

GOT EQUAL PAY? Lesson Plan

55-minute lesson plan with optional instructional supports: Modify for classroom use for EQUAL PAY DAY, April 10, 2018 (www.pay-equity.org)

Prepared by 9to5 California, National Association of Working Women

Examples of Applicable California State Education Dept.

History-Social Sciences Content Standards (if still the same after revisions since 2016)

U.S. History, Grade 11

Standard 11.10 Students analyze the development of federal civil rights and voting rights: #7. “Analyze the women’s rights movement from the era of Elizabeth Stanton and Susan Anthony and the passage of the Nineteenth Amendment to the movement launched in the 1960s, including differing perspectives on the roles of women.”

Standard 11.11 Students analyze the major social problems and domestic policy issues in contemporary American society. #6. Analyze the persistence of poverty and how different analyses of this issue influence welfare reform, health insurance reform, and other social issues.

Principles of American Democracy, Grade 12

Standard 12.3 Students evaluate and take and defend positions on what the fundamental values and principles of civil society are. #2. Explain how civil society makes it possible for people . . . to bring their influence to bear on government in ways other than voting and elections.

Principles of Economics, Grade 12

Standard 12.4 Students analyze the elements of the U.S. labor market in a global setting: #3. Discuss wage differences among jobs and professions, using the laws of demand and supply and the concept of productivity.

JOURNAL TOPICS (Optional)

1) “Change the Workplace, Change the World” 9to5, National Association of Working Women

2) “Injustice anywhere is a threat to justice everywhere.” Martin Luther King, Jr.

OBJECTIVES

Students will be able to define equal pay and the wage gap as economic terms. Students will be able to identify three social benefits of equal pay – to women, men and families. Students will transfer this learning to their individual career plans.

MOTIVATIONAL IDEA

Pass out 3/4 cookies (cut away a piece of each cookie) in sandwich bags. Ask students where they think the missing 1/4 cookie is. The day's lesson aims to help them find out.

OPENING QUESTION

What can we learn from our own work experiences?

Directions: Go around the room and ask each person to tell about their first job. Or, to get more honest feedback, pass out small slips of paper and ask students to anonymously record their gender, the first job title they had and their hourly wage (no names). Collect the information and list job titles and pay rates by gender on the board. This open-ended activity may bring out some interesting conversations.

Samples of Jobs (students can compare the starting wages of males and females):

<u>Job Title</u>	<u>Male Entry-Level Pay Rate</u>	<u>Female Entry-Level Pay Rate</u>
Cashier		
Stock Worker		
Construction Helper		
Wait Staff		
Receptionist		

VOCABULARY

After discussion (optional), write definitions on board for students to copy.

What is Equal Pay?

Equal wages (including benefits) paid for equal work, to people holding the same job, regardless of gender. Equal pay is a top concern of women in the workforce.

What is the Wage Gap?

The difference between men's earnings and women's earnings. The wage gap between the median wages paid to men and the median wages paid to women in 2017 was 20 percent, based on fulltime, year-round work. Another way to talk about it is to generalize that for each dollar an average man earned, an average woman made 80 cents. (according to data released by the U.S. Census Bureau)

What is Equal Pay Day?

The day chosen to reflect (symbolically) the point into the new year to which a woman must work to be paid the wages paid to a man in the previous year alone. In other words, because most women are paid less, they must work longer for their wages in order to "catch up" to what men are paid for the same work or for work that requires comparable levels of skills, training, and responsibility. Tuesday is used because it takes until Tuesday for women to "catch up" from the week before – but they never do catch up, of course.

What is Pay Equity / Comparable Worth?

Pay equity, also called comparable worth or fair pay, is a remedy for one type of wage discrimination against women — that which occurs when jobs filled predominantly by women are paid less than other jobs filled primarily by men, even though they require similar levels of skill, effort, responsibility and working conditions. Several states and many cities and counties have at least partially implemented pay equity for government employees' salary-setting. In the private sector, many firms have conducted their own job evaluation studies to ensure their companies pay men and women equally for similar levels of education, experience, responsibility, skills, working conditions and other factors,

even if the job titles are different. For several years, the Fair Pay Act has been introduced into Congress to strengthen the Equal Pay Act of 1963. The Fair Pay Act would help women to attain pay equity.

