Weeks vs. Southern Bell: Breaking Discriminatory Employment Barriers for Women in the Workforce

> Julianna Velgersdyk Junior Division Paper Paper Length: 2,500 words

"I'm going to have that job, one way or another! Somebody's going to listen to me, if I have to go all the way to Chief Justice Earl Warren."

-Lorena Weeks

Women had been fighting for equal rights for over a century, and despite their efforts to gain equality through years of hard work and protests, they still weren't given the same opportunities as men. Lorena Weeks fought to break barriers in discrimination in women's employment from 1966-1969 in Wadley, Georgia. After being denied a job as a switchman at Southern Bell because of her gender, Weeks took her case to court as the first discrimination case filed under the Civil Rights Act of 1964. After three years of fighting at both district and appellate court levels, Weeks's determination and support from the women's movement earned her the job as switchman. Weeks' victory set a precedent for the many discrimination cases that would follow and supported the larger fight for equality for women.

Early History of Employment Barriers

Women entered the workforce in the United States in the early 1800s, but with a lower status than men. Most were young and single and worked unskilled jobs or became teachers. By the 1920s, some women were going to college and getting jobs such as secretaries or nurses. Organizations formed in order to better the low wages and unsafe working conditions for women. The Women's Bureau and the Women's Trade Union League helped with working conditions and welfare of women in the 1920s.¹

¹ Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace". 2015 ed

During the Great Depression, more women entered the workforce than men, as employers were willing to hire women at a lower wage. 11 million women were employed and many accused of taking jobs from men. In the 1930s, The National Recovery Administration and the Works Progress Administration improved wages and working hours for women, although women had to prove they were the primary wage earner in their family.² Laws passed that helped women such as the Fair Labor Standards Act of 1938, which raised the minimum wage to 25 cents.³

In WWII, women filled jobs that men left when going to war and helped produce products for the war, such as aircrafts, bombs, and tanks.⁴ Women also worked at telephone switchboards with oversea calls.⁵ Although women's contributions to the war effort helped, many went back to caring for a household and raising families after the war ended and returning men were given priority in jobs. However the amount of women employed rose from 12 million in 1940 to 18 million in 1945.⁶

Efforts to Break Barriers

By the 1960s, 13.97% of women were a part of the workforce, mostly in secretary-like jobs. Women encountered problems in equal pay, earning 60 percent of men's pay; and job stereotypes, keeping them from higher paying positions.⁷

³ Spiggle, Tom. "Eight Laws That Helped Women Make History In The Workforce." *Forbes*, Forbes Magazine, 14 Mar.

2019, www.forbes.com/sites/tomspiggle/2019/03/13/8-laws-that-helped-women-make-history-in-the-workforce/#27608 af917b5.

² Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace".

⁴"Speech on Equal Pay and Women's Contribution to the War Effort." *DocsTeach*, 22 Feb. 1942, <u>www.docsteach.org/documents/document/equal-pay-women-war-effort</u>.

⁵ "Women Working at a Bell System Telephone Switchboard." *DocsTeach*, 22 Dec. 1943, <u>www.docsteach.org/documents/document/bell-telephone-switchboard</u>.

⁶Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace".

⁷ Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace".

National movements took action during this time of change to stop discrimination.

Marguerite Rawalt, Betty Friedan, and Kathryn Clarenback developed the National Organization for Women (NOW), because of the lack of help from the Equal Employment Opportunities Commission (EEOC).⁸ The Equal Pay Act of 1963 was used, "to prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods or commerce."⁹ Also, the Civil Rights Act of 1964, stating,"...to ensure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin..." made gender discrimination illegal.¹⁰

Jobs for some, however, were limited by protective laws and stereotypes. States lawfully restricted women based on the weight they were required to carry. Laws precluded women from working jobs that required them to carry over 12-13 pounds.¹¹ Stereotypes were another barrier. Job advertisements, segregated by gender (see Appendix A), kept women from certain occupations, such as insurance agents and salesmen.¹²

