

EDITOR'S NOTE: Sen. Cardin writes periodic columns for Maryland publications. The following column about congressional efforts to ensure equal pay for equal work may be of interest to your readers. Please contact Susan Sullam at susan_sullam@cardin.senate.gov if you have any questions.

PRECEDDE: Senator Cardin is a member of five committees: Foreign Relations, Judiciary, Environment and Public Works, Budget and Small Business. His web site is: cardin.senate.gov

CONGRESS NEEDS TO ENSURE EQUAL PAY FOR EQUAL WORK By U.S. Senator Benjamin L. Cardin

On a daily basis, American women in the workforce are being denied equal pay for equal work simply because of their gender. Even worse, one of the remedies available to them -- taking a discriminatory employer to court -- has been severely curtailed.

It's time for Congress to take action and restore women's rights. Unfortunately, a recent vote was blocked in the Senate that would have ensured that women who have faced discrimination in the workplace have "their day in court." However, as a member of the Senate Judiciary Committee, I am optimistic that we will be able to move this measure forward.

The statistics regarding the pay differential between men and women are alarming. According to the U.S. Census Bureau, on average American women earn only 77 cents for every dollar earned by men. In Maryland, according to the American Association of University Women (AAUW) Educational Foundation, the median annual income for men with a college degree or more is \$73,000 vs. \$57,000 for women. Minority women face an even larger gap.

Every day millions of American women are denied equal pay for equal work -- and many of them don't even know they are being paid substantially less than their male counterparts.

While American women continue to be discriminated against financially in the workplace, a recent U.S. Supreme Court decision worsened the problem. In 1998, Lilly Ledbetter, a 19-year employee at the Goodyear Tire plant in Gadsden, Alabama discovered that annually she had been paid \$15,000 less than her male colleagues. She filed suit with the Equal Employment Opportunity Commission (EEOC) to recover the difference. The EEOC, however, ruled against her, stating she had not filed her complaint within the 180 days of her employer's act of discrimination as required by Title VII of the *Civil Rights Act of 1964*. She then brought suit in federal court and was awarded \$223,776 in compensatory damages.

In 2007, the U.S. Supreme Court ruled 5-to-4 against Ms. Ledbetter. The Court ruled that under the law Ms. Ledbetter had not met the 180-day requirement for filing a claim for

pay discrimination – even though she had not been aware of the pay differential between herself and her male colleagues that had existed for many years.

I do not believe the Supreme Court’s decision reflected the intent of Title VII of the ***Civil Rights Act***, which prohibits employers from discriminating against workers on the basis of race, color, gender, religion or national origin. In fact, I think the Court’s decision was in clear violation of the core purpose of the statute.

To correct that ruling, I have co-sponsored the ***Lilly Ledbetter Fair Pay Act*** to ensure that victims of pay discrimination have a fair chance to seek justice. The measure would keep the 180-day requirement for filing a claim, but it would “restart” the clock by using the last discriminatory paycheck as the benchmark. This change will ensure that workers can challenge ongoing discrimination, even if the employer has concealed it. It’s time to ensure that equal pay for equal work is a cornerstone of our nation; to negate it is to deny our basic principles of equality and justice for all.

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