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U.S Women’s Soccer Team Seeks Win for Equal Pay as They Pursue World Cup Title

The U.S. Women’s National Team is on track to defend its 2015 World Cup title after defeating Spain in the Round of 16 on June 24. They’re the favorite in their upcoming quarter-final match against France on June 27. Away from the pitch, they face another battle: in March, members of the team filed a lawsuit in Federal Court in Los Angeles, seeking equal pay under the Equal Pay Act and Title VIII of the Civil Rights Act.

Both the Equal Pay Act [enacted in 1963 as an amendment to the Fair Labor Standards Act] and Title VII of the Civil Rights Act prohibit sex discrimination in the payment of wages. Any wage differential between the sexes must be based upon a legitimate business reason other than sex, such as a merit system or quality or quantity of production.

The USWNT Plaintiffs allege in the lawsuit that female players “have been consistently paid less than their male counterparts”, despite performing the same job responsibilities for a common employer, the United States Soccer Federation [USSF]. Their complaint cites the fact that the Women’s team has outpaced the men’s team both in on-field performance and profit – winning three world cup titles, including the last one in 2015, drawing more viewership, and driving up to \$17.7 million in projected revenue. The Wall Street Journal reported that, according to the USSF’s financial statements, from 2016 to 2018, the women’s team generated \$50.8 million, to the men’s team’s \$49.9 million. Despite outpacing the men’s team in athletic and financial performance, they claim USWNT members earn an average of \$4,950 per game to the men’s \$13,166 per game.

In its answer to the complaint, the USSF responds that any difference in pay is not based on sex and is for legitimate business reasons. It asserts that the men’s and women’s team players are not “similarly situated,” and that no pay comparisons can be made between them, since the women’s team receives guaranteed salaries and benefits, while the men are paid only for appearances on a “pay-for-play” structure. It also cites differences in prize money offered by FIFA for the men’s and women’s World Cup—\$38,000,000 for the men vs. \$2,000,000 for the women—as a basis for distinction in pay.

It seems like a tenuous argument that the men should be entitled to more pay to *lose* games simply because there is more potential prize money. But, as with any lawsuit, there will be points scored by both sides, and likely more nuance to the dispute than is apparent from the initial pleadings alone.

Questions? Contact Stokes Wagner.

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The USWNT has carried the torch for American soccer for a long time, and will no doubt continue to do so. Let's keep cheering them on in their World Cup defense, and hope they are fairly rewarded for all their hard work.

Questions? Contact Stokes Wagner.