Weeks Faces Discrimination

Lorena Weeks entered this segregated workforce in the 1940s. She worked at the Southern Bell Telephone and Telegraph Company in a traditionally female occupation since the age of 18.¹³ As an operator, Weeks hauled her 34 pound typewriter to work everyday (see

www.docsteach.org/documents/document/equal-pay-act. ¹⁰"Civil Rights Act of 1964." *DocsTeach*, 2 July 1964,

⁸Kimberly Voss, *Women Politicking Politely*. (Lanham: Lexington Books, 2017). Print. 17 ⁹"Equal Pay Act of 1963." *DocsTeach*, 10 June 1963,

https://www.docsteach.org/documents/document/civil-rights-act-of-1964

¹¹Weeks, Lorena. "Lorena Weeks interviewed by Kathleen Clark." 9 Nov 2009. *Richard B. Russell Library Oral History Documentary Collection*, http://ohms.libs.uga.edu/viewer.php?cachefile=russell/RBRL175OHD-012.xml

 ¹²"Gender Wage Gap Timeline." *Timetoast*, 29 Nov. 1911, <u>www.timetoast.com/timelines/gender-wage-gap</u>.
 ¹³Day, Meagan. "The Extraordinary Courage of an Ordinary Woman: Lorena Weeks Broke Barriers for Working Women." *Medium*, Timeline, 1 June 2018, <u>https://timeline.com/lorena-weeks-women-work-5ec6dcc6ded9</u>.

Appendix B).¹⁴ After almost two decades of working with Southern Bell, on March 17, 1966, Weeks applied for a job as switchman, for its higher salary and locational convenience.¹⁵ Switchmen work with office equipment, test, power, frame, switch and telephone equipment. The job required making adjustments and repairs easily done by women.

Weeks' application was rejected by Southern Bell on April 18, 1966. "They said they appreciated that I wanted to advance within the company, but the man is the breadwinner of the family and women just don't need this type of job."¹⁶ Weeks' response was, "Oh no! When I go through the grocery store, they don't push back a loaf of bread and say, 'Well you nice little lady, you can have this ten cents cheaper,' just because I'm a woman!"¹⁷

Weeks was qualified for the job by her seniority and experience and needed it because of family financial struggles. This position would also save her the current 40 minute trip to her operator job–a hardship for her family.¹⁸ Although the Equal Pay Act of 1963 was helping women, it was not helping Weeks or preventing women from being denied jobs in the first place.

Taking Action

A poster in the main office of Southern Bell said that if anyone felt discriminated against they should contact the EEOC. Weeks wrote to the EEOC, who responded:

The Commission has investigated your charge and has found reasonable cause to believe that an unlawful employment practice within the meaning of Title VII of the Civil Rights

¹⁴"Lorena Weeks with typewriter," *Social Welfare History Image Portal* <u>https://images.socialwelfare.library.vcu.edu/items/show/342</u>.

¹⁵Day, Meagan. "The Extraordinary Courage of an Ordinary Woman

¹⁶Day, Meagan. "The Extraordinary Courage of an Ordinary Woman: Lorena Weeks Broke Barriers for Working Women."

¹⁷"Southern Bell"

¹⁸Federal Communications Commission Washington D.C., Lorena Weeks v. Southern Bell Telephone and Telegraph Company, Lorena Weeks, 1969. Lorena Weeks File related to Weeks v. Southern Bell. Russell Library, University of Georgia. Print.

Act of 1964 has been committed. The Commission will attempt to eliminate this practice by conciliation.¹⁹

Keith Macdonald met with Southern Bell to discuss why Weeks was denied the job. Southern Bell still refused. Macdonald told Weeks she would have to go to court, but would risk losing her job.²⁰ On April 19, 1967, she was told she could file suit and got an appointed attorney.²¹ Counsel filed suit for Weeks on May 18.²² With help from the court, Weeks tenaciously continued her fight.

At the District Court, Southern Bell claimed that giving Weeks the job would be breaking the law.²³ Citing Georgia Rule 59 limiting weight carried on the job by women to 30 pounds, Southern Bell staged a picture of a switchman carrying the 31 pound time and test set on a ladder. In reality, this would never have been done.²⁴ They also said in case of emergencies where the fire extinguisher (the same one used during Weeks' night shifts alone as an operator) or the generator (weighing 1,500-2,500 pounds) would be needed, lifting over 30 pounds was necessary.

