Comparable Worth: AN IDEA IN DISGUISE

Contractor’s Should Bone Up on “Comparable Worth” Because Instead of Women’s Rights It’s Legally Imposed Pay Scales

If you’re a contractor and you’re not sure what they mean when they say “comparable worth”—you’d better bone up on the subject real fast. It’s the harsh end of a business bullwhip and it’s probably going to be with you for the next decade.

What it is in simple terms is this: a legal concept that equal salaries can be earned by employees in vastly different jobs.

It’s a technique being pursued by the feminine movement to wipe out sex-based differences in pay. Don’t mistake “comparable worth” with equal opportunity employment. EEOC deals with issues of sex, of course, but it also includes race, national origin, handicaps and age. Comparable worth focuses almost exclusively on the male vs. female compensation issue.

The suggestion that different jobs should pay equal salaries if their value to an organization is judged equal can wreak havoc on a construction firm. Some of the reasons for keeping women out of the craft jobs is that they simply couldn’t carry their true weight in a work sense. Construction can be physically demanding work and women in the trades have had a hard time keeping on a par with their male counterparts.

It’s one thing for a man to pick up an 8-by-4 foot section of wallboard and carry it to the location where it will be installed. It’s something else entirely for the average woman to do that.

To women hellbent on a comparable worth concept, that is no longer the issue. Now, they feel that pay
discrimination should not be limited to situations involving equal work, but extend to situations involving dissimilar work of equal value. Typing up a business letter may have the same value then as hanging a section of wallboard—and a contractor presumably would have to pay it upon a court order.

Controversy Starting . . .

This isn’t a full blown issue yet. It’s the tiny flicker that could ignite. Economists say its score is likely to walk in lockstep with the upward trend in female employment from 20 percent in 1920 to nearly 50 percent today.

Rather than an all-out campaign yet the problem is one of minor insurgen- cy. Employers, though, who have had to contend with the comparable-pay issue have recently found the issue heating up in the political arena as well as the courtrooms.

Some 15 state legislatures have passed some form of comparable worth amendments to their equal-pay acts. A federal judge in Tacoma, WA, U.S. District Judge Jack E. Tanner, has handed down a 42-page decision, attempting to legitimize this radical new concept of judicial activism. The implications for all employers is massive.

Forbes Magazine pegged the cost of bringing the medium pay of full-time working women up to that of men at $150 billion a year. Unless Tanner’s decision is reversed, pay discrimination won’t be limited to situations involving equal work but also to situations involving dissimilar work of equal value.

According to Phyllis Schlafly, writing in the bimonthly report on the Constitution and the Courts, “equal pay for comparable worth” is a system of wage-setting which rejects marketplace factors. Instead, it fixes wages by a point system based on 1) a subjective evaluation of job worth plus 2) a comparing of different kinds of jobs held mostly by women with jobs held mostly by men, and then uses litigation or legislation to mend the system regardless of cost.

Three big problems—by both proponents and critics—involves misconceptions. These three are:

1. Employers in general haven’t paid sufficient attention to what may already be happening to the traditional supply-and-demand mechanism for pricing jobs (some employers who got involved in a comparable worth situation succeeded in arguing that supply and demand for labor, rather than discriminatory practices, set the pattern for what they pay workers);

2. Business has tended to view comparable worth as a feminist issue when, in fact, its more long-term effect may be evident in union-organizing efforts.

3. Neither side has looked very realistically at the root issue: the earnings gap between men and women.

Men tend to blame the pay gap on “women’s choices of low-paying jobs
and restricted careers” while women assign the difference to “employer hiring and pay practices.” As a consequence, such professions as teaching, health service, and government services—all strongly dominated by women—there’s apt to be a lot of pay status resentment.

No one doubts that a pay gap exists. A male who doesn’t finish high school averages $16,160 a year and a college graduate female averages $14,235. Overall, it’s estimated that a female makes 60 cents to each dollar a male makes.

40-Cent Rallying Point . . .

This 40¢ is the rallying point for proponents of comparable worth—but it’s not a reliable measure in all cases. For example, females in construction crafts earn 62 percent of what males earn but this reflects their later entry into a field in which pay is typically based on seniority and overall employment has declined.

Likewise, there are other valid and purposeful reasons why pay gaps exist in other trades and professions. But feminists have latched onto the 40¢ difference—and aren’t about to give it up misleading as it is.

What is so serious about this issue to contractors and other businessmen is the fact that the Tanner ruling is an initial victory in a radical plan to entirely restructure the American economy by a process of using the courts to raise wages for women’s jobs significantly above prevailing market rates. And without any regard whatsoever to productivity or costs.

What makes this concept so appealing to some people is that it is falsely packaged as “women’s rights” when, in fact, the real issue is whether the courts should be allowed to disrupt private enterprise as they have already disrupted the public schools.

