



Equal Rights Advocates

SINCE 1974, LEADING THE FIGHT FOR WOMEN'S EQUALITY

ANNUAL REPORT 2005

A Message from Executive Director Irma D. Herrera

I am surprised by what still surprises me. It would be logical to assume that after ten years at Equal Rights Advocates I would be unfazed by the hostility and discrimination women face in the course of earning a living. Or the assumption made by so many people that discrimination against women and girls is a societal problem from the past, one we solved long ago. But I am still dumbfounded from time to time by ERA clients' situations. An employer tells long-term seasonal farm workers that they no longer hire women because there's no place for *mujeres problematicas* on their work crews. So a workforce that was evenly split among men and women becomes 100 percent male. Of course most women will never hear those words stated so boldly. Instead they'll simply be burdened by the consequences of those entrenched attitudes.

Now we are representing six female electricians who had the good fortune of being at a work site with other tradeswomen, a rare experience indeed. Unfortunately, though the project continued, they were carted off as a group and given lay-off notices. Imagine their humiliation as their male co-workers looked on while they were rounded up en masse and hauled off from the work site. That they had more seniority than some of the men who remained on the job did not seem to matter. And one last example involves the women working at a gaming casino who were subjected to the worst forms of discrimination including severe incidents of sexual harassment and assaults. The message to them has been, "too bad." It's too bad for them that the laws against discrimination do not apply to businesses owned and located on tribal properties, or to the billion dollar non-Indian corporate enterprises that operate them.

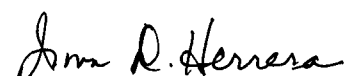
ERA's work makes a difference. Women farm workers regained access to their jobs. And the women electricians represented by ERA and our co-counsel have just initiated a lawsuit that will demonstrate, yet again, that women are drastically under-represented in the construction trades, not because they don't want or can't do those jobs, but because employers make it impossible for them through flagrant and less obvious violations of equal opportunity laws. And we believe we can change the law and expand its protection so that the thousands of women who work in Indian gaming casinos that represent themselves as "equal opportunity employers" will really be protected.

As you can see our initial surprise turns into action. You will never hear about the majority of ERA's clients who benefit from our services, as few situations materialize into impact litigation. And those cases that we do bring take years before we achieve victory. But we know that even before we win these cases, we have made a difference in the lives of our clients, and many fellow workers who we will never meet. Because nothing gets the attention of employers like a lawsuit. In a recent Bar Association seminar I attended, a distinguished professor who studies discrimination in corporate America explained that the single most important factor in creating equal opportunity at places of work was – surprise, surprise – discrimination lawsuits.

Our wish is that all workers receive fair and equitable treatment, that employers abide by the laws. But wishing, without action, does not make that promise a reality. Until the day comes when all women are treated fairly, they can still count on ERA to work together with them towards this vision of equality that we have been promised, and to which we are entitled to under the law.

We are moving well into our fourth decade. After 32 years, the need for ERA has not abated and while every victory is sweet, none is a cure-all for gender discrimination. We appreciate every single supporter who has helped ERA continue fighting for women's rights. The successes we report are your victories as well. We look forward to bringing news of more successful outcomes in all our cases and projects described on the next pages.

Very truly yours,



2005 Year in Review

Dukes v. Wal-Mart Stores

In 2001, Equal Rights Advocates and co-counsel filed *Dukes v. Wal-Mart Stores*, the case that charges Wal-Mart with systematically discriminating against its women workers by paying them less and giving them fewer promotions than men. The case casts a glaring light on two of the most formidable barriers women still face in the workforce: the wage gap and the glass ceiling. United States District Court Judge Martin Jenkins gave a green light to this landmark civil rights case when his class certification decision in June 2004 made it the largest employment discrimination lawsuit in U.S. history. When we prevail, nearly 2 million low-wage women workers will benefit, and the company's business practices will be transformed.

A three-judge panel for the U.S. Court of Appeals for the Ninth Circuit heard oral arguments on the parties' appeal and cross appeal on August 8, 2005 regarding the validity of the class certification order. Further appeals are likely. Meanwhile, the legal team continues to interview the thousands of current and former witnesses who have called the toll-free number to provide information documenting the company's discriminatory practices.



Filmmaker Robert Greenwald, *Dukes v. Wal-Mart Stores* plaintiff Edith Arana, and ERA Senior Staff Attorney, Debra A. Smith at the San Francisco premiere of Greenwald's documentary, *Wal-Mart: The High Cost of Low Price*. The November 2005 event was co-sponsored by ERA and AlterNet.

