



Written by [Selwyn Duke](#) on February 3, 2016

New Obama Regulations Will Make It Harder to Hire and Promote White Men

The Obama administration is obsessed with race and sex. Many know about the administration's [scheme to collect information](#) on the racial composition of American communities in an effort to force neighborhoods to "diversify." Now the government is applying the same philosophy to businesses in order to "equalize" wages. It's an effort, critics point out, that will make it harder for white men to find jobs. Writes the *New York Post's* [Betsy McCaughey](#):



Claiming women aren't getting paid enough, President Obama wants to make it easier to accuse employers of gender discrimination and hit them with class-action lawsuits. A new regulation proposed on Friday will require all employers with 100 or more workers to report how much their workforce is paid, broken down by race and [sex].

The rule, slated to go into effect in September 2017, will cause headaches for employers and anyone — man or woman — who works hard and expects to get ahead based on merit. The winners are federal bean counters, class-action lawyers and the Democratic Party, which is playing up the [inter-sex] "wage gap" as usual during this election year.

McCaughey points out that this regulation will hit white men the hardest, and this is [echoed](#) by *American Thinker's* Thomas Lifson:

Your employer will have to lump workers into 12 salary bands. If you're a white male up for a raise, but the band above yours already includes too many while males, tough luck. Your boss will be pressured to give the raise to a woman or minority to avoid triggering EEOC scrutiny.

This data collection is a godsend for EEOC regulators looking for targets, and it hands class-action lawyers the statistics they need on a silver platter.

Even worse: the presumption is that the employer discriminates, unless proven otherwise.

The "guilty until proven innocent" standard Lifson refers to seems to reflect "disparate impact" theory; this principle states that if a group cannot measure up to a standard as well as another group, that standard is *by definition* considered unjustly discriminatory. Applied by the government for decades, it has been used to compel police departments and other entities to scrap qualification exams because women and minorities underperformed on them. As an example, the Obama administration [sued the Pennsylvania State Police](#) in 2014 for *treating women equally* — because doing so yielded unequal outcomes.

As for different salary outcomes in business, McCaughey explains the consequences of the new regulations:

Employers will have to change their policies to avoid these differences — for example, not preferring the job applicant who has a college degree over the applicant who doesn't, unless the job



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can be shown to require college skills. The burden is on employers. It's assumed they're discriminating, in other words, and they have to prove they're not.

Jenny Yang, chairwoman of Obama's Equal Employment Opportunity Commission, defends the massive fishing expedition, saying, "pay discrimination goes undetected because of a lack of accurate information about what people are paid."

Of course, it's impossible not to discover pay "discrimination." All that term refers to is the process of choosing one or some from between/among two or many. And since meritocracy dictates we discriminate between the intelligent and the stupid, the educated and the ignorant, and the qualified and the unqualified — and since groups have different proclivities and interests — it follows that Yang cannot fail in her mission. But she clearly isn't interested in the real question: Are inter-group pay gaps actually caused by prejudice?

Demagogues love the slogan "Women make only 79 cents on a man's dollar!" Yet the same data-collection entities reporting that fact also tell us why — and it has nothing to do with unfair discrimination. I [explained](#) this in the 2014 *New American* piece "Equal Pay for Equal Work: Means Paying Men More," but female commentators such as Carrie Lukas have made the [same points](#). Here are some of the main factors influencing the inter-sex pay gap:

Men tend to choose more lucrative fields than women do (e.g., the hard sciences as opposed to the soft ones).

Related to the above, women avoid the most dangerous and dirtiest jobs — such as iron-working and commercial fishing — which often bring great compensation.

Full-time men work more hours on average than "full-time" women.

When climbing the corporate ladder, women are six times more likely than men to change positions and career tracks; consequently, men generally have more seniority and experience.

Women are more likely to decline promotions and "tend to place a higher priority on flexibility and personal fulfillment than do men, who focus more on pay. Women tend to avoid jobs that require travel or relocation, and they take more time off and spend fewer hours in the office than men do," as Lukas wrote in 2007.

The reality is that women don't get less money for equal work — they get less money for lesser work. Moreover, it seems that some pay gaps are more equal than others. There was [much talk](#) late last year about Hollywood actresses making less than actors (poor Jennifer Lawrence had to settle for \$52 million, \$28 million less than Robert Downey Jr.). Yet no one troubles over the top 10 female fashion models [earning](#) more than *10 times as much* as their male counterparts do. And even among rank-and-file models, the women make 148 percent more.

But isn't this "sex discrimination"? Aren't the models doing equal work? This question gets at a generally ignored but central issue: What constitutes equal work, anyway?

Models don't get paid because they're capable of posing, wearing clothing, standing under hot lights or parading down runways; I could do that. They earn wages because their "work" helps satisfy a market — and the female models command more because their "work" satisfies a bigger market than the men's work does. This is the same reason NBA players make more than WNBA players and heavyweight boxers generally out-earn lightweights. The "work" isn't just shooting baskets and throwing punches; it involves succeeding in, respectively, the NBA and heavyweight ranks.



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This brings us to another significant point: Is it really true that sex and racial discrimination is always unjust? Consider that a quality integral to doing the women models' work *is being female*. If the male models were women, they might be able to do the same "work" and satisfy the market equally. There are many other such examples. As I [wrote](#) in 2014:

My local hardware store provides knowledgeable workers, all men, who render valuable advice on products and how to perform various home repairs. If it was determined that people found a female in that role less credible and were then not quite as likely to buy from the establishment, would even a highly competent woman be able to do "equal work" in that capacity?

What about the little West Indian restaurant, with all-black workers, I loved when I spent a few weeks in Tampa? If hiring a white person made the eatery seem less authentic and negatively affected its appeal, would that individual be able to do "equal work"? The same, of course, could be asked about a black person working in a German restaurant. In these cases race would be integral to the "work."

The reality is that the government has no idea what constitutes "equal work," yet it feels qualified to mandate equal pay. But while one might not expect bureaucrats to have pondered deeper issues such as the above, simple facts can be easily apprehended. And here's one: Women in the Obama White House make only 84 cents on every male staffer's dollar. Is this driven by bad intentions? If not, a desire to ascribe such motives to a wider society exhibiting the same phenomenon just might be driven by bad intentions itself.



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