



# EQUAL RIGHTS

A D V O C A T E

S P R I N G 2 0 0 2

from the  
**Executive Director**

Dear Friends,  
Among the things I most enjoy at ERA, is working with scores of talented and committed individuals who care deeply



about social justice. Our Board Members collectively spend hundreds of hours each year serving the organization. In addition to the financial contributions they make, the Board also assists us in the all too important work of raising funds. We are indebted to our outgoing Board members, as we welcome our five incoming Board Members. We look forward to working with these dedicated volunteers.

It is also enormously rewarding to be surrounded by the many talented young people who work here as law clerks and interns. Whether it is staffing the Advice & Counseling hotline or assisting our staff attorneys with litigation related tasks, our law clerks are integral members of ERA's legal team. During my six years as Executive Director, many law clerks have passed through ERA's doors, but they are a small percentage of the clerks who have worked at ERA during our almost thirty year history. I have had the good fortune of running into former law clerks who worked at ERA during the 1970's, 1980's, and early 1990's. They share their experiences with me, recalling the exciting projects they worked on, the inspiring attorneys that supervised them, and the lasting imprint ERA made on them.

If you ever worked at ERA as a law clerk or intern, please drop us a line and let us know what you are doing now and we will catch you up on ERA's current activities. We are eager to get you reacquainted and reinvolved with ERA. Thank you for your interest and support of Equal Rights Advocates.

Very truly yours,

Irma D. Herrera

## IS THE RECESSION OVER? HOW ARE WOMEN AND FAMILIES FARING?

By Heidi Hartmann  
*Institute for Women's Policy Research*

The small declines in unemployment that occurred in January and February, coupled with other signs of economic recovery, have led many observers to declare that the recession that began last March is already over. From a recent high of 5.8 percent of workers unemployed in December 2001, the unemployment rate has fallen to 5.5 percent in February 2002. Some believe the recovery will be strong and robust; others believe it may be weak and short-lived, only to be superceded by another, deeper recession. Whatever the course of the recovery, employment tends to recover from a recession more slowly than the growth of output, so we can expect relatively high unemployment rates for some time.

*The current recession is particularly significant for women and their families, simply because so many more women are in the workforce now than ten years earlier when the nation experienced its previous recession.*

The current recession is particularly significant for women and their families, simply because so many more women are in the workforce now than ten years earlier when the nation experienced its previous recession. There are 3 million more working wives than there were in 1991, and nearly 4 million more working mothers (both married and single) than 10 years earlier. There are also more than 6 million more children living in families with working mothers than there were 10 years ago. Working mothers' earnings are increasingly important to their families' well-

being and their unemployment constitutes a severe blow to family income.

Historically, women's employment has generally been less sensitive to the business cycle than men's—men tend to work in more cyclically sensitive areas, like manufacturing and construction, while women tend to work more in white collar work and in services, which are generally more resistant to downturns in a recession. Of course, some service areas, like hotels and restaurants, are sensitive to changes in the business cycle and these industries were particularly hard hit after the terrorist attack on 9/11/01. For example, of 58,000 jobs lost in hotel employment in October and November 2001, women - especially women of color - were disproportionately affected. As a result, in several recent months, women appeared to take a bigger hit in increased unemployment than men (See Table 1).

Table 1 also illustrates the differences in the unemployment rates between white and black women. The unemployment rate among adult Black women is substantially higher than the unemployment rate among adult white women (8.5 percent vs. 4.4 percent). Changes in the unemployment rates from September to October were extremely large for a single month and probably reflect the impact of the terrorist attacks. The single biggest impact was experienced by Black women, who saw their unemployment shoot up from 7.7 percent to 8.5 percent in a single month. Women who maintain families saw two very large monthly increases in a row, from October to November and November to December. In February 2002, their unemployment rate was 8.0 percent, substantially above that of all women at 5.5 percent.

