



Equal Rights Advocates

Since 1974, Fighting for Women's Equality

February 17, 2005

Kathleen P. Utgoff
Commissioner
U.S. Bureau of Labor Statistics
Postal Square Building
2 Massachusetts Avenue, NE
Washington, DC 20212-0001

RE: U.S. Bureau of Labor Statistics (BLS) Announcement of Plans to Drop Data on Female Workers from the Current Employment Statistics (CES) Survey (*Federal Register*, December 22, 2004)

Dear Commissioner Utgoff:

We are dismayed and alarmed by your recent proposal to stop collecting employer data on the number of women in the workplace. We write on behalf of Equal Rights Advocates, The Impact Fund, the Discrimination Research Center, and the other undersigned organizations to strongly urge you to continue collecting these data.

Equal Rights Advocates (ERA) is a non-profit women's legal advocacy organization. For the past thirty years, ERA has advocated for the rights of women and girls through public education, litigation, and free advice and counseling. The Impact Fund is a public foundation dedicated to providing representation, technical assistance and funding for complex, public interest litigation. Its work addresses systemic problems of social and environmental injustice, human and civil rights, and poverty. The Discrimination Research Center (DRC) is a project of The Impact Fund that utilizes research to measure the extent of unlawful barriers to equal employment or access to public services. DRC writes reports used by policymakers, community organizations, academic researchers, industry and labor, and the general public, recommending ways to eliminate and prevent discrimination, enhance thoughtful dialogue, and craft responsive public policies.

ERA, The Impact Fund, DRC, and the undersigned organizations regularly use CES gender data in researching and producing employment studies, and to track industry trends. For example, DRC published a report in 2000 entitled *A Study of the Treatment of Female and Male Applicants by San Francisco Bay Area Auto Service Shops*, which relied on CES gender data to identify the percentage of women employed in the auto service industry that year. This study found that male applicants were preferred four times as frequently as female applicants in San Francisco auto shops that were hiring. In 2004, DRC and ERA co-authored and published a report entitled *Proposition 209 and the Decline of Women in the Construction Trades*. DRC and ERA analyzed CES statistics on the numbers of women in construction during the years preceding and following the passage of Proposition 209, the legislation that ended affirmative action in California. Based on the data from

CES and other sources, we determined that the percentage of women in the construction trades declined after the passage of Proposition 209, reversing the previous trend of increasing representation of women in the industry.

As public interest advocates, we continue to rely on the comprehensive and accurate information about women's employment provided by the CES survey. This data is a vital link in ending long-standing gender discrimination that perpetuates grave economic inequities in our society. For example, U.S. Census Bureau data show that the wage gap between men and women increased by 1.6 percent between 2002 and 2003, bringing women's average earnings down to only 75.5 cents for every dollar men earned. Our own investigation and community outreach demonstrates that women from all cultural and economic groups, and across all industries, continue to face a broad range of discriminatory practices in the workplace. Only with CES gender data, however, can we determine that one major connection between discriminatory practices and women's persistent economic disempowerment is a decline of women in higher-paid, traditionally male fields such as construction (which saw a .5 percent decline from 2002 to 2003). Without CES gender data to bridge the gap between employment discrimination and economic realities, we would be unable to craft effective responses to gender inequity.

BLS has indicated that eliminating the gender series is necessary to reduce the burden on employers. We believe the burden is miniscule compared to the significant loss caused by the elimination of the data series. By BLS's own estimate, the entire survey takes only seven minutes to fill out, and the entire gender collection section is comprised of a single question. Companies with 100 or more employees already submit EEO-1 forms detailing the gender breakdown of their workforce. In smaller companies, calculating the numbers of male and female employees is even less burdensome, especially since nearly all companies already include that information on their payroll data. Discontinuing reporting by gender sends two false messages: Women no longer experience discrimination in the workplace, making data collection unnecessary; and ending gender discrimination is not important enough to warrant asking employers to answer a single question out of a seven-minute survey. The former is erroneous, and the latter is detrimental to the stated goal of federal anti-discrimination laws: equal economic opportunity for women in the workplace.

BLS's contention that the CES gender series is redundant because the CPS also gathers gender data is incorrect and disingenuous. You yourself testified to the Congressional Joint Economic Committee in 2003 that "the [CES] payroll survey provides more reliable information on the current trend in wage and salary employment" than the CPS, because CES data use a larger sample size and come from employer payroll records, not employee self-reporting. Your 2003 testimony is supported by the academic and policy-making communities; economists widely agree that the CES provides a far more accurate view of general employment trends than the CPS. For our organizations, the CES data, different from the less precise and self-reporting data from CPS, are the most reliable source for addressing questions regarding women's employment and job loss in industries where information related to women is already severely limited.

Although ERA, The Impact Fund, DRC and the undersigned organizations use information from a variety of sources to guide our advocacy work, the CES gender series is the only data source that accurately portrays the differing effects of economic trends on women and men. Like an

irreplaceable puzzle piece, the CES gender data are essential to assembling a complete picture of the causes of, and potential solutions to, women's persistent economic disempowerment. Because this gender series is uniquely important, we urge you to continue to collect and disseminate these needed data.

Sincerely,

EQUAL RIGHTS ADVOCATES

THE IMPACT FUND
THE DISCRIMINATION RESEARCH CENTER

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