



The Phyllis Schlafly Report

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Equal Pay For Comparable Worth

"Equal Pay for Comparable Worth" is a system of wage-setting which rejects marketplace factors and instead fixes wages by a point system based on (1) a subjective evaluation of job WORTH plus (2) a COMPARING of different kinds of jobs held mostly by women with jobs held mostly by men, and then (3) uses litigation or legislation to mandate the system regardless of cost.

"Equal Pay for Comparable Worth" has become a new slogan echoing through state legislative debates, Congressional hearings, Federal courts, television talk shows, TV and newspaper advertisements, and politicians' speeches. Since the American Federation of State, County and Municipal Employees, AFL-CIO, won a \$1 Billion lawsuit against the State of Washington in a Comparable Worth case in November 1983, "cost" jitters have been unnerving public and private employers.

Comparable Worth is an emotional slogan, a political tool, a legal theory, and an economic concept. It is NOT a fact or a law or an economic reality. How does the average person recognize Comparable Worth when it appears? You recognize it when:

— the employer (government or private sector) is hit with a class-action lawsuit alleging "sex discrimination" and demanding hundreds of millions of dollars in back-pay (even though the employer has fully complied with every regulation and demand of the Equal Employment Opportunity Commission);

— the feminist members of a state legislature hold hearings on Comparable Worth bills which they introduced, and then demand an increase in the budget to finance this new concept;

— a feminist commission demands or conducts an "evaluation" of jobs and salaries to find out if sex discrimination exists;

— a Congressional committee holds a hearing on a Comparable Worth bill sponsored by Senators Edward Kennedy or Alan Cranston;

— politicians or feminists or reporters use the "59¢ slogan," alleging that women make only 59% of the wages paid to men, and that women are the victims of widespread wage discrimination;

— you hear the terms "pay equity" or "comparable value," which are synonyms for Comparable Worth;

— you hear a politician talking about "equal pay for equal work," which is a NON-issue today, so the politician must be really (naively or deceitfully) talking about Comparable Worth.

Media Advertising

In the media, Comparable Worth is presented like this. National newsmagazines have carried free full-page ads for the feminists which read as follows: "IT PAYS TO BE A MAN. The statistics bear it out. For every dollar a man makes, a woman earns only 59¢. Yet we have already observed the 20th anniversary of the Equal Pay Act. . . . Today, a secretary is usually paid less than a truck driver. A teacher less than a liquor store clerk. And a nurse less than a pharmacist. Law or no law, it still pays to be a man. Isn't it time we made it pay just to do a good job?"

Note that the ad does **not** compare the wages of male nurses with female nurses, or male truck drivers with female truck drivers, or male pharmacists with female pharmacists. The crux of the Comparable Worth notion is the **comparing** of wages paid for **different job categories** in which either males or females **predominate** — but who do entirely different kinds of work.

When the Federal court handed down the decision against the State of Washington, for example, one of the "proofs" of Comparable Worth discrimination among state employees was that laundry workers (who are primarily female) were paid 40% less than truck drivers (who are primarily male). The Federal court ordered back-pay and other remedies estimated to cost the taxpayers of the State of Washington \$1 Billion. Unless this decision is reversed on appeal, taxes will have to be raised to pay these demands.

Is Equal Pay the Law?

Equal pay for equal work has been the law of the land since 1963 and is not controversial today. The Equal Pay Act forbids a pay differential based on sex when the work is substantially the same. The Equal Employment Opportunity Act forbids sex discrimination in hiring, promotions and benefits, as well as in pay. The law does **not** require that jobs compared for discrimination purposes be **identical** — only that they be **substantially** the same. The Equal Employment Opportunity Commission has enforced these laws vigorously, forcing back-pay settlements to the tune of tens of millions of dollars against employers who violated the law. EEOC has even interpreted the law to require employers to grant Affirmative Action (reverse discrimination) in favor of women employees and applicants.

After 20 years of enforcement of these laws, there

are so few cases where an employer does not pay equal pay for substantially equal work that EEOC can handle complaints rapidly and efficiently; there is no significant backlog of cases. But the **average wage** paid to **all** working women is still about 60% of the **average wage** paid to **all** working men — and this is where the 59¢ slogan comes from. This 59% **average** wage figure has become an emotional rallying cry, but it does not prove anything at all about what an **individual** is paid or should be paid. It's like saying that the average height of all women is only 90% of the average height of all men.

Nevertheless, there is a gap between the **average** pay of men and women. The question is, **why?**

Conspiracy Theory of Jobs

Comparable Worth is a theory to explain this gap. It is a conspiracy theory of jobs which rests on two false assumptions: (1) that a massive societal (male) conspiracy has segregated (ghettoized) women into particular occupations by excluding them from others, and then (2) devalued the women's occupations by paying them lower wages than other occupations held primarily by men. Comparable Worth advocates claim that occupations traditionally filled by a majority of women receive lower compensation **because** they are filled by women, and that this societal injustice cries out for a remedy no matter what the cost.

