A close-up, black and white portrait of a woman's face, looking directly at the camera. Her hair is pulled back, and her expression is neutral. The lighting is soft, highlighting her features.

# THE SIMPLE TRUTH

about the  
**Gender Pay Gap**

FALL 2015 EDITION



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## Foreword

If you take one simple truth from this guide, I hope it's this: The pay gap is real. This guide backs up this assertion with the latest evidence and presents ideas for what we can do about it.

The American Association of University Women (AAUW) has been on the front lines of the fight for pay equity since 1913. AAUW members were in the Oval Office when President John F. Kennedy signed the Equal Pay Act of 1963 into law, and more than 50 years later, we continue to lead the push for policies and legislation to encourage and enforce fair pay in the workplace.

Pay equity is a priority for AAUW, and it will continue to be until women everywhere earn a fair day's pay for a fair day's work. In January 2009, President Barack Obama signed the Lilly Ledbetter Fair Pay Act into law, thanks to the hard work and leadership of AAUW, our members, and our coalition partners. Since then, AAUW has worked for the passage of the Paycheck Fairness Act, which would give women additional and much-needed equal pay protections. The legislation failed in procedural votes in the House and Senate in the 113th Congress, but the Senate did vote to fully debate the bill for the first time ever in September 2014. We haven't gotten our up-or-down vote yet, but we are moving ever closer.

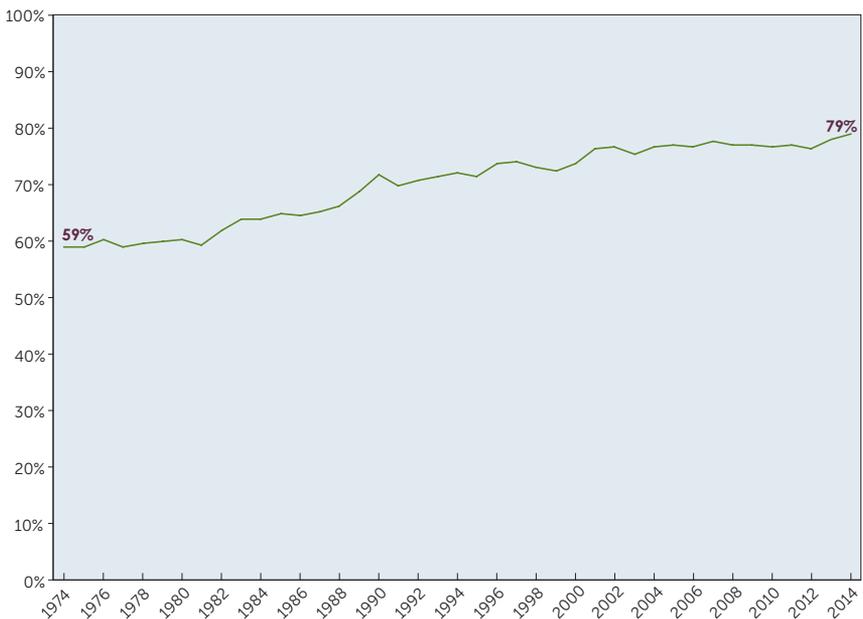
This guide is designed to empower our members and other advocates with the facts and resources they need to tell the simple truth about the pay gap. It's real, it's persistent, and it's undermining the economic security of American women and their families. We hope you will join us in the fight.



Linda D. Hallman, CAE  
AAUW Executive Director

Did you know that in 2014, women working full time in the United States typically were paid just 79 percent of what men were paid, a gap of 21 percent? The gap has narrowed since the 1970s (Figure 1), due largely to women’s progress in education and workforce participation and to men’s wages rising at a slower rate. But progress has stalled in recent years, and the pay gap does not appear likely to go away on its own.

**Figure 1.**  
Women’s Median Annual Earnings as a Percentage of Men’s Median Annual Earnings for Full-time, Year-round Workers, 1974–2014<sup>1</sup>



Note: Includes people ages 15 and older beginning in 1980; for previous years, includes people ages 14 and older as of the following year. Before 1989, only civilian workers are included.

Equal pay is not simply a women’s issue—it’s a family issue. Between 1967 and 2012, the percentage of mothers who brought home at least a quarter of the family’s earnings rose from less than a third (28 percent) to nearly two-thirds (63 percent).<sup>2</sup> Families increasingly rely on women’s wages to make ends meet.

A majority of mothers are in the paid labor force,<sup>3</sup> and a growing number of them are responsible for supporting their families. For the 40 percent of mothers with children under the age of 18 who are their families’ sole or primary breadwinner,<sup>4</sup> the gender pay gap can contribute to poor living conditions, poor nutrition, and fewer opportunities for their children. For these women, closing the gender pay gap is much more than a point of pride.

This guide provides key facts about the gender pay gap in the United States, along with explanations and resources. Information is organized around six common questions:

- 1. What is the pay gap?**
- 2. Is the pay gap really about women’s life choices?**
- 3. How does the pay gap affect women of different demographics?**
- 4. Is there a pay gap in all jobs?**
- 5. What can I do to make a difference?**
- 6. What should I do if I experience sex discrimination at work?**

The information in this guide will help you to effectively and confidently advocate for pay equity for all workers in your community.

