



Equal Pay Toolkit

RESOURCE MANUAL

State Public Policy Committee
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Table of Contents

INTRODUCTION	3
DATES TO KNOW IN 2018	4
ABOUT PAY EQUITY IN OREGON	5
BY THE NUMBERS	5
CURRENT STATUS OF THE FIGHT FOR PAY EQUITY	5
OREGON'S EQUAL PAY ACT OF 2017	6
ENFORCEMENT THROUGH THE BUREAU OF LABOR & INDUSTRIES (BOLI)	6
ENFORCEMENT THROUGH FILING A CIVIL LAWSUIT IN COURT	7
CLAIMS	7
LEARN ABOUT PAY EQUITY	8
GENERAL RESOURCES	8
OREGON INFORMATION	8
IDEAS FOR TAKING ACTION	9
BECOME A TWO-MINUTE ACTIVIST	9
ENGAGE YOUR MEMBERS	9
ORGANIZE LUNCH-AND-LEARNS	9
ADD PAY EQUITY TO YOUR BOOK CLUB	10
SPONSOR AN ESSAY CONTEST	10
RECOGNIZE EQUAL PAY DAY IN YOUR COMMUNITY	10
MAKE A PUBLIC SERVICE ANNOUNCEMENT	10
HOST A PUBLIC INFORMATION FORUM	11
BUILD ALLIANCES	11
TAKE A STAND (OR A TABLE)	11
MEET WITH YOUR LEGISLATOR(S)	12
GET A PROCLAMATION	12
ISSUE A PRESS RELEASE	12
SEND A LETTER TO THE EDITOR	12
MATERIALS	13
HANDOUTS	13
POSTERS	14
PRESENTATIONS	14
SAMPLE PRESS RELEASE	14
TALKING POINTS FOR LETTERS TO THE EDITOR	15
REPORTING	17
UPCOMING ACTIVITIES & EVENTS	17
REPORT BACK ON ACTIVITIES & EVENTS	17

Introduction

The State of Oregon has a long tradition of creating new and innovative legislation and programs that foster social change. The 2017 Legislative Session was particularly successful in sponsoring and ultimately approving bills that directly support women's and girls' access to reproductive health care, education, and fair pay. Many new women legislators along with groups like AAUW were key in making these bills a reality. Ultimately, AAUW of Oregon sees a role for local Branches to help their local communities understand all aspects of the Equal Pay Act which strives to obliterate the practice of paying women less than men.

The goal of the Fair Pay Tool Kit is to enable AAUW Branch members to get the word out about the Fair Pay Act at the local level by providing effective tools to be used to educate a wide variety of targeted audiences. It is work in progress and will be improved continuously. As the kit is used in the field, materials will be revised and new items added reflecting best practices in Oregon and in the nation.

We realize that not everyone will be comfortable with the active education role. So, along with the Toolkit, AAUW of Oregon will provide opportunities for Branch members to learn how to address targeted audiences through a statewide training program. Success of this effort will depend upon the desire of local Branch members to carry the important message of fair pay to the desired audience and the ability to present materials and information to an audience using good presentation and listening techniques.

The following materials in the Tool Kit include a list of potential groups for presentations, samples of articles and press releases, brochures, frequently asked questions, and one-pagers outlining the basics of the Fair Pay Act. We look forward to all communities in Oregon understanding and enjoying their right to fair pay!

Dates to Know

Timing is key in planning activism, programming and events. AAUW maintains a complete list of anniversaries and events throughout the year (available at <https://www.aauw.org/resource/events-and-deadlines-calendar>).

Here is a list of important dates in 2019 for pay equity ...