ACTIVITIES:

1) **Read (individually or out loud to the group) “Case Studies from the Workplace” (see attached READINGS pages)**

For each reading, students will be asked to think about and answer the following question:

What is the problem (the wage gap) in this story?

What is being done about it?

- a) Female Custodians Settle Lawsuit (federal government)
- b) Female Workers at Lawrence Livermore National Laboratories
- c) Wal-Mart Class Action Lawsuit for Equal Pay
- d) Ledbetter v. Goodyear Tire & Rubber Company

2) **Discussion: Divide class into small groups (3-4 maximum); give each group one of the following assignments; facilitate a "report back" session. Students have to come up with their own answers.**

- a) Name three benefits to women of equal pay
- b) Name three benefits to men/families of equal pay for women
- c) Name three reasons that explain why women workers, as women, still facediscrimination and unequal pay in the workplace
- d) Name three things that women can do to protect themselves and their pay

3) **Another discussion idea: Students are asked to stand next to one of several posted wall signs that represents their choice of pay.** Possible signs are: Same Pay for All; Equal Pay for Equal Work; Better Pay for Hard Workers. Each cluster then has to explain to class its reasons for its choice.

FOLLOW-UP ACTIVITIES

1) Students may write a letter to their newspaper about Equal Pay Day. There may be specific rules for student letters, identification of letter writers, etc. Students might research their career/occupational interests re pay scales, using information from the U.S. Department of Labor — and put together a chart that compares and contrasts different job choices. For more information, visit <http://www.mynextmove.org/>

2) Work with your local AAUW to bring a Start Smart workshop to your school or community. For more information, contact the Santa Clara County Office of Women’s Policy, 70 West Hedding, 11th floor, San Jose CA 95110 or owp@ceo.sccgov.org

READINGS — Case Studies from the Workplace

a) *Female Custodians Settle Lawsuit against the U.S. for \$2.5 Million*

In November 2001, more than 300 current and former female custodians won a \$2.5 million settlement resulting from an equal pay lawsuit filed against AOC (Architect of the Capitol, Inc.) in 1997 by a group of African American female custodians on Capitol Hill. The lawsuit alleged violations of the Equal Pay Act and Title VII of the 1964 Civil Rights Act. It charged that female custodial workers were paid significantly less than their male co-workers for performing essentially the same work. Custodians working at the Capitol, in Washington DC, are federal civil servants. At the time the suit was filed, the highest pay possible for a female custodian to earn was \$10.08 per hour. For male custodians, the highest pay possible to earn was \$11.10 per hour. The disparity was due to discriminatory federal Wage Grade classifications. Women were classified under WG-2 and men under WG-3. Under the settlement, all custodians, male and female, were to receive upgrades to WG-3. Lump sum payments of approximately \$1000 to \$8000 were to be paid to each female represented. The federal government, which had contracted with the AOC as a private firm to clean the Capitol, defended the firm through the U.S. Justice Department. As a result of the settlement, the government was required to pay not only the \$2.5 million, but also the attorneys' fees and costs of class counsel for the plaintiffs. The judge in the case was U.S. District Court of D.C. Judge Emmet Sullivan. *Harris v. Office of the Architect of the Capitol* was the first class action lawsuit filed under the Congressional Accountability Act, which applies to the legislative branch of the federal government various statutes and regulations previously not applicable to Congress. <https://www.afscme.org/news/publications/newsletters/works/januaryfebruary-2002/architects-of-victory>

b) *Female Workers at Lawrence Livermore National Laboratories – Sex Discrimination Suit*