# What Is the Pay Gap?

The pay gap is the difference in men's and women's median earnings, usually reported as either the earnings ratio between men and women or as an actual pay gap, as defined below. The median value is the middle value, with equal numbers of full-time workers earning more and earning less.

$$\text{Earnings ratio} = \frac{\text{Women's median earnings}}{\text{Men's median earnings}}$$

$$\text{Pay gap} = \frac{[\text{Men's median earnings} - \text{Women's median earnings}]}{\text{Men's median earnings}}$$

In 2014, median *annual* earnings in the United States for women and men working full time, year round were \$39,621 and \$50,383, respectively.

$$\text{2014 earnings ratio} = \frac{\$39,621}{\$50,383} = 79\%$$

$$\text{2014 pay gap} = \frac{[\$50,383 - \$39,621]}{\$50,383} = 21\%$$

Earnings can also be reported on a weekly basis. The gender pay gap in weekly earnings tends to be slightly smaller than the pay gap in terms of annual earnings. In 2013, the pay gap in median weekly earnings was 18 percent, according to the U.S. Department of Labor.

## Where do the data come from?

Federal agencies such as the Census Bureau, the Department of Education, and the Bureau of Labor Statistics conduct surveys of individuals, households, and businesses to gather information about people's salaries and other earnings.

Most reports on national workforce participation, pay, and pay differences depend on data from the Current Population Survey (CPS) ([www.census.gov/cps](http://www.census.gov/cps)), the country's primary source of labor force statistics. The CPS is a monthly survey of about 50,000 households conducted by the U.S. Census Bureau for the Bureau of Labor Statistics.

The estimate of the pay gap using *weekly* earnings is based on the annual average of median weekly earnings for the previous year, usually released in January of each year by the Bureau of Labor Statistics ([www.bls.gov/cps](http://www.bls.gov/cps)). The estimate of the pay gap using *annual* earnings is based on the CPS Annual Social and Economic Supplement data, which is published each September by the Census Bureau and the Bureau of Labor Statistics. In recent years, these data have been published in *Income, Poverty, and Health Insurance Coverage in the United States*.<sup>5</sup>

## State-level data

A pay gap can also be calculated for each state (Figure 2). The American Community Survey (ACS) ([www.census.gov/acs](http://www.census.gov/acs)) is often used to estimate the pay gap at the state level and for specific racial/ethnic groups because it includes more households than the CPS. The Census Bureau began the ACS in 1996 as the successor to the “long form” of the decennial census. The ACS results are released annually in September, and briefs based on the survey can be found on the bureau's website.<sup>6</sup> According to ACS data, in 2014 the pay gap was smallest in Washington, D.C., where women were paid 90 percent of what men were paid, and largest in Louisiana, where women were paid 65 percent of what men were paid.

**Figure 2.**

Median Annual Earnings and Earnings Ratio for Full-time, Year-round Workers, Ages 16 and Older, by State and Gender, 2014<sup>7</sup>

	Men	Women	Earnings Ratio
1 District of Columbia	\$68,932	\$61,718	90%
2 New York	\$51,580	\$44,781	87%
3 Hawaii	\$46,786	\$40,162	86%
4 Maryland	\$59,085	\$50,481	85%
5 Nevada	\$42,294	\$35,993	85%
6 Florida	\$40,971	\$34,768	85%
7 North Carolina	\$41,857	\$35,481	85%
8 California	\$50,539	\$42,486	84%
9 Arizona	\$43,945	\$36,916	84%
10 Vermont	\$46,911	\$39,322	84%
11 Connecticut	\$61,385	\$50,706	83%
12 Oregon	\$47,194	\$38,801	82%
13 Colorado	\$50,898	\$41,690	82%
14 Massachusetts	\$61,611	\$50,459	82%
15 Georgia	\$44,623	\$36,468	82%
16 Rhode Island	\$50,765	\$41,469	82%
17 Tennessee	\$41,661	\$34,009	82%
18 Minnesota	\$51,625	\$42,066	81%
19 Delaware	\$50,976	\$41,278	81%
20 Alaska	\$57,318	\$46,288	81%
21 New Jersey	\$60,870	\$48,943	80%
22 South Carolina	\$41,991	\$33,719	80%
23 Virginia	\$52,864	\$42,445	80%
24 Kentucky	\$42,203	\$33,704	80%
25 Illinois	\$51,652	\$40,898	79%
26 Pennsylvania	\$50,412	\$39,905	79%

	Men	Women	Earnings Ratio
27 Maine	\$45,784	\$36,137	79%
28 Wisconsin	\$47,518	\$37,481	79%
29 Nebraska	\$44,533	\$35,101	79%
30 Texas	\$46,235	\$36,428	79%
31 New Mexico	\$41,561	\$32,473	78%
32 Arkansas	\$39,916	\$31,161	78%
33 Ohio	\$47,737	\$37,140	78%
34 Missouri	\$45,611	\$35,311	77%
35 Iowa	\$47,202	\$36,522	77%
36 Washington	\$54,358	\$41,926	77%
37 Mississippi	\$40,850	\$31,465	77%
38 Kansas	\$46,951	\$36,162	77%
39 South Dakota	\$42,034	\$32,048	76%
40 New Hampshire	\$55,617	\$42,052	76%
41 Indiana	\$46,273	\$34,846	75%
42 Michigan	\$50,157	\$37,419	75%
43 Montana	\$42,679	\$31,696	74%
44 Oklahoma	\$43,803	\$32,186	73%
45 Idaho	\$42,624	\$31,019	73%
46 Alabama	\$44,245	\$32,136	73%
47 North Dakota	\$50,624	\$36,087	71%
48 West Virginia	\$45,272	\$31,712	70%
49 Wyoming	\$51,926	\$35,652	69%
50 Utah	\$50,937	\$34,351	67%
51 Louisiana	\$48,382	\$31,586	65%
United States*	\$50,383	\$39,621	79%

\*National data include workers ages 15 and older and are based on data from the U.S. Census Bureau's Current Population Survey.

