Wage disparities still exist in Tennessee between men and women in the same occupations, and these disparities directly affect not only women in this state but also every man who is married to a working woman.
In 1776, Abigail Adams asked her husband John to “remember the ladies” when formulating America’s system of government. Although he may have listened to his wife with regard to some aspects of our system of government, it is clear that for voting purposes the ladies weren’t remembered for almost another 150 years. The 19th Amendment to the Constitution, granting women the right of suffrage, was ratified in 1920 after winning approval by one vote. Which state provided the necessary vote? Tennessee, the Volunteer State, made the difference.

Gaining enough votes in Tennessee for ratification was not easy and has become the stuff of legend. After the measure passed the state senate, it faced significant odds in the house of representatives. Harry T. Burn, the youngest member of the House at 24, had been in the antisuffrage crowd for some time when the vote first came up tied at 48. However, the representative from Niota, a small town in East Tennessee, changed his vote after receiving a note from his mother cautioning Harry to “be a good boy and vote for suffrage.”

Following the telegram from Febb Ens- minger Burn and Harry Burn’s change of heart, House Speaker Seth Walker followed suit and changed his vote to aye, making the final tally 50–46 and giving the bill the necessary votes for passage. What an incredible moment for Tennessee and for women across the nation.

Sixty-three years after passage of the 19th Amendment and one year before passage of the Civil Rights Act, Congress passed the Equal Pay Act (EPA). At the signing ceremony, President John F. Kennedy called the EPA a law basic to democracy and one that “affirms our determination that when women enter the labor force they will find equality in their pay envelope.”

While it’s nice to imagine a collective determination that women will find equity in their paychecks, the reality is that inequity still exists some 40-plus years after passage of the EPA. In 1963, full-time working women, according to U.S. government data, earned an average of 59 cents on each dollar earned by men. Today the number stands at around 76 cents. To fully understand the nature of this statistic, it’s important to realize that it represents an analysis of all occupations held by men and women. So a significant portion of the earnings gap can be explained by the preferences of some women to be elementary school teachers versus business executives or librarians versus engineers, with the former in both cases being lower on the pay scale than the latter. However, women’s preferences don’t fully explain the gap. Discrimination can make up some of the difference, evident especially when comparing the earnings of men and women in the same occupation.

In June 2004, Governor Phil Bredesen signed the Equal Pay Remedies and Enforcement Act. According to the Tennessee Economic Council of Women (ECW), the legislature’s action in passing the bill and the governor’s support by signing the legislation made Tennessee the only state to increase the damages paid to affected employees for each repeated act of willful discrimination. Further, it placed Tennessee among the top states in the country for promoting fair employment practices. Tennessee made the difference.

The act also authorized the ECW to conduct an equal pay study and make recommendations on how to deal with wage disparities in Tennessee. The ECW presented its finding this past September to Governor Bredesen, both houses of the General Assembly, and the women’s and black legislative caucuses. Yasmeen Mohiuddin, Ph.D., a Ralph Owen distinguished professor of economics at the University of the South in Sewanee, presented the council’s Pay Equity Report.

Professor Mohiuddin’s findings include

- A significant wage gap exists within each of the 300 occupations detailed in the report. Among the lowest-paid occupa-

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Among the highest-paid occupations, the female-male earnings ratio for nurses is 0.87.

- Among the highest-paid occupations, the female-male earnings ratio for physicians is 0.51. This is partly due to what is referred to as “occupational segregation,” in that women are more concentrated in lower-paid positions in pediatrics and family practice as opposed to gynecology and surgery.

- While the gap for physicians may be partly explained by difference of specialization, the same cannot be said for elementary school teachers, an occupation involving similar education and no specific specialization. The female-male earnings ratio of elementary and middle school teachers is 0.85.

- The wage gap between men and women in Tennessee, among all occupations, ranges from 56.9 percent in Williamson County to 82.1 percent in Davidson County. The choice of an occupation is only partly based on women’s personal preferences. They also face greater obstacles than men in entering certain occupations. Subtle barriers and socialization, or the process by which the influence of those around us shapes our attitudes, pursuits, and self-esteem, often steer women away from jobs predominantly held by men.

- Most studies indicate about 25–40 percent of the wage gap cannot be explained and conclude the difference must be discrimination.

- Whether the wage gap is due to discrimination, socialization, or both, it needs to be addressed by all those involved: women themselves, employers in the private sector, nonprofits, women’s groups, and the government. Women should be better prepared for higher-paying jobs through education, training, and mentoring. The workplace should become more family-friendly, and the government should enforce the Equal Pay Act and Title VII of the Civil Rights Act and formulate new legislation as needed.

I attempted to address this last point in my last session of the Tennessee General Assembly. To me, it’s simple: all things being equal, all things should be equal. It is difficult in one piece of legislation to address the barriers women face when seeking to close the overall wage gap—such as the occasional “accidental” flat tire suffragettes faced—but I introduced a bill that attempted to equal the playing field so women can get paid the same as men for doing the same job.

Why would Tennessee need yet another law if we have already been subject to federal laws for 40 years and if we just passed a law in 2004? Because wage disparities still exist in Tennessee between men and women in the same occupations, and these disparities directly affect not only women in this state but also every man who is married to a working woman.

Present law in Tennessee requires an employer found guilty of wage discrimination to compensate the employee for the difference in salary with additional penalties for repeat offenders. While this policy is certainly worthwhile and fair, it allows an employer to risk paying women less with the only punishment being the payment of the lost wages. It could be said that this provides no incentive to employers to pay women and men equally.

The bill I introduced would have allowed for punitive damages on top of the repayment of lost wages, providing a powerful disincentive to pay inequity. The bill also would have narrowed the definition of what may be used to justify wage disparity to bona fide reasons so that businesses cannot simply list “other” as a reason to pay women less than men in the same job. The legislation, as is the case with many such bills when introduced for the first time, did not pass. However, the bill has been reintroduced with another sponsor in the most recent session of the General Assembly. So the idea lives on.

What about efforts on the part of the federal government? An issue gaining steam related to equal pay is the first increase in the minimum wage in nearly a decade. Considering that President Bush seems to be amenable to the idea, it could very well happen. If nothing else, perhaps debate on the issue will bring to light other wage issues, in particular equal pay. As with many other controversial issues facing our country, all sides should agree it’s at least worth debating.

Why wait for the federal government or another state to set the example? We certainly want to maintain our healthy business climate in Tennessee, and I believe we can do so while being fair to those women in the state who have achieved the same as their male counterparts.

Remember, Tennessee can make the difference. My mother told me so.

Kim McMillan, former 67th District state representative and former House Majority leader (the first woman majority leader in either house of the Tennessee General Assembly), is senior advisor to Governor Bredesen. Matt Barnes, research analyst for the House Commerce Committee, also contributed to this article.