Although Henry Moore, the repair man, testified against Southern Bell's point about the generator, Judge Scarlet ruled against Weeks based on Georgia Rule 59. Leaving the courtroom, Weeks' bosses celebrated their victory. Weeks said, "I cried and cried, because I loved the telephone company, and was being taken advantage of." ²⁵

¹⁹ Holbert, Kenneth F. Equal Employment Opportunity Commission. "To Lorena Weeks." 21 Mar 1967. Letter. Lorena Weeks Files, Russell Library, University of Georgia.

²⁰Springer, Eric W. Equal Employment Opportunity Commission. "Notice of Right to Sue Within 30 Days." 19 April, 1967. Letter. Lorena Weeks Files, Russell Library, University of Georgia.

²¹"Lorena Weeks interviewed by Kathleen Clark"

²²Justia Law. Mrs. Lorena W. Weeks, Appellant, v. Southern Bell Telephone & Telegraph Company

²³Federal Communications Commission Washington D.C., Lorena Weeks v. Southern Bell

Telephone and Telegraph Company, Lorena Weeks, 1969.

²⁴Day, Meagan. "The Extraordinary Courage of an Ordinary Woman: Lorena Weeks Broke Barriers for Working Women."

²⁵"Lorena Weeks interviewed by Kathleen Clark"

Although Weeks lost in District Court, she was determined to fight for the promotion. Weeks staged her own protest by hand writing all of her reports. When her supervisor questioned her, she said she didn't want to violate Georgia Rule 59 by lifting her 34 pound typewriter. Weeks was suspended.²⁶

Weeks filed a grievance against the company (see Appendix C), and was awarded the back pay, but threatened, "future refusals of work assignments would not be tolerated and would result in serious disciplinary action."²⁷ However Weeks' determination and changing philosophies of the 1960's empowered her to go on.

Support from the Women's Movement

During this time, activists continued to fight for equal rights, Betty Friedan published *The Feminine Mystique*,²⁸ and NOW was making progress supporting women all over the country. ²⁹ NOW was a growing national influence and was willing to take Lorena's case because of the injustices in employment at the time. Marguerite Rawalt, a NOW attorney, contacted Weeks and offered help. She connected Weeks with attorney Sylvia Roberts. Roberts was determined to help Lorena Weeks get the job.³⁰

Weeks and Roberts took the case to the Appellate level. They brought in evidence such as the time and test set—which was half the size of Lorena's typewriter³¹—and had Roberts lift the

²⁶"Lorena Weeks interviewed by Kathleen Clark"

²⁷Communications Workers of America. Response to Grievance Between Communications Workers of America and Southern Bell Telephone & Telegraph Company." 68-26-084. 25 Feb 1969. Lorena Weeks Files, Russell Library, University of Georgia.

²⁸Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace"

²⁹Voss, Women Politicking Politely, 17

³⁰O'Neill, Terry. "Some History Behind Women's History Month." *HuffPost*, HuffPost, 11 May 2014, https://www.huffpost.com/entry/some-history-behind-women_b_4941835.

³¹"Typewriter and Time and Test Set" Lorena Weeks File related to Weeks v. Southern Bell. Russell Library, University of Georgia. Print.

objects easily.³² Southern Bell said women wouldn't be able to handle emergencies, which was easily refuted with Title VII, stating, "Women are now to be on equal footing."³³ Three judges ruled in favor of Weeks on March 28, 1969, and one judge (Judge Bell), told Southern Bell to give Weeks the job.³⁴ Weeks' pertinacity and support from the Women's Movement prevailed.

Facing Continued Resistance

Weeks went back to work, but Southern Bell wouldn't give her the job as switchman. NOW continued to help, protesting with, "I am appalled to learn that six years after filing her charge of discrimination, and two years after her favorable court descision, Ms. Weeks has still not become a 'switchman'" wrote Aileen Hernandez, president of NOW, "Southern Bell has thrown roadblock after roadblock in Ms. Weeks' path–all because she challenged an illogical practice of your company."³⁵ However, it took court action for Southern Bell to concede.