# Is the Pay Gap Really about Women's Life Choices?

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Critics charge that pay differences between men and women are simply a matter of personal choices. AAUW addressed this argument in our 2012 report, *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*. Our analysis found that just one year after college graduation, women were paid 82 percent of what their similarly educated and experienced male counterparts were paid.<sup>8</sup> An earlier report, *Behind the Pay Gap* (AAUW, 2007), found that 10 years after graduation, the pay gap widened, and women were paid only 69 percent of what men were paid.<sup>9</sup>

In part, these pay gaps do reflect men's and women's choices, especially the choice of college major and the type of job pursued after graduation. For example, women are more likely than men to go into teaching, and this contributes to the pay gap because teachers tend to be paid less than other college graduates.<sup>10</sup> Economists often consider this portion of the pay gap to be explained, regardless of whether teachers' wages are considered fair.

Yet not all of the gap can be "explained away." After accounting for college major, occupation, economic sector, hours worked, months unemployed since graduation, GPA, type of undergraduate institution, institution selectivity, age, geographical region, and marital status, *Graduating to a Pay Gap* found that a **7 percent difference in the earnings of male and female college graduates one year after graduation was still unexplained.**

Similarly, *Behind the Pay Gap* found a **12 percent** unexplained difference in earnings among full-time workers 10 years after college graduation. Other researchers have also found that the gender pay gap is not fully accounted for by women's and men's choices.<sup>11,12</sup>

Becoming a parent is an example of a choice that often has different outcomes for women and men. Taking time away from the workforce or working fewer hours, both of which are more common for mothers than fathers, hurts earnings.<sup>13</sup> *Behind the Pay Gap* found that 10 years after graduation, 23 percent of mothers were out of the workforce, and 17 percent worked part time. Among fathers, only 1 percent were out of the workforce, and only 2 percent worked part time.

Many stay-at-home and part-time working mothers will eventually decide to return to the full-time workforce, and when they do they may encounter a “motherhood penalty” that extends beyond the actual time out of the workforce. Experimental research has documented that employers are less likely to hire mothers compared with childless women, and when employers do make an offer to a mother, they offer her a lower salary than they do other women.<sup>14,15</sup> Fathers, in contrast, do not suffer a penalty compared with other men. Many fathers actually receive a wage premium after having a child.<sup>16,17</sup>

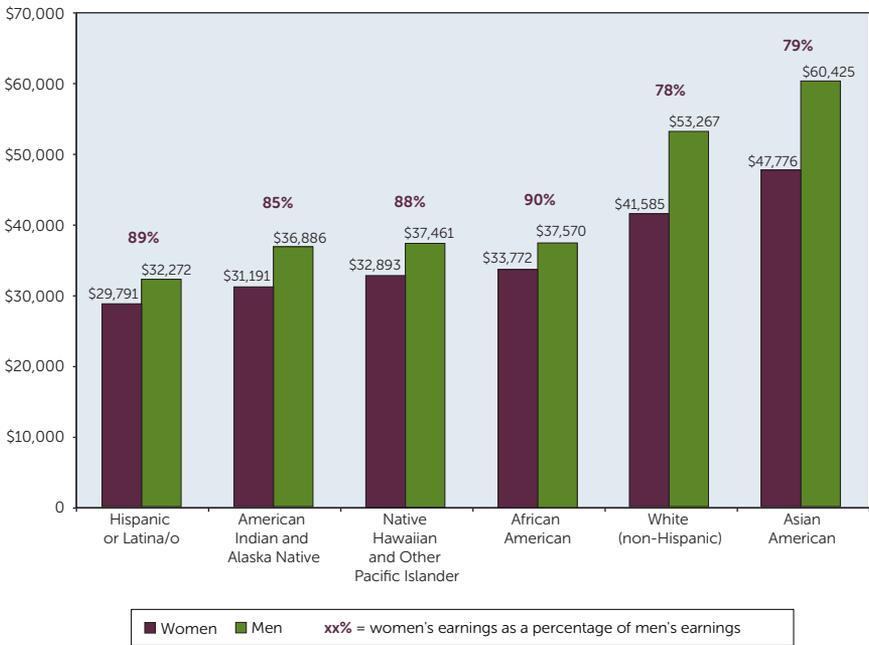


**"Yes, I agree that equal pay for equal work is an idea that we should DEFINITELY think about."**

# How Does the Pay Gap Affect Women of Different Demographics?

The pay gap affects women from all backgrounds, at all ages, and of all levels of educational achievement, although earnings and the gap vary depending on a woman's individual situation.

**Figure 3.**  
Median Annual Earnings, by Race/Ethnicity and Gender, 2014<sup>18</sup>



Note: Based on median annual earnings of full-time, year-round workers, ages 16 and older

## Race/ethnicity

Among full-time workers in 2014, Hispanic, American Indian and Alaska Native, African American, and Native Hawaiian and other Pacific Islander women had lower median annual earnings compared with non-Hispanic white and Asian American women. But within racial/ethnic groups, African American, Hispanic, American Indian and Alaska Native, and Native Hawaiian and other Pacific Islander women experienced a smaller gender pay gap compared with men in the same group than did non-Hispanic white and Asian American women (Figure 3).

