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**OREGON**

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February 2, 2016

Testimony in support of HB 4136  
Increasing the Non-Economic Damages Cap to Treat Women More Equitably  
Consumer Protection and Government Effectiveness Committee  
Submitted by Kate Newhall, Family Forward

Thank you for the opportunity to provide testimony in support of HB4136, which will increase the arbitrarily low cap on non-economic damages in wrongful death cases. Family Forward sees this as an important issue for mothers and working women who we know are paid less than their male counterparts and, as a result, whose lives are not valued equally when they die due to someone else's negligence.

Unfortunately, equal pay for equal work is still a far off reality for most women. Wage discrimination takes many forms, but can be seen across all industries, at all ages for working women. **Accounting for all other variables, American women still make 78 cents for every dollar a man earns** – a gap of 22%.<sup>1</sup> This is even more marked for women of color: African American women are paid 64 cents and Latinas are paid just 56 cents for every dollar a white man earns.<sup>2</sup>

It is sad that in 2016 women in Oregon and across the U.S. are still being paid lower wages than men, simply because they are women.

This has dire consequences for women and the families that rely on them. Mothers, in particular, are affected by the wage gap. They are now the primary or sole breadwinners in nearly 40 percent of families nationwide.<sup>3</sup> And here in Oregon, there are 166,453 family households headed by women.<sup>4</sup> An incredible 34 percent of those families that's 56,428 family

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<sup>1</sup> National Women's Law Center. *Insecure and Unequal: Poverty Among Women & Families 2000-2013*. Available from: <http://www.nwlc.org/resource/insecure-unequal-poverty-and-income-among-women-and-families-2000-2013>.

<sup>2</sup> Ibid.

<sup>3</sup> Wang, W., Parker, K., & Taylor, P. (2013, May 29). Breadwinner Moms. Pew Research Center Publication. Retrieved 22 March 2014, from <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>

<sup>4</sup> U.S. Census Bureau. (2013). American Community Survey 1-Year Estimates 2012, Geographies: All States within United States and Puerto Rico, Table DP02: Selected Social Characteristics in the United States. Retrieved 27 February 2014, from [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_DP02&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_DP02&prodType=table) (Calculation uses family households headed by females living in a household with family and no husband. A family household includes a householder, one or more people living in the same household who are related to the householder, and anyone else living in the same household.)



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households are living on incomes below the federal poverty line.<sup>5</sup> When women and mothers aren't earning equal pay for equal work, Oregon families suffer. After a tragedy such as a wrongful death, her family should not suffer additionally just because her work is valued less.

Women are paid less for equal work across and within all industries. For example, among the occupations with the most people working full time, year-round, women are paid less than men. Women are paid just 63 cents for every dollar paid to men in sales occupations; 68 cents in production; 74 cents in management; and 89 cents in office and administrative support occupations as compared to men.<sup>6</sup>

**Right now Oregon women and families are being shortchanged almost ten thousand dollars each year, amounting to hundreds of thousands of dollars over a lifetime because of the pay gap.**

Under Oregon law, the non-economic damages in wrongful death cases are capped while the economic damages are uncapped. This means that the grieving family who loses a stay-at-home parent, a parent who only works part-time, or a woman who is paid substantially less than her male counterparts, will only get minimal compensation for their loss. The family of a high-wage earning parent can recover the unlimited lost wages plus up to \$500,000 for loss of companionship, pain, and suffering. Conversely, the family of the parent whose contribution is in the home can only access the \$500,000 maximum payment. And a woman who earns less than her male counterparts will get an equivalently lower amount of economic damages.

**This arbitrary cap on non-economic damages has the effect of valuing a woman's life as less just because she will potentially make less over the course of her career.**

Family Forward sees HB 4136 as a component of addressing pay inequality in Oregon and a step toward recognizing the true value of a woman's work both at home and in the workplace, which has historically been undervalued.

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<sup>5</sup> Ibid.

<sup>6</sup> U.S. Census Bureau. (2014). Current Population Survey, Annual Social and Economic (ASEC) Supplement: Table PINC-06: Occupation of Longest Job in 2012--People 15 Years and Over, by Total Money Earnings in 2013, Work Experience in 2013, Race, Hispanic Origin, and Sex. Retrieved 18 September 2014, from [http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc06\\_000.htm](http://www.census.gov/hhes/www/cpstables/032014/perinc/pinc06_000.htm). Available at: <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/americas-women-and-the-wage-gap.pdf>