Judge Bell returned seven months after the court ruling to see Weeks, not knowing she hadn't been given the job, he went to Southern Bell. One of the bosses said, "You women and minorities are not going to tear up this telephone company," and refused to give Weeks the job.³⁶ Judge Bell made a court order that forced Southern Bell to give Weeks the job along with \$31,000 in back pay and she began working as a switchman.

The supervisors made it hard for Weeks. They locked her out of the building on her first day, gave her sunglasses to wear so she couldn't see anything in the dim room, and gave her wire-cutters that cut her hands. Weeks could have contacted the EEOC, but didn't because she

³²"Lorena Weeks interviewed by Kathleen Clark"

³³Frost-Knappman and Cullen-Du Pont, Women's Rights on Trial, 368

³⁴"Lorena Weeks interviewed by Kathleen Clark"

³⁵Hernandez Aileen C. "to Frank M. Malone" 18 February 1971. Letter. Lorena Weeks' Files related to Weeks v. Southern Bell. Russell Library, University of Georgia. Print.

³⁶"Lorena Weeks interviewed by Kathleen Clark"

didn't want a commotion. Even under harassment, Weeks kept going because she loved her job and for 13 more years she continued as a switchman.

Continuing to Break Barriers

Lorena Weeks continued to break barriers for women in the workplace by joining NOW. She was also active with the Federal Communications Commission in Washington D.C.³⁷ She gave momentum to the Women's Movement and was recognized as a woman who "has remained firm and... will continue to seek justice for herself and the thousands of other women who might assume, in the future, that the laws against sex discrimination are meant to be enforced."³⁸

Four years after Weeks' case, changes in Southern Bell's practices were detailed in their Equal Opportunity pamphlet of 1973:

Times change, the expectations and aspirations of people change, and the customs of our society and our business change. So now the emphasis is on providing greater opportunities for qualified women and minority group members to move upward in our organization.³⁹

Southern Bell improved testing and promotion plans based on more logical qualifications. They

helped women and minors by creating equality in wages and hiring.

Not only did Southern Bell change, but Weeks' court case inspired people to recognize

the injustices in certain qualifications for jobs. Laws concerning weight lifting were invalidated

by the justice system through the Civil Rights Act of 1964 and the success of the Weeks case.

The New York Times reported:

Federal Courts across the nation have unloosed a stream of decisions in recent months

³⁷"Lorena Weeks interviewed by Kathleen Clark"

³⁸ Hernandez Aileen C. "to Frank M. Malone" 18 February 1971. Letter. Lorena Weeks' Files related to Weeks v. Southern Bell. Russell Library, University of Georgia. Print.

³⁹Southern Bell. Equal Opportunity on Southern Bell; Employee's guide to Equal Opportunity Agreement With the Federal Government. 1973. Lorena Weeks File related to Weeks v. Southern Bell. Russell Library, University of Georgia. Print.

that appear to be on their way toward wiping out all state laws that prohibit women from working in certain types of jobs...and decrease their opportunities for promotion.⁴⁰

Weeks encouraged other women through her persistent fight. Southern Bell later wrote, "The example you have set for other women at the telephone company is an inspiration," and went on to say how her testimony would hopefully open doors for women in equal pay and opportunity.

Lorena Weeks is still used as a reference in court cases such as McDonnell Douglas vs. Green in 1973 concerning job qualifications.⁴¹ Also, Long vs. SAPP in 1974 quoted Weeks vs. Southern Bell by stressing the idea of weight lifting based on ability, not gender.⁴² The Dothard vs. Rawlinson trial in 1977 eliminated the height and weight standards for females with the help of Weeks' case,⁴³and one lawyer told Weeks that he was using her name in his cases several times a week.⁴⁴

Another pivotal case related to Weeks' trial was the Lilly Ledbetter vs. Goodyear Tire & Rubber Co. in 2009. After Ledbetter discovered she was earning less money than her male colleagues, she went to court. After fighting against this discrimination, the Lilly Ledbetter Fair Pay Act of 2009 was signed and is used to ensure equal pay. Weeks and Ledbetter are called 'soul sisters' for their desire to improve gender equality in employment and their persistent fight through unfair treatment.⁴⁵ Through her perseverance and support from both NOW and the justice system, Weeks initiated a movement that would lead others to equal opportunity.