Jared Bernstein of the Economic Policy Institute describes just how important recessions and recoveries are for the poverty rate overall, and particularly for the poverty rates of Black and Hispanic children and single

*Continued on next page*

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## Table 1. Unemployment Rates

	JAN 2001	OCT 2001	DEC 2001	JAN 2002	FEB 2002
All Workers	4.2	5.4	5.8	5.6	5.5
All Women	4.1	5.3	5.8	5.4	5.5
Adult White Women	3.0	4.1	4.5	4.2	4.4
Adult Black Women	6.9	8.5	8.7	8.4	8.5
Women Who Maintain Families	6.4	6.8	8.0	7.9	8.0
All Men	4.2	5.5	5.8	5.8	5.6
Adult White Men	3.1	4.4	4.6	4.7	4.4
Adult Black Men	7.0	8.2	9.1	8.9	8.7
All Blacks	8.2	9.6	10.2	9.8	9.6
All Whites	3.6	4.7	5.1	5.0	4.9
All Hispanics	5.9	7.1	7.9	8.1	7.1

"Adults" are aged 20 years and older; "all workers" includes 16- to 19-year olds. Data from Bureau of Labor Statistics, U.S. Department of Labor, Current Population Survey of the civilian noninstitutional population.

Hispanics may be of any race. Unemployment rate data are not available by sex or age for Hispanics.

All unemployment rate data are seasonally adjusted.

## IS THE RECESSION OVER?

*Continued from page 1*

mothers of all races. During the period of economic growth from 1992-2000, the poverty rates of children of color and all single moms declined substantially. According to Bernstein, most of that reduction in poverty for children and single moms occurred in the last few years of the growth period, when the overall unemployment rate fell below 4 percent. If unemployment rates, which are currently 2 to 3 percentage points higher than their recent lows for several groups, continue at these higher levels for the next 12 months or more, it can be expected that poverty rates for Black and Hispanic children and single mothers will also climb, reversing the progress made in this most recent growth period.

Because lower Black and Hispanic poverty rates are so dependent on strong economic growth and full employment, while poverty rates increase so much in recessions, strong macroeconomic policy that strives to achieve and maintain full employment is especially important to communities of color. Also important, of course, are strong safety nets that can help to maintain family income when employment falters. Unfortunately, unemployment benefits do not generally reach all the unemployed, especially low earners. Disproportionately

Black, Hispanic, and female, they are much less likely to receive benefits than higher earners.

While the U.S. Congress recently passed legislation to allow states to use federal funds to provide unemployment insurance for more than 26 weeks (to those who qualified for benefits but exhausted their time limit), Members of Congress unfortunately did nothing to make it easier for low earners to collect benefits in the first place, nor did they pass any meaningful economic stimulus package that will bolster consumption among low-income families. With the five-year life-time limits on welfare receipt under TANF also being reached in many states, expected overall unemployment in the 6 percent range (and higher rates for many groups) means continued hardship and growing poverty for many families.

*Dr. Heidi Hartmann is the Executive Director and President of the Institute for Women's Policy Research, a public policy research organization dedicated to informing and stimulating the debate on public policy issues of critical importance to women and their families. Dr. Hartmann has authored several reports and numerous journal articles, delivered Congressional testimony, and was the recipient of the MacArthur "genius grant," in 1994.*

# DUKES V. WAL-MART STORES UPDATE

As reported by ERA's Executive Director Irma D. Herrera in the Winter 2001 newsletter, ERA and our co-counsel recently secured a legal victory on behalf of Wal-Mart's female employees. The Court rejected Wal-Mart's proposal to dismiss the case or to transfer venue to Arkansas, where Wal-Mart has its headquarters; the Court described Wal-Mart's proposal as "too harsh" and "not in the interest of justice." The Court's ruling allows the case to stay in California and for California plaintiffs to represent a nationwide class of female employees challenging Wal-Mart Stores.

