

Statement of

The Honorable Dianne Feinstein

United States Senator

California

September 23, 2008

Thank you, Mr. Chairman. Congress passed Title VII and the Equal Pay Act almost fifty years ago to prevent employers from paying people less because of their race, sex, religion, or national origin.

Although this law has been a great success in many respects, fair pay problems persist and our courts have recently weakened rather than enforced Title VII's protections. I believe that we must be vigilant to ensure that women are not unfairly discriminated against in the workplace.

As the only woman on this Committee, I am particularly concerned about the problems facing women in the workplace and the overwhelming struggles that women are encountering as they try to maintain financial security in the current economic crisis.

During this year's presidential campaign, the nation's attention has focused at times on obstacles to women's progress in the workplace. There is much still to be done to make sure that employers judge women based on performance and not on extraneous factors such as appearance or the ability to fit into a male-dominated workplace.

We also have yet to resolve the difficulty that women have maintaining their careers while also bearing and raising children.

In today's strained economy, however, there is no issue more important for women than their financial security.

Put simply, women are still not paid as much as men, even when they do the exact same job.

Last month, the U.S. Census Bureau reported that women who work full time earn, on average, only 78 cents for every dollar that men earn. (U.S. Census Bureau and the Bureau of Labor Statistics. (August

2008). Annual Demographic Survey.) And as of last year, college-educated women with equal education, equal training, similar family situations, and equal hours to their male counterparts earned 5% less than men one year out-of-college, and 12% less nine years later. (Amer. Ass'n of Univ. Women, Behind the Pay Gap).

Lower paychecks are not the only problem. In a recession, women suffer disproportionately under almost every economic measure. As of April of this year:

- Women were losing jobs faster than men;
- Women's wages were falling more rapidly than men's;
- Women were disproportionately at risk for foreclosure and 32% more likely to receive subprime mortgages than men;
- Women had fewer savings than men; and
- Non-married women had a net worth 48% lower than non-married men.

Once retired, women find themselves in even greater financial jeopardy.

On average, women live approximately seven years longer than men, but they receive significantly fewer retirement benefits.

Among women above retirement age, some do not receive any benefits at all because they have spent their working years inside the home caring for their children. Women who did work outside the home were often paid significantly less than their male counterparts. Their pension checks reflect this fact: their pension checks are - as their paychecks once were - lower than those of their male colleagues.

This problem is compounded even further by bad company practices that leave women with no benefits at all for some periods during their careers. Before Congress passed the Pregnancy Discrimination Act, many employers refused to recognize women's health issues as health issues. These companies denied

women benefits for the weeks or even months that they were forced home due to pregnancy-related medical issues.

These problems deserve our immediate attention.

Right now, all Americans are concerned about downturns, layoffs, stagnant wages, and pay cuts. For the women on whom these burdens disproportionately fall, the concerns are even greater.

The federal courts and the Equal Employment Opportunity Commission should provide a forum where women can seek relief when employers try to cut corners by unfairly reducing their pay and benefits. In recent years, however, rather than a level playing field, the courts have become hostile to employees' claims.

Under Chief Justice Roberts' leadership, it has become commonplace for the court to narrow and constrict federal laws like Title VII rather than enforce them as Congress intended.

I am a co-sponsor of the bill to reverse the Ledbetter decision, and I favor passage of that bill; but it is my sincere hope that the courts will shift again and that it will no longer be necessary for Congress to restate the protections in laws that Congress has already passed.

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