⁴⁰Shanahan, Eileen. "Women's Job Rights Gain in Federal Court Rulings." *The New York Times*, 13 July 1971, pp. 1–37.

 ⁴¹Kenneth W. Kingma, Sex Discrimination Justified Under Title VII: Privacy Rights in Nursing Homes, 14 Val. U. L. Rev. 577 (1980). Available at: <u>http://scholar.valpo.edu/vulr/vol14/iss3/6</u>
 ⁴²Dowler, April, "Pregnancy and Hiring Discrimination", 83 W. Va. L. Rev. (1981). Available at: <u>https://researchrepository.wvu.edu/wvlr/vol83/iss3/9</u>

⁴³Frost-Knappman and Cullen-Du Pont, *Women's Rights on Trial,* 368

^{44&}quot;Lorena Weeks interviewed by Kathleen Clark"

⁴⁵Collins, Gail. "Lilly's Big Day." *The New York Times*, The New York Times, 29 Jan. 2009, <u>https://www.nytimes.com/2009/01/29/opinion/29collins.html</u>.

Broken Barriers

From Weeks to Ledbetter, gender discrimination in employment has been an issue for well over a century. Weeks fought against protective labor laws and restrictions for women and opened many male-only jobs to females.⁴⁶ The participation for women professionals rose from 13.97% in 1966 to 52.23% in 2013, with the largest jump between 1966 to 1972, during the time of Weeks' fight.⁴⁷

In 1968, women worked as clerks and telephone operators, and men held jobs such as lawyers and mechanics.⁴⁸ This dividing line has kept women from advancing in certain areas of the workplace, limiting their decisions based on stereotypes, rather than ability. Thanks to Weeks and women who followed, gender lines are blurring today as male or female-dominated jobs are becoming less evident. 23% of jobs traditionally held by men–such as chemists and surgeons–are now held by women, and 27% of female-dominated jobs are now occupied by men.

One main barrier women face today is unequal pay, with the median pay for women 80% of the median pay for men in 2010.⁵⁰ Women struggle with leadership roles, as they are often seen negatively. "A lot of women... in leadership positions will naturally be able to empathize with having experienced barriers. It's very rare to find a woman leader who's never experienced

⁴⁶Frost-Knappman and Cullen-Du Pont, *Women's Rights on Trial,* 368

⁴⁷ "Women in the Workforce." U.S. Equal Employment Opportunity Commission

⁴⁸Leo Kanowitz, Sex-Based Discrimination in American Law III: Title VII of the 1964 Civil Rights Act and the Equal Pay Act of 1963, 20 Hastings L.J. 305 (1968)

⁴⁹Hedreen, Siri. "The Dangers of Gendered Jobs." *Business News Daily*, 14 Aug. 2019

⁵⁰Gale Encyclopedia of U.S. Economic History, s.v. "Women in the Workplace"

any form of inequality," said Michelle King.⁵¹ Only 17% of CEO positions are held by females, and just 27% hold Vice Presidential occupations.⁵²

Women today continue to follow the groundwork for equality laid by Weeks. Sheryl Vogt, the director of the Russell Library describes Weeks as, "truly one of the unknown heroes of the Women's Movement. She is unassuming in demeanor but possesses the strong sense of right versus wrong and was unwilling to accept blatant discrimination from her longtime employer, a company for which she still expresses a loyalty today. We deeply appreciate her persistent courage to take that step forward for women."⁵³

⁵¹"Are You Being Treated Unfairly at Work Because of Your Gender?" *Harvard Business Review*, 25 Feb. 2020, hbr.org/podcast/2019/12/gender-equality-issues.

⁵²Zimmerman, Kaytie. "What Gender Barriers Do Millennial Women Face In The Workplace?" *Forbes*, Forbes Magazine, 18 Aug. 2016,

www.forbes.com/sites/kaytiezimmerman/2016/08/18/what-gender-barriers-do-millennial-women-face-in-the-workplac e/#318a7e1a604c.

