

Obama And Equal Pay For Women

Barack Obama rarely gives a speech without talking about “equal rights for women.” Then he goes on to repeat the meaningless statistic that women make only 77 cents for every dollar made by a man. I say meaningless because you can insert any number you’d like and it proves nothing. (Department of Labor statistics place the number at about 82 cents.) Here’s why.

The number is taken by estimating the average income made by all full-time working women in America and comparing it to an estimate of the average income made by all full-time working men. Those who throw out the statistic never mention that most differences in pay are *not* due to “paying women less than men for the *same* work,” but to women generally being in professions that pay less than men, and having fewer years of experience than men.

It is difficult to comprehend the statistic when thinking of the entire nation of working men and women. To better understand the situation, take it down quite a few notches, to the fictional town of Mayberry, North Carolina, circa 1964:

Here are the men of Mayberry, and their estimated salaries

Andy Taylor, sheriff - \$8,000
Barney Fife, deputy - \$6,000
Gomer Pyle, filling station employee - \$4,000
Floyd Lawson, barber - \$4,000
Howard Sprague, city clerk - \$4,500
Emmet Clark, repair service - \$3,500

Here are the women of Mayberry, and their estimated salaries

Helen Crump, teacher - \$5,000
Sarah, switchboard operator - \$3,000

The six men make an average of \$5,000. The two women make an average of \$4,000. The women of Mayberry thus make 80 cents for every dollar earned by the men. Granted, these salaries are estimates, Mayberry has a few more citizens than the ones listed above, and the town is fictional anyway – but that’s not the point. The point is that Obama (and all liberals, and even some conservatives) would look at these statistics and say, “There, that’s *proof* that Mayberry discriminates against women! We need another new federal program!”

It’s certainly easier to look at eight workers and their salaries than over one hundred million. Clearly the two women of Mayberry make, on average, less than the men. Then again, four of the men earn less than one of the women. Are those men being discriminated against?

School teacher Crump earns less than sheriff Taylor. Is that fair? Perhaps, perhaps not. But that's *not* the question – because teachers and sheriffs do not perform the same job. The question is whether, if Mayberry's school added a male teacher to its staff, *that male* teacher would be paid more than Helen Crump. Or, if Sheriff Taylor resigned and he was replaced by a woman, would *she* receive less than he had been receiving? If so, a case for discrimination because of gender could be made. (Of course, some pay differences may be justified due to experience and qualifications. Crump's new co-worker may be paid less because of fewer educational degrees; the new sheriff may be paid more because she may have many more years of experience in law enforcement at a larger town.)

It should be noted that the Equal Pay Act was made law in 1963. Helen Crump would *not* have had to wait for Barack Obama to come to Mayberry to protect her. All she would have needed to do was file a complaint with the U.S. Department of Labor – within 180 days of her first recognition of the discrimination.

What about city clerk Howard Sprague? Does he have a case of gender discrimination because he is paid less than teacher Crump? No. Sprague is paid less than Crump because of the job he performs. He might argue that he deserves a raise, but he should take that up with the Mayor and the City Council. If Crump feels underpaid, she should express her arguments to the Mayberry Board of Education.

This does not mean to suggest there may be no discrimination in Mayberry, but it certainly wouldn't be solved by a federal bureaucrat from Washington trotting down to North Carolina to tell everyone who should be paid what. Needless to say, the bureaucrat would never suggest cutting anyone's pay, so to "correct the discrimination" he or she would order raising the pay of those who have been shortchanged. But why should a bureaucrat define the salaries? (And does anyone get a bigger raise because the bureaucrat happens to be his or her cousin?)

Assuming this makes sense so far, simply extend it to the entire United States. Do some women get paid less than some men? Yes. Do some men get paid less than some women? Yes. That proves nothing. (I earn less than Oprah Winfrey.) In general, women *cumulatively* get paid less because they enter the professions that pay less. But individually they sometimes earn less and sometimes earn more than men. Granted, gender discrimination has certainly prevented women from entering some professions – but once they are there they are guaranteed equal pay under the 1963 law.

