple wage earners in the group, virtually all indicated that their earnings were essential to the family income. This was true for both part-time and full-time women salespeople.

Thus, economic considerations are primary in compelling women to enter the work force. Over half the women who work either support themselves or are the major support of their families. While most of the others supplement the husand's income, it is the added earnings brought into the family by the working wife that frequently spells the difference between hardship and getting along reasonably well.

In 1960, according to Census Bureau data, 52 percent of the families with two earners had incomes between $5,000–$10,000 per annum. Those with incomes below $5,000 comprised 31 percent of the two-wage earner families. Obviously, the latter group would be much larger if there were no working wives in our society.

With the earnings of women so essential to the well-being of millions of families, we nevertheless continue to tolerate a situation in which a woman—simply because she is a woman—is paid less for the same work than a man. Thus, in 1958, women professionals earned on the average 64 percent of what men earned; women sales workers were paid 44 percent of what men were paid; and women service workers 53 percent of what men received. (Workers Fact Book, 1960, Bureau of Labor Statistics.) In terms of the dollar differences in average earnings, the greatest was to be found among the sales workers—women received $3,000 per annum less on the average than men.

Now it is said, this condition stems from the fact that women work only part time. Yet an analysis of the part-time situation itself reveals that in this area especially women are paid less than men. In 1958, the average annual earnings figure for men working part time was $3,948, while for women it was $1,473. The average working age of both men and women in these groups was the same—40.4 years and the educational attainments were alike. It is difficult to think of any other reason than discrimnation as the basic cause of such discrepancies in earnings.

Part-time employment is quite widespread in retailing and is becoming more so. There is a substantial economic reason for this development: it is not simply a case of people refusing to work a full workweek, as is so often said. Quite simply, selling cost in retailing is a discretionary fixed item. It is fixed, like any other overhead cost, since the weekly salary cannot be related easily to traffic flow. The utilization of a part-time work force, geared to peaks and troughs of customer traffic, on the other hand, allows the retail enterprise to convert selling cost into a variable, that is, to relate the expense item to traffic flow in a very direct way.

Now, when the part-time female employee is paid a lower hourly rate, the enterprise has gained a double advantage. An objective analysis of all the relevant data would sustain the conclusion reached by Prof. Clarence D. Long of Johns Hopkins, that, "Many women and young people work fewer hours than men and most of them earn less per hour * * *." And if we may add to Professor Long's remark, they frequently earn less for doing the same work.

The fact is, as Professor Long points out, wives are less apt to work if their husbands are doing well. (C. D. Long, "The Labor Force Under Changing Income and Employment," Princeton, 1958.) The correlation of work by women with low family incomes was found to be marked. The higher the income level of the husband, the less likely was there a need for the wife to work.

The corollary of this is self-evident—women work because they must. As Professor Long says, it is not simply a matter of job opportunities; a woman who needs a job will seek one whether or not men are unemployed or on short hours. Another corollary one can draw from Professor Long's analysis is that there is no such thing as a displacement effect. Men are not forced out of jobs by female competitors.

Yet traditionally, and only as a matter of tradition, women workers' income has trailed that of men. While the proportion of women to men in the workforce began to increase in the 1890's, it was not unil the 1920's that their earnings ratio began to move upward. And curiously enough, this ratio actually declined after 1945, from 50 percent to a little over 35 percent in 1951.

Yet the contribution of the woman worker to economic growth cannot be denied. Edward F. Denison of the Committee for Economic Development has emphasized this point in his recent study ("Sources of Economic Growth in the United States," Washington, 1962). Briefly, according to his analysis, improvements in the quality of women workers accounted for some 3 percent of total economic growth in the period of 1929–57. Much of this improved quality stemmed from improvements in income payments flowing to women workers. It would not be unfair to conclude that discriminatory practices in wage policies for female workers represents a serious impediment to economic growth.