- **January 29:** Lilly Ledbetter Fair Pay Act signed into law in 2009
- **February:** Black History Month
- **March:** Women's History Month
- **March 5:** Asian Pacific Islander women's equal pay day
- **April 2:** All women's equal pay day
- **May 30:** Mother's equal pay day
- **June:** Women in Science and Technology month
- **June 10:** Equal Pay Act signed into law in 1963
- **June 23:** Anniversary of signing Title IX into law
- **August 18:** National Women's Equality Day – anniversary of 19th Amendment
- **August 22:** Black women's equal pay day
- **September 23:** Native American women's equal pay day
- **October 6:** Oregon Equal Pay Act signed into law in 2017
- **November 20:** Latina equal pay day

The next Equal Pay Day is March 31 2020, which symbolizes how far into the year women must work in order to earn what men earned in the previous year.

SUGGESTIONS: Pay equity events could also be planned and executed around local events such as farmer's markets, county fairs, city events, job fairs, etc.

About Pay Equity in Oregon

BY THE NUMBERS

- As of 2017, the earnings ratio for women in Oregon was 82% — that is, for every dollar that men in Oregon earn, women earn only 82 cents. In terms of pay equity, Oregon ranks 20th out of all states and the District of Columbia.¹
- The earnings ratios are even worse for women of color and mothers in Oregon.^{2,3}
 - Asian American women: 79%
 - White, non-hispanic women: 78%
 - Mothers: 73%
 - African American women: 68%
 - Native American women: 60%
 - Latinas: 51%
- As of February 2019 earnings ratios by Congressional district⁴
 - District 1, Bonamici (D): 82.2%
 - District 2, Walden (R): 83.1%
 - District 3, Blumenauer (D): 83.9%
 - District 4, DeFazio (D): 79.4%
 - District 5, Schrader (D): 79.9%

¹ Source: https://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=The_Simple_Truth

² Source: <https://nwlc.org/resources/wage-gap-state-state>

³ Source: <https://nwlc.org/resources/the-wage-gap-for-mothers-state-by-state-2017>

⁴ Source: https://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=Gender_Pay_Gap_Oregon

OREGON'S EQUAL PAY ACT OF 2017

Oregon's Equal Pay Act was signed into law on October 6, 2017⁵. Here are some key highlights of the law ...

- Employers cannot ...
 - Pay less (salary/wages and benefits) because of sex, race, color, religion, sexual orientation, national origin, marital status, age, disability or veteran status;
 - Pay a co-worker more for a comparable job unless the entire pay gap is based on the following factors, or any combination of factors as long as they account for the entire difference or if one or more of the factors is contained in a collective bargaining agreement: a seniority system, a merit system, a system that measures earnings by quality or quantity of production, education, training, experience, workplace locations and/or necessary and regular travel;
 - Pay an employee less than she is entitled to, even it has been agreed to;
 - Screen job applicants based on current or past compensation or determine the amount of salary on that basis;
 - Ask a potential hire about earnings history until after a job offer (including compensation) has been made;
 - Cut pay (employee's or co-worker's) to follow the law;
 - Retaliate or discriminate against employees for discussing salary/wages or asking for equal pay.
- The law applies to Oregon employees even if the employer is headquartered in another state.
- Employers must post an Equal Pay poster at each work site and in a conspicuous place where employees can regularly view it. [See below]
- Employers found to violate these rules may be liable for unpaid wages, attorney's fees, compensatory and punitive damages.
- The ability of an employee to file a claim with the Bureau of Labor and Industry or in court which is based on an employer having inquired about earnings history cannot be filed until January 2024.
- Employers may avoid compensatory and/or punitive damages if they have completed a pay equity analysis within 3 years before an employee complaint is filed.
 - The analysis must be made in good faith, be reasonable in detail and scope based on the size of the employer and include a review of pay practices that are designed to eliminate unlawful wage differentials.
 - The employer must also have made substantial progress toward eliminating wage differentials for all its employees.

⁵ Source: <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2005/Enrolled>

There is only one thing a woman should have to do to get paid as much as a man: Her job.

