

Wal-Mart Case Has Broad Implications for Women Employees' Ability to Challenge Job Discrimination

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(Washington, D.C.) Today Wal-Mart will file its brief to the U.S. Supreme Court arguing against the legality of a class of current and former women employees who have filed a Title VII employment discrimination case against the company. Below is a statement from National Women's Law Center (NWLC) Co-President Marcia D. Greenberger:

"Ten years ago a group of women employees sued Wal-Mart, claiming the company discriminated against them by paying them lower wages and giving them fewer promotions than men—even when they had higher performance ratings and more seniority than their male counterparts. The case, now before the Supreme Court, raises a critical question about the ability of employees to join together as a group to legally challenge employer practices that have broad impact across a workforce. The decision will have significant implications not only for the hundreds of thousands of female employees of Wal-Mart but also for women working in other fields and for other employers across the country.

"If the Supreme Court were to limit the ability of women to assert their rights as a group, it would be tantamount to closing the courthouse door on large numbers of women across the country who don't have the means to file their own cases. Moreover, if women cannot be part of a large class, it becomes far more difficult for the court to consider an employer's widespread pattern of discrimination, thereby letting discriminating employers off the hook—at enormous cost to the many women who are injured. Without employees' ability to come together as a group, employers can count on avoiding full accountability for their discrimination.

"Nowhere is accountability more important than in the retail sector, where the wage gap between men and women is the highest among all industries. Annual earnings data show that women working full time are paid 77 cents for each dollar earned by a man. National Women's Law Center analysis of the most recent Bureau of Labor Statistics data demonstrates that full-time female workers in sales earned less than two-thirds (64.6 percent) of their male counterparts' weekly wages in the third quarter of 2010. The last time women as a whole suffered from such a large gap was in 1981, when women earned just 64.4 percent of men's earnings. This means that women in sales are approximately 30 years behind female workers on the whole in terms of the wage gap.

"Wal-Mart, the largest retailer in the country, employs hundreds of thousands of women. Many of these women—like millions of other women across the country—are earning less than their male counterparts. If the Supreme Court upholds the lower court's decision, the women of Wal-Mart will have a true chance to equalize pay and promotions. And the Supreme Court will reaffirm the long-established legal principle that no company is too big or too powerful to dodge accountability."

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