EQUAL PAY SYMPOSIUM: 50 Years Since the Equal Pay Act of 1963

Prepared for the Council on Contemporary Families

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Introduction to the CCF Equal Pay Symposium
You’ve Come a Long Way, Baby? Fifty Years Since the Equal Pay Act of 1963

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Fifty years ago this week, on June 10, 1963, President John F. Kennedy signed the Equal Pay Act, amending the earlier Fair Labor Standards Act of 1938, to "prohibit discrimination on account of sex in the payment of wages by employers." So, how’s that going? The Council on Contemporary Families has convened an online symposium representing the latest thinking from pre-eminent work-family scholars, top female executive Sheryl Sandberg, and advocates for low-wage workers and unions. For an index of their papers, visit here. For a .pdf of the full set of papers, visit here.

The good news: Gains in pay and education, and opportunity

- Women’s pay in the United States has gone from 59 percent of men’s in 1962 to almost 80 percent today. Less than 14 percent of women were managers then; three times as many are now. Seven percent of wives out earned their spouses then; 28 percent do now (See Cohen).

- Today, women in the U.S. make up nearly half of the paid workforce (See Milkman)—something not true even in gender-equalitarian Scandinavian countries: Norway and Finland are at 44 percent (See Seguino).

- In education, U.S. women now earn nearly half of all law and medical degrees and a majority of BAs. The good news extends internationally, even to countries with very traditional gender mores: Over the past 35 years, the Arab region saw a remarkable rise in the ratio of female to male secondary enrollment rates, from 59 to 98 percent; in the same time, Africa rose from 54 to 85 percent (See Seguino).

- Women’s earnings influence life at home. Each thousand dollars of earnings for women is associated with a 14-minute reduction in daily housework—and working wives’ proportion of housework has dropped significantly since the early 1960s (See Cohen).

The semi-good news

University of Maryland’s Philip Cohen reports that in 1962 wives did six times more housework as husbands. Today they do only 1.7 times as much. You’d think that if this rate of change continued, before 2023 men and women would be doing exactly the same. But, according to Cohen, that is not how it has worked. There hasn’t been any appreciable change in shares of housework since the early 1990s, and he shows that the stall in housework equity is related to a stall in pay equity.
Looks like a victory, sounds like a victory, but is it really a victory?

The rise in women’s educational attainment has not been accompanied by a proportionate expansion of their political voice. Women hold 18.3 percent of seats in the U.S. Congress. University of Vermont’s Stephanie Seguino profiles representation around the world: “The global average in 2010 was 19 percent, ranging from a low regional average of 8 percent in Arab countries to a high of 26 percent in rich countries. (Sweden stands out amongst rich countries at 45 percent, surpassed only by Rwanda at 56 percent).”

Bias against women continues. Facebook COO Sheryl Sandberg reports, “Even in the U.S., a recent study found that when faculty evaluated identical lab manager applications, the one with a man’s name on it received a higher starting salary.”

And some of the relative gains for women do not represent actual improvement in their wages but declines in men’s wages. “In 1979, the median hourly wage for women was 62.7 percent of the median hourly wage for men; by 2012, it was 82.8 percent. However, a big chunk of that improvement – more than a quarter of it -- happened because of men’s wage losses, rather than women’s wage gains,” reports Heidi Shierholz from the Economic Policy Institute. Similarly, Seguino reports that in 96 of the 135 countries where gender employment gaps have narrowed since 1991, the convergence is partly accounted for by declines in men’s employment rates.

With women as with men, elites are taking a greater share of growth in income. In 2010, high earning women made more than 1.5 times as much as the typical man, reports Northwestern’s Leslie McCall, more than in previous decades. But in a new development earnings have been flat for the typical woman over the last decade. This means that women’s success continues to be concentrated at the top of the ladder. Women in the middle and the bottom have been losing relative ground along with men during this period of growing inequality. (Keep in mind, Catalyst reports, women’s gains at the very top have been modest: four percent of the Fortune 500 CEOs are women.)

The interaction of gender and race inequality produces an optical illusion about the progress of minority women. At first glance it may appear that there is more gender equality among minority men and women than among whites. Jane Farrell and Sarah Jane Glynn, from the Center for American Progress, report that Hispanic or Latina women make 88 percent of what Latinos do and African American women make 90 percent of what their male counterparts make, whereas white women earn just 81 percent of what white men make.

