

WOMEN'S VU

July 1980

A publication for and about women
at Vanderbilt University

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LAWS PROTECT WORKING WOMEN'S RIGHTS

The most important laws specifically aiding employed women are Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, and Executive Order 11246. Federal laws apply only to businesses affecting commerce, but the courts have interpreted this requirement so broadly (buying supplies that move in interstate commerce or using the United States mails is enough) that almost every occupation affects commerce.

Title VII covers employers having at least fifteen employees and therefore does not apply to many small businesses. Employed women in Tennessee who work where there are 8 or more employees can obtain help from the Tennessee Human Development Commission, located in the Cordell Hull Building in Nashville. The most important rights that these laws make enforceable are the following:

1. An employed woman who applies for a promotion or a transfer to another position has the legal right to have her *individual* qualifications evaluated *objectively*. Her employer may not deny the promotion or transfer because of his stereotype of women as not suited to such work or his belief that customers or co-workers will prefer to have a man in the position. Under Title VII it is illegal for an employer to fail or refuse to hire a person because of the person's sex, unless sex is a bona fide occupational qualification (a woman may be denied employment as a correctional counselor with responsibility for maintaining order in a maximum security, unclassified penitentiary). Sex discrimination exists when a woman who is qualified for a position applies for it and is rejected and

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Belmont Weekday School Enrolls 3 to 5 Year-old Children



Photo by Ardon Brown
Ice Cream Party at Belmont Weekday School

Women's Equity Action League, a national organization dedicated to furthering women's rights, is looking for a volunteer to establish a state chapter for Tennessee. To apply, or for further information, call the Women's Center, 322-4843.

The Belmont Weekday School was begun in 1947 and continues its service today to families with many ethnic, racial, and religious heritages. Enrollment is open to a maximum of 70 children, ages 3 to 5 years old.

The school program functions to meet the developmental needs of the child and emphasizes growth in all areas—physical, emotional, mental and spiritual—as a continuously interrelated process. Every effort is made to meet the needs of the families enrolled at the school, and parental involvement is seen as crucial to the success of the program. All teachers are certified to teach in the State of Tennessee and are committed to this school philosophy.

For the benefit of both teachers and families, there are three occasions before the first day of school for teachers and families to meet: (1) parents are contacted by the teacher to arrange a time during the last two weeks of August for the teacher to visit children in their homes; (2) Tuesday morning, September 2nd, the children come to the school to see their classroom and reacquaint themselves with their teacher; and (3) that evening, Tuesday, September 2nd, at 7:30 p.m. in Room 203 of Belmont United Methodist Church, parents and teachers meet to discuss important guidelines for participation in the school program. Regular classes begin the next day, Wednesday, September 3rd.

The school is self-supporting, funding coming entirely from tuition. Tuition payments of \$65.00 are due the first of each month. A completed registration form and fee of \$15.00 and a completed

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E.E.O.C. REPORTS INCREASING PAY GAP

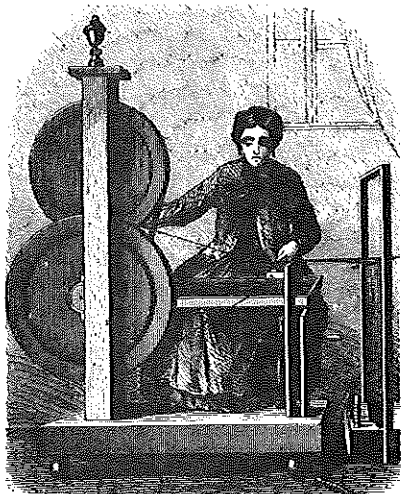
The Equal Employment Opportunity Commission held hearings in May on a question that Chair Eleanor Holmes Norton called the "last unresolved question under Title VII - if jobs traditionally held by women and minorities are assigned lower wages than comparable jobs held by white males." The answer was clearly "yes."

The earnings gap between women and men has increased over the last 15 years, it was reported in the bulletin, *Equal Opportunity in Higher Education*. Women are segregated in low-paying jobs. Jobs available to working women are still characterized by "low pay, lack of advancement opportunity, and lack of respect," said Ellen Cassedy of the National Association of Office Workers.

Jane Fleming of Wider Opportunities for Women pointed out that women comprise 84 per cent of elementary and secondary school teachers, a traditionally low-paying field, as compared with the preponderance of men in elementary and secondary school administrative positions, which pay more than teaching positions.

The EEOC, in a statement announcing the hearings, said, "Occupational segregation. . . was expressly condemned. . . by Title VII of the Civil Rights Act of 1964." Nevertheless, "job segregation by race, sex, and national origin remains a major characteristic of industrial life. For the most part, minorities and women do not do the same kinds of work as white males."

We still have a long way to go.



Belmont Week-day School

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health form are required to hold a child's place in the school. School hours are from 9:00 a.m. to 12:00 noon, Monday thru Friday.

An afternoon extended session is also available. Children can be enrolled for one through five days per week in the extended session.