It is true that occupations such as clerical workers, nurses, teachers, and librarians have a majority of women. It is also true that occupations such as electricians, plumbers, carpenters, truck drivers, mechanics, and policemen have a majority of men. But **no** evidence has been presented to support the claim that these economic differences or their pay scales are caused by a conspiracy or by discrimination against women.

The Comparable Worth advocates have absolutely **no** proof for their assumptions. They ignore any need for proof and hope they can sell the notion that, if women's jobs pay less than men's jobs, "somebody" must be at fault and therefore soft-hearted judges and pandering politicians will decree a remedy, no matter how expensive (with substantial fees to the lawyers filing the claims).

For more than 20 years, women have had equality of opportunity to go into any occupation. There are about 3,000 female coal miners today, thousands of women truck drivers, and the construction trades have been forced to implement an Affirmative Action quota for women in order to attract them into what were mostly men's jobs. But still, most women keep choosing traditional rather than nontraditional jobs; the construction industry has found it difficult to lure enough women even to meet its mandatory 8% quota.

Comparable Worth Game Plan

The Comparable Worth advocates have come up with a method to force the raising of the pay for traditional women's jobs above the market price. The method consists of (1) persuading (often tricking) the employer to do a "study" or an "evaluation" of all his jobs, (2) hiring "evaluators" who will agree (overtly or covertly) to divorce this evaluation from marketplace factors and instead use a "point system" of job "worth" based on factors which are arbitrarily and subjectively weighted, and then (3) accusing the employer of massive discrimination against women and using the employer's own evaluation as evidence against him.

Once market wages are abandoned as a guide, there is no objective way to determine job worth or relative job worth. The system becomes a subjective assignment of points based on the evaluator's bias about the relative value of education, training, skill, responsibility, and working conditions. The Comparable Worth advocates are ready and eager to provide their own biased experts to testify on job "worth," and they call on the power of government (through agency regulations or court decisions) to enforce their opinion of job "worth" over the marketplace.

The methodology of the Comparable Worth process starts with an identification of **categories** of occupations wherein more than 70% of the jobs are held by one sex or by the other. Occupations are then assigned **points** according to what the evaluator **thinks** the occupations are worth. Then comes the essence of Comparable Worth, which is a **comparing** of the female-predominant occupations with the male-predominant occupations, and the claim of "discrimination" when the female occupations are paid less than men's occupations to which the evaluator has assigned the same number of points (even though they involve entirely different types of work).

For example, in the AFSCME lawsuit against Washington State, points were assigned as follows: laundry worker 96, truck driver 97, librarian 353, carpenter 197, nurse 573, chemist 277. The conclusion was that (female) laundry workers should be paid equally with (male) truck drivers; and that (female) librarians and nurses should be paid about twice as much as (male) carpenters and chemists. AFSCME won its case on the ground that Governor Dixy Lee Ray refused to implement the State's own evaluation.

Comparable Worth thus rests ultimately on two direct attacks on the private enterprise system: (1) wage-setting based on the subjective notion of what some outside observer thinks a job is "worth" **rather than** on the marketplace compromise of what a job is worth **both** to the employer meeting a payroll **and** to the employee selling his time and labor, and (2) government wage control by judges and bureaucrats.

The game plan of the Comparable Worth advocates is ambitious. Phase One is to establish the concept for state government employees as a result of lawsuits taken into the courts of Carter-appointed Federal judges or through bills passed by state legislatures. Phase Two is to catch Federal employees in the Comparable Worth net. Phase Three is a full-scale assault on the private sector. All phases, to some extent are proceeding concurrently; the General Accounting Office, the Office of Personnel Management, and the Office of Management and Budget have already put the Comparable Worth issue high on their lists of concerns.

Women Underpaid—Men Overpaid?

When this comparison of occupations allegedly shows that women's jobs are **underpaid**, which are the men's jobs that are **overpaid**? It is clear that the target group which the Comparable Worth advocates believe are **overpaid** are the blue collar men (who are generally supporting their families). When the Comparable Worth advocates rant and rave about how secretaries, nurses, teachers, and librarians are **underpaid**, this claim is always in **comparison** to truck drivers, construction and highway workers, mechanics, maintenance and repair

men, and policemen, who are allegedly overpaid. The immediate goal of Comparable Worth is to **compare** and **equalize** these women's jobs with those men's jobs.

