



December 21, 2023

VIA EMAIL

Charlotte A. Burrows
Chair, U.S. Equal Employment Opportunity Commission
131 M Street
Washington, DC 20507

Dear Chair Burrows:

On behalf of the Equal Pay Today, a campaign of local, state, and national groups and supporters across the country committed to closing race and gender wage gaps, and the undersigned gender, racial, and economic justice organizations, we are writing to applaud the Equal Employment Opportunity Commission (EEOC) for continuing to prioritize pay equity in its Strategic Enforcement Plan and to urge the Commission to move quickly to reinstate the EEO-1 pay data collection as a way to help identify and eliminate pay discrimination and close the wage gap nationwide.

We share the central belief that fair employment practices are critical to women's overall progress in our economy and in our nation, and the role of the EEOC in helping to ensure pay equity is especially important to achieving this goal. The EEO-1 pay data collection is a particularly valuable tool for helping to root out pay discrimination and close wage gaps, especially as a culture of secrecy around pay and lack of access to pay data makes it difficult for workers to exercise their rights and enjoy equal employment opportunities. As such, we overwhelmingly support reinstatement of the data collection, which would require qualifying employers to report compensation information broken down by sex and race.

The need for quick action is pressing. This year marked the sixtieth anniversary of the Equal Pay Act, and next year will mark the same for Title VII of the Civil Rights Act. Early next year, the Lilly Ledbetter Fair Pay Act also marks its fifteenth anniversary. As you know well, these revolutionary laws promised women that they could no longer be discriminated against in pay, and that they would have a right of action against continuing discrimination. Yet despite the progress these laws have enabled, on average, women are still paid 78 cents for every dollar paid to men when looking at all workers including part-time and part-year workers, and this gap is even wider for women of color. Some of the factors that contribute to this wage inequality include gender and race discrimination, workplace harassment, occupational segregation, and a lack of workplace policies that support family caregiving, which is primarily performed by women. Pervasive wage gaps impact not only women's livelihoods, but also the future of the labor force and the economy.

Reinstating pay data collection will give the EEOC a critical tool to enforce the law more effectively by helping to identify those wage gaps that suggest problems within specific employers, industries, occupations or geographic areas. This is consistent with the findings of the National Academies of Sciences, Engineering, and Medicine (NASEM), which independently examined the quality and utility of the previously collected pay data and determined that EEOC could use this data to prioritize investigations and the allocation of EEOC resources, including for public outreach, education, training, and compliance assistance. Furthermore, this data collection incentivizes employers to look internally and take action to correct discriminatory practices. And many companies are already doing it. For example, Illinois required large companies to submit similar pay data this year.¹ Moreover, the Council of the European Union issued a directive regarding gender pay gaps that requires companies to take action if there is a pay gap of more than 5 percent and roughly two-thirds of Fortune 100 companies are already reporting gender wage data under U.K. law.² Proactive data collection is a simple step that can make a tremendous impact for employees and their families.

We support efforts by the EEOC to strengthen its pay data collection, as suggested by the NASEM report. The EEOC has already undertaken many of the NASEM recommendations to modernize its data collection efforts. We encourage the EEOC to adopt those recommendations that can be efficiently incorporated into a timely data collection and to reinstate a collection as expeditiously as possible. However, while we support the NAS recommendations, we also realize it takes time, staffing, and funding to fully explore and implement new ideas; yet the need for the collection remains pressing. Therefore, we would urge the Commission to implement what can be implemented now and to redeploy resources to move forward with the collection. That does not foreclose deeper study and work on recommendations later, as this continues to evolve. We are eager to serve as a resource to further support the expansion of pay data collection and look forward to an upcoming meeting to discuss those future changes in more detail. These improvements, however, should not delay moving forward with urgency in 2024 to reinstate pay data collection.

Now, with a full commission, quickly reinstating the EEO-1 data is a critical step and an invaluable tool to narrowing the growing wage gap that so many experience in the United States. It is important to the civil rights and women's rights community and all the undersigned organizations that the data collection remain a top priority of the EEOC. By reinstating this collection the EEOC and employers can be better equipped to identify and eliminate biases and inequities, and overall close the pervasive wage gap that robs workers millions of dollars annually. The Commission's reinstatement and strengthening of this data collection will be a critical step forward in the fight for equal pay. The undersigned look forward to assisting with the EEOC's efforts to close wage gaps.

¹ 820 Ill. Comp. Stat. 112/1 (2023).

² National Partnership for Women & Families. (2023, September). *How Data Collection Can Help Close the Wage Gap*. Retrieved 9 November 2023, from <https://nationalpartnership.org/report/how-data-collection-can-help-close-the-wage-gap/>.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to reach out to Deborah J. Vagins, National Campaign Director & Director of Equal Pay Today with Equal Rights Advocates at dvagins@equalrights.org.

Sincerely,

1. Equal Pay Today
2. American Association of University Women
3. American Civil Liberties Union
4. AnitaB.org
5. Asset Building Strategies
6. Better Life Lab at New America
7. Boston Women's Workforce Council
8. Center for Advancement of Public Policy
9. Center for American Progress
10. Clearinghouse on Women's Issues
11. Coalition of Labor Union Women
12. Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
13. Equal Rights Advocates
14. ERA Coalition
15. Esperanza United
16. Family Values @ Work
17. Family Values@Work Action
18. Feminist Majority Foundation
19. FL National Organization for Women
20. Greater Orlando NOW
21. Institute for Women's Policy Research
22. Justice for Migrant Women
23. MANA, A National Latina Organization
24. Michigan Pay Equity Network
25. MomsRising
26. National Advocacy Center of the Sisters of the Good Shepherd
27. National Black Worker Center
28. National Center for Transgender Equality
29. National Coalition on Black Civic Participation/Black Women's Roundtable
30. National Committee on Pay Equity
31. National Employment Law Project
32. National Employment Lawyers Association
33. National Institute for Workers' Rights
34. National Network to End Domestic Violence
35. National Organization for Women
36. National Partnership for Women & Families
37. National Women's Law Center
38. Shriver Center on Poverty Law
39. The Workers Circle
40. Women Employed