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**CONTACT:** Melissa Wagoner  
(202) 224-2633

**KENNEDY ON ENSURING EQUAL RIGHTS FOR ALL**

*Senate Health, Education, Labor and Pensions Committee Hearing*

*(As Prepared for Delivery)*

Equal pay for equal work is a fundamental civil right in our society. All workers should have the right to fair pay regardless of their race, gender, national origin, religion, age, sexual orientation or disability. Unfortunately, reality has too often failed to live up to this ideal. Prejudice and discrimination too often deny some employees the fair pay they deserve for the work they do. Civil rights is still the nation's unfinished business.

Over the years, Congress has stood up for justice and fairness by passing strong, bipartisan laws against pay discrimination. The Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Civil Rights Act of 1991, all protect workers from pay discrimination, and these laws have made our nation a stronger, better, and fairer land.

The Supreme Court's 5-4 decision last May in Ledbetter v. Goodyear Tire & Rubber Company, undermined the fundamental protections against pay discrimination by imposing serious obstacles in the path of workers seeking to enforce their rights.

Ledbetter was a textbook case of pay discrimination. Lilly Ledbetter, who is here today, was one of a few women supervisors at a Goodyear Tire and Rubber Company plant in Gadsden, Alabama. She worked at the plant for almost two decades, constantly demonstrating that a woman could do a job traditionally done by men. She endured the frequent scorn of her male coworkers, but she persevered, and constantly gave the company a fair day's work for what she thought was a fair day's pay. What she didn't know, however, was that Goodyear wasn't living up to its part of the bargain. For almost two decades, the company used discriminatory evaluations to pay her less than her male colleagues who performed the same work.

The jury saw the injustice in Goodyear's treatment of Ms. Ledbetter, and awarded her full damages. But five members of the Supreme Court ignored that injustice, and held that Ms. Ledbetter was entitled to nothing at all, because she was too late in filing her claim.

The Court imposed the unreasonable rule that she should have filed her claim within a few months from the day Goodyear first decided to discriminate against her. Never mind that Ms. Ledbetter didn't know about the discrimination when it first began. Never mind that she had no way to obtain this information, because Goodyear kept such salaries confidential. Never mind that Goodyear continued to discriminate each and every time it gave Ms. Ledbetter a smaller paycheck than it gave her male coworkers.

The Court's decision gives employers free rein to continue such discrimination, and it leaves workers powerless to stop it. That result defies both justice and common sense.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress when we passed these important laws. It provides a reasonable rule that reflects how pay discrimination actually occurs in the workplace. It recognizes that workers may not know immediately that they are being underpaid because of discrimination. It specifies that the time for filing a pay discrimination claim begins on the date the worker receives a discriminatory pay check. It gives workers a realistic opportunity to stop on-going discrimination, and it holds firms accountable for violating the law.

We know this legislation is fair and workable – it was the law in most of the land and had the support of the EEOC under both Democratic and Republican administrations, until the Supreme Court upended the rules last year.

As Justice Ginsburg wrote in her stirring dissent in the case, “Once again, the ball is in Congress’s court.” We must act to correct this misreading of the law, and we must do so as soon as possible.

I thank the witnesses for appearing today. I look forward to their testimony, and to meeting our own responsibility to guarantee that our civil rights laws provide the full protection Americans deserve.

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