“Disrupt” is not too strong a word, argues Phyllis Schafly. Judge Tanner conceded that his order might severely dent the recession-ridden Washington State treasury, but insisted that the remedy “has to be disruptive because you’re changing past practice.”

Appareing before a House subcommittee, Winn Newman laid out his game plan:

“It appears that only a strong litigative strategy will goad employers to end the blatant sex-based wage discrimination which exists in almost every workplace that has traditionally employed women workers. In a word, it is time to move Comparable Worth from the conference room to the courtroom.

“Labor unions, women’s rights groups and individual female workers must step up the pace of filing discrimination charges and litigating these cases. A number of dramatic court victories will do more to inspire ‘voluntary’ compliance, effective collective bargaining and belated government enforcement than further hearings, reports and studies. The teaching of the enforcement of civil rights laws is that a lawsuit or the threat of a lawsuit is often the best way to educate.”

Unions Take Up the Issue . . .

In the ’60s and ’70s, when equal opportunity employment issues peaked, both companies and labor unions were the targets of litigation: companies because of their alleged discriminatory practices and unions because of their predominately white male members who apparently had a vested interest in continuing those practices. But unions have now joined the women’s groups as supporters of comparable worth.

The unions’ interests can be easily understood—the shrinking number of white male members in declining unionized industries such as auto-
mobile and steel; the continued growth of unions in public employment where women are a substantial portion of the work force; and the union movement’s ambition to organize in industries such as finance and banking where women also make up a large share of total employees.

The impact of this alliance is beginning to show. For example, unions have increasingly and successfully assumed the role of plaintiff in pay-discrimination suits. Also, since 1981, the AFL-CIO has encouraged all its member unions to pursue comparable worth as part of their general collective-bargaining efforts. Unions appear to be moving to redress previously bargained pay differentials and to attract the interest of a new group of workers. They often succeed.

Wrong Premise . . .

The Tanner decision itself is based on invidious comparisons, Schafly continues. The entire concept of Comparable Worth is a house of cards built on the false premise that persons who call themselves “experts” can—after completely closing their eyes to all marketplace factors—evaluate a wide variety of jobs (professional, white-collar and blue-collar) and give each one a “point” value which (1) is objectively accurate, and (2) is just and equitable in comparison with every other type of job with the same employer. The key element in the Comparable Worth methodology (and specifically in the Tanner decision) is getting the judge to accept the assumption that someone can and should set equitable wages totally divorced from prevailing market rates.

The Tanner decision states that the Willis job evaluation assessed each job class “using the following four evaluation components: (1) Knowledge and Skills (Job Knowledge, Interpersonal Communications Skills, Coordinating Skills); (2) Mental Demands (Independent Judgment, Decision-Making, Problem-Solving Requirements); (3) Accountability (Freedom to Take Action, Nature of the Job’s Impact, Size of the Job’s Impact); (4) Working Conditions (Physical Efforts, Hazards, Discomfort, Environmental Conditions). The total of the value of these four components constituted the final point value of the class.”

It is unlikely that any two persons, even “experts,” could agree on a relative point distribution among that list of intangibles for even one job, let alone the 15,500 jobs involved in the plaintiffs’ class-action suit.

The type of job evaluation used in the Tanner decision—and generally demanded by the Comparable Worth advocates—is fundamentally different from job evaluations used by employers today. First, the Comparable Worth job evaluation is a process of subjective opinion masquerading as objective fact. Second, the Comparable Worth job evaluation deliberately excludes marketplace factors such as prevailing wage rates. Third, the Comparable Worth job evaluation compares professional, white-collar and blue-collar jobs in the same point scheme. Fourth, the professional and white-collar “evaluators” (who have little real understanding of blue-collar work) systematically and consistently undervalue risky and unpleasant working conditions.

This process produced such bizarre results as the following: laundry worker 96, truck driver 97, librarian 353, carpenter 197, nurse 573, chemist 277. The evaluation concluded that (female) laundry workers should be paid equally with (male) truck drivers; and that (female) librarians and nurses should be paid about twice as much as (male) carpenters and chemists. It’s no wonder that Washington State saw fit not to implement the Willis evaluations.

Future Outlook . . .

If the history of the equal opportunity employment movement could be used to predict the future of comparable worth, the forecast would call for the passage of federal legislation mandating comparable-worth standards based on “clear and pervasive” evidence of discrimination, followed by a government assault on the data banks and payrolls of business. However, proponents and critics who foresee such a future might both be off target.

Supporters of comparable worth must realize the evidence on the issue is far from clear and conclusive, and critics who expect legislation and bureaucratic regulation may be surprised to have the issue resolved in other ways. Instead of rolling in like a tide, comparable worth is more likely to affect construction gradually.