In 1998, six women members of the Society of Professional Scientists and Engineers at Lawrence Livermore Lab filed a class action sex discrimination lawsuit on behalf of 3,000 current and former female employees of the Lab. It alleged a pattern and practice of discrimination and unequal pay across several decades. The lead plaintiff was Mary Singleton, a chemist who worked 22 years at the Lab until retirement. The Women's Association at the Lab had studied salary pay scales and found women's salaries significantly lower than men's for most of the 100 classifications. Women were also not being equally represented in the higher ranking, higher paying classifications, although there were more women than men in the pool to choose among for promotions. According to the attorney for the plaintiffs, Mark Johnson, "women have been misled for years that something would be done about gender bias, so many women didn't file lawsuits." The lawsuit covered only women who worked at the lab from 1997 to the present. It was settled successfully for the women, as of Fall 2003. For more information, inquire about the Ranking and Pay Equity FACT Sheet which was on the SPSE website for 2005. <http://www.upte.org/local/spse/> has an option for contacting the union.

c) *Wal-Mart Class Action Lawsuit for Equal Pay*

In June 2001, six current and former Wal-Mart women employees filed a lawsuit in San Francisco's U.S. District Court against the nation's largest private employer, charging discrimination in pay, promotions, training, and job assignments. It also charged that WalMart retaliates against women who complain against such practices. The class-action suit represented more than 500,000 female workers. The lawsuit alleged that male Wal-Mart workers get higher pay than women for the same duties and that Wal-Mart passes over women for promotion and training. Of the company's 1 million employees, about 2/3

are female but women hold less than 1/3 of managerial positions. Women bringing the suit said they were routinely denied the chance to move up in the company because they were not made aware of openings or given the training needed to advance. Betty Dukes said she also had been rebuffed in attempts to be promoted. Jobs became available that were never posted and were then filled by men. Women were routinely assigned to certain areas of stores, like selling baby clothes, as opposed to goods like hardware. "I can mix a can of paint," one woman said. (See NY Times, June 20, 2001 "6 Women Sue Wal-Mart, Charging Bias" and *Selling Women Short*, by Liza Featherstone, 2004 – public libraries have electronic access) Contact Equal Rights Advocates to inquire re current efforts: <http://www.equalrights.org/about-era/contact-us/>

d) *Ledbetter v. Goodyear*

The 5-4 Supreme Court decision in 2007 in *Ledbetter v. Goodyear* made it virtually impossible for women who face pay discrimination to take action against their employers. The ruling (that complaints had to be filed within six months of the original act of discrimination) distorted Congress' intent to eliminate gender-based and other forms of discrimination in the workplace. That's why the first bill that President Obama signed, on January 29, 2009, was so important. The Lilly Ledbetter Fair Pay Restoration Act restores the long-term interpretation of the deadline to be a realistic one of 180 days after any discriminatory paycheck. <https://nwlc.org/resources/lilly-ledbetter-act-five-years-later-law-works>

Check <http://thomas.loc.gov> and www.pay-equity.org for updates on federal legislation: Paycheck Fairness Act and Fair Pay Act.

See also <http://leginfo.legislature.ca.gov> re 2015's successful California bill: SB 358 (choose Session Year: 2015 - 2016) including Labor Code Section 1197.5(j) against penalties for sharing salary information.

RESOURCES

More Lesson Ideas and Resources:

www.classroomtools.com/howmuch.htm (copyright 2000-2015)

These lessons are on the workforce, and help students understand pay equity at the same time they improve math and economics skills and concepts. Statistics (some out-of-date) used in the charts and quizzes are from the U.S. Department of Labor, with resources and websites.

www.pay-equity.org

Recommended Books:

Working -- Studs Terkel

Nickel and Dimed: On Not Getting by in America -- Barbara Ehrenreich

Selling Women Short: the landmark battle for workers' rights at Wal-Mart – Liza Featherstone

Getting Even: why women aren't paid like men and what to do about it -- Evelyn Murphy

Ask For It: How Women Can Use the Power of Negotiation to Get What They Really Want – Linda Babcock and Sara Laschever