The Comparable Worth advocates assert that it is unfair that blue-collar men, who may have only a high school education, receive as much pay as a woman who may have a secretarial school or nursing school certificate. The Comparable Worth advocates want to establish a new wage structure in which those who have paper credentials (certificates and diplomas) are paid more than those whose jobs require strenuous and risky work, unpleasant working conditions, and uncertain tenure. Comparable Worth advocates want to bring about a redistribution of wages through bureaucratic power and judicial activism.

Thus, a Comparable Worth case brought against the City of Denver in 1978 involved a comparison of the pay of nurses (primarily female) and tree-trimmers (primarily male). Sarah Weddington (former \$57,000-a-year adviser to Jimmy Carter) is fond of comparing the pay of nurses (primarily female) to plumbers (primarily male) and inveighing against the "injustice" of their wage differential.

The radical nature of the Comparable Worth job comparisons is shown by a report of the Illinois Commission on the Status of Women complaining that Chicago's city female workers are paid less than male city workers because "women are concentrated in clerical jobs, averaging \$10,000 per year while men hold blue-collar, police and fire-fighter jobs earning over \$20,000 per year." In other words, the Comparable Worth advocates are demanding that women working 9-to-5 in clerical jobs in safe, clean offices, heated in winter and air-conditioned in summer, should receive equal wages with police and fire-fighters who work in dangerous jobs, under unpleasant conditions, in all hours and weather, and who risk their lives to keep our cities safe.

What Comparable Worth Is Not

Comparable Worth is absolutely contrary to the concept of "equal pay for equal work" and to equal employment opportunity in hiring, pay and promotions. If truck drivers or plumbers earn more than secretaries and nurses, the "equal opportunity" answer is for women to become truck drivers and plumbers — which they have had every right to do for the past 20 years, and which some have done. But to say that secretaries and librarians must be paid the same as truck drivers and plumbers, even though they do **not** do that kind of work or take the risks that those jobs involve, is a clear demand for "equal pay for UNequal work." If women want the pay of truck drivers or maintenance men, they should do the hard physical work that those jobs require.

Comparable Worth is absolutely contrary to the concept of private enterprise, because it would require employers to pay more for women's jobs than the free market would pay. No employer would do that unless he were under a court order to do so — and that is why government wage control is the bottom line of the Comparable Worth concept. Comparable Worth is another gimmick to get the American people to accept more and more Federal control of our economy.

The Federal judge who threw out the Denver nurse/tree-trimmer comparison accurately said that this theory is "pregnant with the possibility of disrupting the entire economic system" of the United States. An ob-

jective decision simply cannot be made that a nurse is worth the same as a plumber or a tree-trimmer, since their work is obviously not equal. The Comparable Worth advocates want government bureaus or courts to be given the ultimate decision-making authority to order equal wages for jobs that are **not** equal.

Why Is There A Pay Gap?

Since the Comparable Worth advocates have produced no evidence that the gap between the average pay of all working men and all working women is due to conspiracy or discrimination, *why* does it exist? The answers are really very obvious.

1) Men and women get married and usually have babies, and that circumstance produces very different results on their behavior in the paid labor force. Fathers are motivated to work harder and longer hours in the paid labor force in order to support their families, and mothers are motivated to work harder and longer hours in the home in order to give their babies care and nurturing. On the average, married men work 2½ to 4 times harder, while women spend only about one-third of their potential working years in the paid labor market. There is no pay gap between single men and single women!

2) The average woman in the labor force works 35.7 hours per week, while the average man works 44 hours per week.

3) The average man has been on his present job 4.5 years, the average woman 2.6 years.

4) Women are eleven times more likely to leave the work force than men. It is apparent that women choose jobs from which entry and exit is relatively easy.

5) Women are far more likely than men to move or change jobs to accommodate their spouse's career goals.

6) Working conditions are extremely important to women; they prefer indoor jobs. While it is true that men hold most of the prestigious, high-paying jobs in our society, men also hold most of the low-prestige, unpleasant, outdoor, and risky jobs.

Legislation and Litigation

The 1982 Congressional hearings on Comparable Worth produced 1,829 pages of testimony, nearly all in favor of Comparable Worth as a result of organized lobbying efforts and orchestrated publicity. Other groups and businesses that generally support the private enterprise system either were not invited to the hearings, or did not understand how their cost structure would be so adversely affected.

One gets the flavor of the politics by reading the statement of Senator Edward Kennedy who emerged up as the flag-carrier for this new feminist caused wrapped in old, tired rhetoric. He said that the Old Testament records that "women earned 30 shekels for every 50 earned by men," and that 2,500 years later "women have barely progressed at all on the issue of pay equity." Women in America, he charged, are "forced to accept second-class status and second-class salaries." Kennedy's solution is an amendment to the Equal Pay Act to provide that it applies not only to equal work but to jobs of Comparable Worth. Since then, Senator Alan Cranston has become the leader of proposed Congressional legislation on Comparable Worth.

