

# COUNCIL on the ECONOMIC STATUS of WOMEN

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NEWSLETTER #60

APRIL 1982

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**LEGISLATION 1982**, with information about action on proposals endorsed by the Council.

## ANNOUNCEMENTS

In April and May, Council members will travel to two rural locations to conduct public hearings:

**WEDNESDAY, APRIL 28.** Sand's Restaurant, Albany, Minnesota. 1:30 PM - 4:00 PM.

**THURSDAY, MAY 6.** Civic Center, Belle Plaine, Minnesota. 2:00 PM - 4:30 PM.

Both hearings are open to testimony on any topic related to the economic status of rural women. Individuals as well as organizations are invited to attend, either as participants or observers.

All meetings and hearings of the Council are open to the public. For more information, or if you would like to testify, call the Council at 296-8590 (Twin Cities), or 1-800-652-9747 (toll-free).

# Pay Equity

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A new publication from the Council, PAY EQUITY & PUBLIC EMPLOYMENT, examines the issue of comparable worth and its implications for women employed by the State of Minnesota. This newsletter issue summarizes that report. Copies of the full report are available from the Council office, although supply is limited.

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Despite years of attention to the earnings gap, women continue to earn far less than men. Although the law requires "equal pay for equal work," women and men rarely do the same (equal) work in today's society. The vast majority of employed women are clerical workers or service workers, while men are administrators, craft workers, professional workers, and laborers.

The idea of "pay equity" is that jobs which require the same amount of skill, effort, and responsibility should be paid the same -- even if the job duties are different. Pay equity is sometimes called "equal pay for work of equal value" or "equal pay for jobs of comparable worth."

Pay equity has received considerable attention in the courts. Two cases, *International Union of Electrical Workers v. Westinghouse* and *Gunther v. County of Washington*, were considered by the U.S. Supreme Court last year. In both cases, the court found that pay equity charges may be filed under Title VII of the federal Civil Rights Act of 1964.

The job of DELIVERY VAN DRIVER is "worth" 117 points, and all employees in this class are men.  
MONTHLY PAY: \$1,382

The job of CLERK TYPIST 2 is "worth" 99 points, and 99 percent of employees in this class are women.  
MONTHLY PAY: \$1,115

How would pay equity affect women employed by the State of Minnesota? Last fall, the Council on the Economic Status of Women established a Task Force to consider this question.

The Task Force reviewed information about the status of state-employed women over a five-year period. In that time, there had been some improvement in the numbers of women holding managerial and professional jobs. However, the overall status of state-employed women had changed very little.

Two-thirds of state-employed women in 1981, as in 1976, held either clerical or service jobs. Women were still under-represented among managers, professionals, technical workers, craft workers, operatives, and laborers. In addition, the earnings gap had increased.

In 1976, the average female state employee earned \$9,480 compared with \$13,670 for the average male state employee -- a difference of \$4,190. In 1981, the woman earned \$13,874 while her male counterpart earned \$18,803 -- a difference of \$4,929.

In 1979, the State of Minnesota received the results of a study conducted by Hay Associates, a management consulting firm. The Hay study included a job evaluation method for state job classes, in which points were assigned to each job based on the amount of "know-how," "problem-solving," "accountability," and "working conditions" required.

# Pay Equity, continued

The points assigned for each factor are then added to provide a measure of job "worth." Although the Hay system itself tends to undervalue women's jobs, the new system makes it possible to compare jobs more objectively than before.

Using the Hay points as a measure of job worth, the Council prepared a list of state employee job classes which are mostly-male or mostly-female, and compared the number of points assigned to the actual pay for each class. Some examples from this list are shown on these two pages.

The job of GRAIN INSPECTOR 2 is "worth" 173 points, and all employees in this class are men. MONTHLY PAY: \$1,693

The job of ADMINISTRATIVE SECRETARY is "worth" 173 points, and all employees in this class are women. MONTHLY PAY: \$1,343

The results of this study showed an extremely consistent pattern. In virtually every case, the pay for female-dominated jobs is less than the pay for male-dominated jobs with the same number of points. In most cases, the pay for women's jobs is lower than the pay for men's jobs with fewer points.

