

THE HISTORY OF

Equal Pay Legislation in the United States

1919

Montana and Michigan
Both states pass equal pay for equal work legislation in 1919. The Michigan law was restricted to manufacturing jobs.

1944

New York
New York passes their Equal Pay Act in July 1944. The bill was supported by the AFL, CIO, the Women's Trade Union League, and other women's clubs.

1943

Illinois and Washington
More than 20 years after the first equal pay legislation is passed Illinois and Washington pass legislation. Like the Michigan law, the Illinois law was limited to manufacturing.

1945

Massachusetts and Alaska

The Massachusetts law was considered to be a broad law in terms of coverage, but it did not apply to domestic workers, farm workers, or non-profit employees. Alaska passed Civil Rights legislation that had a provision for equal pay.

1946

Rhode Island

Rhode Island passes similar legislation to Massachusetts in 1946. Their legislation also did not cover domestic workers, farm workers, or non-profit employees.

1947

Pennsylvania and New Hampshire

Both states passed laws similar to those in Massachusetts and Rhode Island. In Pennsylvania the law was opposed by local unions.

1949

California

California passes the the California Equal Pay Act in 1949. The law was vague in its wording and allowed for employers to find loopholes.

1955

Oregon

Oregon passed legislation requiring equal pay for "comparable work" but did not define what that meant. The bill was backed by women's groups and local unions trying to maintain men's wages.

1952

New Jersey

New Jersey passes legislation in 1952 just before the National Conference for Equal Pay.

1963

Equal Pay Act of 1963

President Kennedy signs the Equal Pay Act of 1963 into law on June 10, 1963. It amended the Fair Labor Standards Act and attempted to end wage disparity on the basis of sex.

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The Fight for Wage Equality for Women in the Post War Years

The fight for wage equality for women in the United States has been a long fight, that is still not over. This paper focuses on the legislation, both at a state and federal level, that attempted to end wage disparity on the basis of sex. This document accompanies a timeline of legislation and expands upon the various state laws and discusses what they covered, how their passages affected one another and eventually led to the Equal Pay Act of 1963, and how some of the laws came to be.

Through these pieces of legislation, the various states were committing to the idea of equality for women in the workplace, but to various levels of success. Some of the earlier laws were intentionally vague, provided loopholes for employers to exploit, and others were met with criticism and scorn. These laws were the first step in attempting to end wage disparity on the basis of sex, and many of them built on each other, but many of them lacked the detail to be enforceable.

Michigan (1919)

Michigan was the first state to pass equal pay legislation in 1919. The legislation was restricted to only protect those women in manufacturing jobs.¹ Although the coverage of the

¹ United States. United States Department of Labor. Women's Bureau. *Report of the National Conference on Equal Pay*. By Maurice J. Tobin and Frieda S. Miller. 1952.

legislation was rather narrow, particularly compared to the legislation that came after, it did mark the first step toward equal pay and pave the way for other states to pass their own legislation.

Montana (1919)

Montana also passed equal pay legislation in 1919. Despite being the second law passed, by 1952 Montana still had the broadest coverage with their law. The Montana law applied to "any person, firm, state, county, municipal, or school district, public or private corporation, employing women in any occupation or calling within the State of Montana."²

Illinois (1943)

The next state legislation requiring equal pay for women was not passed until over 20 years after the Michigan and Montana laws were passed. Illinois passed their equal pay law in 1943. Like the Michigan law, the Illinois law only covered the manufacturing industry and had an even narrower coverage. The Illinois law only applied to employers of "six or more persons... employing both males and females in the manufacture of any article."³ There was no provision for enforcement stated in the law, but there was a provision that stated that violators could be fined anywhere from \$25 to \$100.⁴ Although narrow in its coverage, it was a step in the right direction.

² Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

³ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

⁴ "N. Y. Labor Law, Section 199-a: "Equal Pay for Equal Work"." *Columbia Law Review* 46, no. 3 (1946): 442-52. doi:10.2307/1118140.

Washington (1943)

Washington state also passed legislation in 1943. The Washington legislation, like the Montana legislation, was broad in its coverage. The Washington law applied to "any employer... employing both males and females."⁵ Although it was broad in its coverage, there was no specific provision on how to enforce it.⁶

New York (1944)

The New York law was signed into law in 1944.⁷ The coverage was broad in the private sector, but did not cover domestic workers, farm workers, and non-profit employees.⁸ Unlike some of the other state laws, the New York law gave the Commissioner of Labor authority to recover the forfeits from the companies and budget was appropriated to the commission for administrative expenses.⁹ The New York law was supported by the the CIO, the AFL, and the Women's Trade Union League; and by women's clubs including the League of Women Voters, the Federation of Business and Professional Women, and the Women's City Club of New York.¹⁰

⁵ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

⁶ "N. Y. Labor Law, Section 199-a: "Equal Pay for Equal Work"." *Columbia Law Review* 46, no. 3 (1946): 442-52. doi:10.2307/1118140.