We in the Retail Clerks International Association have achieved a fair measure of progress in eliminating unequal pay for equal work, but there is still much to do. A good deal of progress has been made in other areas as well. Thus, many private employers, and the Government, have acknowledged the justice of the principle of equal pay for equal work. Nevertheless, there are large areas of the economy in which women continue to be exploited simply because they are women. To eliminate such inequities, equal apy legislation now seems essential. We therefore support such legislation as embodied in S. 2494.

PREPARED STATEMENT OF ELIZABETH S. JOHNSON, DIRECTOR OF BUREAU OF WOMEN AND CHILDREN, PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY

I am Miss Elizabeth S. Johnson, director of the Bureau of Women and Children, Department of Labor and Industry of the Commonwealth of Pennsylvania. One of the laws administered by the bureau I head is an equal pay law which became effective March 17, 1960. Since our present law is similar in its basic standards of nondiscrimination to the proposed Federal equal pay bill now before this committee, I appreciate this opportunity to bring to this committee our small experience in administering this new equal pay law in Pennsylvania.

Many State laws presently, as did our old 1947 Pennsylvania equal pay law, virtually require that men and women workers be doing identical jobs under the same conditions to qualify for equal pay. The old Pennsylvania law carried a proviso that "Nothing herein contained shall prohibit a variation in salary or wage rates based upon either difference in seniority, experience, training, skill, or ability, or difference in duties and services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex." It was disappointment over the ineffectiveness of the old law that led to new legislation in 1959.

Our new Pennsylvania law, which was strongly supported by women's organizations and labor unions, has now been in effect for 2 years. In language not too different from the bills before you, it calls for equal pay in jobs performed under "comparable conditions, the performance of which requires comparable skills," except where the wage differential is made "pursuant to seniority, training, or merit increase system which does not discriminate on the basis of sex."

This is a much more limited recognition of differences based on seniority and merit increase systems than had been true under the old law. The present recognition of such salary increments seems fair and workable. In the absence of an effective equal pay law in Pennsylvania, many historic wage differentials, based on sex, had been perpetuated even in union contracts. The new law has enabled us to achieve limited success in eliminating inequitable differentials because of sex, many of them of long standing. Let me give you an example:

A year prior to the enactment of our new law, a union took a grievance against a container manufacturing company on the grounds that the women were receiving 10 cents an hour les than the men in jobs that were in the same labor grades, and involved comparable skills. The suit went to arbitration. The arbitrator ruled that although a wage differential based solely on sex did exist, he could do nothing to change this since the negotiated contract was based on the existing wage structure of the company which had "male" and "female" labor grades—with the female always paid 10 cents per hour less. When our new equal pay law based on comparable skills and experience went into effect, the company consented to correct this 10 cents an hour wage differential by raising the wage rate of the women workers to that of the men.

A clause in our old law, which the Pennsylvania Legislature dropped in the new legislation, authorized an employe-directly or through a collective bargaining representative to waive or settle his claim to recover unpaid wages. A lower court held that this waiver clause meant that a collective bargaining agreement constitutes a waiver of rights to recover underpayments. The superior court of the State affirmed the decision, though two judges dissented.

I am glad to see that the Federal bills before you do not authorize the waiving of rights through collective bargaining.

Our 1959 law, particularly during its first year of life, was a strong educational force in bringing about elimination of wage differentials based solely on sex. An example will illustrate the point:

A plastic manufacturing company paid its women workers 5 cents an hour less than the men in the same labor grade throughout the plant. Publicity on the new Pennsylvania equal pay law elicited a complaint from the women. Investigation turned up the fact that back in 1942 when the plant was established and manned largely by women, the women had voted to take 5 cents per hour less in exchange for a 15-minute break morning and afternoon. In the years since, a food cart serving both men and women workers had been instituted. But the differential in wage rate continued. As a result of conferences between the department of labor and industry and the company representatives management eliminated the 5-cent differential, and the women relinquished any right to a special 15-minute break.

Dishwashers in restaurants, tellers in banks, production workers in hardware, plastics, metal container, and cigar manufacturing plants have received wage increases under the law.

