

Uncle Sam shouldn't try to block equal wages for women

4 Los Angeles Herald Examiner, Saturday, February 4, 1984

By Phyllis W. Cheng

Last month, U.S. District Judge Jack Tanner ordered the state of Washington to provide back pay and raises to women who were paid less than men but held jobs of comparable worth. The landmark victory for state workers was the climax of a decade-long effort to halt sex-based wage discrimination violating federal and state laws.

In a surprising move, however, the U.S. Justice Department made it known that it may challenge the decision through a petition to intervene or a friend-of-the-court brief. Justice Department officials cited three reasons for opposing Tanner's decision: First, they claimed that wage discrimination did not exist, because women

hypothetically could have worked at higher-paying jobs, but chose not to. Second, they argued that it is difficult to compare the worth of different jobs. Third, they questioned the economic feasibility of equalizing pay for jobs of equal value.

None of the arguments posed by Justice is new, and each is refutable. Every wage study has found that on the average, women earn two-thirds of what men earn, and that most women are concentrated in 5 percent of the nation's occupations. Economic purists should know that a 1981 study of the National Academy of Sciences found that 60 percent of the wage gap between female and male-dominated jobs cannot be explained by non-biased factors such as supply and demand, differences in education, labor-force experience, commitment or productivity. Women want high-paying jobs like everybody else, but lack of information, investment of worker training and seniority, geographical constraints and sex stereotyp-

ing make it difficult for female workers to move from job to job.

Justice's contention that different jobs can't be compared denies Washington state's own job evaluation study, which revealed a 20 percent disparity in salaries between female and male-dominated jobs requiring comparable skill, effort, responsibility and working

conditions across all jobs to ensure the validity of wage differences.

The Justice Department need only examine the city of San Jose for evidence that implementing comparable worth need not threaten municipal solvency. In 1981, San Jose and the American Federation of State, County and Municipal Employees reached a

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two-year pact to end a strike by city workers. The city put \$1.5 million into a gradual implementation of comparable worth between 67 job classifications for its 4,000 employees. No worker in a male-dominated job received a pay cut, nor did San Jose face bankruptcy. There are some good reasons why the Justice Department should refrain from intervening in the Washington state case.

Comparability would advocate the extension of these existing measurements one step further

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First, the law is on the side of the workers. Title VII of the 1964 Civil Rights Act prohibits discrimination in employment. In 1981, the U.S. Supreme Court interpreted Title VII to cover any form of sex-based discrimination in wages or compensation. In the precedent-setting *County of Washington v. Gunther* case, matrons of a county jail contended that they were denied equal pay for performing jobs similar, but not identical, to those of male guards. The Supreme Court ruled in favor of raising wages comparably for the jail matrons.

Second, opposing the Washington decision would contradict the policies of the Reagan administration, which support states' rights and local autonomy. The appeals process should be left to parties to the suit without federal intervention.

Third, overreaction to comparable worth only draws attention to the issue. Already a number of presidential candidates have en-

dorsed the concept. Resistance to comparable worth could backfire during an election year, or lead to stronger legislation by Congress.

Fourth, even though the president is ahead in the polls, the gender gap is still an ever-present reality among women voters. Republican legislators are attempting to mend fences with women's groups by introducing the Economic Equity Act, which would improve day-care service and child-support laws and offer tax incentives to employers who hire widowed or divorced women. Any opposition to comparable worth flies in the face of women's economic equity.

Fifth, comparable worth is morally and ethically defensible. Anyone who justifies low wages for women by free-market competition will find it hard to explain away slavery and child labor. As Judge Tanner explained, "No employer has a right to finance its operations on the backs of women."

The Justice Department would be wise to reconsider its plan. ■