In order to allow a greater portion of the school's budget to be paid to teacher salaries, parents are asked to contribute daily snacks for the children. During the "home visits" before school begins, a rotating schedule for this responsibility of snacks will be discussed, as well as ideas for nutritious snacks. For those parents unable to help with this aspect of the school program, a snack fee of \$10.00 may be substituted. It is expected that a family will be responsible for providing snacks for approximately two weeks during each of the two sessions of the year.

Parents are invited to visit the school facilities, provided by Belmont United Methodist Church, and to meet the Director, Patty McIntyre. Enrollment and health forms are available at the church, corner of Acklen Avenue and Hillsboro Road (21st Avenue South) in Hillsboro Village. The telephone number is 383-0832.

—Patty McIntyre

EMPLOYEES LUNCH AT THE WOMEN'S CENTER

Men in our society have always had "places to gather," somewhere to go for business lunches, for the drinks after work during which contacts are made and cemented and acquaintances kept current. Women, on the other hand, have rarely had such places, nor have we felt comfortable in the places regarded by males as "their territory." Now, women are finding such places of our own.

One such "place of gathering" is the Women's Center which now sponsors regularly-scheduled staff women's brown-bag lunches. The purpose of these lunches is to allow female employees the chance to meet informally and to get to know one another. The "Last Friday" lunches are held from 11:30 to 1:00 in the Conference Room of the Women's Center, E-2 West Side Row. Everyone brings her own lunch; beverages are provided. There is no "program" and women come when they can and leave when they must. It is a good time to browse in the Resource Center as well as to meet women from other areas of the University. It is a special opportunity for women from the main campus to get to know women from Peabody and the Medical Center.

"Last Friday" lunches will be held during the summer on July 25 and August 29. If you have questions, suggestions, or need directions to the Women's Center, call 322-4843.

—Julia Kinschner
Staff Assistant

Today's issue of equal employment opportunity may well be tomorrow's issue of equal right to survival - survival as individuals, families and corporations. If this is what we all face in our future then the need for the cooperation and coalition of employers and employees, men and women, majority and minority is clear. Ours is a joint problem which only we, together, can hope to resolve. We must struggle to find the strength of our common humanity and, working from that shared strength, move forward to attack those issues which threaten all of our rights to a just, decent and rewarding work life.

—The Managerial Woman, p. 239

the employer continues to seek applicants from people with the same qualifications until it is filled by a man. In *East v. Romine, Inc.* (1975), Cora East applied for a job as a welder but did not get the job. Later during the same year Romine, Inc., hired welders on nine occasions—all men. When sued for sex discrimination, Romine's defense was that East's past employment record was not good. The court observed that Romine offered no evidence as to the work histories of the nine men who were hired and ruled that Romine had not evaluated East's qualifications comparatively by an objective standard.

2. Employed women are entitled to working conditions that are as good as those of men doing similar work. The case of *Laffey v. Northwest Airlines* illustrates both illegally unequal working conditions and the effectiveness of combining to bring a *class action* on behalf of all the women employees who are being discriminated against. In that case women flight attendants were not allowed to marry, to continue work after age 32, to exceed a certain weight limit, to wear glasses, or to exceed 5' 9" in height, and were required to share rooms on stopovers; men flight attendants were under none of these restrictions. Ms. Laffey sued Northwest Airlines not only for herself but also for all Northwest women flight attendants—and won a decision that each of the unequal working conditions violated Title VII of the Civil Rights Act and must be discontinued.

3. Employers who have contracts to supply goods or to perform services (examples are Army uniforms and medical research) worth \$10,000 or more to the United States Government are required by Executive Order 11246, issued by President Johnson in 1965, to agree not to discriminate against any employee or applicant because of sex and to take affirmative action to assure that employees are treated without regard to their sex. Complaints should be filed with the Office of Federal Contract Compliance in the U.S. Department of Labor.

4. An employer who makes or who knows that any employee of his is making the continued employment or promotion or salary increase of a woman dependent on her giving sexual favors is using or permitting sexual blackmail and is violating Title VII. The proof of the facts

showing sexual blackmail can be the woman employee's own written, dated record of the time, place, and circumstances of any improper advances by a supervisor and of witnesses to retaliatory harassment if it follows rejection of the advances. In *Tomkins v. Public Service Electric and Gas Company* (1977), the court held that sexual blackmail violates Title VII. In *Barnes v. Costle* (1977), the court held that an employer—which happened to be the Environmental Protection Agency—is responsible for sexual blackmail committed by a supervisor if the employer knows of it.

5. Under the Equal Pay Act of 1963 women are entitled to equality with men in all forms of pay (vacation and holiday pay, premium payments for work on regular days of rest or other days or hours in excess of regular days or hours of work) where their jobs require substantially equal skill (experience, training, education, and ability), equal effort (mental exertion can be equated with physical exertion), equal responsibility (the degree of accountability, not minor additional duties—approving customer's checks, not seeing that the lights are turned off at day's end), and similar working conditions (the hazards faced on the jobs). Here the actual facts of a given situation, more than job titles or assumptions about certain positions, are important. In *Marshall v. Hodag Chemical Corporation* (1978), a man analytical chemist was paid \$1800 more than a woman analytical chemist who had been hired two years earlier. The company responded to the woman's suit based on unequal pay by changing the man's title. The woman won the case. The court ruled: "Once the Act is violated by paying different rates to persons of the opposite sexes for equal work, compliance can only be achieved by raising the rate of the lower paid sex, not by further alteration of duties." Violation of this rule is punishable by a \$10,000 fine.

