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IN DEPTH A CONFIDENTIAL MEMO TO MANAGEMENT

April 25, 1981

Subject: NEW PRESSURE FROM WOMEN OFFICE WORKERS

From: Peter C. Reid, Editor

Whatever happens to federal EEO enforcement under Reagan, employers can expect plenty of pressure from the largest group in the U.S. workforce: Women office workers.

Recent developments indicate that organizations representing these workers will mount a two-pronged attack for better pay and working conditions. They will continue to press for "comparable worth" equal pay through the federal courts. And they will try to unionize the largest pool of unorganized labor in the nation.

Last month, a big AFL-CIO union and a major national women's group announced a significant joint action. The 650,000-member Service Employees International Union and the 10,000-member Working Women organization started a new union called District 925. District 925's goal: To organize the nation's 20 million office and clerical workers. Most of these workers are women — and over 90 percent do not belong to a union. Their average salary is less than $10,000 a year.

The new union organizing drive confirms that female office workers will not only try to get better jobs — they will try to get higher pay and better conditions for the jobs they already have. They had already made this clear by pushing for "comparable worth" equal pay during the past year. This push has brought a "comparable worth" case to the Supreme Court. The case was argued in late March and will be decided soon.

WHAT IS COMPARABLE WORTH?

Most equal pay cases have been decided under the Equal Pay Act — which requires that jobs to be compared must be the same or at least very similar in content. Almost all courts have

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ruled that Title VII is bound by the same standards as the Equal Pay Act. But in the past two years, a different theory of equal pay has been pushed by unions, women's groups, and other civil rights organizations. This theory calls for equal pay for jobs of equal "worth" — regardless of whether they are the same or different.

Groups supporting this theory say it is the only way to end pay discrimination against U.S. working women. Their reasoning: The real problem is not that women are paid less than men for the same jobs. It is that they are segregated into job categories that have low pay scales in comparison with male-dominated jobs that require no more — and sometimes less — skill and responsibility. Example: On the University of Washington workforce, a secretary makes an average of $10,164 — while a truck driver gets $14,016. Over 95 percent of secretaries in the U.S. are women.

"Comparable worth" advocates cite income statistics to back up their claim that the Equal Pay Act has been ineffective. Although the law has been in place for 17 years, the pay gap between men and women has widened, not narrowed. Women now earn only 59 percent of what men earn, down from 60 percent 15 years ago.

WHERE DOES COMPARABLE WORTH STAND NOW?

Until recently, the "comparable worth" theory received a cold shoulder from U.S. courts. Their position was the the Equal Pay Act did not permit a comparison between "apples and oranges." That is, dissimilar jobs could not be compared for equal pay purposes. Because the courts also took the view that Title VII was bound by the same equal pay standards specified in the Equal Pay Act, there seemed little hope for the "comparable worth" theory.

But several recent court decisions have opened a crack in the door for "comparable worth." In International Union of Electrical, Radio and Machine Workers v. Westinghouse, the Third Circuit Appeals Court (Philadelphia) ruled that Title VII had broader equal pay coverage than the Equal Pay Act.

That meant that female Westinghouse employees could pursue their claim that the company deliberately paid lower wages in those job classifications predominantly filled by women than it did in those predominantly filled by men. There was no claim that the jobs were alike.

Before the Supreme Court now is a similar case: Gunther v. Washington County. In that case, female jail matrons charged

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that they were paid less than male guards because they were women. They sued under both Title VII and the Equal Pay Act. Ninth Circuit Appeals Court (San Francisco) ruled that the jobs did not qualify as "equal" under the Equal Pay Act — but that the women could maintain a Title VII claim under some other theory than that of the Equal Pay Act.

A Supreme Court reversal of this ruling could be devastating to the "comparable worth" cause. But if the Supreme Court upholds the Ninth Circuit, look for a flood of "comparable worth" lawsuits that would seek to raise secretarial and other office salaries to the level of predominantly male job categories that require equivalent amounts of training and contribute equivalent value.

THE DRIVE FOR UNIONIZATION

Coupled with the "comparable worth" push will be a strong drive to unionize the nation's office workers. Efforts to organize female office workers have been tried before with little success. Historically, this job group has been difficult to organize. Because women were excluded from many kinds of higher-paying jobs, employers had a large labor pool to choose from when hiring office workers.

One reason for poor results in organizing office workers has been the lack of coordination between unions and women's groups. The largest of the groups representing female office workers is Working Women — National Association of Office Workers. Formed in Boston in 1977, the group now has 13 active city chapters and 10,000 members. Its budget is over $1 million. Through a variety of effective pressure tactics, Working Women has achieved some solid gains for office workers in banks, insurance companies, and other white-collar organizations.

But until now, unionization has not been part of the Working Women approach. Now that's changing. Leaders of the organization decided they could accomplish greater gains by sitting down with an employer and negotiating a full-scale contract.

That is why they joined forces with the Service Employees International Union to form a new national union. Karen Nussbaum, Executive Director of Working Women, will be acting president of the new District 925. However, Working Women will still continue to act as an independent group, to represent those women office workers who do not wish to unionize.

The new union will press for bargaining contracts that will upgrade office jobs and eliminate what women's groups consider to

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be onerous job conditions. Among the goals will be:

- Higher pay commensurate with the skills needed on the job.
- Improved fringe benefits.
- Better advancement opportunities, through career programs, job posting, and managerial training.
- Elimination of nonjob-related tasks — such as doing personal errands for the boss and making coffee.
- strict company policies against sexual harassment.

With these prospects of increasing pressure from women office workers, employers must be more alert than ever to possible discriminatory personnel practices within their organizations. Employers who make genuine efforts to eliminate such practices will face far less danger of costly lawsuits than those who do not.

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A NOTE FROM

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The comparable worth theory - almost always addressed in terms of women - is supposed to be the issue of the eighties. There is some pressure on OPM to look at job classification, comparing grades of "female" clerical jobs to those clerical jobs held mainly by men, and looking at the skills required.

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