

# Lilly Ledbetter Was An 'Indefatigable' Force For Equal Pay

By **Amanda Ottaway**

Law360 (October 21, 2024, 4:49 PM EDT) -- Lilly Ledbetter, whose unequal pay lawsuit against her employer sparked a 2009 law and led her to dedicate the rest of her life to fighting for pay equity, recently died at 86. Those who worked with her say her legacy lives on in the ongoing fight to close the wage gap.



Lilly Ledbetter, an activist for workplace equality, speaks at an event to advocate for the Paycheck Fairness Act at the Capitol in Washington in 2019, flanked by Speaker of the House Nancy Pelosi, D-Calif., right, and the act's sponsor Rep. Rosa DeLauro, D-Conn., left. (AP Photo/J. Scott Applewhite)

The legal experts and advocates who worked for decades alongside Ledbetter spoke of her as a friend and seemed to be grappling with her death on a personal level.

"People use the words 'icon' and 'trailblazer,' and those are true, and those put people ... on a pedestal. And she deserves every inch of that pedestal," said Deborah Vagins, director of Equal Pay Today at the gender justice organization Equal Rights Advocates. "And at the same time, she was just the most lovely, kind, generous, funny, selfless person I've met."

The Lilly Ledbetter Fair Pay Act clarified that pay bias victims face discrimination with each unfair paycheck. But Ledbetter didn't stop there — she spent the rest of her life trying to build on that law with more equal pay protections. Vagins called her "indefatigable."

As equal pay experts and advocates reflected on Ledbetter's legacy, Jill Hasday, a professor at the University of Minnesota Law School who specializes in anti-discrimination law, summed it up.

"Lilly Ledbetter was an ordinary working woman who became a champion for all working women," she said.

### **Communicator of 'Clear Injustice'**

In the decade and a half since her law passed, Ledbetter's name has become "shorthand" among worker advocates as they continued to work on legislation at the state and local levels following the Ledbetter law's passage, said Andrea Johnson, the director of state policy and strategy at the National Women's Law Center. She worked with Ledbetter for eight years, she said.

"We would say, 'This wouldn't help Lilly Ledbetter.' And people would get it," Johnson said. "Lilly Ledbetter was shorthand for just clear injustice. And if it wouldn't have helped her, it wasn't good enough."

Ledbetter made such a good spokesperson for the cause of equal pay for equal work in part because she had a unique gift for communicating with the public, and because the discrimination she'd faced was so clear and so egregious, experts said.

After learning through an anonymous note that she was being paid far less than her male colleagues at Goodyear Tire and Rubber's plant in Gadsden, Alabama, longtime area manager Ledbetter sued the company for gender discrimination under Title VII of the Civil Rights Act of 1964.

Though she won at the trial court level and a jury awarded her upwards of \$3 million — an amount that was later reduced by the judge — Ledbetter's case ended up before the U.S. Supreme Court in 2006. The high court shut her down completely, ruling in a 5-4 decision in [Ledbetter v. Goodyear Tire & Rubber Co.](#) that she'd waited too long to bring her case to the U.S. Equal Employment Opportunity Commission, in violation of Title VII's statute of limitations.

Then-Justice Ruth Bader Ginsburg, at the time the only woman on the court, **read the minority's blistering dissent aloud from the bench.** Victims of discrimination shouldn't be beholden to such a strict reading of the statute, she said, urging Congress to act.

Ledbetter joined forces with advocacy groups like the ACLU, where Vagins worked at the time, and the National Women's Law Center. Thanks in part to their efforts, Congress took Ginsburg up on her challenge: In January 2009, a newly inaugurated President Barack Obama signed the Lilly Ledbetter Fair Pay Act, which clarified that pay discrimination occurs with every biased paycheck.

Ledbetter's law clarified that when an employer discriminates with unequal pay, that bias "occurs each time compensation is paid."

"In other words, every time I get a paycheck that's been affected by some past discrimination, the clock starts again," Hasday explained.

Experts also credited **Justice Ginsburg's dissent**, which they said made clear how discrimination actually works in real life.

"Justice Ginsburg wanted to make the point that the majority completely misunderstood how discrimination operates in the workplace," Vagins explained. "People do not know about it when it happens. Employers are not advertising it."

The Lilly Ledbetter Fair Pay Act **was the first bill signed into law** by President Barack Obama when he took office in 2009, Ledbetter by his side. They'd danced together at his inauguration.