⁷ Special to THE NEW YORK TIMES. 1944. "EQUAL PAY BILL MADE LAW BY GOV. DEWEY." *New York Times (1923-Current File)*, Apr 15, 8.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/106899675?accountid=14503>

⁸ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

⁹ "N. Y. Labor Law, Section 199-a: "Equal Pay for Equal Work"." *Columbia Law Review* 46, no. 3 (1946): 442-52. doi:10.2307/1118140.

¹⁰ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

Massachusetts (1945)

The Massachusetts legislation passed in 1945 covered women in the private sector. Unlike the Illinois law, claims were to be investigated by the Commissioner of Labor and either the commission or the employee could sue for wages. There was also a maximum fine of \$100 for violators.¹¹ The Massachusetts law had the same exclusions for domestic workers, farm workers and non-profit employees as New York, New Hampshire, and Rhode Island.

Alaska (1945)

Alaska's legislation passed in 1945, the Alaska Equal Rights Act, and it was remarkable for several reasons. The first of which is that the legislation passed before Alaska was even gained statehood. The second was that it was predominantly a Civil Rights legislation, aimed to end Jim Crow policies in Alaska¹², but it became a general anti-discrimination law. Included was a provision about discriminating on the basis of sex.

Rhode Island (1946)

Rhode Island passed legislation in 1946, and it was similar to those passed in Massachusetts, New York, and New Hampshire. The coverage was broad in the private sector, but did not cover domestic workers, farm workers, and non-profit employees.¹³

¹¹ "N. Y. Labor Law, Section 199-a: "Equal Pay for Equal Work"." *Columbia Law Review* 46, no. 3 (1946): 442-52. doi:10.2307/1118140.

¹² Cole, Terrence M. "Jim Crow in Alaska: The Passage of the Alaska Equal Rights Act of 1945." *The Western Historical Quarterly* 23, no. 4 (1992): 429-49. doi:10.2307/970301.

¹³ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

Pennsylvania (1947)

The Pennsylvania law was passed in 1947. According to a New York Times Article, the bill was opposed by local unions. This is interesting to note because many of the other laws were passed in part due to support from the unions.¹⁴ It is also worth noting that the article is only two sentences long, but it makes a point of saying it was not backed by the unions.

New Hampshire (1947)

New Hampshire passed legislation in 1947, and it was similar to those passed in Massachusetts, New York, and Rhode Island. The coverage was broad in the private sector, but did not cover domestic workers, farm workers, and non-profit employees.¹⁵

California (1949)

The California legislature passed the California Equal Pay Act in 1949. A newspaper article from 1955, highlights the fact that the law was not without flaws. Within five years, there was a push by the California Federation of Business and Professional Women's Club to strengthen the equal pay law, overhaul the existing labor laws. Not addressed in the 1949 equal pay law was the removal of restrictions on women in certain industries.¹⁶

¹⁴ "Gov. Duff Signs Equal-Pay Bill." 1947. *New York Times (1923-Current File)*, Jul 09, 24. <https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/107905238?accountid=14503>.

¹⁵ Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

¹⁶ Goodhue, N. H. (1955, Jan 20). BPWC to seek law revisions. *Los Angeles Times (1923-1995)* Retrieved from <https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/166732804?accountid=14503>

New Jersey (1952)

The New Jersey law went into effect on July 1, 1952. It was written by the New Jersey Federation of Business and Professional Women. It was endorsed by many of the state's women's organizations. The law did not cover women who worked in hotels because the writers of the bill feared that if employers had to pay seasonal female hotel workers the same wages, they just wouldn't hire higher women in the first place. Not only did the law disallow discrimination on the basis of sex, but it also provided protections for those that filed complaints.¹⁷

Oregon (1955)

The Oregon legislature passed a law guaranteeing women the same wages as men when they performed comparable jobs in a workplace in April of 1955. This came after pressure from women's groups and by the unions. In Oregon, the unions were worried about women depressing wages for men, so they supported the movement for equal pay regardless of gender. Unfortunately, in Oregon, legislators did not define comparable work thus creating loopholes for corporations and made it incredibly difficult to enforce.¹⁸

Equal Pay Act 1963

The first equal pay bill was introduced to Congress in 1945 and it was reintroduced in every subsequent session of Congress. The act was finally signed into law on June 10, 1963 by

¹⁷ Special to THE NEW YORK TIMES. (1952, Jul 01). BILL ON EQUAL PAY NOW LAW IN JERSEY. *New York Times (1923-Current File)* Retrieved from <https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/112275842?accountid=14503>

¹⁸ Mercier, Laurie. "Breadwinning, Equity, and Solidarity: Labor Feminism in Oregon, 1945–1970." *Oregon Historical Quarterly* 120, no. 1 (2019): 6-45. <https://www.jstor.org/stable/10.5403/oregonhistq.120.1.0006>.