Using a single benchmark provides a more informative picture. Because non-Hispanic white men are the largest demographic group in the labor force, they are often used for that purpose. Compared with salary information for white male workers, Asian American women's salaries show the smallest gender pay gap, at 90 percent of white men's earnings. The gap was largest for Hispanic and Latina women, who were paid only 54 percent of what white men were paid in 2014 (Figure 4). The smaller gender pay gap among African Americans, Hispanics, American Indians and Native Alaskans, and Native Hawaiians and other Pacific Islanders is due solely to the fact that those men of color were paid substantially less than non-Hispanic white men in 2014.

**Figure 4.**  
Earnings Ratio, by Race/Ethnicity, 2014<sup>19</sup>

	Women's earnings as a percentage of men's earnings within race/ethnicity	Women's earnings as a percentage of white men's earnings
Hispanic or Latina	89%	54%
American Indian and Alaska Native	85%	59%
Native Hawaiian and Other Pacific Islander	88%	62%
African American	90%	63%
White (non-Hispanic)	78%	78%
Asian American	79%	90%

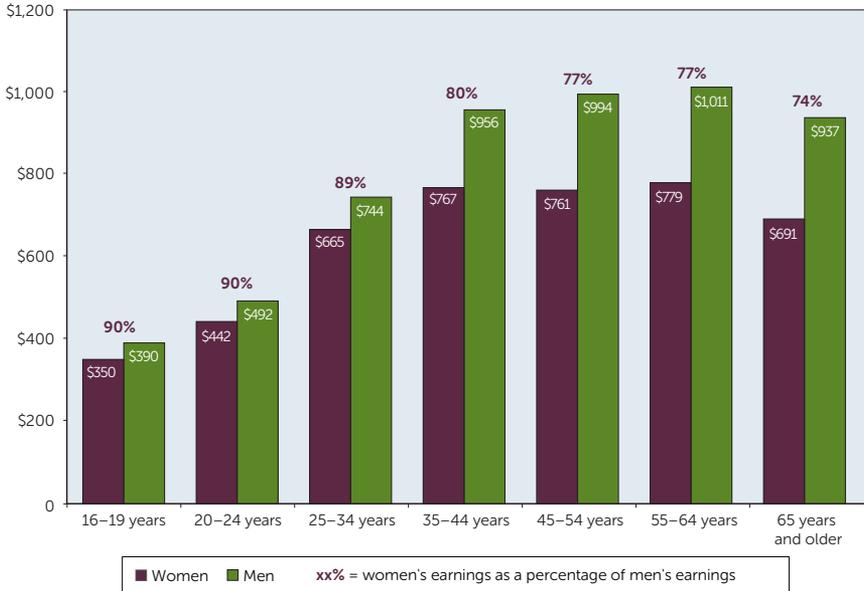
Note: Based on median annual earnings of full-time, year-round workers, ages 16 and older

## Age

Earnings for both female and male full-time workers tend to increase with age, with a plateau after 45 and a drop after age 65. The gender pay gap also grows with age, and differences among older workers are considerably larger than gaps among younger workers.

In 2013, for full-time workers ages 20–24, women were paid 90 percent of what men were paid on a weekly basis. Among workers 55–64 years old, women were paid only 77 percent of what their male peers were paid. Women typically are paid about 90 percent of what men are paid until around the age of 35, at which point median earnings for women start to grow much more slowly than median earnings for men. From around

**Figure 5.**  
Median Weekly Earnings, by Age and Gender, 2013<sup>20</sup>



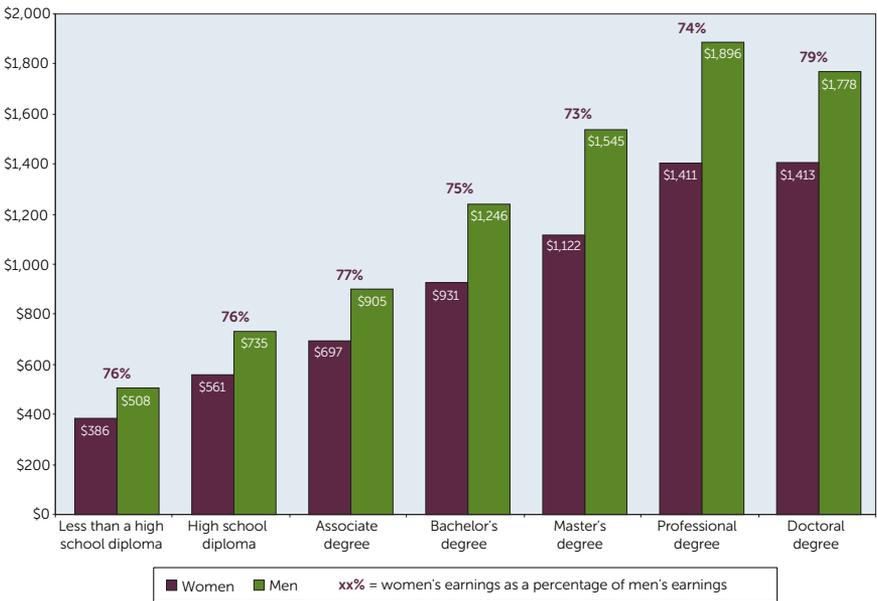
Note: Based on median usual weekly earnings of full-time wage and salary workers, 2013 annual averages

age 35 through retirement, women are typically paid 75 to 80 percent of what men are paid (Figure 5).

