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“How the US enacted laws for women’s employment equality”

In 1964, the United States enacted a Civil Rights Act which prohibits discrimination in employment based on ‘race, color, religion, sex and national origin.’ This action was taken without reference to any international convention. It was based on domestic principles of fairness.

The initial draft bill in the US Senate did not include ‘sex’ in the list. The sole woman Senator on the subcommittee, suggested that there was ‘an omission, which was unintentional’. She offered to correct this, and make new copies. She added ‘sex’. The subcommittee approved this. It passed the Congress without opposition debate because the conservatives believed that the addition of ‘sex’ would result in the defeat of the entire Civil Rights bill, which they opposed. Thus, there is no legislative history articulating the intent of the Congress in passing the law.

The U S Equal Employment Opportunity Commission [‘EEOC’] enforces the law. Since the conservatives gained control of Congress in 2014, they have reduced the EEOC funding causing loss of staff and a back log of more than 18 months in deciding cases. This however is mitigated by many states, which in the US federal system have enacted their own anti-discrimination laws and established state EEOC’s. There are also city EEOC’s. These all work together.

The US continues to have a pay gap between women and men. Women earned 0.63 for every dollar earned by men in 1979. By 2013, the gap decreased to 0.83, where it remains in 2017.

Although more than 50% of law school graduates are women, 17% of judges are women, and 5% of law firm partners are women. There have been successful ‘gender-bias’ law suits against law firms for discriminatory pay practices against women lawyers. The US Supreme Court has three women out of nine justices. There is a history of cooperation between the first two women on the Supreme Court, even though they come from opposing political parties and different backgrounds. This collegiality continues among the three women justices.

Women are 12% of the working engineers in the US.

Many women are ‘Undervalued and Underpaid in American’. They are trapped in low-wage, female dominated jobs.

US law requires 12 weeks of mandatory pregnancy with job protection if the women return to work by the end of the 12th week. This is however *unpaid* leave, unlike any other G20 country.

The US is not a party to CEDAW, because the Senate refuses to ratify it, although President Carter signed it in 1980. Presidents Clinton and Obama, both urged ratification. The US is also not a party to the ILO conventions which protect the rights of workers with parental responsibilities.