



# WISCONSIN CIVIL JUSTICE COUNCIL, INC.

*Promoting Fairness and Equity in Wisconsin's Civil Justice System*

## Groups Continue to Make False “Equal Pay” Claims

**FOR IMMEDIATE RELEASE**

September 30, 2014

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**Madison** – A number of groups, including current and former Democratic officials, gathered today at the State Capitol to continue their misleading “war on women” theme. Specifically, the group cited a 2012 law – [2011 Wis. Act 219](#) – which they claim removes “equal pay for women.”

These claims are simply false, as demonstrated by numerous news outlets:

- [“Mary Burke says Scott Walker left Wisconsin women without equal pay protections”](#) (**Rated “False”**) – April 13, 2014, PolitiFact Wisconsin (*Milwaukee Journal Sentinel*).<sup>1</sup>
- [“Dem in Wisconsin governor recall says GOP-backed bill means women ‘can’t do something about’ pay discrimination”](#) (**Rated “False”**) – April 10, 2012, PolitiFact Wisconsin (*Milwaukee Journal Sentinel*).<sup>2</sup>
- [“Wisconsin GOP bill would repeal law ensuring pay equity for women, Dem lawmaker says”](#) (**Rated “Mostly False”**) – March 12, 2012, PolitiFact Wisconsin (*Milwaukee Journal Sentinel*).<sup>3</sup>
- WISC (Channel 3) reporter Jessica Arp labels a similar statement by Mayor Tom Barrett as **“misleading”** – [see video here](#).<sup>4</sup>
- [“Bill will eliminate compensatory and punitive damages under Wisconsin’s Fair Employment Act,”](#) (**“Wisconsin women are still entitled to equal pay”**), *State Bar of Wisconsin*, Saul Glazer, partner at Axley Brynelson, LLP, March 7, 2012.<sup>5</sup>

As shown by these news articles, Act 219 did not remove equal pay. Instead, Act 219 repealed a misguided law signed in 2009 by then Gov. Jim Doyle, which was a payback to his top campaign supporters – plaintiff attorneys.

The 2009 ([2009 Wis. Act 20](#)) law for the first time imposed punitive damages on Wisconsin businesses for alleged workplace discrimination. As a result, businesses could be hit with punitive damages up to \$300,000. Moreover, the law indexed the punitive damage awards to inflation, meaning that the plaintiff attorney jackpot would increase each year.

The current law allows women, along with any other person alleging workplace discrimination, to sue their employer. For example, the new law still allows an employee to seek reinstatement of their job, back pay up to two years, as well as with attorney fees and court costs.

<sup>1</sup> <http://www.politifact.com/wisconsin/statements/2014/apr/13/mary-burke/mary-burke-says-scott-walker-left-wisconsin-women/>.

<sup>2</sup> <http://www.politifact.com/wisconsin/statements/2012/apr/10/kathleen-falk/dem-wisconsin-governor-recall-says-gop-backed-bill/>

<sup>3</sup> <http://www.politifact.com/wisconsin/statements/2012/mar/12/cory-mason/wisconsin-gop-bill-would-repeal-law-ensuring-pay-e/>.

<sup>4</sup> [https://www.youtube.com/watch?v=h7dQJ\\_YBkvE](https://www.youtube.com/watch?v=h7dQJ_YBkvE).

<sup>5</sup> <http://www.wisbar.org/NewsPublications/RotundaReport/Pages/Article.aspx?ArticleID=7997>.

Moreover, those who wish to seek punitive damages can still do so in federal court. Act 219 simply removes the duplicative and unnecessary punitive and compensatory damage awards from Wisconsin statutes.

“It is unfortunate there are still those who claim 2011 Act 219 takes away equal pay for women even though the facts clearly show these claims to be false,” said Bill G. Smith, State Director, National Federation of Independent Business and President of the Wisconsin Civil Justice Council.

“Small business owners are focused on creating jobs that will help grow the state’s economy, not needlessly spending money on the legal fees,” said Smith.

Thanks to this and many other pro-business reforms over the past few years, Wisconsin’s economy is on the right track.

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*The Wisconsin Civil Justice Council’s mission is to promote fairness and equity in Wisconsin’s civil justice system, with the ultimate goal of making Wisconsin a better place to work and live. To learn more about WCJC, visit [www.wisciviljusticecouncil.org](http://www.wisciviljusticecouncil.org).*