## Education

As a rule, earnings increase as years of education increase for both men and women. While more education is an effective tool for increasing earnings, it is not an effective tool against the gender pay gap. At every level of academic achievement, women’s median earnings are less than men’s median earnings, and in some cases, the gender pay gap is larger at higher levels of education (Figure 6).

**Figure 6.**  
Median Weekly Earnings, by Level of Education and Gender, 2012<sup>21</sup>

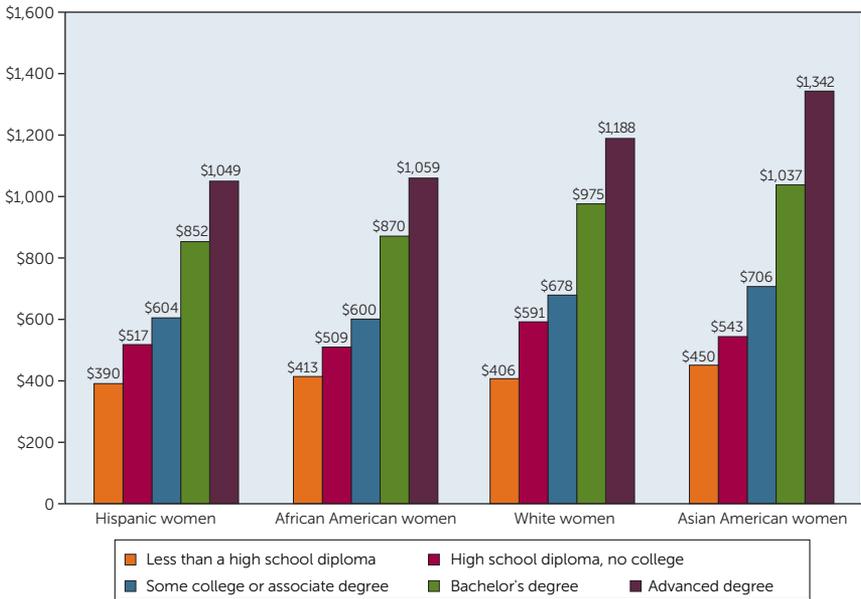


Note: Based on median usual weekly earnings of full-time wage and salary workers, ages 25 and older, 2012 annual averages

Education improves earnings for women of all races and ethnicities, but earnings are affected by race and ethnicity as well as gender. White women are paid more than African American and Hispanic women at nearly all education levels (Figure 7).

Research suggests that differences in education and other measurable factors explain part of the difference in earnings between racial and ethnic groups. However, as is the case with gender, part of the racial/ethnic pay gap cannot be explained by factors known to affect earnings and is likely due, at least in part, to discrimination.<sup>22</sup>

**Figure 7.**  
**Median Weekly Earnings of Women, by Race/Ethnicity and Level of Education, 2014<sup>23</sup>**



Note: Based on median usual weekly earnings of full-time wage and salary workers, ages 25 and older, 2014 annual averages

## Is There a Pay Gap in All Jobs?

In nearly every line of work, women face a pay gap. Among the many occupations for which the Bureau of Labor Statistics collects data that allow for valid comparison, women's earnings are higher than men's in only a handful.<sup>24</sup>

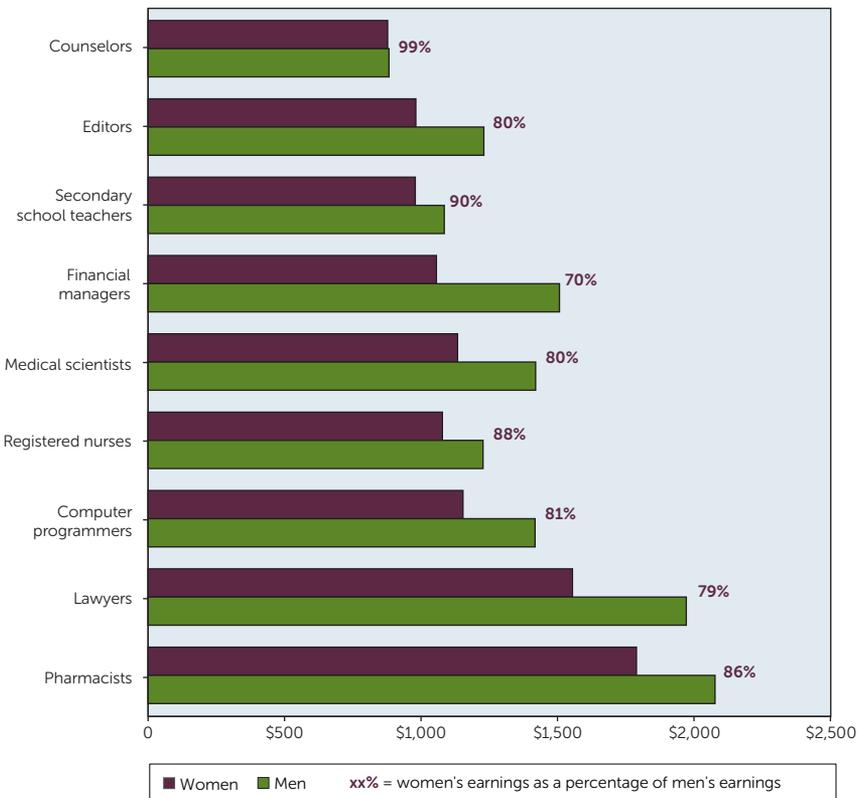
While a pay gap exists in nearly every occupational field, jobs traditionally associated with men tend to pay better than traditionally female jobs for the same level of skill required. And even in 2014, women and men still tend to work in different kinds of jobs. This segregation of occupations is a major factor behind the pay gap.<sup>25,26</sup>