ENFORCEMENT THROUGH THE BUREAU OF LABOR & INDUSTRIES (BOLI)

- The official BOLI Rules interpreting the Equal Pay Act can be found at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3833>
- BOLI also offers free best practice guides for businesses that want to foster equal pay in the workplace (https://www.oregon.gov/boli/TA/pages/Equal_Pay_Best_Practices.aspx). Topics include ...
 - Fair recruiting and promotion of women
 - Fair compensation and initial salary
 - Joint evaluation and pay-for-performance
 - Encouraging mentorships and role models
 - Accommodating pregnant employees
 - On-site child care
- Oregon employers are required to post the Equal Pay poster in a conspicuous place where employees can regularly view it. Employers with more than one location must display the poster at each worksite. The Equal Pay poster is available, in English and Spanish, on the BOLI website at (https://www.oregon.gov/boli/ta/pages/req_post.aspx).

ENFORCEMENT THROUGH FILING A CIVIL LAWSUIT IN COURT

- You may be able to recover back pay, plus compensatory or punitive damages, attorney's fees and/or obtain injunctive relief. Injunctive relief means that a court can require an employer to do something or to stop doing something; it doesn't necessarily involve monetary recovery.
- You have the right to a jury trial.

CLAIMS

- Complaints and lawsuits must be filed within 1 year from the date of the unlawful pay discrimination.
- Claims based on asking a potential new hire about earnings history can be filed with the Bureau of Labor and Industries or in a civil lawsuit as of January 2024;
- If a complaint is filed with the Bureau of Labor and Industries, the employer is liable only for back pay.
- If a claim is filed in civil court, the employer may be liable for back pay, compensatory and punitive damages and attorney's fees.

Learn About Pay Equity

AAUW has long believed that pay equity and equal opportunity are simple matters of fairness. As a leader in the fight to end wage discrimination and open doors for women in the workplace, AAUW has many resources to help you get acquainted with the facts and issues surrounding pay equity.

GENERAL RESOURCES

- **AAUW issues: Gender pay gap** (available at <https://www.aauw.org/what-we-do/public-policy/aauw-issues/gender-pay-gap>)
- **Quick facts about the gender pay gap** (available at <https://www.aauw.org/files/2016/01/GenderPayGapQuickFacts-nsa.pdf>)
- **The simple truth about the gender pay gap** (available at <https://www.aauw.org/files/2017/09/TheSimpleTruthFall2017OnePager-nsa.pdf>)
- **States notch multiple equal pay victories in 2017** (available at <https://www.aauw.org/2017/10/13/state-equal-pay-victories-in-2017>)
- **Overcoming the “model minority” myth: AAPI women are not paid equally** (available at <https://www.aauw.org/2016/03/15/aapi-equal-pay-day>)
- **At work, Dads get a bonus, but Moms get a penalty. What gives?** (available at <https://www.aauw.org/2016/05/06/dads-get-a-bonus-but-moms-get-a-penalty>)
- **The pay gap is even worse for black women, and that’s everyone’s problem** (available at <https://www.aauw.org/2015/07/21/black-women-pay-gap>)
- **Native women have to work 9 extra months to make the same salary as white men made last year** (available at <https://www.aauw.org/2015/09/03/native-women-gender-pay-gap>)
- **How would you like to work the same hours for half the pay? That’s the gender pay gap for Latinas** (available at <https://www.aauw.org/2015/10/08/pay-gap-for-latinas>)

OREGON INFORMATION

- **The gender pay gap by state and congressional district** (available at <https://www.aauw.org/resource/gender-pay-gap-by-state-and-congressional-district>)
- **The fight for pay equity: A state road map for Oregon** (available at https://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=Gender_Pay_Gap_Oregon)
- **House Bill 2005: Oregon Equal Pay Act of 2017** (not-so-quick read, available at <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2005/Enrolled>)
- **Technical assistance for employers on the Equal Pay Law** (available at <http://www.oregon.gov/boli/TA/Pages/Equal%20Pay%20Law.aspx>)

Ideas for Taking Action⁶

BECOME A TWO-MINUTE ACTIVIST

Sign up for AAUW's Action Network (<https://www.aauw.org/what-we-do/public-policy/two-minute-activist>). Do this yourself and encourage others to sign up as well.