But when we add race to gender, these pay gaps become a veritable chasm. African American women earn 36 percent less than white men and Latinas a mere 45 percent. The gap between the earnings of Asian women and white men is smaller, just 12 percent, but Asian American women earn just 73 percent of what Asian American men make.
Trouble spots: What public sector unions have to do with women's equality

CUNY’s Ruth Milkman reports how unions—and women in them—spearheaded the campaign for the Equal Pay Act, even though they made up only 18.3 percent of members. Today, women make up 45 percent of all union members, but unions have declined: In 1960 one in four workers was in a union; today, that is down to one in ten. The historic decline hit private sector unions, where male unions used to be strong, first and hardest, says Milkman. But “starting in 2011, a wave of state-level legislation weakening collective bargaining rights for public sector workers has directly targeted teachers and other unionized female-dominated occupations.” This attack is a real problem since women union workers earn an average of more than $5 an hour more than nonunion ones and have more benefits and job security as well—and nonunion workers in unionized fields benefit from this advantage.

More trouble spots: bias against caregivers

University of Massachusetts’ Joya Misra reports that penalties facing working mothers—but not working fathers—are now the major source of gender pay differences. Stanford’s Shelley Correll explains: “When we compare the earnings of mothers and childless women who work in the same types of jobs, have the same level of education, have the same amount of experience and are equal on a host of other dimensions, mothers still earn five percent lower hourly wages per child.”

Mothers also face difficulties getting hired in the first place. On average, Correll’s studies show, when employers compare a childless woman and a mother with the same qualifications, the mother is rated as less committed to her job, despite the absence of any evidence supporting this perception, and this substantially reduces her chances of getting the job.

University of California, Hastings School of Law’s Joan Williams reports on a number of remarkable cases that highlight a legal strategy for addressing such bias: “One vitally important and fast-developing area of law is family responsibilities discrimination (FRD), which involves pregnant women or mothers, fathers who seek an active role in family care, or adults caring for elders or ill family members.” FRD suits grew 400 percent in the decade before 2008.

What else can we do? Change policy and attitudes

“Motherhood penalties vary substantially cross-nationally, suggesting that social policies can reduce or exacerbate them,” explains Joya Misra. For example, Misra explains, “The per-child wage penalty is 9.5 percent in countries with minimal public childcare for infants and toddlers, but shrinks to 4.3 percent in countries with more expansive public childcare programs.” Availability of leave matters—too little is harmful to women’s opportunities, but so is too much. Misra reports, “Employment and wages also may suffer when mothers are offered very long, unpaid/poorly paid leaves, such as three-year ‘care leaves.’” Here
mothers lose valuable job experience, and may find themselves in jobs with little prospect for career advancement.”

Facebook’s Sheryl Sandberg—who just recently started LeanIn.org--reminds us that women have internalized some of the social prejudices against them, starting with lower salary expectations, for instance, which provides employers with an excuse for offering them less. She argues that women must cooperate to improve their own self-confidence as well as to change the attitudes of others.
Gender equality: Family egalitarianism follows workplace opportunity

Unsticking progress toward gender equality in the labor market – extending the legacy of the Equal Pay Act – will help move families forward toward more egalitarian relationships.

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Gender inequality within families is reciprocally related to gender inequality in the paid workplace. That is why one of the legacies of the Equal Pay Act, which brought scrutiny and sanctions to bear on gender discrimination at work, has been growing egalitarianism within families as well. Research consistently shows the effect of workplace progress on equality within couples. Most recently, analysis of the American Time-Use Survey confirms that women’s own earnings are associated with the amount of housework they perform. Each thousand dollars of earnings is associated with a 14-minute reduction in daily housework.

In 1962 fewer than one-in-seven nonfarm managers were women, according to Bureau of Labor Statistics data. Women earned less than 10 percent of degrees in law and medicine, and full-time employed women earned just 59 percent of what men made. Not surprisingly, at that time just 7 percent of wives ages 25-54 earned more than their husbands – and wives did almost six-times as much housework as husbands. Their constrained workplace opportunity weakened their relative standing at home.

Today women hold about 40 percent of managerial jobs, receive almost half of law and medicine degrees (and the majority of BAs), and earn more than 75 percent of men’s earnings. Wives outearn their husbands in 28 percent of couples – a historic high. These gains have led to an impressive reduction in the disparity between husbands; and wives’ housework. Today wives only do 1.7-times as much housework as their husbands. Inequality at home and the workplace remain formidable, but labor market progress has made possible large steps toward parity within families.