Hulteen v. AT&T

Oral arguments were heard on October 20, 2005 in the U.S. Court of Appeals for the Ninth Circuit for the pregnancy discrimination and pension benefits case, *Hulteen v. AT&T*. This class action lawsuit seeks justice for female employees who lost pension benefits or were excluded from early retirement opportunities due to AT&T's practice of treating pregnancy-related leaves less favorably than other temporary disability leaves. Pursuit of the case is aided by the strong support of the women's union, which is all the more important given the length of time the case's resolution is requiring.

Donaldson v. Lori's Diner, International

Sexual harassment in the hospitality industry remains a persistent problem. In December 2004, Equal Rights Advocates filed suit on behalf of current and former female wait staff at Lori's Diner, a San Francisco restaurant chain. The suit alleged that the women were subjected to egregious sexual and racial harassment while employees of the restaurant chain. ERA's objectives have been to ensure that employers develop and enforce an anti-harassment and anti-retaliation policy; train employees and managers to prevent harassment and retaliation, and to develop an effective complaint procedure; and prevent harassment from occurring and immediately remedy unlawful harassment. All of the above are already required by law. The case was recently settled to the parties' mutual satisfaction.

Corinn Medina, et al. v. Thunder Valley Casino, United Auburn Indian Community, Station Casinos and Curtis Broome

In 2005, ERA was contacted about sexual harassment and sex discrimination at Thunder Valley Casino. The Casino, located in a rural and economically depressed area of Northern California, is on the United Auburn Indian Community's tribal land. The gaming industry is a rapidly growing sector of the U.S. economy. Today, ERA represents seven women who are former Thunder Valley employees. The suit was originally filed by their previous counsel and a demurrer was pending when they asked ERA to take over their representation. The case raises important issues about the rights of workers and whether the non-Indian defendants are hiding behind the United Auburn Indian Community's assertion of sovereign immunity. ERA is arguing that the employees' constitutional and statutory rights trump the sovereign immunity protection. ERA seeks broader protection for low-wage workers, most of them women, by extending liability for employment discrimination to Indian Nations (and their private business partners) when their business enterprise is operated with no regard for their obligations to protect workers as guaranteed by the Indian Gaming Compacts. The case is also important for raising the awareness of public officials, including the Governor and Legislature, who must approve these Compacts authorizing the operation of casinos.

Tradeswomen Legal Advocacy Project

ERA's Tradeswomen Legal Advocacy Project expands access for women in industries such as construction, public safety, and transportation. ERA targets these industries because they pay good wages and offer healthcare and retirement benefits. Women are greatly under-represented in these jobs as a result of persistent obstacles entering and harassment to discourage their staying in these jobs.

In 2005, ERA continued to serve on an oversight committee of the San Francisco Federal Megasite Monitoring and Enforcement Project. The Project offers an important opportunity in the construction trades because the "megasite" designation carries with it a requirement to achieve and document pre-set affirmative action goals. ERA also worked with the California Apprenticeship Council Blue Ribbon Commission on an exit survey of all known journey level tradeswomen to identify barriers to retaining women in the trades. In addition to our long-standing collaborations with leaders of Tradeswomen Now and Tomorrow, and Tradeswomen, Inc., ERA joined Section 3 Advocates, a coalition using HUD's Section 3's requirements to place women in construction jobs. We began on-line dissemination of the "Tradeswomen Legal Advocacy Manual," as a resource for both the lay and legal communities. The Manual helps tradeswomen make a case for bringing a case when they seek counsel to represent them, and assists tradeswomen who are advocating on their own behalf.



Members of ERA's legal team who work on our Tradeswomen Legal Advocacy Project and Tradeswomen, Inc., California's first organization for women in the trades. Tradeswomen, Inc. was honored at ERA's Luncheon in June for their leadership in building community among the growing numbers of women in blue collar and skilled craft jobs, and fighting for fair and safe conditions for women working in these nontraditional jobs.

California Paid Family Leave

Women need a healthy balance between work and family life but too many are forced by economic necessity to choose between care giving and employment responsibilities. In January 2004, California became the first state to provide up to six weeks of paid family leave to mothers and fathers to bond with new babies and newly adopted or foster children, or to care for a seriously ill family member. Domestic partners are eligible for this wage-replacement benefit. ERA expects this work will pave the way for enactment of similar legislation in other states. In the first year of the program, the majority of people using Paid Family Leave were new mothers seeking time to bond with their babies. ERA is working in coalition to ensure that there is broad awareness and successful implementation of California's new law. This work also connects us to women who have experienced pregnancy discrimination, many of whom would not have learned about their legal protections.

The Advice & Counseling Program (A&C Program)

Equal Rights Advocates' Advice and Counseling Program (A&C) continues to provide free legal advice and referrals to women and girls nationwide, and serves as a training ground for the next generation of feminist community lawyers. The Ruth Chance Law Fellowship is one of very few organizationally funded programs in the nation that gives a recent law school graduate the opportunity to work on cutting-edge legal issues affecting women. ERA lawyers work closely with our interns, law students who further develop their legal client counseling skills working on the A&C Hotline under the supervision of our attorneys.