Members of the action network receive urgent e-mail notices and/or text messages when their grassroots advocacy is needed most. Using the two-minute activist tool, you can quickly and easily contact your legislators, encouraging them to take action on issues (like pay equity) that impact women and girls. All it takes is a couple of minutes and an internet connection.

ENGAGE YOUR MEMBERS

The best advocate for pay equity is an informed one. Start close to home by engaging current members.

- Set aside time at a branch meeting to talk about pay equity – educate the group about the current status of pay equity and laws in Oregon, and find out about your fellow members' experiences.
- Talk to your newsletter editor about including an article on pay equity in your next newsletter.

The Handouts, Posters and Presentations referenced in the Materials section of this document will be useful for this purpose.

ORGANIZE LUNCH-AND-LEARNS

Invite friends, neighbors and colleagues to an informational session about pay equity – what it is, how it affects them and what they can do to advance the cause. The event doesn't have to include lunch, nor does it need to happen over the lunch hour.

You can also reach out to groups who may be interested in the topic of pay equity. For example ...

- Local civic organizations, city clubs, libraries and Chambers of Commerce
- Professional and business networking groups (e.g., Business Networking International, Women in Business, Society for Human Resource Management, etc.)
- Elks, Kiwanis, Lions, Rotary, Soroptimists and Zonta Clubs (to name a few)

⁶ Source: Adapted from <https://www.aauw.org/files/2013/11/AAUW-Pay-Equity-Resource-Kit-2013Nov-nsa.pdf>

- High schools, community colleges and universities

The Handouts, Posters and Presentations referenced in the Materials section of this document will be useful for this purpose.

ADD PAY EQUITY TO YOUR BOOK CLUB

Why not take the opportunity to discuss books on pay equity and women in the workplace? Some suggestions for books on the subject include ...

- Lilly Ledbetter’s **Grace and Grit** (available at https://www.amazon.com/Grace-Grit-Fairness-Goodyear-Beyond/dp/0307887928/ref=sr_1_1?ie=UTF8&qid=1331152946&sr=8-1)
- Sheryl Sandberg’s **Lean In** (available at https://www.amazon.com/s/ref=nb_sb_noss_1?url=search-alias%3Dstripbooks&field-keywords=lean+in)
- Margot Lee Shetterly’s **Hidden Figures** (available at https://www.amazon.com/Hidden-Figures-American-Untold-Mathematicians-ebook/dp/B0166JFFD0/ref=sr_1_1?s=books&ie=UTF8&qid=1514243960&sr=1-1&keywords=hidden+figures)

SPONSOR AN ESSAY CONTEST

Work with your local school, community college or university to hold an essay contest. Possible topics include: “What I would do with an extra 21%” or “What equal pay for equal work means to me.” In addition to getting students thinking seriously about pay equity, this can also be used as a selection process for student scholarships.

RECOGNIZE EQUAL PAY DAY IN YOUR COMMUNITY

Use Equal Pay Day (April 10, 2018) to get the word about pay equity. Any of the ideas in this section can be planned to coincide with that that date.

MAKE A PUBLIC SERVICE ANNOUNCEMENT

Make a public statement and show your support for pay equity. Some easy and inexpensive ways of doing this include ...

- Posting fliers on public bulletin boards in places of interest, such as libraries, coffee shops, local stores.

- Sharing images and messages on social media (available at <https://www.aauw.org/fairpay> and <https://www.aauw.org/2017/12/14/your-favorite-holiday-songs-the-feminist-remix>).

