

REMEMBERING THE EQUAL PAY ACT OF 1963



President John F. Kennedy signs the EPA on June 10, 1963

By Emily McCrary-Ruiz-Esparza, <https://www.inhersight.com/blog/insight-commentary/equal-pay-act>; March 21, 2021

The Equal Pay Act of 1963 is a United States labor law amending the Fair Labor Standards Act, aimed at abolishing wage disparity based on sex. It was signed into law on June 10, 1963, by John F. Kennedy as part of his New Frontier Program.[3] In passing the bill, Congress recognized sex discrimination.

The History of the Equal Pay Act

The first attempt at federal legislation specifically prohibiting pay discrimination on the basis of sex was made in 1944 by Winifred C. Stanley, a Republican congresswoman from New York, in the form of a proposed amendment to the National Fair Labor Standards Act. Introducing the bill in the midst of WWII, Stanley said, "It has often been remarked that this is a 'man's world.' The war and its far-reaching effects have provided the answer. It's 'our world,' and this battered old universe needs and will need the best brains and ability of both men and women." The bill stalled in the Committee on Labor and expired before it was made law.

When Stanley introduced her bill in June of 1944, wage discrimination was far more blatant than it is today. When men were deployed to the war effort, women had been hired to fill their jobs at a fraction of the cost. And it was perfectly legal to do so at the time. When the men returned, the women who held their jobs were often let go and then men rehired at their old salaries. Some employers who hadn't previously hired women during WWII, would advertise job openings with a men's pay scale and a women's pay scale.

The Equal Pay Act provides in part that "[n]o employer having employees subject to any provisions of this section [section 206 of title 29 of the United States Code] shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs[,] the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex [...]."[4]