In spite of our success in a few cases, we have not been able to move forward as effectively as the problem calls for. Where the size of the wage differential or the number of workers involved is small, adjustments to secure compliance are not usually difficult to arrange. The big problem comes when the number and proportion of workers affected is high and the size of the wage differential is large. The problem may be further compounded when a corporation's plants are operating in several States and management can shift production from one State to another.

The department of labor and industry has not yet succeeded in getting compliance in several cases of clear-cut violation for this reason. In one Pennsylvania plant of a corporation with plants in other States, 441 women are being paid approximately 20 cents per hour less than 239 men in the same occupation—a major one in the business. To immediately raise the women's rates to the men's would increase the annual wage cost by $176,000 a year. The manufacturer threatened to move his Pennsylvania production to newer facilities in other States. The department at first consented to allow the company some time to come into compliance by transferring the men to other jobs. However, the location of the plant and the relatively few openings for men in other occupations and the union security rights created problems that have made this approach to compliance impracticable.

A Federal equal pay law such as you are here considering is the obvious answer to the problem.

We in Pennsylvania will welcome the day when the Federal Government will take over responsibility for equal pay standards where interstate commerce is involved. There is still a wide field of employment where the State will continue to have sole responsibility for securing equal pay for equal work. With a Federal law, we would be released to concentrate our limited resources on intrastate cases. These include kitchen workers in restaurants, hospital orderlies, car washers, and employees in local retailing, among others.

Many of the answers to questions raised in determining comparability of skills and working conditions and the meaning of discrimination require technical resources not available to a single State. With guidance from Federal experience the States will be able to do a more effective job where they have the responsibility.

PREPARED STATEMENT OF J. A. BEIRNE, PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA

We should like to present, on behalf of 380,000 workers represented by the Communications Workers of America, some brief views on S. 2494, Equal Pay Act of 1962.

This subject has been included in the platforms of both major American political parties for many years. Hearings have been held several times in both Houses of Congress. Further, spokesmen from almost every important segment of our society have indicated their support of the concept of equal pay for equal work. Despite this seeming unanimity of opinion, there is no significant equal pay legislation on the books at either the State or Federal level.

In the communications industry, we have partially resolved the problem through collective bargaining. In addition, managements have evaded the problem through some very interesting machinations. A careful check of our industry indicates that, for the most part, the problem of equal pay for equal work is of relatively minor proportions. This means that we are not able to find any significant number of males and females doing the same job and being paid different wages. However, a related problem has developed, in part, because of legislative indifference. This problem is more subtle and will be much more difficult to resolve. Managements have adopted procedures to avoid any charge that the equal pay for equal work principle is being violated without actually embracing or practicing the equal pay for equal work principle.

Instead of crudely assigning men and women to the same job and paying them different wages, or assigning females to work previously done by males and paying them a lower rate of pay, companies have diluted male jobs by some small degree, assigned the work to females and are paying them substantially lower wages. We have in mind, for example, one case where certain work on blueprints was performed by men. The job underwent a change involving the introduction of a machine. As a result, women were assigned to the machine operation and were paid substantially less than the men who had formerly done the work. There is no doubt that the job operation had changed and perhaps should have not commanded precisely the same wage rate as formerly when men did the work. However, the wage offered by the company in no way reflected the change in the skill level required in the job and it was only after vigorous collective bargaining that a more realistic relationship was established between the new female wage rate and the old male rate.

The answers to these kinds of problems, in our opinion, do not lie entirely in legislation but rather in vigorous collective bargaining. However, we hasten to add that the job of collective bargaining would have been considerably eased had we been operating within the framework of a national statement supported by effective legislation that equal pay for equal work was public policy.

Further, we recognize fully that there may be instances of unequal pay for equal work in our industry that we are unable to uncover. There may be a certain reluctance on the part of women employees to protest their unequal pay status. If there were a law indicating that they were legally entitled to equal pay, this might assist in uncovering the remaining cases in the communications industry.