In 2014, the U.S. civilian workforce included slightly more than 146 million full- and part-time employed workers; 53 percent were men, and 47 percent were women.<sup>27</sup> Nearly 40 percent of working women were employed in traditionally female occupations such as social work, nursing, and teaching. In contrast, fewer than 5 percent of men worked in these jobs. Forty-three percent of working men were in traditionally male occupations, such as computer programming, aerospace engineering, and firefighting, compared with just over 5 percent of women in those jobs.<sup>28</sup> Women are more likely to work in professional, office and administrative support, sales, and service occupations, and men are more likely to work in construction, maintenance and repair, and production and transportation occupations.

Occupational gender segregation has decreased over the last 40 years, largely due to women moving into previously predominantly male jobs, especially during the 1970s and 1980s,<sup>29</sup> and to faster growth of more mixed-gender occupations in the 1990s. But integration has slowed since the early 2000s.<sup>30,31</sup> (See AAUW's *Why So Few? Women in Science, Technology, Engineering, and Mathematics* and *Solving the Equation: The Variables for Women's Success in Engineering and Computing* for more discussion of career choice.)

Increasing the number of women in traditionally male fields is likely to improve wages for women, but it is unlikely to fully eliminate the pay gap. Women in “male” jobs such as computer programming still face a pay gap compared with their male counterparts (Figure 8), even though they may be paid higher salaries than women in traditionally female fields. It will take more than individual women pursuing careers in “male” fields to ensure fair pay for all.

**Figure 8.**  
**The Gender Pay Gap in Median Weekly Earnings among Full-time Workers, Selected Occupations, 2013<sup>32</sup>**



## How Can I Make a Difference?

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The gender pay gap is unlikely to go away on its own, but there are many things that we can do in our workplaces and in our communities to make a difference. Here are some steps that employers, individuals, and governments can take to ensure fair pay.

### Individuals

Many personal decisions have profound implications for economic security. Pursuing a college education has long been viewed as an important step toward ensuring a middle-class lifestyle. But the choice of college major can profoundly affect future earnings.<sup>33</sup> In addition, the kinds of jobs pursued early in a career set the stage for an entire career of earnings. Because benefits and subsequent raises are generally based on initial wages, a lower starting salary could mean a lifetime of lower compensation and smaller retirement benefits. Decisions about marriage, children, and caregiving also play critical roles in women's economic security.

Developing negotiation skills can help workers to be paid fairly. Because most employers have some latitude when it comes to salaries, negotiating can pay off. But negotiation skills are especially tricky for women because some behaviors, like self-promotion, that work for men may backfire on women.<sup>34,35</sup> Knowing what your skills are worth, making clear what you bring to the table, emphasizing common goals, and maintaining a positive attitude are some negotiation tactics that have been shown to be effective for women.<sup>36</sup> AAUW offers *Start Smart* and *Work Smart* salary negotiation workshops to train women how to negotiate.

Beyond their personal lives, individuals can also take steps to influence employers and governments. There are more ways to make your voice heard than ever before—letters to your legislators and local papers, blogs, and

tweets are just a few examples. Joining an organization like AAUW can make all these activities easier, especially if you use our Programs in a Box and other resources and connect with our ready-made network of activists.

## Employers

Companies should know by now that paying workers fairly is necessary for legal and ethical reasons. Indeed, fair pay can be good for the bottom line. Believing that an employer is fair improves workers' morale,<sup>37,38</sup> and employees are less likely to be absent when they perceive that their employer is fair. Work performance has also been linked to the perception of organizational justice.<sup>39</sup> In other words, workers who believe that they are paid fairly are more likely to contribute their best effort to the job.

But not every employer has taken this lesson to heart. Companies like Home Depot, Novartis, and Smith Barney have paid hundreds of millions of dollars to settle cases of gender pay discrimination brought by women employees under the Equal Pay Act and Title VII of the Civil Rights Act. Wal-Mart recently spent billions of dollars defending what would have been the largest class-action lawsuit in history, brought by women employees alleging systemic pay and promotion discrimination.

