

117TH CONGRESS
2D SESSION

S. CON. RES. 50

Recognizing the significance of equal pay and the disparity in wages paid to men as compared to wages paid to Latina women.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2022

Ms. CORTEZ MASTO (for herself, Mr. LUJÁN, Mr. MENENDEZ, Mr. PADILLA, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. HICKENLOOPER, Mr. KAINE, Mr. KELLY, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, and Mr. BENNET) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

CONCURRENT RESOLUTION

Recognizing the significance of equal pay and the disparity in wages paid to men as compared to wages paid to Latina women.

Whereas December 8, 2022, is Latina Equal Pay Day, the observance of which marks the fact that Latina women must work nearly an additional 11 months, on average, to be paid what White, non-Hispanic men were paid in 2021;

Whereas Latina women now make up the second largest group of women workers in the United States, after White women;

Whereas there are 12,800,000 Hispanic women in the labor force in the United States, representing slightly more than 17 percent of all women in that labor force today;

Whereas the labor force participation rate of Latina women in 2021 was higher than that of their White counterparts, which reflects that a growing share of Latina women are either working or actively looking for work;

Whereas section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) (referred to in this preamble as “section 6(d)”) prohibits discrimination in compensation for equal work on the basis of sex;

Whereas title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) prohibits discrimination in compensation because of race, color, religion, national origin, or sex;

Whereas, despite section 6(d), which was first enacted as part of the Equal Pay Act of 1963 (Public Law 88–38; 77 Stat. 56) more than 5 decades ago and requires that men and women in the same workplace be given equal pay for equal work, data from the Bureau of the Census shows that Latina women working full-time, year-round are typically paid 57 cents for each dollar paid to White, non-Hispanic men, while the average wage differential for Latina women working full-time, part-time, and part-year is 54 cents for each dollar paid to White, non-Hispanic men;

Whereas a study conducted in 2019 found that, on average, a Latina woman loses more than \$1,000,000 dollars in potential earnings over her lifetime to the wage gap;

Whereas the American Community Survey 2016–2020 reported that—

(1) the median annual pay for a Latina woman in the United States working full-time, year-round was \$33,000; and

(2) the median annual pay for all Latina women with reported earnings working full-time, part-time, or part-year was \$25,312, placing a working mother with 2 children near poverty;

Whereas job loss during the COVID–19 pandemic distorted measurements of average wages, as women with lower earnings in sectors such as leisure, hospitality, and retail were more likely to experience job loss and leave the labor force;

Whereas the unemployment rate of Latina women peaked at 20.1 percent in April 2020, and the civilian labor force participation rate of Latina women fell from a high of 59.2 percent in October 2019 to 57 percent in September 2020;

Whereas lost wages mean that Latina women have less money to support themselves and their families, save and invest for the future, and spend on goods and services;

Whereas 51 percent of Latina women are unable to earn sick days through their jobs;

Whereas more than ½ of low wage earners who are Latina women report that they spent most or all of their savings during the COVID–19 pandemic and 32 percent have no money left for emergencies, compared to 13 percent of White men who report that they have no money left for emergencies;

Whereas the lack of affordable, accessible childcare during the COVID–19 pandemic led to 14 percent of Latina women, and 32 percent of immigrant Latina women, to

quit their jobs or reduce their number of work hours to care for their children.

Whereas the underpayment of workers who are Latina women causes businesses and the economy of the United States to suffer;

Whereas the lack of access to affordable, quality childcare, paid family and medical leave, and other family-friendly workplace policies forces many Latina women to choose between their paycheck or job and getting quality care for themselves or their family members, a dynamic that contributes to the wage gap and has been further exacerbated by the COVID–19 pandemic, especially as Latina women disproportionately work in essential jobs that put them at greater risk of exposure to COVID–19;

Whereas, if the wage gap were eliminated, on average, a Latina woman working full-time, year-round would have enough money to afford approximately 3 years of childcare, to pay off her student debt in 1 year, or to pay off 19 months of the average mortgage payment;

Whereas 25 to 85 percent of women have been sexually harassed at the workplace, and research has found that only about 1 in 10 women who experience harassment formally report those incidents for reasons that include lack of access to the complaints processes and fear of retaliation;

Whereas workplace harassment forces many women to leave their occupation or industry or pass up opportunities for advancement, which contributes to the gender wage gap;

Whereas targets of workplace harassment were 6.5 times more likely than non-targets to change jobs;

Whereas there is a high personal cost to women who have been sexually harassed, including unemployment, underemployment, and financial stress resulting from changing jobs, which leads to long-term consequences for earnings and career attainment;

Whereas $\frac{2}{3}$ of workers paid the minimum wage or less than the minimum wage in 2020 were women, and there is an overrepresentation of women of color in low wage and tipped occupations;

Whereas the pay disparity that Latina women face is part of a wider set of disparities that Latina women encounter in homeownership, unemployment, poverty, access to childcare, and the ability to accumulate wealth;

Whereas true pay equity requires a multifaceted strategy that addresses the gendered and racial injustices that Latina women face daily; and

Whereas many national organizations have designated December 8, 2022, as Latina Equal Pay Day to represent the additional time that Latina women have had to work into this calendar year to receive the earnings of their White, non-Hispanic counterparts in the prior year: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That Congress—

3 (1) recognizes the disparity in wages paid to
4 Latina women and its impact on women, families,
5 and the economy of the United States; and

- 1 (2) reaffirms its support for ensuring equal pay
- 2 for equal work and closing the gender wage gap.