Enforcement

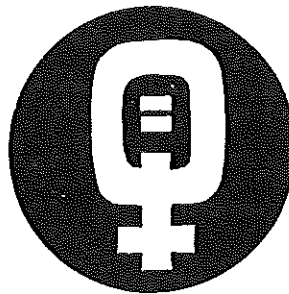
The Equal Pay Act is enforced by the Wage and Hour Division of the U.S. Department of Labor, which has regional offices throughout the country. The employee who proves her right to equal pay and that she has been denied it is entitled to (a) back pay, (b) liquidated damages—an additional amount equal to the amount of the back wages—and (c) attorneys' fees. The employer's retaliation for complaining to the Wage and Hour Division is expressly forbidden. A group of women employees with a valid complaint of unequal pay for equal work carries more weight with the employer and with the Secretary of Labor than a single woman employee.

What an individual can do

What can an employed woman do about sex discrimination or sexual blackmail? Keep an accurate record—a private diary—of the dates, places, circumstances, and especially witnesses to retaliation or harassment. Telephone the Tennessee Human Development Commission and make an appointment to talk with a representative; request that the representative record the fact that you visited the office and discussed your rights, and obtain a copy of its complaint form. Show the form to your employer's human development or employee relations officer when you go to discuss the problem; this will reduce the employer's freedom to retaliate by firing you and then saying that you are complaining about sex discrimination or sexual blackmail because you were fired.

Under Title VII the employee must prove that the firing took place because she complained, not the other way around. Nevertheless, if nothing is done to solve the problem, the employee must file a complaint with the state or local human rights commission within 180 days of the discriminatory action or risk losing the right to complain. If no settlement is reached by the employer or the state or local human relations commission, file your complaint with the

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SUMMER SCHOOL FOR WOMEN WORKERS

The Seventh Annual Michigan Summer School for Women Workers will be held at the University of Michigan from August 12-17. The theme is "Our World in the 80's."

More than 100 women will be admitted for the five-days of classes. Each morning academic social scientists and working women will examine the future world of work, economics, politics, and the law. There for the afternoon classes include assertiveness training, the economics of collective bargaining, union basics, and grievance handling.

The Michigan Summer School is sponsored by the Program on Women and Work, Institute of Labor and Industrial Relations, the University of Michigan-Wayne State University, and the Labor Program Service, Michigan State University.

For more information, contact Betty Kaufman, Program on Women and Work, Institute of Labor and Industrial Relations, 108 Museums Annex, Ann Arbor, Michigan, 48109.



Working Women's Rights

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federal Equal Employment Opportunity Commission. If no settlement is reached by the EEOC, it will notify you that you have the right to sue your employer. The court can order that the employee be hired or reinstated with back pay to the date of the discriminatory refusal to hire or the discharge or that the employer stop a particular practice or begin an affirmative action program to hire more women.

The above information is based on two chapters in *Power Plays*, by John M. Striker and Andrew O. Shapiro (Rawson, Wade Publishers, Inc., 1979). This book is easy to read and in a very encouraging way also provides the legal information needed and suggests what to say when a person who is not a lawyer must deal with a landlord, loan officer, store manager, or auto dealer who is not acting fairly.

Elizabeth R. Post

Two Women are among 1980 Founder's Medalists

Two women are among this year's six Founder's Medalists, according to an article in the *Vanderbilt Gazette*, June 1, 1980.

Susan Lynne Lausch is a Divinity School graduate from Kentucky Wesleyan University with a straight A record and was named the outstanding graduate of the class of 1977. At Vanderbilt she served as a chaplain intern at University Hospital. She was this year's winner of the J.D. Owen Prize for outstanding work in the area of New Testament. Susan has accepted a position as the Associated Minister of the Wooser United Methodist Church in Wooster, Ohio.

Chris Skinner, a Nursing graduate, is from Nashville. A *summa cum laude* graduate, she is a member of Sigma Theta Tau national nursing honorary and Mortar Board, national honorary for students who have demonstrated excellence in scholarship, leadership and service. She was a leader this year in establishing a Vanderbilt chapter of the National Student Nurses' Association, the student branch of the American Nurses' Association. Chris will be a staff nurse at Memorial Hospital, Greenville, South Carolina, and plans to do graduate work in sports health.

This is the 104th year that Founder's Medals have been awarded to students graduating with first honors in the schools.

If you do not receive *Women's VU* with your name and address on the label, and you would like to, please complete the form below and return to the Women's Center.

Name _____

Campus Address _____

Please Check: Student Staff Faculty

WOMEN'S CENTER
E-2 WEST SIDE ROW
BOX 1513 STATION B