⁵³"Trailblazer for Equity in the Workplace, Lorena Weeks, Featured in New PBS Series." *UGA Today*, 12 Dec. 2017, https://news.uga.edu/trailblazer-for-equity-in-the-workplace-lorena-weeks-featured-in-new-p/.

Appendix A:

WANTED-MALE HELP.

Salesmen.

WANTED-A MAN TO SELL A SPECIALTY; one who has experience in the wholesale gro-cery line preferred. Address T 110, Tribune office. WANTED-A FIRST-CLASS CITY CIGAR SALES-

W man: a good opening for the right man. Ad-dress T 101. Tribune office.

W ANTED-EXPERIENCED COFFEE AND SPICE salesmen in Wisconsin. Indiana, Illinois, Michi-gan, and Ohio. Address, with full particulars, T 104, Tribune office.

WANTED-SALESMEN-GOOD-TO SELL AN entirely now article; also, good advertising so-licitors. 603 Manhattan Building, Pourborn-st.

WANTED-A THOROUGHLY COMPETENT AND W experienced grocery salesman. werf posted in imported and domestic fancy groceries and favorably known to the trade of St. Paul. Minneapolis. Duluth, etc.; none but first-class men. possessing the reaul-site experience and ability, need apply. AUSTIN, NICHOLS & CO., Importers and Wholesale Grocers, New York.

WANTED-A MAN OF EXPERIENCE. OR. BET-ter, one who is willing to be instructed, to sell Chicago lots at terms and prices that will warrant a ready sale; must give good reference. S. A. CRAIG & CO., 184 Dearborn-st.

WANTED-TWO GOOD TRAVELING MEN FOR wholesale jewelry establishment; trade pre-ferred. Call Monday 210 and 212 Madison-st.

WANTED-FIRST-CLASS TRAVELING MEN W with reliable houses to carry a side line; good sellers and for cash at 40 per cent profit; only reli-able parties need apply. Address T 16. Tribune.

Solicitors and Canvassers.

WANTED - LIFE INSURANCE SOLICITORS who can give references from banker; can make liberal contract for city work. Write BANK-ERS' LIFE ASSOCIATION of Des Moines, Ia., by

WANTED-FEMALE HELP.

Bookkeepers and Clerks.

WANTED - A YOUNG LADY WHO IS 11A thorough and expert bookkeeper and account-ant; no attention paid to answers that do not give full particulars and salary expected. Address O 68, Tribune office.

WANTED-BRIGHT, INTELLIGENT YOUNG lady who writes well and rapidly; work is mostly copying; state age and salary expected. Address T 17. Tribune office.

WANTED-IN MACHINE STORE, A BRIGHT young Swedish or German girl. 5629 Went-worth-av.

WANTED - AN EXPERIENCED LADY BOOK-keeper: permanent position; small salary: state experience and salary required. P 90, Tribune.

WANTED-LADY CASHIER AND BOOKKEEPER. grocery. 229 26th-st.

W ANTED-LADY (D. E.) BOOKKEEPER AND stenographer; must be competent and willing to work for low salary to start; answer in own hand-writing. Address S 164, Tribune office.

WANTED-EXPERIENCED LADY BOOKKEEP-er: one familiar with jewelry business preferred. Address O 103, Tribune office.

Stenographers.

Stenographers. W ANTED-A COMPETENT LADY STENOGRA. Immber of good business capacity for position in lumber office in pleasantly located lumber manu-facturing town in Missouri; one who can and is willing to help in bookkeeping and general office work; must be a dignified, moral, quiet, and sensible lady, always able to do a day's work, and who can give references; brains and business tact prized above great speed as stenographer; steady position and good salary to right party. Address, giving age, experience, and salary expected, D C 27, Tribune office. office.

Job advertisement in newspaper, Jan. 8, 1950, Timecoast: Timeline in Business

Appendix B:



Lorena Weeks with typewriter, ca. 1963-1968, Newcomb Archives: Tulane University

Appendix C:

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Weeks' Grievance, October 27, 1967, Lorena Weeks' Files

related to Weeks v. Southern Bell: Russell Library, University of Georgia.