Most of this progress, however, took place in the 1970s and 1980s. The stall in both arenas since then is unequivocal, as I describe in a forthcoming Boston University Law Review article. As progress toward equal labor force participation and access to occupations and equal pay slowed, the division of labor within families got stuck as well. The ratio of wives’ housework to men’s housework, which fell below 2.0 in the early 1990s, hasn’t moved appreciably since (see figure).
Both workplaces and families are sites in which cultural expectations and attitudes play out. However, the paid workplace is more amenable to policy intervention, while families tend to be more tradition-bound. **Unsticking progress toward gender equality in the labor market – extending the legacy of the Equal Pay Act – will help move families forward toward more egalitarian relationships.**
Equal Pay? Not Yet for Mothers

*It is time to quit viewing motherhood as incompatible with employment.*

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Last month, hedge fund billionaire Paul Tudor Jones set off a controversy when he remarked that “you will never see as many great women investors or traders as men.” In his experience, Jones claimed, a woman did fine until she had a child. But “as soon as that baby’s lips touched that girl’s (sic) bosom, forget it....”

By virtually every measure, we are closer to gender equality today than we were fifty years ago—with one very big exception. As Joya Misra notes, the majority of the gender gap in wages is now the result of the lower earnings of mothers. This once led Denise Venable of the National Center for Policy Analysis to claim: “When women behave as men do [by not having children], the wage gap between them is small.” But mothers not only earn less than childless women. They earn less than fathers. **When women “behave as men do” and have children, the wage gap between fathers and mothers remains large.**

Why is this? When we compare the earnings of mothers and childless women who work in the same types of jobs, have the same level of education, have the same amount of experience and are equal on a host of other dimensions, mothers still earn five percent lower hourly wages *per child.* Mothers do work fewer hours per week, on average, than other types of workers. However, working fewer hours does not explain why mothers earn lower wages *per hour* whether they are working full or part time.

Comments such as Jones’ are the *cause,* not the objective description, of why mothers have less success in the workplace. **Research demonstrates that many employers share Jones’ belief that mothers are less committed to their jobs,** so they are less willing to hire mothers into good jobs or to offer them high salaries.

In one study, fake resumes were sent to employers who advertised a high status job opening. When the resume indicated that the applicant was an officer in an elementary school parent teacher association, thereby implying that she was a mother, employers were half as likely to call her back. A second study found out why. **Compared with a childless woman with the same qualifications, the mother was rated as less committed to her job, despite the absence of any evidence supporting this perception, and this substantially reduced her chances of getting the job.**

**It is time to quit viewing motherhood as incompatible with employment.** According to the Bureau of Labor Statistics, 71 percent of mothers with children under the age of 18 are in the labor force today, up from 30 percent in 1960. Even with limited social support to help workers balance work and family, mothers are making important contributions at work, bringing home an increasing share of income for their families and helping make our nation be more productive. They deserve fair pay for their contributions.
The Gender Pay Gap by Race and Ethnicity

Is there more gender equality among minority men and women than among whites? Not so fast.

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On average, white women earn 81 percent of what white men make. At first glance it may appear that there is more gender equality among minority men and women than among whites. Hispanic or Latina women make 88 percent of what Latinos do and African American women make 90 percent of what their male counterparts make.

But when we add race to gender, these pay gaps become a veritable chasm. African American women earn 36 percent less than white men and Latinas a mere 45 percent. Interestingly, the gap between the earnings of Asian women and white men is smaller, just 12 percent, but that mounts up over a lifetime, and Asian American women earn just 73 percent of what Asian American men make.

Men lost jobs especially rapidly during the first phases of the Great Recession, but the ripple effects have led to layoffs of hundreds of thousands of state and local government workers, about 70 percent of whom were women and 20 percent of whom were African Americans.

And things are not likely to get better for women as the economy continues to pick up speed. While the majority of jobs lost in the recession were mid-range jobs, the majority of new jobs that have been created in the recovery are low-wage. Many of the occupations with the largest projected job growth are minority and female-dominated, but they are jobs such as home health aides and personal care aides, with earnings of only about 20,000 dollars per year.

Today, in spite of increasing educational gains, women of color are especially likely to work in minimum-wage jobs, where even a full-time, year-round worker will earn just 14,500 dollars a year, scarcely enough to keep one person – let alone a family – afloat. In 2011, nearly 360,000 black and Latina women were paid hourly rates that were less than the minimum wage. Since Social Security benefits are based upon an individual’s lifetime earnings, these low wages hurt women well into retirement, leaving many elderly women in poverty or on the brink.