As U.S. Supreme Court Justice Louis Brandeis once noted, "Sunshine is the best disinfectant." Transparency in compensation is one policy that can make a difference. A survey by the Institute for Women's Policy Research (IWPR) found that about half of employees said they worked in a setting where discussions of wages and salaries are either formally prohibited or discouraged by managers.<sup>40</sup> According to IWPR, pay secrecy is much more common in the private sector, where 61 percent of employees are either discouraged or prohibited from discussing wage and salary information. In contrast, only 14 percent of public-sector employees reported that pay discussions were either discouraged or prohibited. This higher degree of transparency in the public sector may be related to the greater gender pay

equity found in the federal government. Federal workers can easily see how their salaries compare with others at their grade level and geographical location because the U.S. Office of Personnel Management makes public the salary and wage range for each level of federal worker and additional locality pay for areas where the cost of living is higher.<sup>41</sup> A 2014 report found that, among white-collar federal workers, women were paid 87 percent of what men were paid, compared with 78 percent in the workforce as a whole.<sup>42</sup>

Employers can also use audits to monitor and address gender pay differences. The state of Minnesota requires public-sector employers to conduct a pay equity study every few years and eliminate pay disparities between female-dominated and male-dominated jobs that require comparable levels of expertise. Employers use a job evaluation tool to compare jobs on dimensions such as the complexity of issues encountered, the depth and breadth of knowledge needed, the nature of interpersonal contacts required, and the



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***" Sorry, but hiring only men allows me to avoid gender politics. "***

physical working conditions. This allows employers to identify jobs—for example, delivery van drivers and clerk typists—that, despite being different, require similar levels of knowledge and responsibility. An analysis is then done to compare wages for predominantly female jobs with those of predominantly male jobs of comparable skill levels. If the results of the study show that women are consistently paid less than men for jobs requiring similar levels of knowledge and responsibility, the employer makes the necessary salary increases. For more information on the audits, visit Minnesota’s pay equity web page, [www.mn.gov/mmb](http://www.mn.gov/mmb).

## Government

### FEDERAL

In 1963, Congress passed the Equal Pay Act, which requires employers to give men and women employees “equal pay for equal work.” A year later, in 1964, the Civil Rights Act was passed. Title VII of that act bars all discrimination in employment, including discrimination in hiring, firing, promotion, and wages on the basis of race, color, religion, sex, or national origin.

Yet these legal protections have not ensured equal pay for women and men. The first piece of legislation signed into law by President Barack Obama, the Lilly Ledbetter Fair Pay Act of 2009, provides some additional protection against discrimination. The law clarifies that pay discrimination occurs when a pay decision is made, when an employee is subject to that decision, or at any time an employee is injured by it; employees have 180 days from any of those instances to file a claim.<sup>43</sup>

The Ledbetter law was needed, but it is by no means sufficient. Additional legislation is necessary to provide more effective equal pay protections and incentives. During each session of Congress since the Equal Pay Act was passed, bills designed to update it have been introduced and occasionally voted on. In 2009, the House of Representatives passed the Paycheck Fairness Act with a bipartisan vote. It is a comprehensive bill aimed at updating

the Equal Pay Act by closing loopholes, strengthening incentives to prevent pay discrimination, and prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. But despite widespread backing from the American public, the strong leadership of AAUW, and the diligent efforts of our members and coalition partners—as well as the support of a majority of senators and the White House—the Senate defeated the Paycheck Fairness Act in November 2010 in a procedural vote (58-41). In the 113th Congress, the Senate voted to fully debate the Paycheck Fairness Act for the first time. The bill did not get the necessary 60 votes to overcome a second procedural hurdle and move forward to an up-or-down vote, but AAUW was encouraged that a majority of senators agreed to talk about the bill for the first time.

In April 2014, President Obama signed two executive orders on equal pay that AAUW members and supporters had long been advocating. The first bans federal contractors from retaliating against workers who talk about their salaries. The second tells the U.S. Department of Labor to collect wage data from federal contractors, including the race, sex, and national origin of employees. This will help identify patterns of discrimination and support voluntary compliance.

#### STATE

As halting efforts continue at the federal level, states are moving forward with their own laws to ensure that women receive equal pay for equal work. The good news is that nearly every state has a law prohibiting employers from paying workers differently based solely on their gender. The bad news? Many of these laws are limited in scope or are not being enforced. Each state has room to make its pay equity laws stronger.

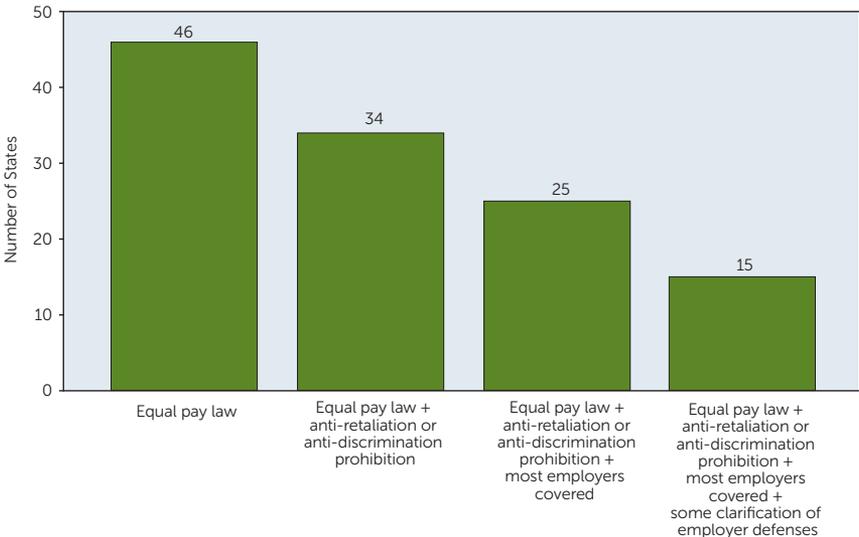
The states with no state protections from pay discrimination sit toward the bottom in state rankings of the earnings ratio. However, states with stronger laws do not necessarily rank at the top. Strong pay equity laws help close

the pay gap, but the gap itself is affected by other issues such as comparable worth laws, paid leave, and gender stereotyping.