HOST A PUBLIC INFORMATION FORUM

Conduct a public information forum to raise awareness about pay equity and the discrimination confronting women in the workplace. In addition to having branch members as speakers at such events, consider inviting an outside expert or even a panel of experts. Speakers and panelists can be recruited locally through community technical experts (like the local union) or from representative state groups and agencies. The Bureau of Labor and Industries (BOLI) is responsible for the oversight and implementation of the Fair Pay Act and would be a great technical expert in all areas of Act. Other state groups like the Oregon Women’s Equity Coalition and The Women’s Foundation have a lot of knowledge on the potential impact of the Act on local women. State business and industry groups would give a good perspective of the impact of the Act on business and how businesses will internally organize to accommodate the requirements in the bill.

BUILD ALLIANCES

A coalition is likely to have more power and leverage than a single organization. It can assist with capacity-building, information-, resource- and expertise-sharing, and reach a broader audience. Identify some key pay equity advocates and organizations, especially those representing marginalized women (for example, Adelante Mujeres, Basic Rights Oregon, Women Empowering Women for Indian Nations, etc.). Use the tips from AAUW (<https://www.aauw.org/files/2013/06/Tips-for-Building-Effective-Coalitions-Handout.pdf>) as well as the Handouts, Posters and Presentations referenced in the Materials section of this document will be useful for this purpose.

TAKE A STAND (OR A TABLE)

Tabling at a community event – for example, farmer’s markets or school/college/university job fairs – is a great way to get the word out about pay equity and increase AAUW’s visibility in the community. Use the guidance provided on the AAUW website (<https://www.aauw.org/resource/how-to-tabling>) as well as the Handouts, Posters and Presentations referenced in the Materials section of this document will be useful for this purpose.

MEET WITH YOUR LEGISLATOR(S)

Schedule in-district meetings with your state representatives or members of Congress to thank them for their service and encourage them to support pay equity legislation. AAUW's Lobby Day is a great time to schedule a visit at the Capitol in Salem. Either way, you can find guidance on preparing for the meeting on the AAUW website (<https://www.aauw.org/resource/how-to-hold-a-meeting-with-your-elected-officials>).

GET A PROCLAMATION

Encourage your city council and/or mayor to proclaim "Equal Pay Day" in your community. You can find a sample proclamation on the AAUW website (<https://www.aauw.org/resource/equal-pay-day-proclamation>).

ISSUE A PRESS RELEASE

As branches engage communities in discussions about pay equity at forums, meetings and other group events, **issuing a press release is an effective way to publicize the event.** The Sample Press Release included in the Materials section of this document can be customized to accommodate any event.

SEND A LETTER TO THE EDITOR

Letters to the Editor are among the most widely read features in newspapers and magazines, making them a great way to reach large audiences about issues of significance to them. For inspiration, see Kathy Brandon's letter to the editor in the Mail Tribune (available at <http://www.mailtribune.com/opinion/20171110/letters-to-editor-nov-10>). Use the guidance provided by AAUW (available at <https://www.aauw.org/resource/lte-vs-op-ed>) and the Talking Points for Letters to the Editor included in the Materials section of this document (below) to get started on your own letter to the editor regarding pay equity in Oregon.

REPORT BACK ON ACTIVITIES & EVENTS

Reporting is a critical aspect of advocacy activities and events. As the event-organizer, it gives you an opportunity to get help, maximize your event's reach as well as to share your excitement and experiences. It also helps AAUW of OR keep track of goings on and learn from the successes of those closest to the events.

Use the report-back form (available at <https://www.aauw.org/resource/advocacy-event-activity-report-back-form>) to tell us about your recently-hosted activity or event.

