

Obama assina lei sobre igualdade salarial entre homens e mulheres

29/01/2009



O presidente dos Estados Unidos, Barack Obama, assinou, nesta quinta-

feira (29/1), o *Lilly Ledbetter Fair Pay Act*, que é uma emenda a diversas leis de direitos humanos para promover a igualdade salarial entre homens e mulheres. Nos Estados Unidos, mulheres ganham em média 23% menos que os homens. Segundo ele, a lei envia “uma mensagem clara de que a nossa economia do trabalho significa ter certeza que ela funciona para todos.”

“É muito simbólico que a primeira lei que assino fale de um dos princípios fundadores deste país; que somos todos iguais e que cada um pode perseguir a sua própria versão de felicidade”, disse Obama. O presidente classificou hoje como um dia maravilhoso. O projeto foi aprovado pelo Congresso na semana passada.

Lilly Ledbetter, que dá nome ao projeto de lei, era supervisora da fábrica de pneus da Goodyear Tire & Rubber, em Gadsden (Alabama). Ela processou a empresa por discriminação de pagamento pouco antes de se aposentar, após 19 anos de serviço. Lilly ganhava US\$ 6.500 a menos que o supervisor. Ela queria uma indenização de US\$ 360 mil.

Em 2007, a Suprema Corte dos Estados Unidos, por 5 votos a 4, rejeitou o pedido da trabalhadora porque o direito prescreveu. Segundo a lei do país, o prazo para reclamar de discriminação no trabalho é de 180 dias. A decisão da Suprema Corte é a primeira justificativa do projeto (leia abaixo em inglês).

“Ela fez seu trabalho por quase duas décadas antes de descobrir que ganhava menos que colegas homens. Ela teve perdas de US\$ 200 mil em salário e ainda mais em pensão e benefícios sociais, perdas com as quais ela arca até hoje”, disse Obama, acompanhado por Lilly (foto). Estavam também na cerimônia o vice-presidente, Joe Biden e a secretária de Estado, Hillary Clinton.

Obama lembrou que a luta de Lilly, 70 anos, demorou mais de 10 anos antes de chegar a Suprema Corte. O presidente conheceu Lilly na Convenção Democrata Nacional em 2008, que oficializou a sua candidatura. Ao assinar a lei, Obama entregou a caneta a trabalhadora, como símbolo da sua conquista.

“Igualdade de pagamento não é um tema de mulheres e sim de família. A família que não tem dinheiro para educação, famílias que dependem disso para pagar a hipoteca ou não, pagar as contas médicas ou não”, afirmou Obama.

O democrata lembrou da sua avó, que trabalhava em um banco no Havaí e sustentava ele e sua meia-irmã. “Para minhas filhas, para que elas tenham oportunidades que sua mãe e avós não imaginavam ter”, disse ao tratar da lei.

O site da Casa Branca recebe sugestões e críticas a lei neste [site](#).

[Foto: Casa Branca]



Leia íntegra da lei em inglês

AT THE FIRST SESSION

United States of America

of the One Hundred Eleventh Congress

Begun and held at the City of Washington on Tuesday, the sixth day of January, two thousand and nine

An Act

To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Lilly Ledbetter Fair Pay Act of 2009?.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

`(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

`(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.'.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.



Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking `(d)` and inserting `(d)(1)`;

(2) in the third sentence, by striking `Upon` and inserting the following:

`(2) Upon`; and

(3) by adding at the end the following:

`(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.’.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) Americans With Disabilities Act of 1990- The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) Rehabilitation Act of 1973- The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) Conforming Amendments-

(1) REHABILITATION ACT OF 1973- Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after `(42 U.S.C. 2000e-5 (f) through (k))` the following: `(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)`; and

(B) in paragraph (2), by inserting after `1964` the following: `(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)`.

(2) CIVIL RIGHTS ACT OF 1964- Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

`(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.’.

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967- Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking `of section` and inserting `of sections 7(d)(3) and`.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with



Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

Fonte: <https://conjur.jumps.com.br/2009-jan-29/obama-assina-lei-igualdade-salarial-entre-homens-mulheres/>