### **When Her Law Passed, Ledbetter Was Just Getting Started**

Experts credited Ledbetter for helping spark a cultural shift in the conversation about pay equity.

"I hope that she had been buoyed by the fact that she did change the landscape of this issue. It is a front-of-center, front-of-mind, kitchen-table issue now, in a way that it was absolutely not in 2006 or 2007," Vagins said.

Even though Ledbetter was 70 when her law was signed, she did not retire from the equal pay fight, experts said. That anonymous note she'd received back at Goodyear helped spur Ledbetter's battle for workers to be able to discuss their pay without putting their jobs on the line.

"I think that we helped raise the profile of transparency as a necessary tool to help close the wage gap," Johnson said.

Though the National Labor Relations Act protects many workers from being punished for discussing their pay, its protections aren't strong enough, experts said. For example, it doesn't cover managers, of which Ledbetter was one. She could have been fired for talking about her or her co-workers' pay.

And that threat of retaliation helped make the Supreme Court's decision — that Ledbetter hadn't complained about the unequal pay quickly enough, even though she could have been fired for asking questions about others' pay — even more shocking to lawmakers and the public, Vagins explained.

"How absurd it was made a lot of sense to people," she said.

During the next decade and a half of Ledbetter's life, although no federal law passed requiring pay transparency, advocates made strides on the state and local levels. **At least a dozen states have passed laws** requiring employers to, in some way, share the pay range they expect to offer for an open position.

Vagins said the shift in perspective is huge.

"We are requiring employers to post pay ranges. That is something she got to live to see," she said.

And Ledbetter drew connections to other key points as well. In January, Vagins and Equal Rights Advocates led a webinar, which Ledbetter herself joined, to celebrate the 15th anniversary of her law.

In her remarks, Ledbetter pointed to the way pay inequity follows women throughout the course of their lives, pointing out that women tend to outlive male partners by about a decade on average. Ledbetter's husband died in 2008, before her bill was signed into law.

But women have less money to live on in retirement because their social security payments and other retirement benefits haven't seen an equal level of contributions throughout their lives, Ledbetter said.

Ledbetter said she lived it. She'd worked hard over her 35-year career, "and I didn't get equal pay on any of the jobs. So it really hurt when I got down to retirement," she said.

### **A 'Once-In-A-Generation' Advocate**

Lilly Ledbetter was "a lovely, genuine, courageous person," Vagins said. "There are those once-in-a-generation people who just are motivated by what they can do to help others, sometimes no matter the cost. And the cost was high."

Despite her jury win, after the Supreme Court tossed out her case, Ledbetter never got back pay or damages from her lawsuit, experts said.

"She didn't see a dime because of the Supreme Court. People think that when your name is in the paper, somehow you got it made. And that was certainly not the case," Vagins said. "There were honorariums and awards and things, but she never got her due."

Ledbetter penned a 2019 op-ed for CNN, advocating for the **federal Paycheck Fairness Act**, which has never passed despite multiple introductions in Congress. She wrote that especially as a widow in retirement, even though she'd saved carefully, she had a harder time making ends meet than she would have had she been paid fairly during her career.

"I constantly worry about how I will pay my bills," she wrote. "How will I make the money stretch this month, how will I keep the power on, how will I keep the heat on?"

Johnson emphasized the importance of Ledbetter highlighting how unequal pay haunted her into retirement.

"There's a direct connection between that economic insecurity in retirement to what Goodyear did, and the fact that she didn't get that back pay. And that's an important thing to drive home," she said. "She had suffered this great injustice, and it impacted her until the end."

But the funds in her personal accounts weren't ultimately the driving force behind Ledbetter's work, advocates said.

"It was, 'This was not right, and I'm going to do something about it,'" Vagins said.

Both Johnson and Vagins called Ledbetter a friend. Vagins, whose work with Ledbetter dates back to 2007, said she felt like her bond with the activist was sisterly. When asked to talk about what Ledbetter was like as a person, Vagins let out a deep sigh.

"I'm just smiling," she said.

Johnson said Ledbetter genuinely loved the work, that traveling and speaking to advocates and students gave her life.

"I think her way of kind of processing those laws was to just try to make the world better for everybody else and try to do what she could so this wouldn't happen to anybody else," she said.

--Editing by Amy Rowe.

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