In addition, the study showed that women's jobs are clustered at the bottom of the Hay point scale, while men's jobs are more evenly distributed on the scale.

The Task Force and the full Council recommended legislation to address these inequities, and this legislation passed in the recent session. The new law establishes a policy that "comparability of the value of the work" should be the primary consideration in establishing salaries for state employees. In addition, the law sets up a process for awarding salary increases to employees in underpaid classes, beginning next year.

Preliminary cost estimates indicate that about \$25 million is needed to raise the pay of female-dominated classes to the same level as male-dominated classes with the same number of points. This represents about 4 percent of the total amount spent on state employee salaries in the current biennium. Legislators could choose to earmark the full \$25 million next year, or to achieve pay equity over a longer period of time.

The job of RADIO COMMUNICATIONS SUPERVISOR is "worth" 199 points, and all employees in this class are men. MONTHLY PAY: \$1,834

The job of TYPING POOL SUPERVISOR is "worth" 199 points, and all employees in this class are women. MONTHLY PAY: \$1,373

Other Task Force recommendations were:

- The continuation of a vigorous affirmative action program designed to encourage both men and women to consider employment in non-traditional fields
- Continuing analysis and refining of the current job evaluation system, or any system adopted in the future, to eliminate bias against jobs traditionally held by women.
- Further study of the large numbers of single-person, male-dominated classes, to determine whether the state system contains other sources of bias against women.

Another new Council publication, SEXUAL HARASSMENT TASK FORCE REPORT, summarizes the legal status of this issue, reports on studies of sexual harassment, and provides resources for victims, employers, and educators. Copies of the full report are available from the Council office.

\* \* \* \* \*

Sexual harassment is a pervasive problem with negative effects on the economic status of women on the job and in school. A study conducted by the federal government in 1980 found that 42 percent of employed women have been sexually harassed at some time in the past two years. And a study of female students at the University of California at Berkeley showed that 20 percent had been sexually harassed by a male professor.

Sexual harassment may include pinching, grabbing, hugging, patting, leering, brushing against, and touching. It may also include verbal behavior such as sexual joking, teasing, or proposals of physical intimacy. When such behavior is unwelcome and repeated, the woman may have legal recourse. The federal Equal Employment Opportunity Commission has defined sexual harassment as a form of illegal sex discrimination:

*"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."*

The studies show that sexual harassment is a function of unequal power relationships rather than sexual attraction, since it affects women of widely varying personal characteristics and since harassment is almost never initiated by the woman's subordinate. Women who testified at the Council hearing on this subject emphasized that the most objectionable behavior is unwelcome and repeated over a long period of time, despite the woman's clear objections, and that harassment is often accompanied by threats of job loss or poor grades.

About half of sexual harassment victims "voluntarily" leave their jobs when the harassment becomes intolerable or when they perceive no effective recourse. Many others are fired in reprisal when they refuse to tolerate sexual demands, or when they report the harassment.

Two recommendations endorsed by the Council became law in the recent legislative session. One bill amended the state Human Rights Act to include sexual harassment as a form of illegal sex discrimination in employment and in education. A second bill amended the state's unemployment compensation law to define sexual harassment as "good cause" for leaving a job. This means that the victim who can prove sexual harassment may be eligible for unemployment compensation.

The report includes a sample policy on sexual harassment for employers, a sample policy for educational institutions, and sample contract language for labor organizations, as well as a list of support organizations for victims. Victims of sexual harassment may file formal charges with the Equal Employment Opportunity Commission (612/725-6101) or with the state Human Rights Department (612/296-5663 or toll-free 1-800-652-9747).