We are fully aware of the fact that many other industries are not in the same position as the communications industry and are still suffering from widespread unequal pay situations which can be rectified only by legislation.

We think it is significant also that the major communications and other companies have been reluctant to negotiate equal pay clauses into agreements despite their protestations that they are not violating the equal pay for equal work concept. If they are not violating the concept, it would seem to us that they would readily agree to a contract clause supporting the principle.

We should like to point out, although it may not be construed as the area of responsibility of these particular hearings, that the issue of equal opportunity for women is a very pressing contemporary problem. It is one thing to refuse to pay women the same rate of pay as men doing the same work but is doubly

oppressive to deny them educational on-the-job training and other opportunities to equip them to perform the higher paying jobs which we all know are still held to be, for the most part, "man's work."

CWA looks to some important recommendations to come out of the President's Commission on the Status of Women and effective legislation to implement those recommendations. The logical first step would be your equal pay bill. We think the psychological as well as practical benefits of such legislation are obvious. We earnestly recommend that Congress, at long last, incorporate into law the equal pay principle—a principle which has the support of every self-respecting American.

PREPARED STATEMENT OF MISS KATHERIN PEDEN, PRESIDENT, NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.

As president of the National Federation of Business and Professional Women's Clubs, Inc., I write in behalf of our 175,000 members in over 3,500 communities located in our 50 States, Puerto Rico, Virgin Islands, and the District of Columbia, all of whom wholeheartedly support the principle of equal pay for equal work for men and women. First of all, I wish to cite our views regarding H.R. 8898 introduced by Representative Green and H.R. 10226 introduced by Representative Zelenko and other like proposed legislation.

All reliable studies show that improvement in methods and new processes have freed men and women alike from drudgery that has in the past created differences in the tasks assigned to men and women. Wartime experience has shown that women have been able to assume successfully many skilled and unskilled labor jobs as well as supervisory, administrative, and executive positions that had in the past been assigned solely to men. Our organization has long advocated the full partnership of men and women, particularly in these troubled times in working out the solution of today's many problems. If women are to accept the responsibility of citizenship, shoulder their economic load, participate in the thinking and action commensurate with today's needs, it is vital that the barriers of competition between women and men be removed.

It is not our intent to appear in support of special concessions to women in this matter, our position is that we unanimously endorse equal pay for comparable work for men and women.

Shopping at the supermarkets we find the prices are the same whether the purchaser be masculine or feminine, thereby the economic hardship is increased for woman who with increasing frequency carry responsibility as heads of families. There are no price differentials based on sex when a woman buys any of the necessities of life or when she pays her income tax. We do not ask that there should be, we merely ask that there should be no differential of pay because of sex.

We believe all workers will have greater job security if the pay status can be predicated on the basis of merit without discrimination because of sex.

Today, with 24½ million women workers, it no longer makes sense saying to women you better stop working and go home, there are too many that will not have any home to go to unless they continue working, because they either to support it themselves or contribute to its support.

According to figures compiled in 1960, the average income levels of men for year-round, full-time workers was $5,435, for women $3,296.

Wage differentials based on sex drag down not only the wages of women, but of men as well and thus constitute a continuous threat to our standard of living. It penalizes the fair employer, instead of protecting him from the unfair competition of those who resort to using women to undercut men's wages; the pared-down payroll gives them an extra margin of profit which makes it possible for them to undercut the price of finished goods in the open market and under the competititive conditions of our distribution system, the difference in the selling price may spell ruin to the fair employer.

Unless there is a Federal law for all States applicable to all employers alike, the 22 States now having equal-pay laws will be at a competitive disadvantage with States that allow employers to pay women less.

Women cannot be treated in the labor market as a commodity; they must be paid on the basis of quality and quantity of their work, and should be paid the same as men for comparable work. We are of the firm opinion that the measuring rod should be qualification rather than sex.