Eleanor Holmes Norton, former "chair" of the Equal Employment Opportunity Commission, has la-

beled this "the issue of the '80s for women." The Comparable Worth advocates had hoped to turn their radical notions into Federal law simply by EEOC regulation, but Ms Norton was not able to accomplish that before she left that office. Such a regulation would be a real perversion of the letter and meaning of the statute.

Comparable Worth has become a hot issue in state legislatures. Fourteen states have enacted some type of Comparable Worth legislation, but no one is yet sure what these statutes really mean, how they will be enforced, and what they will cost. Additional Comparable Worth bills are pending in many state legislatures, and feminist organizations are making this their top legislative priority.

The Comparable Worth advocates won a significant victory in the 1981 Supreme Court decision called **County of Washington v. Gunther**. The Court's decision did **not** endorse what it called "the controversial concept of Comparable Worth," but it did open the door for massive litigation under Title VII on the Comparable Worth theory.

The American Federation of State, County and Municipal Employees, which won the \$1 Billion lawsuit against the State of Washington in the fall of 1983, issued a press release stating that "the ruling means similar actions can be expected in other state and local governments." Washington's assistant attorney general Clark Davis said that the court's ruling would "jeopardize the pay scheme of every employer in the country." Since President Carter appointed 40% of the sitting Federal judges (including the one who handed down the Washington State decision), the Comparable Worth advocates believe they can bring about a massive court-ordered redistribution of wages in our society, and make lots of money for themselves in the process.

Conference on Comparable Worth

A Conference on Comparable Worth was sponsored by the Eagle Forum Education and Legal Defense Fund in Washington, D.C., at the Vista International Hotel on October 17-18, 1983, under a grant from the John M. Olin Foundation. This was the first conference or hearing on this subject to provide a balanced exchange of ideas by including speakers who presented private enterprise and non-feminist viewpoints.

A unique group of speakers addressed the two-day seminar, including economists, lawyers, businessmen, legislators, and those with practical experience in wage evaluation, negotiation, personnel management, legislation, and litigation. The conference coordinator was Judith Finn, a labor economist who heads Eagle Forum's Social Security Task Force and who has testified before numerous Congressional committees.

Sound cassettes from this Conference are now available at \$8 per cassette, or \$56 for the entire set of 7 cassettes in an album. The lecturers who are *asterisked* spoke in favor of Comparable Worth; the other speakers, from various points of view, were generally critical of the Comparable Worth concept.

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— EF/CW1 Litigation and Legislation on Comparable Worth

"Legal Status after *Gunther*": Frank Morris, Attorney (Concise survey of court decisions.)

"State Legislation": Judith Finn, Rep. Penny Pullen, and Daniel Foth (Review of statutes and pending bills.)

— EF/CW2 What Kind of Pay Parity Is Our Goal? (Two contrasting views.)

"Equal Pay Through Comparable Worth":

Joy Ann Grune* (An advocate of Comparable Worth argues for increasing wages for "women's work.")

"Equal Opportunity Through Non-Discrimination": Eliza Paschall (An EEOC official explains present employment policies of non-discrimination.)

— EF/CW3 Pay Parity and the Dual Role of Women "The Earnings Gap and Economic Choices":

Dr. Michael Finn (Is the earnings gap the result of legitimate economic choices in a free labor market?)

"The Earnings Gap and Family Choices": Dr. Michael Levin (Is the earnings gap the result of legitimate family choices in a free labor market?)

— EF/CW4 Comparable Worth and the Economy (Two distinguished scholars share their research on the negative impact of Comparable Worth.)

"Economic Repercussions": Dr. Cotton Mather Lindsay

"Quotas, Regulations, Realities": Dr. Walter Williams

— EF/CW5 Impact on Industrial Relations and the Labor Market

"National Academy of Science Findings": Dr. Heidi Hartman* (Documentation for Comparable Worth.)

"A Personnel Officer's Problems": Maxine Kurtz (A practical viewpoint from a participant in the Denver nurse/tree-trimmer case.)

With Comments by two businessmen.

— EF/CW6 "The Relationship of Women to Wealth and Poverty": George Gilder

(The economist-author of the best-seller *Wealth and Poverty* gives his scholarly/common-sense views on the economic value of women's traditional role.)

"Poverty, Welfare, and Comparable Worth":

Dr. Nancy Barrett* (An argument for Comparable Worth as an alternative to welfare for poor women.)

— EF/CW7 "A Business Viewpoint on Comparable Worth": Orville Bergren

(The president of the Illinois Manufacturers' Association warns against interferences with the free market.)

"A Legislator's View of Comparable Worth": Congressman Denny Smith

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