

The Fight for Pay Equity: A Federal Road Map

Updated September 2020

In 2019, median annual earnings in the U.S. for men working full time, year-round were \$57,456, compared to just \$47,299 for women, according to the most recent census data. **That means women were paid just 82% of men's earnings — a gap of 18%.** The gap narrowed over the past half-century, but progress has stalled in recent years. Our federal equal pay laws need an update and agencies can do more to ensure women bring home the pay they have rightfully earned.

Pass federal bills advancing pay equity. Congress must take action to close the gender pay gap by passing legislation that will enable all women to take home a fair paycheck.

- The **Paycheck Fairness Act** would protect workers by updating and strengthening the Equal Pay Act of 1963.
- The **Pay Equity for All Act** would prohibit employers from seeking salary history during the hiring process.
- The **Fair Pay Act** would require employers to provide equal pay for work of equivalent value.

Issue regulations, then implement and enforce agency actions. Agencies must act to identify and close gender and race-based pay gaps by implementing meaningful executive branch actions.

- Prohibit retaliation against employees of federal contractors who discuss or disclose their wages.
- Require employers to annually collect and report summary pay data by gender, race, and ethnicity.
- Ensure more salaried employees receive appropriate overtime pay.
- Require federal contractors to disclose labor law violations.

New Mexico: Tell your member of Congress you want fair pay!

Current Member of Congress	District	Men (2019)	Women (2019)	Earnings Ratio (2019)	Ranking in State*
Haaland (D)	NM-01	\$47,363	\$40,939	86.4%	1
Torres Small (D)	NM-02	\$47,471	\$32,206	67.8%	3
Luján (D)	NM-03	\$46,177	\$36,198	78.4%	2

Source: U.S. Census Bureau, American Community Survey, 2019.

*The congressional districts are ranked from smallest wage gap to largest wage gap.



The Fight for Pay Equity: A State Road Map for New Mexico

In 2019, median annual earnings for men in New Mexico were \$46,982 compared to \$36,659 for women — **an earnings ratio of just 78%, or 38th out of all states and the District of Columbia**, according to the most recent census data. The gap is worse for most women of color and working mothers. With Congressional gridlock at the federal level, states are working to enact their own legislation. Check out which provisions New Mexico still needs to pass to help close the gap.

Protections

- Include equal pay or employment discrimination provision
- Cover all or most employees
- Include protected classes in addition to sex
- Prohibit retaliation/discrimination for taking legal action to secure equal pay
- Prohibit retaliation/discrimination for discussing/disclosing wages
- Prohibit using salary history in hiring
- Make salary range available
- Prohibit job tracking based on sex
- Prohibit reducing another employee's pay to comply with law

Occupational Segregation

- Include comparable work/substantially similar standard
- Include mechanism to guide and enforce pay adjustments

Defenses/Rebuttals

- Narrow reasons employers can use to justify pay differences
- Require consideration of less discriminatory practices
- Prohibit agreement to a lesser wage as a defense

Remedies

- Require liable employer to pay employee's damages
- Require liable employer to pay additional penalties for multiple violations
- Require liable employer to pay employee's costs and attorney's fees

Procedures

- Permit class action lawsuits or joined claims
- Explicitly reset statute of limitations if continuing violation
- Include private right of action

Preventative Measures

- Require employers to keep records of wages
- Require employers to collect data on pay gap
- Create state advisory committee on pay equity
- Sponsor state education and training programs, such as salary negotiation

To learn more, check out AAUW's helpful resources at www.aauw.org/fairpay.