

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Washington, D. C. 20210

July 1, 1971

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This is in further reference to your letter of March 30, 1971, addressed to Mr. McGowan of our staff, concerning the application of the Civil Rights Act to a proposed insurance program. We regret the delay in responding to your inquiry.

The equal employment opportunity requirements of the Civil Rights Act of 1964 are contained in Title VII of the statute. Title VII is administered by the Equal Employment Opportunity Commission, not the Department of Labor. However, the Equal Pay Act of 1963, an amendment to section 6 of the Fair Labor Standards Act, applies to fringe benefits which are deemed to be remuneration for employment where the Act's standards otherwise apply and, since Title VII of the Civil Rights Act of 1964 requires that relevant opinions of the Administrator of the Wage and Hour Division in the Department of Labor are to be adopted by the Commission in making interpretations under Title VII, we believe we can be of assistance to you.

A copy of an Equal Pay Act opinion letter, dated February 11, 1966, is enclosed, as well as Interpretative Bulletin, Part 800. Please note particularly sections 800.106, 800.109, 800.110, 800.116(d) and 800.119 of the Bulletin. The information contained in the opinion letter would appear to be responsive to the various points raised in subdivisions I, II, and III of your inquiry, but please do not hesitate to let us know if you feel there is a need for additional clarification in these areas.

In connection with the question raised in subdivision IV of your letter, it is our opinion that the Equal Pay Act, in requiring that no labor organization, or its agents, representing employees of an employer having employees subject to any provisions of section 6(d)(2) of the Fair Labor Standards Act "shall cause or attempt to cause such an employer to discriminate against an employee in violation of" the equal pay provisions, is indicative of the legislative intent that the elimination of wage rate differentials based on sex in the establishment is a joint responsibility held by a union or unions with the employer.

Since Title VII of the Civil Rights Act of 1964 applies to matters related to terms, conditions, or privileges of employment, as well as to compensation, you may wish to get in touch with the Equal Employment Opportunity Commission, in case they have information to add to the above. The address of the Commission's office serving your area is 219 South Dearborn Street, Chicago, Illinois 60604. The telephone number is (312) 335-7550.

Sincerely,

/s/ Ben P. Robertson

Deputy Administrator
Wage and Hour Division
WH-140