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Fair Pay & Lilly Ledbetter

Before the Equal Pay Act of 1963, women holding federal jobs were allowed to be fired, women with working husbands were first on the list to be fired, women were allowed to get paid less to help the economy. In 1942 the National War Labor Board urged employees to voluntarily adjust wages rate paid to females to those paid to males for “comparable quality and quantity of work,” but employees failed to follow the recommendation and soon women were replaced by men returning from the war. Equal pay was demanded by women. Until the early 1960’s, newspapers would publish separate job listings for men and women. In some cases, these jobs were the same jobs but with different pay scale according to gender. It wasn’t until June 10th, 1963, that the Equal Pay Act passed, providing equal pay for equal work, making unequal pay based on gender illegal.

Between 1964 and 1971 back wages totaling more than 26 million were paid to 71,000 women.


The workplace has change radically since the passage of the Equal Pay Act but not women’s pay. Pay discrimination is still practiced today. The wage gap has narrowed, but women still earn less than a man while performing the same job (for data you can visit http://www.pay-equity.org/info-time.html).

Today the national average of women’s wage gap is 78 cents for every 1 dollar a man earns. In Alabama this is even lower, 73 cents for every dollar a man earns.

Why such a Wage Gap?

- Discrimination, personal choices, and some have argued that there are older women still in the equation that earn less than those recently entering the labor force. For example, women under 25 working full-time earned 93.2% of men's salaries compared to those 25 and older, who earned 79.4% of what men made. (For the 1st two reasons visit http://www.nytimes.com/interactive/2009/03/01/business/20090301_WageGap.html)
- However, there will still be a wage gap after the oldest generation retires and young men and women have always had more compatible earnings.

Women have made enormous progress in the workforce since the Equal Pay Act, but the basic goal of the act has not been realized

Lilly Ledbetter Fair Pay Restoration Act (to have a 1st look into the struggle for fair pay access http://www.pay-equity.org/info-history.html)

- Lilly Ledbetter has been successful in shedding light into the importance of addressing fair pay, bringing it to the attention of policy makers and members of our nation.
- This act reverses the Supreme Court decision in Ledbetter v. Goodyear Tire & Rubber Co. Inc 550 U.S. 618 (2007). The Supreme Court had stated that a discriminatory pay has to be reported within 180 days of the act. This is quite difficult because, as Justice Ginsburg noted in her dissenting opinion, wage decisions are not made in the open.
- The Lilly Ledbetter Act restores the approach to the 180 days to start with each discriminatory act. At the same time, it allows for the employee to demand up to 2years of back pay.
- The Lilly Ledbetter Act was declared effective one day before the Supreme Court’s decision in Ledbetter v. Goodyear Tire & Rubber Co. Inc 550 U.S. 618 (2007)

This is not the end, there are still issues surrounding fair pay that need to be addressed because employers still are in the winning side. Employees still carry all the burden in showing discrimination. The next step is Paycheck Fairness Act

When Lilly Ledbetter was asked “What do you hope you are doing for other working women in the nation? she answered:

“I hope that I have been an encouragement to them. That when things are not right they will have the courage to fix it”
Lilly Ledbetter: an Alabama Woman who Made a Difference

Lilly Ledbetter is the namesake of the Lilly Ledbetter Fair Pay Act which President Obama signed into law on January 29, 2009.

Ms. Ledbetter worked at the Goodyear Tire & Rubber Company in Gadsden, Alabama for 19 years earning performance awards but also significantly less money than her male counterparts.

Anonymously tipped off to the fact that she was being paid considerably less than others, she embarked on an 8 year quest for equal compensation.

After Ledbetter submitted formal EEOC charges (with 2 key claims: Title VII pay discrimination and a claim under the Equal Pay Act of 1963), Goodyear reassigned her to lift heavy tires in an act of retribution. A District Court allowed some of Ledbetter’s claims to proceed.

In November 1998, Ledbetter retired early and filed suit asserting discrimination under Title VII of the Civil Rights Act of 1964. A jury awarded Ledbetter $3.3 million but the amount was later reduced to $300,000 (statutory cap on civil rights damages).

Goodyear appealed first to the 11th Circuit Court which ruled in favor of Goodyear stating that an employee must file within 180 days of the first discriminatory action.

The case made its way to the U.S. Supreme Court which upheld the 11th Circuit Court’s decision in favor of Goodyear. In a 5-4 vote, The Supreme Court ruled that Ledbetter was not entitled to compensation because she filed her claim more than 180 days after receiving her first discriminatory paycheck.

The decision placed a heavy financial burden on Ledbetter who had had no means of assessing the inequity of her pay situation prior to having received the anonymous tip. The Supreme Court’s decision, as noted by Justice Ruth Bader Ginsberg, failed to recognize the reality of wage practices. Compensation disparities are often hidden from sight. Congress needed to step in to redress the Supreme Court’s decision.

Lilly Ledbetter Fair Pay Act (LLFPA) was introduced in 2007 to the 110th Congress but failed to pass.

In 2008 Senator Barbara Mikulski (D-MD) and 54 co-sponsors re-introduced the bill to the 111th Congress. It was passed by the Senate (although both Alabama senators voted Nay). It was passed by the House of Representatives; (Artur Davis was the only Alabama representative who voted Aye).

The Lilly Ledbetter Fair Pay Act of 2009:
A response to the Supreme Court’s decision to the statute of limitation of 180 days to claim a pay discriminatory action, the Lilly Ledbetter Act resets the 180 days after each discriminatory act (reinstating the way the law had been applied by the EEOC). In addition, the Act allows for recovery of back pay up to two years prior to the complaint. It takes effect retroactively as if enacted on May 28, 2007, the day before the Supreme Court decision on *Ledbetter v. Goodyear Tire*. The LLFPA of 2009 amends the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Americans with Disabilities Act of 1990 and overturns the Supreme Court decision on *Ledbetter v. Goodyear Tire*. Since the Act took effect, 4800 charges have been filed alleging wage discrimination, approximately 1900 were filed by women alleging sex discrimination.

Ledbetter continues to advocate for “The Paycheck Fairness Act” which would close loopholes in the Equal Pay Act, enhance the procedures and remedies available to challenge violations of the law, and provide the government with tools to monitor and address pay inequalities. This bill, which has already passed the House of Representatives, is particularly critical in these economically perilous times, when women and their families are especially vulnerable.

Ledbetter has said, “While my legal battle is long over, I’m still fighting for all the other women and girls out there who deserve equal pay and equal treatment under the law.”