Because gender, racial, and ethnic wage gaps are caused by multiple factors, multiple strategies are needed to ensure equity. Legislation like the Lilly Ledbetter Fair Pay Act was an important first step, but additional policies like the Paycheck Fairness Act, the Healthy Families Act, paid family and medical leave legislation, and raising the minimum wage would also go a long way in helping to combat the problem.
From the Folks Who Brought You the Weekend: What Unions Do for Women

Had the unionists gotten their way, the gains for women workers since 1963 would have been more evenly distributed along class lines.

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The Equal Pay Act is often presumed to be an accomplishment of the feminist movement of the 1960s. In fact, it was spearheaded by female trade unionists, who first introduced the bill in 1945 as an amendment to the 1938 Fair Labor Standards Act. The bill was defeated, largely because of staunch opposition from business interests, but a coalition of labor activists reintroduced it every year until it finally passed in 1963.

The bill originally required "equal wage rates for work of comparable character on jobs the performance of which requires comparable skills," wording that would have forced employers to pay women in traditionally sex-segregated jobs as much as men with comparable skills in traditionally male occupations. The 1963 act that finally passed was a compromise that instead required equal pay for "equal work." Given the pervasiveness of job segregation by gender, this weakened requirement for equity ensured that the law had a far more limited impact.

Had the unionists gotten their way, the gains for women workers since 1963 would have been more evenly distributed along class lines. Whereas for elite professionals and many other college-educated workers, job segregation by gender has been substantially reduced in the past half-century, the extent of segregation in working-class jobs is just as high as it was in 1963.

Most non-college educated women remain trapped in the pink-collar ghetto, working as waitresses, child care and eldercare workers, or as clerical and retail sales workers. In such jobs women are typically paid at or near the minimum wage, often without even basic benefits like paid sick days, and with few opportunities for advancement. If the Equal Pay Act required equal pay for comparable work, child care workers, a traditionally female-dominated job, could not be paid less than zookeepers, for example.

Although female unionists led the campaign for the Act, at the time they were woefully underrepresented in the organized labor movement. In 1960, 24 percent of U.S. workers were unionized, but women made up only 18.3 percent of union members. Half a century later, in 2012, women make up nearly half (48.3 percent) of the U.S. workforce and nearly as large a proportion (45.0 percent) of all union members. Yet at the same time, the power and reach of unions have declined dramatically. Today, only 11 percent of
American workers are union members, and in the private sector, the figure is below seven percent.

The simultaneous decline in union power and rise in female representation among unions reflects the massive expansion - starting in the 1960s and 1970s - of public-sector unionism, alongside the massive contraction of private-sector unionism over the same period. Women are overrepresented in public sector employment, making up a large majority of workers in fields like education, health care, and government administration - all now highly unionized sectors. In contrast, private-sector union membership is far more male-dominated, with strongholds in sectors like construction, utilities, transportation and manufacturing.

Employers have successfully attacked private-sector unionism in the past few decades, and unionization rates have fallen apace. By contrast, until very recently public-sector unions remained largely intact. But starting in 2011, a wave of state-level legislation weakening collective bargaining rights for public sector workers has directly targeted teachers and other unionized female-dominated occupations. These attacks will roll back many of the gains women made since the 1960s. In 2012, the average hourly earnings of unionized women stood at $24.18, compared to $18.74 for nonunion women workers. Unionized workers also are much more likely than their nonunion counterparts to have access to benefits like employer-sponsored health insurance, paid sick days, and pensions. And union workers have more job security as well.

The labor movement has fought to improve women workers’ situation throughout American history. And today, women have a bigger stake than ever before in the survival of unions - which now face unprecedented attacks and are virtually threatened with extinction. As we commemorate the 50th anniversary of the Equal Pay Act, we should not only recall the history of women in unions but also consider the potential impact of ongoing union decline on women working today.
Which Policies Promote Gender Pay Equality?

*Why do women still earn less than men? One central factor is women’s caregiving*

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Why do women earn less than men? Research points to a number of different explanations, but one of the central factors remains women’s caregiving responsibilities. The wages of childless men and women have been converging steadily over the last three decades – but mothers continue to earn significantly less, while fathers earn a bit more. These motherhood and fatherhood effects have been stable over time while childless women’s wages have been rising, even though mothers are increasingly likely to be employed.