Five additional California named plaintiffs will be joining the case, illustrating the prevalence of Wal-Mart's discriminatory practices in California. These women were denied promotions, assignments, training opportunities, and equal compensation because of their gender. For example, one of the new named

plaintiffs was never allowed to obtain the training she was promised and was repeatedly denied advancement opportunities, even though she had significant retail experience. Furthermore, she was paid lower wages than a male colleague with less seniority.

*Each woman tells a story of economic struggle, disappointment, and unfairness.*

ERA and our co-counsel are extremely busy conducting the investigative phase of the case and preparing for the class certification hearing, which will be held in early 2003. Women across the country continue to come forward to share their experiences of sex discrimination at Wal-Mart Stores. Each woman tells a story of economic struggle, disappointment and unfairness. *Dukes v. Wal-Mart Stores* provides hundreds of thousands of women with the hope that one day Wal-Mart will be a place of employment where female employees are treated fairly and equally.

## ERA HONORS LOUISE RENNE

Louise Renne - a social justice advocate and champion of women's rights - served the people of San Francisco as their City Attorney for 15 years. During her tenure, Louise's most notable achievements included taking on the "notoriously immune" tobacco and the gun industries, challenging the all-male Olympic Club's bylaws for excluding women and people of color, diversifying the city attorney's office, and fighting for equal benefits for gays and lesbians.

In February, Equal Rights Advocates honored Louise Renne during an Equality Fund Issue Briefing Dinner at ERA Board Member Paulette Meyer's San Francisco home. A small group of ERA friends and supporters gathered to pay tribute to Louise Renne, a woman whose efforts have opened many doors for women and people of color. After dinner and mingling, Louise addressed the guests about the discrimination and glass ceilings women still experience at alarming rates. Speaking as a former government official, she acknowledged that the government can

only play a limited role in challenging the unfair practices and policies that threaten women's economic livelihood and ability to achieve their full potential. She noted that the government's lack of resources and political will often inhibits its ability to pursue and demand change. Louise asserted that organizations like Equal Rights Advocates are essential to making sure the law is enforced and women are treated equally.

The Issue Briefing Dinner in honor of Louise Renne was one in a series of ERA-hosted Equality Fund Issue Briefing events, a vehicle for conveying ERA's current litigation activities and introducing the Equality Fund to long-time supporters of ERA as well as to individuals interested in learning more about the organization. The Equality Fund is a new fundraising campaign to raise unrestricted monies solely dedicated to ERA's cutting edge litigation efforts on behalf of women and girls. If you are interested in learning more about the Equality Fund, please call Amber Robinson at 415-575-2381.

ARE YOU A  
FORMER ERA  
LAW CLERK  
OR INTERN?

ERA is currently in the process of updating our files on former law clerks. If you are a former law clerk or intern who has worked with us during our almost 30 year history, please get in contact with us and let us know where you are working, your current address, and the year you were at ERA. Please contact Amber at 415-575-2381 or [arobinson@equalrights.org](mailto:arobinson@equalrights.org).

# ERA WELCOMES CHARLOTTE FISHMAN

**E**RA welcomes Charlotte Fishman, who will direct ERA's Higher Education Research and Legal Advocacy Project. The objective of the project is to identify and eliminate barriers to the advancement of women in academe. Charlotte brings to the position over twenty years of experience litigating employment discrimination and civil rights cases as well as a stint in academics in MIT's philosophy department.

In her private practice, Charlotte represented plaintiffs in employment discrimination and wrongful termination cases. She represented a number of high profile women faculty in tenure discrimination cases, including two cases against the University of California at Berkeley that resulted in grants of tenure for the women involved. Charlotte also represented a female UCSF psychiatry professor who faced termination after being marginalized in a series of temporary appointments as an adjunct professor. Charlotte's litigation efforts proved successful and the professor eventually obtained a full professorship that provided significant job security. In addition, Charlotte also obtained a rare U.S. Equal Employment

Opportunity Commission (EEOC) determination of both individual and class-wide discrimination in the UCSF Department of Psychiatry.

