

## **H.R. 12: Paycheck Fairness Act**

The Paycheck Fairness Act was introduced on March 6, 2007 by Senator Hillary Clinton (D-NY) and Representative Rosa DeLauro (D-CT). Its purpose is to strengthen the Equal Pay Act of 1963. The bill would expand damages under the Equal Pay Act, would stiffen penalties for employers engaging in gender-based pay discrimination, and provide protection to employees who share salary information with colleagues. The Paycheck Fairness Act also calls for a study of data collected by the EEOC and proposes voluntary guidelines to show employers how to evaluate jobs with the goal of eliminating unfair disparities.

The House of Representatives met on January 9, 2009 to vote on H.R. 12. The Act passed through the House with 256 (59%) Yea votes and 163 (38%) Nay votes. West Virginia Representatives Alan Mollohan (D) and Nick Rahall (D) voted Yea, while Shelley Moore Capito (R) voted Nay. The bill will now go on to be voted on by the Senate.

The Paycheck Fairness Act holds the idea that only discrimination can explain why female dominated careers, such as teachers, are inclined to earn lower wages than male dominated careers, such as truck drivers. However, most of these pay differences can be explained by experience, schooling and/or job characteristics. The market, or in the case of teachers, the government, is the main salary setter. This legislation would open the floor for more litigation and disrobe companies of certain defenses against claims of discrimination that are sex oriented. The bill would also make it easier to bring class action lawsuits and allow plaintiffs to claim unlimited punitive damages, even in cases of unintentional discrimination. The W.Va. Chamber of Commerce joins a large array of business advocacy organizations in opposing this bill as currently written.

*\*The Motion to Recommit with Instructions: H.R. 12 Paycheck Fairness Act failed with a total of 178 (41%) Yea votes and 240 (56%) Nay votes. West Virginia Representatives Alan Mollohan (D) and Nick Rahall (D) voted Nay, while Shelley Moore Capito (R) voted Yea.*