Materials

HANDOUTS

- **Quick facts about the gender pay gap** - available at <https://www.aauw.org/files/2016/01/GenderPayGapQuickFacts-nsa.pdf>
- **The simple truth about the gender pay gap** - available at <https://www.aauw.org/files/2017/09/TheSimpleTruthFall2017OnePager-nsa.pdf>
- **The fight for pay equity: A state road map for Oregon** - available at https://www.aauw.org/aauw_check/pdf_download/show_pdf.php?file=Gender Pay Gap Oregon
- **Employees should know ... Oregon's Equal Pay Act** - available at https://aauw-or.aauw.net/files/2018/02/Equal-Pay-1P_Employee_English.pdf
- **Employers should know ... Oregon's Equal Pay Act** - available at https://aauw-or.aauw.net/files/2018/02/Equal-Pay-1P_Employer.pdf
- **Frequently asked questions ... Oregon's Equal Pay Act** available at https://aauw-or.aauw.net/files/2018/02/Equal-Pay_Public-FAQs.pdf
- **Oregon BOLI's Equal Pay poster**
 - English (available at <https://www.oregon.gov/boli/TA/docs/Equal Pay Poster.pdf>)
 - Spanish (available at <https://www.oregon.gov/boli/TA/docs/Equal Pay Poster ES.pdf>)
- **Oregon BOLI's Equal Pay best practices guides for employers**
 - The Business Case for Fair Recruiting and Promotion of Women - available at <https://www.oregon.gov/boli/TA/docs/Fair%20Recruiting%20and%20Promotion%20102015%20Orev.pdf>
 - The Business Case for Fair Compensation and Initial Salary - available at <https://www.oregon.gov/boli/TA/docs/Fair%20Compensation%20102015.pdf>
 - The Business Case for Joint Evaluation and Pay-for-Performance - available at <https://www.oregon.gov/boli/TA/docs/Pay%20For%20Performance%20102015%20rev.pdf>
 - The Business Case for Encouraging Mentorships and Role Models - available at <https://www.oregon.gov/boli/TA/docs/Mentorships and Role Models 102015 rev.pdf>
 - The Business Case for Accommodating Pregnant Employees - available at <https://www.oregon.gov/boli/TA/docs/Pregnancy%20Accommodation%20102715.pdf>
 - The Business Case for On-Site Child Care - available at <https://www.oregon.gov/boli/TA/docs/Onsite%20Childcare%20102015.pdf>

TALKING POINTS FOR LETTERS TO THE EDITOR

New data revealed what we already know – the gender pay gap is persistent and it’s pernicious. AAUW’s own research report, *The Simple Truth About the Gender Pay Gap*, demonstrates how much the pay gap impacts women, families, businesses, and the nation’s economy.

In 2016, women working full time in the United States were paid on average just 80 cents for every dollar men made, a wage gap of 20 percent. In Oregon, that the wage gap is 18 percent — women earn just 82 cents for every dollar that men make.

The wage gap is worse for women of color. African American women are paid 63 percent of what white men are paid, while Native Hawaiian and Other Pacific Islander women are paid 59 percent, American Indian and Alaska Native women are paid 57 percent, and Hispanic women or Latinas are paid just 54 percent of what white men are paid.

At our current rate of progress, the pay gap won’t close until 2119 (more than a century from now!). There are actions we can take to make equal pay a reality in our state/community.

Pay equity is not just a woman’s issue – it affects men, children, families, and our economy. Women are integral to their families’ well-being, the modern-day workplace, and to a thriving economy. Pay equity is the key to families making ends meet and moving working families into the middle class. With a record number of women in the workforce and nearly half of women functioning as primary or co-breadwinners for their families, equal pay for women — especially women of color — is critical to families’ economic security.

Strong legislation is a necessary tool in closing the gender pay gap. If legislators want to stay true to commitments to a strong economy, ensuring women receive equal pay for equal work is a natural place to start.

More and more states are taking equal pay matters into their own hands and who can blame them for growing weary of waiting for federal action on an issue that clearly has the public’s support and attention. Red, blue, and purple states worked to introduce and pass equal pay legislation that will in turn strengthen their workforce and economy.

CALL TO ACTION

AAUW continues to advocate for strong pay equity legislation, regulation, and enforcement to protect employees and assist employers. Join us in making sure that everyone knows about Oregon’s Equal Pay law as it is being implemented. Working together, we can make it easier for employers to follow the law and citizens to bring home a fair day’s pay.