In addition to private practice, Charlotte's civil rights experience includes several years serving as Staff Attorney with the California Department of Fair Employment and Housing (DFEH), as well as a period serving as Managing Attorney of Golden Gate University's Immigration Law Clinic. While at the DFEH, Charlotte brought and won precedent-setting physical handicap discrimination cases. During this time, she was also involved in a number of significant civil rights impact cases; for example, she handled DFEH's appeal on behalf of black firefighters who challenged San Francisco's fire lieutenant promotional examination and represented immigrant workers who challenged a series of warrantless workplace raids by the INS.

When not working at ERA, Charlotte engages in the favorite pastime of all working mothers—juggling the demands of work and family life. She lives in Berkeley with her husband, two young daughters, two cats and a string of incomplete household projects.



## ECONOMICS OF [IN]EQUALITY:

### BARBARA EHRENREICH TO SPEAK AT ERA'S ANNUAL LUNCHEON



**O**n June 13, 2002, Bay Area lawyers, community leaders, philanthropists, and activists will come together to pay tribute to ERA for protecting and securing equal rights and economic opportunities for women and girls. The luncheon, "The Economics of [In]equality," will be held at the Westin St. Francis San Francisco with a reception at 11:30 a.m. and the luncheon at 12:00 p.m. Wells Fargo is the presenting sponsor.

The luncheon's keynote speaker will be Barbara Ehrenreich, renowned author of the current bestseller *Nickel and Dimed: On (Not) Getting By in America* (Metropolitan books, 2001). Ms. Ehrenreich will discuss this work of participatory journalism for which she worked at a Wal-Mart Stores in Minneapolis, waited tables in the Florida Keys, and cleaned houses in Maine. She will describe the difficulties, and often

the impossibility, of making ends meet while working in low-wage "female" service jobs. Ms. Ehrenreich is the author of ten other books including *Fear of Falling*, which was nominated for a National Book Critics Circle Award. She is also a contributing editor of *Harper's Magazine*, a columnist for the *Progressive*, and contributor to *Time*, *Ms.*, *The New Republic*, *The Nation*, and *The New York Times Magazine*.

Ms. Ehrenreich is a recipient of numerous prestigious grants and awards; she received a grant for Research and Writing from the John D. and Catherine T. MacArthur Foundation in 1995, a Guggenheim Fellowship in 1987-88, and the Ford Foundation Award for Humanistic Perspectives on Contemporary Society in 1982. For more information about the luncheon and/or to purchase tickets, please call Ron Wong and Associates at 415/355-9988.

# WOMEN'S BUREAU REGIONAL OFFICES TO REMAIN OPEN

Thanks to protests by women's advocacy groups, union activists and members of Congress, ten regional offices of the Department of Labor's Women's Bureau ten regional offices will remain open, at least for now. President Bush's budget proposal for Fiscal Year 2003 intended to cut funding for the regional offices of the Bureau (Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco and Seattle), the only federal agency that is charged with representing the needs of working women in the public policy process. As a result of a nationwide mobilization effort, the ten regional offices will remain in operation. This represents a major victory for working women across the country.

The 81-year old Women's Bureau has a long history of improving conditions and opportunities for working women, through both Republican and Democratic administrations. It was created by Congress in 1920, nine years after the Triangle Shirtwaist Factory fire, which killed and injured 146 women and girls, exposing the horrendous working conditions women of the era endured. Throughout the years, the Bureau secured the passage of the 1938 Fair Labor Standards Act, fought for increased skills training, wider job opportunities and better pay for women employed in the World War II industry; and secured the passage of the 1963 Equal Pay Act. The Family and Medical Leave Act of 1993, which provides employees with up to three months of unpaid leave per year, could not have been passed without the hard work and perseverance of the Women's Bureau.