“I came to law school to gain more tools to fight discrimination that pervades the lives of so many women and silences the voices of women most vulnerable, especially low-income women. These issues are close to my heart. Based on personal experiences and those of family and friends I am absolutely committed to fighting sexism at school and at work. Working at places like ERA has really exposed me to the process of litigating cases of sex discrimination. Thanks for this opportunity.”

Angie Perone
Fall 2005 Law Clerk



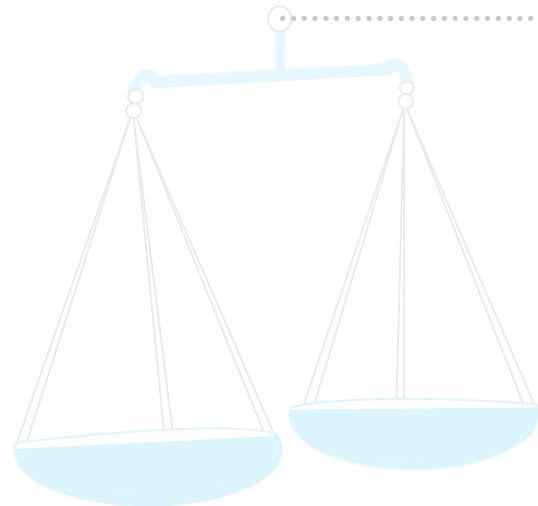
*ERA 31st Anniversary Luncheon keynote speaker, Liza Featherstone who is an investigative journalist and the author of *Selling Women Short: The Landmark Battle for Workers' Rights at Wal-Mart*. *Selling Women Short* chronicles the sex discrimination lawsuit, *Dukes v. Wal-Mart Stores*.*



Irma D. Herrera and 2005 ERA Luncheon emcee Pam Moore, Emmy Award-winning television journalist and DRON 4 News anchor.



Beth Youhn, Executive Director of Tradeswomen, Inc., speaking on behalf of her organization that was honored by ERA at our 2005 Luncheon.



Our Contributors

The donors listed below have made the work of Equal Rights Advocates possible with the gifts they made between January 1, 2005 and December 31, 2005. We gratefully acknowledge each supporter's contribution to the improvement of the lives of women and girls. A special thank you to all of our 31st Anniversary Luncheon sponsors and contributors who made the event the top fundraiser in ERA's history.

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 Judith Shrager
 Joy E. Silver
 Elizabeth Leonie Simpson
 Slide Ranch
 Suzanne J. Smith
 Susan B. Spector
 Gail Stassinios
 Mrs. Carl W. Stern
 Karen L. Strauss



The audience waits for the start of Wal-Mart: The High Cost of Low Price. The premiere, held at San Francisco's Cowell Theater, was a sold out event and kicked off the grassroots-based DVD release of the documentary.

Mary B. Strauss
 Jamiene S. Studley
 Susan D. Tatelman and
 Anne Steinman
 Soleil E. Teubner
 Carol Toliver
 Harriette E. Treloar
 Lisa Turbis
 Ellen and Isaac Turiel
 Gilda R. Turitz
 Arlene R. Ustin

Margaret Vasey
 Julie Veit
 Carlos Villarreal
 Doris Brin Walker
 Marilyn A. Waller
 Kimberly S. Ware
 Pauline A. Weaver
 Joan Weir
 Marion J. Wolsey
 JoAnn Yoshioka
 M. Hope Young

ERA would like to thank everyone who supported and attended the Wal-Mart Documentary event that ERA co-hosted with AlterNet and Brave New Films. Proceeds from this event were shared by all three organizations.

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For the fiscal year April 1, 2004 to March 31, 2005

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Foundations (temporarily restricted)	\$263,500	Program	\$1,048,215
Individuals	\$223,350	Management & General	\$200,425
Events	\$238,158	Development	\$251,512
Deferred Revenue	\$34,200		
Attorneys' Fees	\$0		
Other Revenue	\$42,393		
In-Kind Contributors	\$41,160		
Transfer from Reserves	\$657,391		
TOTAL REVENUE	\$1,500,152	TOTAL REVENUE	\$1,500,152

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“I loved my experience at ERA and love everything that ERA stands for. The experiences, helping those who have been discriminated against, teaching people about their rights and working in an all female supportive environment, have been wonderful. I know that the likelihood of ever finding this again in my legal career is very small, so I greatly appreciate my time at ERA and the time given to me by the ERA staff.”

Malika Wright-Brown
Spring 2005 Law Clerk

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