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"COMPARABLE WORTH" LOSES APPEAL

The U.S. Court of Appeals for the Ninth Circuit has just dealt what is described by the Bureau of National Affairs as "a major blow to supporters of the Comparable Worth concept." This decision warned that acceptance of this untried theory "would plunge us into uncharted and treacherous areas."

Those who believe in less government regulation and more private enterprise are encouraged by the breadth of the federal court's rejection of this bogus theory. The Ninth Circuit is not exactly known as a bastion of conservatism, and its decision came in the same month and the same part of the country where the radical Comparable Worth notion was endorsed by the Democratic Platform and by every Democratic candidate for the Presidency and Vice Presidency.

This July 3 decision in Spaulding v. University of Washington affirmed the dismissal of a sex discrimination lawsuit filed by the faculty of the University of Washington School of Nursing. They had alleged that the (female) Nursing School faculty members were paid less than (male) faculty at other state universities who allegedly performed "comparable" work.

The court ruled that the women could sue only if they presented evidence showing that the wage disparity was more likely than not the result of intentional sex discrimination. Just because jobs pay different salaries to different people is, therefore, NO proof of sex discrimination.

The court decision pointed out that the nursing faculty's "sex-discrimination claim" was merely "a wide-ranging claim of wage disparity between only comparable jobs," and "the law does not go so far as to allow a prima facie case to be constructed by showing disparate impact."

The court stated that its conclusion is "supported by considerations of precedent, prudence and judicial competence, and accords with the law and goals of Title VII." The court cited similar rulings in the Eighth and Tenth Circuits.

It isn't just conservatives and Reaganites who think that "Comparable Worth" is an "off the wall" notion which would bring about massive negative assaults on our economy and standard of living. The liberal New Republic has come out with a slashing critique.

First, the article ridicules the false assumptions of Comparable Worth, the "crowding" theory (that women are involuntarily "crowded" by "sexual stereotying" into certain occupations and this has artificially depressed their wages), and the "grand conspiracy" theory (that our whole system conspires to hold down women's wages to minimize labor costs). There isn't a shred of evidence to support either proposition, and abundant evidence exists to disprove it.

Then the New Republic article exposes the illogic, the bias, and the downright silliness of the notion that work can be objectively deemed "comparable" by means of a "study" which awards "points" for "knowledge and skills," "mental demands," "accountability," and "working conditions." Calling this concept subjective, whimsical, specious and meaningless, the author invites readers to try it for themselves by comparing, with numbers, the mental demands on a truck driver and a secretary, or a secretary's typing certificate with a trucker's risk of getting killed on the highways.

Comparable Worth advocates want wages to be based primarily on paper credentials (degrees or certificates). The New Republic accurately says that this is "credentialism gone wild, and highly disadvantageous to non-yuppy workers with poor resumes; it leads to the logical absurdity that people should be paid not for the actual work they do, but the work they could do."

Finally, the New Republic concludes that, even if there were a shred of merit in Comparable Worth, it should be rejected if only because of "the sheer social chaos" it would create. Comparable Worth lawyers are talking about "an avalanche of private litigation." It would require thousands of consultants to set and constantly revise the "points" and a whole new layer of judge-appointed "masters" to evaluate the evaluators.

The New Republic concludes: "Comparable Worth asks the question: How many nurses would it take to screw in a lightbulb? The joke is that, having not the faintest idea, it demands that a committee invent an answer, that the answer become law, and that the law supplant the market. Even Karl Marx, who also had legitimate complaints about the equity of wages set by the market, had a more plausible alternative."