



Posted on Fri, Jun. 25, 2004

'Wal-Mart women' whittling wage gap?

Experts say lawsuit could deter discrimination

AMY BALDWIN AND TED REED

Staff Writers

The gender-discrimination lawsuit against Wal-Mart is a reminder that women still earn less than men. But the gap has been narrowing, and some labor and workplace experts predict the allegations against the world's largest employer will hasten that process.

Some companies will take it upon themselves to change their pay policies, say legal and workplace experts. Others may be forced by an increase in lawsuits or demands for fair pay from female employees.

Gender pay disparity is a longstanding problem, said Roger Herman, head of The Herman Group, a Greensboro-based consulting firm that specializes in workplace issues.

"This has built up over time since Rosie the Riveter was on the scene back in World War II," Herman said. "It is one of the social anomalies that needs to be corrected. This lawsuit could be a wake-up call not just for Wal-Mart but for all employers."

The Wal-Mart case comes as fewer U.S. workers are claiming gender bias at work.

Last year, the U.S. Equal Employment Opportunity Commission received 25,529 claims of gender discrimination, which includes allegations of sexual harassment, unfair wages and improper firings. That was down 7 percent from 1995, when 27,456 claims were filed.

Long-term data were unavailable for the Carolinas, but both states experienced sharp declines between 2000 and 2003. In North Carolina, the number of claims fell 16 percent to 843; South Carolina's total fell 40 percent to 175.

An EEOC official declined to speculate about reasons for the declines.

Still, publicity on the Wal-Mart case may move more workers to legal action.

"If they feel like something is amiss, they're more likely to contact an attorney," said Humphrey Cummings, a Charlotte employment-discrimination attorney.

The Wal-Mart case, which was granted class-action status Tuesday, began when female workers complained that their paychecks didn't stack up to those of men who worked

alongside them as cashiers, or that they were passed over for promotions to management.

When Kathleen McDonald asked her boss at a Wal-Mart in Aiken, S.C. why women there were paid less, he allegedly told her "God made Adam first, and so women would always be second to men," according to a sworn affidavit she submitted in the case.

McDonald is one of 114 "Wal-Mart Women" -- including 12 in the Carolinas -- who have submitted affidavits against Wal-Mart.

Wal-Mart, which said earlier it will appeal the class-action status, declined to comment further on Thursday.

Beyond the Wal-Mart case, federal statistics show women continue to trail men in compensation. There has been steady progress in recent decades, however.

In 2003, women earned 79.4 cents for every dollar men earned, according to the Bureau of Labor Statistics. In 1980 women earned 64.4 cents for each dollar men earned.

Observers disagree as to what prompted the narrowing of the pay gap.

Dennis Nolan, professor of labor law at the University of South Carolina, said it reflects a change in society as women join men in going after higher-paying careers, such as law or medicine over lower-paying posts like teaching and nursing.

"Women are choosing jobs and getting hired for jobs that they wouldn't have considered years ago," Nolan said. About 45 percent of his students are women, compared with about 10 percent 30 years ago.

Others say the gap has narrowed because more employers are paying workers equally.

"I think this lesson has been learned by corporate America," said Skip Sugarman, an employment lawyer with Alston & Bird in Atlanta, citing previous employment discrimination lawsuits.

Labor lawyers said that, to win a gender discrimination lawsuit, employees must prove -- collectively or as individuals -- that their employer made salary or promotion decisions based on gender and not other factors, such performance.

Staff Writers Charles Lunan and stan choe Contributed.