Each state has its own unique combination of laws addressing the pay gap. For example, each state's laws apply to different subsets of employees, with some states covering all employees, others affecting only public or only private employees, and still others regulating only those employers who have more than a certain number of workers.

Thirty-four states prohibit retaliation or discrimination if an individual is involved in an investigation or hearing to enforce an equal pay law. Twenty-three states have enacted provisions that prohibit employers from raising particular excuses to a claim, such as agreeing to pay the employee at a lower

**Figure 9.**  
Number of States That Have Equal Pay Provisions



rate or using a system that results in discrimination when an alternative system exists and would suffice.

Currently, four states—Alabama, Mississippi, South Carolina, and Utah—have no pay equity regulations. Although Arizona, Arkansas, Florida, Missouri, Nevada, North Carolina, Texas, Virginia, and Washington have basic equal pay language, they also have loopholes that allow employers to continue to pay women less than their male counterparts. For example, Arizona does not prohibit employers from retaliating against employees who take action to remedy wage discrimination, which makes it risky for women to complain. As a result, localities such as Phoenix are passing their own protective regulations.

On the positive side, Illinois, Minnesota, North Dakota, Tennessee, and Vermont have particularly robust laws governing equal pay. For example, North Dakota limits the excuses employers can use to pay women less than they pay men to only a “bona fide factor other than gender,” such as education, training, or experience (as opposed to reasons based solely on gender stereotypes). Figure 9 demonstrates that even though a majority of states have language above and beyond federal law prohibiting wage discrimination based on sex, few include the necessary details to enable employers to establish fair pay practices and for courts to interpret and enforce equal pay laws.

In addition to providing the basic components of a strong equal pay law, a few states have more innovative laws such as transparency policies that seek to shed light on discrimination or stop it before it starts. Eleven states have policies to protect individuals who inquire about, discuss, or disclose their wages to another employee. One state recently added an anonymous tip line to report wage discrimination. Bills in a few state houses attack the pay gap by requiring employers to list a base minimum salary in their job ads or prohibiting employers from asking about salary history.

AAUW advocates for all states to pass and enforce equal pay laws in addition to developing other innovative ideas that chip away at the gap. We continue to push for federal pay equity legislation, regulation, and enforcement to protect employees and assist employers. AAUW also educates the public about this persistent problem and its effect on working families. These efforts are critical as we work to close the gender pay gap.

# What Should I Do If I Experience Sex Discrimination at Work?

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1. **Put it in writing.** Always put everything in writing so you have a record and a timeline.
2. **Do your homework.** For more information on your rights, call the U.S. Equal Employment Opportunity Commission (EEOC) hotline at 800.669.4000.
3. **Seek help.** Talk with your supervisor or human resources representative at work to learn about the grievance procedure.
4. **Avoid loose lips.** While the desire to talk about your case is understandable, the threat of countersuits for defamation is real.
5. **Get legal advice.** Talk to a lawyer who has specific experience with sex discrimination in the workplace. For a referral in your state, contact your local bar association.
6. **Act quickly.** There is a statute of limitations on filing complaints with the EEOC.
7. **Watch your nickels and dimes.** Talk to a lawyer or an accountant about the financial burdens of a lawsuit.
8. **Visit your doctor—yes, your doctor.** You may experience a physical and emotional toll that should be addressed and documented.
9. **Prepare for the long haul.** Filing a discrimination lawsuit is a long process, but others have succeeded in fighting discrimination, and you can too.
10. **Find a support network.** AAUW branches can help support you. Find a branch near you at [www.aauw.org](http://www.aauw.org).

## AAUW Resources

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- Visit the pay equity resources on the AAUW website at [www.aauw.org/issues/tag/equal-pay](http://www.aauw.org/issues/tag/equal-pay) for current information on the status of legislation, federal policies, and action that you can take to narrow the pay gap.
- Join AAUW's Action Network to keep up with equal pay advocacy and receive notices to tell your legislators what you think: [www.aauw.org/actionnetwork](http://www.aauw.org/actionnetwork).
- Learn about your rights at work and what you can do if you believe you're being paid unfairly or otherwise discriminated against by visiting [www.aauw.org/what-we-do/legal-resources/know-your-rights-at-work](http://www.aauw.org/what-we-do/legal-resources/know-your-rights-at-work).
- Get ideas for programming and advocacy at [fightforfairpay.org](http://fightforfairpay.org).
- If you're a college student or campus professional, visit AAUW's \$tart \$mart salary negotiation page at [www.aauw.org/what-we-do/campus-programs/start-smart-salary-negotiation-workshop](http://www.aauw.org/what-we-do/campus-programs/start-smart-salary-negotiation-workshop) to find out how to attend a salary negotiation workshop or bring one to your school.
- Learn about the status of pay equity laws in your state and take action at [www.aauw.org/resource/state-equal-pay-laws](http://www.aauw.org/resource/state-equal-pay-laws).
- Read more about the pay gap at [www.aauw.org/what-we-do/research](http://www.aauw.org/what-we-do/research).
- Join AAUW and help ensure pay equity for all: [www.aauw.org/join](http://www.aauw.org/join).

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43. The law came in response to *Ledbetter v. Goodyear Tire & Rubber*, which overturned 40 years of EEOC policies and precedents on statutes of limitations in discrimination cases.





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