There are more female elementary school teachers than female brain surgeons. It is perfectly reasonable for a brain surgeon to get paid more than a teacher. One can argue that it was more difficult for women to enter medical school decades ago than it is now, which explains why we have more male brain surgeons than female brain surgeons. But today, nothing stands in the way of a woman who chooses to be a brain surgeon. As time goes by, more women may become brain surgeons. Then again, more may not. They may choose to enter different professions. Perhaps they'd rather be attorneys than brain surgeons; or start their own businesses; or run for Vice President. (If Sarah Palin

becomes Vice President, does the salary of every man in America have to be raised to her \$198,600 level to avoid the charge of “discrimination against lesser-paid men?”)

What would be the Obama “solution” to the “problem” of women’s cumulative salaries being dragged down by too many elementary school teachers and too few brain surgeons? Would he *force* some women to become brain surgeons against their will? If the career path of a woman happens to result in her being paid less than she would have earned had she taken another career path, so what? What business is her career choice anyone’s but hers? The cumulative salaries of women may someday equal or even exceed the cumulative salaries of men. So what? Those statistics merely reflect the types of careers men and women enter, they do not “prove” that something needs to be “evened out.”

This is *not* to suggest that discrimination does not exist – of course it does. But a remedy already exists when the worker believes her (or his) pay was based on gender, and not job duties, experience, or skills: file a written complaint with the Department of Labor. (You can search the Internet to find the address of local DOL offices.)

The inherent fallacy in the “82 cents on the dollar” (or 77 cents, if that’s the number you believe) argument is that if women could always be hired for 23 percent less, *why on earth would any business hire men at all?* Labor costs are, after all, typically the single greatest expense of any business. If you could reduce your payroll expenses by a full 23 percent, why would you not do so? The answer is that you hire the best *person* for the job, regardless of that person’s gender. If a hospital needs a neurosurgeon, it interviews all the applicants and makes an offer to the one it feels is most qualified. The construction company that needs five new carpenters runs an ad in the newspaper seeking carpenters; it does not look for male or female carpenters.

When Obama talks about women getting paid “77 cents for every dollar a man is paid,” he implies that women and men who work side by side doing the same work on an assembly line are paid different hourly wages. That is generally not the case – but where it is, a 35-year old law is equipped to handle it. But Obama wants women to *believe* that is the case, and that he is the only candidate capable of protecting them. He is manipulating the voters, by taking advantage of their ignorance of the law.

But doesn’t Obama talk about his support of a “Fair Pay Restoration Act,” and say that McCain is against it? Does this proposed law require equal pay for women? No, equal pay for women is *already* required by the 1963 law. The “Fair Pay Restoration Act” removes the 180-day filing limit of the 1963 legislation. *That* is what Obama is supporting – although he is certainly implying more. (The media never questions him about the proposed law, either because it has no idea what is in the law or it chooses to let Obama continue his manipulation of the issue.)

The intent of the removal of the 180-day limit is mostly to enrich lawyers. Under current law, a woman can file a complaint with Department of Labor. It will be investigated, and if found to be a legitimate complaint her pay will be appropriately increased, she will

receive retroactive wages to correct the discrimination, and the employer may have to pay a fine. There is no particular need for an attorney (the taxpayer-paid DOL attorneys will be working on behalf of the complainant), so private attorneys have no great interest in these cases. Attorneys instead prefer cases with large corporations where many women are involved, so that they can file large class action lawsuits and receive greater fees.

If Congress and Obama eliminate the 180-day filing limit, attorneys will then be interested in cases with a potential for many years of retroactive pay. Currently, a complainant generally won't receive more than six months of retroactive corrected wages. The 180-day filing limit was included in the original law both to encourage women to examine their own personal circumstances promptly (in order to eliminate the discrimination promptly), and to prevent the problem of going back years—or even decades—to right a wrong at the expense of massive retroactivity payments that benefit an aggrieved worker but put a company out of business (thereby causing all the workers the loss of their jobs).

Obama's interests are not those of the women in his audience. His interests are primarily their votes, and the campaign contributions from attorneys who will take a big cut out of any retroactive payment given female workers in a retroactive discrimination case. If Obama truly cared about the plight of women who may have been underpaid, rather than promise what he would do if he's sworn in at the end of January, he would tell them to hustle down to the Department of Labor right now—before their 180 days are up.

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