# Legislation 1982

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The following proposals endorsed by the Council for the 1982 legislative session have become law:

Child Support Collection & Withholding. Strengthens the procedures for collecting child support and maintenance payments from an absent parent or spouse, whether or not the person to whom support is owed is receiving public assistance. In addition, the new law requires that a wage withholding order be included in each divorce decree which orders support, to simplify the process of withholding wages when payments are delinquent. (Chapter 488)

Child Support Tax Refunds. Provides for withholding of any income tax refunds to an absent parent who is delinquent in paying child support, including withholding on a pro-rated basis from delinquent persons who have filed a joint or combined income tax return. (Chapter 523)

Surviving Spouse Estate Tax. Eliminates estate tax on property inherited by a surviving spouse. (Chapter 2, Third Special Session)

Aid to Families with Dependent Children, Work Incentive. Increases the "standard of need" income level, and makes other adjustments in eligibility criteria for AFDC, to maintain work incentives for AFDC parents. (Chapter 640)

Women in Correctional Facilities. Authorizes the issuance of state bonds, including \$200,000 in bond sales to finance planning and design for a new women's prison at Shakopee or plans for remodeling some other facility. (Chapter 639)

Sexual Harassment, Human Rights. Amends the state Human Rights Act to define sexual harassment as a form of illegal sex discrimination in employment, education, public accommodations, public services, and housing. Possible remedies include financial awards for actual damages, damages for mental anguish, and punitive damages, as well as corrective action. (Chapter 619)

Sexual Harassment, Unemployment Compensation. Defines sexual harassment as "good cause" for leaving a job, so that victims who can prove sexual harassment may be eligible for unemployment benefits. (Chapter 619)

Pay Equity, State Employees. Establishes a policy that "comparability of the value of the work" should be the primary consideration in salaries for employees of the State of Minnesota. In addition, the law sets up a process for awarding salary increases, beginning July 1, 1983. (Chapter 634)

Two proposals endorsed by the Council in 1981 also passed in the 1982 legislative session:

Maintenance Awards for Homemakers. Clarifies the divorce law to allow for the possibility of permanent maintenance (alimony) in cases where the earning capacity of a homemaker spouse has been permanently diminished. (Chapter 535)

Insurance Conversion. Allows widows and divorcing women to continue insurance carried by a former spouse, and/or to convert to policies in their own name without providing evidence of insurability. (Chapter 555)

Only one proposal endorsed by the Council for 1982 did not pass: an increase in the state child care tax credit to parallel the federal increase. Altogether, 31 of the 43 proposals endorsed by the Council in the current biennium became law.

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This support law relates. Provides for withholding of any income tax relating to an amount in the defendant for paying child support, including child support, from defendant's gross income. (Chapter 63A)

Revising 2000-estate law. Eliminates estate tax on property inherited by a surviving spouse. (Chapter 2, Third Special Session)

ENCLOSED IS YOUR NEWSLETTER FROM...

All to families with dependent children. Work incentives for women. (Chapter 64A)

Women's occupational facilities. Amends the Human Rights Act to define sexual harassment as a form of illegal sex discrimination in employment, education, public accommodations, public services, and housing. (Chapter 63A)

Sexual harassment, human rights. Amends the Human Rights Act to define sexual harassment as a form of illegal sex discrimination in employment, education, public accommodations, public services, and housing. (Chapter 63A)

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ADDRESS CORRECTION REQUESTED

Two proposals introduced by me to amend the law in the 1983 legislative session:

Partnership awards for nonusers. Clarifies the divorce law to allow for the possibility of awarding maintenance (alimony) in cases where the earning capacity of a homemaker spouse has been permanently diminished. (Chapter 63A)

Insurance coverage. Allows wives and divorcing women to continue insurance carried by a former spouse who convert to a plan in their own name without providing evidence of insurability. (Chapter 63A)

Only one proposal endorsed by the Council for 1983 did not pass: as it failed to receive the necessary two-thirds vote in the Senate.

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