Today, the Bureau acts to end all forms of workplace discrimination against women. The Bureau's programs include workplace rights education, informational campaigns about gender and pregnancy discrimination, health care, pay equity, and childcare. The regional offices collaborate with local women's advocacy organizations, education institutions, federal, state and local agencies as well as employer and unions. They provide individual women and organizations with technical assistance on workers' issues, and information on high-wage and high-skill career opportunities.

The Bush Administration proposed to eliminate the regional offices for cost-cutting purposes, even-

though the elimination of the Women's Bureau Regional offices would have trimmed only \$3.7 million – or .3% - from an \$11 billion budget. Protests against the elimination of the regional women's bureau were immediate and widespread. Organizations sending letters of protest to Secretary Chao included Equal Rights Advocates, National Partnership for Women and Families, Wider Opportunities for Women, NOW Legal Defense, AFL-CIO, and the American Association of University Women. In addition, Representative Rosa DeLauro (D-CT) sent a bipartisan letter signed by sixty-eight fellow members of Congress to Secretary Chao stating opposition to the closure; a similar letter followed from Senators expressing support for the offices' regional offices. The Bush Administration eventually bowed under the pressure and on January 15, a Labor Department spokesperson was quoted in the San Francisco Chronicle as saying, "The idea of contemplating the closure of the regional offices is completely off the table." However, the Women's Bureau still faces a funding cut of 1.8 million, or 17% of its 2002 budget, in addition to a loss of seven full-time equivalent employees, or 10% of full-time staff.

The Bush Administration has closed and continues to attempt to close departments that advocate for women. For example, in early 2001, the Bush Administration did not hesitate to close the White House Women's Office and eliminate the Equal Pay Matters Initiative. Indeed, any mention of the Equal Pay Initiative has been culled from the Women's Bureau website. It remains to be seen what will disappear from next year's budget, and how it might be justified. In the meantime, it behooves all of us to keep vigilant: this victory makes it clear that the united voices of women's advocacy will be heard, no matter how politically uncertain the climate.

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## BETH SALVESION BIDS THE BOARD FAREWELL

### *How and when did you become involved with ERA?*

I began attending ERA's inspirational annual luncheons shortly after beginning practice as an attorney in 1978. In the 1980's I became more involved, first as a member of the luncheon committee, then as a Co-Chair for the Thirteenth Anniversary Luncheon, featuring Gloria Steinem as the keynote speaker. In 1987 I joined the Development Committee, and later I served as Chair of that committee. In 1993 I joined the ERA Board of Directors.

### *How do you think ERA has uniquely contributed to the women's rights movement?*

ERA stands out in many ways, of which three come immediately to my mind: First, it is one of the very few public interest law firms devoted to litigating claims of gender discrimination. Second, it has identified and brought claims that were of critical importance to women with few resources of their own – immigrant women, girls in school, and low-income workers. Third, ERA has been phenomenally successful - as a large catalog of victories attest. Over time ERA has had an extremely significant role in turning our abstract laws prohibiting discrimination and harassment into real women fighting fires, walking a beat, taking pregnancy leave without being penalized, and attending schools where sexual harassment is not tolerated.

### *As a Board member for nine years, and most recently as the Board Vice-Chair, what ERA achievements are you most proud of?*

I can't limit myself to praising only a few of ERA's achievements on behalf of its clients, since I am proud of every single one of them. However, I am also proud that ERA has become an institution, which is more than the sum of its parts. ERA attracts fantastic staff because of its mission and the dedication and clarity with which it pursues its goals. ERA has put in place Board governance policies that will assure both continuity and invigoration of the Board indefinitely into the future. ERA has internal assessment practices that make it ever-vigilant in assuring that its goals are being served. ERA is now a living, thriving organization, which has the capacity to be a positive

and effective voice for the economic rights of women and girls for decades to come. It is a force to be reckoned with.