These bills find justification for the equal pay policy in the fact that wage discrimination against women leads to labor disputes, depresses all wage rates, and undermines living standards.

Questionnaires were mailed to our membership requesting a report of any salary discrimination in their State. From the replies received, teachers and bank workers were listed as the greater number with salary discriminations, although many other areas reported salary discrimination. I was deeply concerned in checking these reports to note the recipients of the questionnaires asked that their names not be given as they were afraid of losing their job. This was not just from the questionnaires; this is one of the deep concern that we have found on our official visits to the several States. To me it is alarming that there should be such a fear of reprisal. For example, the following is the type of letters received wherein they state permission is granted to use the contents but not the letter itself or the name of the writer;

"I have been at ——— bank for almost 19 years. Several times I have been told by our personnel man that I should consider myself fortunate as I make more than most girls working in a bank. I started in 1943 for $100 per month and am now making almost $400 per month.

"At the present time I am in charge of a department, a position formerly held by an assistant treasurer. Though I am not allowed to say I am in charge of a department, the full responsibility is mine if anything should go wrong. The former man (now dead) received about $475 per month but also received a semiannual bonus of $1,500. This, of course, they tell us is because they are officers of the bank but it is a policy of this bank that no woman be made an officer. Since I started here 10 men have been made officers who were hired after me and have less qualifications and only one of these have had college training which I have had. And it certainly isn't for lack of effort on my part as I have always tried to do a little more than asked at all times."

It is our hope that this committee will act immediately to remedy a condition which has long been recognized as unjust and harmful not only to the welfare of women but to men also.

Case Stories Illustrating Need for an Equal Pay Law

A glass manufacturing plant employs women in its packing and carton assembly departments and as bench workers. They do the same work as the men in these departments. The bench workers and the workers in the carton assembly department are paid 4 cents an hour less than the men, and the women in the packing department receive 12 cents an hour less than the men. In the period between March 21 and October 1, 1960, these 68 women were paid $7,181.60 less than the men for the same work.

A thousand men and women worked in a cigar factory. Throughout the plant, on every job, at every point on the wage scale, the women's rate was 5 cents an hour less than the men's rate. In addition, men had sick leave with pay but women did not.

The base pay on which the incentive pay system in a can-manufacturing plant was based, was 89 cents an hour for women and 99 cents an hour for men. The workers, who were all in the same labor grade, operate band presses, gluing disks, and working on tray presses. There are 90 women in this crew. During the war, all these jobs had been "manned" by women. When men returned after the war, they were hired at 10 cents an hour more than the women, although the women's productivity equaled the men's and, in some cases, was higher.

A bank employs six men tellers and eight women tellers, doing identical work and carrying the same degree of responsibility. The men are paid considerably more than the women. A study of the payroll for tellers, after adjusting for seniority, shows the salaries of the women far below those of the men.

A hardware-manufacturing company had both men and women workers in their assembling, packaging, and labeling division. They paid the men 20 cents an hour more than the women on the grounds that the men could do heavier work if needed. However, at slack seasons, the men were laid off and the women did their work—at the woman's rate of pay. This system invited the replacement of men workers with women at lower rates of pay.

The women employees of a plastic manufacturing company protested that they were paid 5 cents an hour less than the man throughout the plant. It turned out, that back in 1941, the women had elected to take 5 cents an hour less in

exchange for 15 minute "breaks" morning and afternoon. In the years since, the company had installed food carts which circulated morning and afternoon, and given up any special breaks for women. But the women continued to get 5 cents less an hour.

Summary of occupational earnings by major labor market areas of the United States, 1960 or 1961

[Average straight-time earnings in dollars]

Sex and occupation	Range of wages by—	
	High	Low
Office occupations, weekly earnings:		
Men:		
Clerks, accounting, class A	$134.50	$77.50
Clerks, accounting, class B	112.50	66.00
Clerks, order	112.00	71.00
Clerks, payroll	130.00	60.00
Office boys	69.00	47.00
Women:		
Clerks, accounting, class A	99.00	68.50
Clerks, accounting, class B	82.50	53.00
Clerks, order	77.00	53.50
Clerks, payroll	91.50	54.00
Office girls	62.50	43.00
Custodial and material movement occupations, hourly earnings:		
Elevator operators, passenger (men)	2.14	.77
Elevator operators, passenger (women)	1.75	.63

Source: Bureau of Labor Statistics, U.S. Department of Labor.