President Kennedy. It amended the Fair Labor Standards Act and attempted to end the wage disparity on the basis of sex.

Legacy of the Equal Pay Act of 1963

Many states had passed legislation guaranteeing women the same pay for the same work long before it became a national standard. Unfortunately, due to the vagueness of the laws, they were hard to enforce which made it necessary for the Federal government to create things like the Equal Employment Opportunity Commission. After the passage of the Equal Pay Act, more and more states created their own legislation or continued to strengthen the protections they had already passed. Since the passage of the Equal Pay Act the wage gap between men and women on average has shrunk from women making 67 cents per a man's dollar to women making 80 cents per dollar.

Newspaper Article Citations

"Gap Widens in Equal Pay." 1972. *New York Times (1923-Current File)*, Feb 18, 40.

<https://colorado.idm.oclc.org/login?url=https://search-proquest.com.colorado.idm.oclc.org/docview/119448575?accountid=14503>.

GRIMES, JOHN A. Staff Reporter of THE WALL,STREET JOURNAL. 1963. "Kennedy Signs 'Equal Pay for Women' Bill but Economic Emancipation is Not Assured." *Wall Street Journal (1923 - Current File)*, Jun 11, 10.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/132846988?accountid=14503>.

Kleiman, Carol. 1971. "Unequal Pay for Equal Work." *Chicago Tribune (1963-Current File)*, Jul 11, 1-e11. <https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/169938448?accountid=14503>.

Goodhue, N. H. (1955, Jan 20). BPWC to seek law revisions. *Los Angeles Times (1923-1995)* Retrieved from <https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/166732804?accountid=14503>

"Gov. Duff Signs Equal-Pay Bill." 1947. *New York Times (1923-Current File)*, Jul 09, 24.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/107905238?accountid=14503>.

Special to THE NEW, YORK TIMES. (1952, Jul 01). BILL ON EQUAL PAY NOW LAW IN JERSEY. *New York Times (1923-Current File)* Retrieved from

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/112275842?accountid=14503>

Special to THE NEW, YORK TIMES. 1944. "EQUAL PAY BILL MADE LAW BY GOV. DEWEY." *New York Times (1923-Current File)*, Apr 15, 8.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/106899675?accountid=14503>.

Special to The New, York Times. 1962. "Equal Pay for Women Upheld in Pennsylvania." *New York Times (1923-Current File)*, Apr 18, 10.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/115662336?accountid=14503>.

Special to THE NEW, YORK TIMES. 1943. "Men Strike for Equal Pay for Women; Wildcat Action Shuts Pennsylvania Plant." *New York Times (1923-Current File)*, Jan 06, 22.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/106484564?accountid=14503>.

Special to THE NEW, YORK TIMES. 1952. "WOMEN TO CAMPAIGN FOR EQUAL PAY LAW." *New York Times (1923-Current File)*, Apr 02, 31.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/112215212?accountid=14503>.

"UNIONS SHIFT VIEW IN EQUAL PAY FIGHT." 1944. *New York Times (1923-Current File)*, Apr 04, 16.

<https://colorado.idm.oclc.org/login?url=https://search-proquest-com.colorado.idm.oclc.org/docview/106738441?accountid=14503>.

Sources (Academic)

Cole, Terrence M. "Jim Crow in Alaska: The Passage of the Alaska Equal Rights Act of

1945." *The Western Historical Quarterly* 23, no. 4 (1992): 429-49. doi:10.2307/970301

Dickason, Gladys. "Women in Labor Unions." *The Annals of the American Academy of Political and Social Science* 251 (1947): 70-78. <http://www.jstor.org/stable/1024881>.

Brady, Dorothy S. "Equal Pay for Women Workers." *The Annals of the American Academy of Political and Social Science* 251 (1947): 53-60. <http://www.jstor.org/stable/1024879>.

Fisher, Marguerite J. "Equal Pay for Equal Work Legislation." *Industrial and Labor Relations Review* 2, no. 1 (1948): 50-57. doi:10.2307/2519256.

Fuentes, Sonia Pressman. "The Law against Sex Discrimination in Employment and Its Relationship to Statistics." *The American Statistician* 26, no. 2 (1972):

Mercier, Laurie. "Breadwinning, Equity, and Solidarity: Labor Feminism in Oregon, 1945–1970." *Oregon Historical Quarterly* 120, no. 1 (2019): 6-45.

<https://www.jstor.org/stable/10.5403/oregonhistq.120.1.0006>.

"N. Y. Labor Law, Section 199-a: "Equal Pay for Equal Work"." *Columbia Law Review* 46, no. 3 (1946): 442-52. doi:10.2307/1118140.

United States. United States Department of Labor. Women's Bureau. *Report of the National Conference on Equal Pay*. By Maurice J. Tobin and Frieda S. Miller. 1952.