

Pay Discrimination, the Lilly Ledbetter Act, and the Magna Carta

Before the Civil Rights Act, before Title IX, and before the US Constitution, there was the Magna Carta. Since the beginning of human civilization, specific groups of people have been singled out as minorities for many reasons: race, gender, wealth, religion, and many more. Groups of even smaller numbers have been singled out as leaders for those very same reasons. History has illustrated a continuous power struggle between different groups of people, usually between a leader and their subjects. In 1215, the Magna Carta attempted to solve the problems related to the power struggles in medieval England. A peace treaty between the tyrannical King John and the rebelling barons during that time period, the Magna Carta limited the power of the king. The king could no longer raise taxes without consulting other officials, and he could not imprison people without a sufficient cause. The Magna Carta also provided the basis for the United States Constitution, as well as many laws such as the Lilly Ledbetter Act of 2009, which allowed employees to sue their employers for discrimination and pay inequality.

Not only does the Magna Carta limit the power of royalty; it also promises individual rights, such as the right to a fair trial. The document had limitations, however, as it only applied to a small proportion of the population. The majority of the people in medieval England were peasants who were not free, and the individual rights stated in the Magna Carta did not apply to them. Likewise, the Sixth Amendment of the United States Constitution grants the accused the right to a fair trial, but the rights granted by the constitution only applied to a select few in its original implementation, due to race and gender bias. Slaves did not enjoy the rights granted by the Constitution, and even after slavery was abolished, people of color were not able to exercise equal rights. From the 19th Amendment that granted women the right to vote, to the Civil Rights

Act that prohibited discrimination based on gender, race, or religion, further legislation was needed to reinforce the basic principles of the Constitution.

Further legislation also included the Equal Pay Act of 1963, which was established to prohibit gender-based discrimination in salaries. Yet as of 2015, women only make \$0.78 for every dollar a man makes. Reasons for this gap include that women do not tend to challenge their employers, and that employers use other justifications such as education, work experience and qualifications to explain the pay gap. However, further effort was made since the Equal Pay Act to close the pay inequality gap through legislation such as Title IX. In 1972, Title IX was established, granting women further rights in education, such as access to a college education, and the right to participate in college athletics. NCAA president Mark Emmert has called Title IX the “Magna Carta for women in higher education”. The act continues to provide economic empowerment and opportunities that allow women to pursue higher-earning jobs that were historically held by men, and acts as an effort to help close the pay inequality gap.

Even with Title IX and the Equal Pay Act, discrimination still persists. In 1998, Lilly Ledbetter filed a lawsuit under Title VII of the Civil Rights Act when she claimed she had been paid less than her male coworkers who had the same job at Goodyear Tire and Rubber Company in Gadsden, Alabama. Although she was awarded the \$200,000 lost in salary and other benefits, the US Supreme Court eradicated her reward in a 5-4 ruling in the 2007 *Ledbetter v. Goodyear Tire & Rubber Co.* under the basis that she waited too long to file the lawsuit. The decision left women and other minorities feeling powerless about solving the issue of pay discrimination. It was not until January 9th, 2009, that President Obama approved the Lilly Ledbetter Fair Pay Act, which granted workers the right to sue on the basis of gender discrimination in salaries, without a restricting time limit. Similar to how the Magna Carta gave people individual rights that enabled

them to go to court and receive a fair trial, the Lilly Ledbetter Act enabled people to sue their employers for discrimination based on gender, race, disability, and other factors. The act empowered individual workers to have a voice in challenging their employers, and to exercise their individual rights.

The Magna Carta sought to improve the conditions and rights of the common people, but it failed to apply to everyone. Likewise, the US Constitution only applied to free men, excluding slaves and in some cases, women. However, both the Magna Carta provided the basis for the American legal system and Constitution, as it granted people individual rights such as the right to a fair trial. The Lilly Ledbetter Act of 2009 allowed people to file equal-pay lawsuits on the basis of discrimination. The act reinforced the principles of American law and the original principles the Magna Carta had intended. The Magna Carta's intent was to empower the people, but it was ultimately reliant on policymakers to implement the law. Similar to the time period of the Magna Carta and the US Constitution, more work is needed in present-day to further improve people's rights. America is still facing issues such as racism, sexism, and discrimination against certain religions. However, the Lilly Ledbetter Act is one step closer in gradual progress that, similar to the Magna Carta, bolsters the idea and exercising of individual rights.

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