### *As a Board member whose term limit has come to an end, what are your hopes for ERA in the future?*

It has been an honor and a pleasure to be associated with ERA and the many fine women and men who serve as staff and Board members of the organization. Ultimately, I hope that ERA will achieve its mission of completely and finally securing equal rights and economic opportunities for women and girls. Until then, however, there is much work to be done and I hope that ERA's friends, current and future, will be generous with their contributions of time, energy and-of course-funds.

### *Tell us about your professional career.*

I started my career with the law firm of Howard, Rice, Nemerovski, Canady, Falk & Rabkin. In 1984 I was elected a director of the firm. Currently I am chair of the firm's Employment Litigation & Counseling Group. My practice includes employment litigation, including litigation of trade secret disputes and employment-related class actions. On the counseling side, I advise on internal employment investigations and policies, as well as contracts and separation documents.

### *How has your professional career enabled you to better serve ERA?*

I have served on several of the ERA Board's committees, including the Personnel Committee and the Litigation Committee. Certainly my experience in employment counseling has been very relevant to the activities of the Personnel Committee-employment policies and employee performance evaluations are right up my alley. My experience with litigation also brought some synergy to the work of the Litigation Committee where we discussed the cutting edge issues in employment litigation and the ways in which a particular case might effect larger change in the lives of women.

### *Tell us about your personal life.*

I live in San Francisco with my husband, Nick, and my two teenage sons, Ben and Sam. We enjoy hiking, river-rafting and adventure travel. In 1999 I climbed Mount Kilimanjaro. I am currently investigating my next summit.

## ADIEU, THANK YOU & WELCOME

ERA would like to thank outgoing Board Members Teveia Barnes, Deborah Schmall, Beth Salveson, and Diane Scheiman for their dedication, endless hours of hard work, innovative ideas, and leadership during the organization's transitional periods. Their contributions have helped ERA become the dynamic and powerful organization it is today. Thank you!

ERA is excited to announce the recent appointment of five new members to its Board of Directors, who will be profiled in our Fall 2002 newsletter.

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# REAL STORIES

*Equal Rights Advocates has long advocated for women who work or seek employment in non-traditional, "blue-collar" jobs, especially construction work. ERA advocates for the enforcement of female construction workers' rights to be fairly considered for hiring, promotions and overtime work, to be adequately trained as apprentices, and to work free of sexual harassment.*

ERA staff attorneys recently attended several tradeswomen conferences where they met with individual tradeswomen about their legal rights regarding jobsite problems. The following story is typical of the many complaints and concerns we have heard. A 45-year-old grandmother approached ERA staff attorneys about being kicked out of a plumbers/HVAC (Heating, Ventilation, and Air Conditioning) apprenticeship program. She had worked her way through a pre-apprenticeship program, passed a standardized test, passed additional tests in algebra and physics, and had been accepted into the plumbers/HVAC apprenticeship program. However, upon entering her

apprenticeship program, she was regularly passed over for work assignments in favor of male apprentices. When she was assigned to jobs, she was assigned to "clean-up" work instead of work that would teach her the skills necessary to complete her apprenticeship. She complained to the National Labor Relations Board and to her union about the lack of work assignments. Neither organization helped her remedy the problems. After she complained against one particular contractor, that contractor retaliated against her by terminating her from the jobsite, which led to her termination from the apprenticeship program. As the only woman in the HVAC side of the apprenticeship program at the time, she believed she'd been fired because of her gender.

Shortly thereafter, another woman applied for the same apprenticeship program, but was denied entry even though she scored well on all the exams. When she asked why she had been rejected, she was told, "Perhaps it was the trade you chose." The HVAC trade is, like many trades, a traditionally and almost exclusively male occupation. This woman believes that she was denied entry into the apprenticeship program because of her gender. Attorneys at ERA talked extensively with both women, assisted in the development of their legal claims, and are helping them secure private counsel to represent them in sex discrimination suits against the apprenticeship program and its sponsors, which are a union and a statewide contractors' association.

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WOMEN'S BUREAU  
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BETH SALVESEON BIDS  
THE BOARD FAREWELL

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