

# Lilly Ledbetter

## Equal pay for equal work

**S**he wasn't interested in activism until someone at work slipped her an anonymous note. Lilly Ledbetter could have ignored it and continued her quiet life as a manager at Goodyear Rubber and Tire Co. in Alabama, where she was nearing retirement. The note informed her that she had been paid about 40 percent less than the male managers in her office.

Instead of accepting this, she stood up for her rights.

It was 1998, nearly 20 years since she had been hired as one of the first female supervisors at her Goodyear facility. Her performance reviews were almost all positive, so she believed she deserved at least the same pay as her male counterparts, and until she received that note, she believed that she was earning it. She quickly calculated that she might have been underpaid by hundreds of thousands of dollars during her tenure at Goodyear.

"When I saw how much less I had been compensated, I was devastated," Ledbetter said. "I thought about all those overtime hours, all that money, and all the things my family had done without—not to mention the impact on my 401(k) and future Social Security. I was two years from retirement."

The problem wasn't pay equity laws—federal law already required equal pay for the same job. But employees at Goodyear, as with many other companies, were forbidden from disclosing their pay to others. How could Ledbetter have known she wasn't paid enough all those years?

"I wasn't in a position to quit," she added. "I still had a mortgage, college tuition and bills. But I couldn't let it go."

Ledbetter filed a charge with the Equal Employment Opportunity Commission, which referred her case to a lawyer who took it on a contingency ba-

sis, meaning the attorney would receive a fee only if Ledbetter won the case.

Five years later, she won in federal court and was awarded \$3.8 million. But bitter disappointment followed. Goodyear appealed, and the case went to the U.S. Supreme Court. In a 5-4 decision, the court ruled in 2007 against Ledbetter—not because the court thought she didn't deserve the judgment, but rather because the law said that employers couldn't be sued for violating anti-discrimination law for a decision the employer had made 180 days or more before the lawsuit.

Justice Ruth Bader Ginsberg dissented, and in a signal of how strongly she felt, read her dissent out loud, from the bench, when the decision was announced. Among Ginsberg's objections was the simple fact that the time limit made Ledbetter's salary impossible to challenge since her current salary was determined by decisions made long ago, and it can be very difficult to learn what colleagues are earning.

"Her point was that people don't stand around the water cooler at work discussing their pay," Ledbetter said. "And even if someone were to find out they were earning a little less, it's difficult to know whether that's due to discrimination."

Inspired by Ginsburg and supported by advocates for equal pay, including the labor movement, Ledbetter put aside the sting of the loss in court and decided to work to change the law.

Barack Obama, the Democratic nominee for president at the time, embraced the idea. Ledbetter even spoke at the 2008 Democratic National Convention in Denver in support of the legislation,



which Congress passed in January 2009 as the Lilly Ledbetter Fair Pay Act. On Jan. 29, it became the first bill that President Obama signed into law. The new law declared that the clock begins to run down on pay discrimination claims beginning with the last paycheck received, not when the pay level was set.

"Pay equity affects you for the rest of your life," Ledbetter said after the law was enacted, noting that most married women outlive their husbands. "And many can't remain independent simply because they did not get their rightful retirement and pay. This is a hardship in this country. It's devastating to the American family, the community, the states and the nation. The gender pay gap is everybody's issue."

Of course, for the most part, union contracts solve the pay equality issue because the pay scales are public and based on objective qualifications like seniority. Male and female letter carriers, for instance, are paid the same because they have the same contract.

While the law Ledbetter championed was retroactive to the day before the Supreme Court had ruled against her, it applied only to cases that were still pending. Since Ledbetter's case already had been decided, the ruling did not reverse the original judgment against her. Ledbetter died Oct. 12, 2024, without getting what she was due, but she left a legacy through the law named for her so that others would not face the same discrimination. **PR**