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, D.C., August 8, 1962.

Senator PAT MCNAMARA,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCNAMARA: In a letter to Senator Lister Hill, chairman of the Senate Labor and Public Welfare Committee, dated July 13, the national chamber recommended that there be no Senate action on the House approved equal pay for equal work bill—H.R. 11677—until after the Senate Subcommittee on Labor, of which you are chairman, has held hearings.

Although the chamber and other interested business groups have requested an opportunity to be heard on H.R. 11677—as amended and approved by the House on July 25—we understand that there will be no hearings. We regret that we have been denied the opportunity to present the economic facts necessary to a thorough evaluation of this important issue.

Accordingly, we wish to present this written statement to the subcommittee with the request that the national chamber's views be made a part of the official record.

The chamber supports the principle of equal pay for equal work but does not believe that Federal legislation is the most desirable way of achieving this objective. This end can best be achieved by voluntary action and through the collective-bargaining process.

We are opposed to a law which would set up, within the Federal Government, a new enforcement arm with vast new powers to compel "equal pay for equal work."

There is no need for legislation in this area because employers have made considerable progress over the years in eliminating multiple standards in the payment of wages. It is practically impossible to determine statistically whether or not men and women now receive "unequal" pay when doing "equal" work. Furthermore, no evidence was introduced in the course of House hearings which would prove that multiple standards exist in the payment of wages for equal work.

The problem of equal pay for work of equal value by women includes employer cost factors outside of job content and is complicated, among other things, by special privileges as applied to women in employment either by custom or State law. Such laws and practices recognize the basic differences between the sexes and accord privileged treatment to women in connection with working conditions and terms of employment.

Because of the many factors involved in the long-range determination of employer costs for women workers, such as special rest periods, longer meal periods, restrictions on employment before and after childbirth, and certain occupational limitations spelled out in State statutes, wages and salaries for men and women can be determined more practically by voluntary collective bargaining rather than by wage-fixing Federal legislation, which ignores these important and costly factors.

In addition, there are many major substantive defects in this bill. For example, while equal pay for equal work may be a fundamentally sound and desirable principle, its application in specific cases under the bill will lead to considerable confusion due to the practical difficulties of defining precisely what is meant by equal work. No basis is provided in this bill for determining what jobs are equal in character, what is an equal quality of work, or what operation may be deemed equal to another.

If enacted into law, the bill would create another vast Federal bureaucracy with wide new powers. It would require an immediate budget of over $1 million annually, and would create 240 new Federal jobs. It would give the Secretary of Labor vast new powers over private industry with authority to investigate complaints, conduct hearings, issue orders, regulations, and interpretations and initiate legal actions to enforce compliance. Moreover, it would project Government into the job evaluation process—a prerogative traditionally reserved to management.

In conclusion, while we associate ourselves wholeheartedly with those who would eliminate injustice and inequity wherever it may exist, we do not wish to see Federal legislation enacted which would create greater problems and bring about greater injury and injustice.

Sincerely yours,

THERON J. RICE,
Legislative Action General Manager.

PREPARED STATEMENT OF THE AMERICAN RETAIL FEDERATION

The American Retail Federation, through its 43 State and 31 national retail associations, represents more than 800,000 retail establishments employing nearly 5 million persons who handle more than 70 percent all retail sales in this country.

The retailing industry has long recognized the importance of its women employees. It is natural in this business employing such a preponderance of female employees, that their importance be recognized in many ways—not the least of which is their right to earn coequal salaries with men in the same positions. In fact, there are many jobs in retailing which are better adapted to women employees—and experience has shown are much better performed by them than men. Thus, a policy of paying the rate for the job, without regard to the sex of the worker, is generally reflected in women's pay checks in the retailing industry.

Although there may be some inequitable situations in an industry as large as retailing, it should be pointed out that there have been conscientious efforts made to correct them. Further, in many States he siuation has been correced through the enactment of equal pay laws. Twenty-two States in all have thus far enacted equal pay legislation.

Our members are not so much concerned with the prospective legislative mandate to pay women on an equal basis with men as they are with (1) the need for a Federal statute and (2) the consequences of a blank check to be given to the Secretary of Labor to engage in "fishing expeditions," ultimately resulting in harassing retailers and, in some cases, punitive action. Retailing has had considerable experience in living under statutes where departmental regulations bear little resemblance to the law they undertake to administer. The Department of Labor's regulations on certain applications of the 1961 amendments to the Fair Labor Standards Act are a case in point. Retailers are still trying to establish a connection between them and what Congress intended when it passed the amendments. H.R. 11677 contains language where the Secretary is given the broadest of powers or where language is used which will be subjectively interpreted. Retailing's experience has shown little hope for impartial interpretation by a zealous Government investigator. We believe there is simply no need for Congress to enact legislation of this type. The re-

tailing industry recognizes the need for responsible conscientious treatment of its workers. There is justifiable resentment against unnecessary further incursion of the Federal Government into business operations with the attendant danger of increased bureaucratic controls, increased interference with private business, and, most important, further regimentation of the individual.

The additional costs required to administer equal pay legislation cannot equal the benefits proposed. Legislation such as this is destined to increase the size of our bureaucracy at a time when every effort should be made for stabilizing our economy.

ARF does not necessarily agree that the kind of equality this bill seeks can be legislated. However, recognizing the popularity of any issue involving equality for our women and the understandable sensitivity of our legislators to the power—and wrath—of women voters, it is important to all concerned that any such legislative attempt provide equity in its effect on business. H.R. 11677 as passed by the House contains a number of improvements over the originally introduced version. These amendments correct a number of glaring inequities in the earlier version. The amendments referred to are:

(1) The prohibition against a union's causing or attempting to cause an employer to discriminate against any individual in the payment of wages on the basis of sex.

(2) The change to "equal pay for equal work requiring equal skills" from "equal pay for comparable work requiring comparable skills."

(3) Elimination of the language "nor shall any employer reduce the wage rate of an employee for the purpose of eliminating the differential in wage rates prohibited by the bill."

ARF understands that the proponents of H.R. 11677 in this subcommittee will take up the bill in its present form. A return to the language of the original House bill in the above-outlined points would be entirely abhorrent to retailing. The record during House floor debate on this measure contains ample evidence of the necessity for retention of these amendments.

There are a number of areas in this bill where either clarification or amendment is required. Section 4 prohibits wage rate differentials in "any place of employment." The application of the provisions of this bill should apply on a store-by-store or plant-by-plant basis. Therefore, the legislative history should precisely set forth that "place of employment" means one factory or one store (i.e., one unit of a multiunit business).

As previously stated, the Secretary of Labor, in sections 5 and 6, is given a tremendous amount of latitude in (*a*) investigatory procedures, and in (*b*) the bases on which charges will be filed. Such procedures look toward an unwarranted harassment of retailers. Proper language can set forth objective conditions for investigation and proper placing of the burden of proof on the claimant when charges are filed.

The penalty provisions in section 6(d) are clearly punitive. The introduction to H.R. 11677 states that it provides "for the restitution of wages lost by employees" where inequality has been shown. Section 6(d) provides for lost wages plus an amount up to the amount of lost wages. This is not restitution; it is the inflicting of unwarranted damages upon the employer. The bill should provide for restitution of wages only.

These are examples of areas of concern to the retailing industry. This subcommittee is urged to examine them carefully and take whatever precautions are necessary to insure a livable and equitable equal pay bill.

○