If we want to promote gender pay equality, we need policies that will reduce wage differences between childless women and mothers. The motherhood penalty may be partly due to lost experience and seniority, particularly if mothers leave the labor force when children are young. But even after controlling for experience, survey research indicates that U.S. women suffer a wage penalty of about 4 percent per child. Both experimental and audit research in the U.S. also show that employers discriminate against women whose resumes indicate that they are mothers.

Motherhood penalties vary substantially cross-nationally, suggesting that social policies can reduce or exacerbate them. My research with Michelle Budig and Irene Boeckmann shows that public childcare has tremendously powerful effects, boosting mothers’ employment and wages. This is particularly true of public childcare for children under 3 years of age. The per-child wage penalty is 9.5 percent in countries with minimal public childcare for infants and toddlers, but shrinks to 4.3 percent in countries with more expansive public childcare programs. Similarly, in countries with minimal public childcare, the gap in employment probabilities between mothers and childless women is over 18 percentage points. This gap shrinks to less than 2 percentage points in countries with the highest observed child care enrollment rates.

Leaves also matter – though they need to be constructed in the right ways. Mothers’ employment and wages suffer the most when there is no or very little paid leave. In these cases, mothers may be forced to leave employment to care for infants. Yet employment and wages also may suffer when mothers are offered very long, unpaid/poorly paid leaves, such as three-year “care leaves.” Here mothers lose valuable job experience, and may find themselves in jobs with little prospect for career advancement. Indeed, research in Hungary shows that employers in countries with long leave policies discriminate against mothers, assuming they will leave employment for long periods. We find that motherhood wage penalties exceed six percent per child in countries with less than one
year or more than three years of job-protected leave; the per child penalty is only slightly more than one percent per child in countries with around two years of job-protected leave.

Thus mothers’ employment and wages are boosted when leaves are of moderate length and paid well, and also when some leave is reserved for fathers. Such leaves allow parents to care for infants at home, while maintaining their relationship with their workplaces. While relatively few countries have excellent paternity leave policies, we see very beneficial outcomes for mothers where these policies do exist. Sweden offers two weeks, Finland three weeks, and Israel six weeks of paid paternity leave. Mothers face lower wage penalties in these countries.

Our research further explores when policies are most effective. Policies do not operate in a vacuum, but must be understood in relation to existing cultural norms. In countries where there is strong preference for maternal caregiving, policies that boost mothers’ employment and wages have less of an impact. In countries where there is greater acceptance of maternal employment, these policies are more effective.

This is good news for the United States, where cultural attitudes favor maternal employment but policies are very meager in comparison to other wealthy countries. Recent research on California’s paid leave shows positive outcomes for women’s employment and wages. With focused investment on early childcare and education, as well as moderate paid parental leaves for both fathers and mothers, the U.S. could narrow – and possibly eliminate – the motherhood penalty, and with it, the gender gap in wages.
Gender Bias and the Fight for Equal Pay

Can we have an open conversation about biases that suppress women’s pay?

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In 1947, Anita Summers, the mother of my longtime mentor Larry Summers, was hired as an economist by the Standard Oil Company. When she accepted the job, her new boss said to her, “I am so glad to have you. I figure I am getting the same brains for less money.” Her reaction to this was not to get upset. Instead, she felt flattered. It was a huge compliment to be told that she had the same brains as a man. It would have been unthinkable for her to demand the same pay.

Fifty years after passage of the Equal Pay Act, much has changed. Yet the gender wage gap persists. In every industry and every country in the world, women continue to be paid less than men for the same work. Even in the U.S., a recent study found that when faculty evaluated identical lab manager applications, the one with a man’s name on it received a higher starting salary.[i]

There are many reasons why women receive lower pay, but gender stereotypes about competence and appropriate behavior are two factors that stand in women’s way. Studies find that men are considered to be more competent than women, especially in domains traditionally seen as “masculine.” We see these beliefs reflected in men and women’s assessments of their own capabilities: Men tend to overestimate how they will perform and women tend to underestimate how they will perform.

This same social pattern influences salary expectations. A 2011 survey showed that long before they even hit the workforce, teenage girls expect lower starting pay than teenage boys.[ii] And this trend continues throughout college where a 2010 study revealed that women’s expected peak-pay expectations were 33 percent lower than men’s.[iii]

Because we link salary with competence, not only do women often have lower salary expectations for themselves, but others expect to pay them less as well. A study found that having lower salary expectations resulted in a lower offer compared to similarly qualified candidates who had higher salary expectations.[iv] Changing these lower salary expectations can reap real rewards.

Another stereotype that undermines fair pay for women is the expectation that women are communal – that they are warm, concerned with others (not money), and not focused on themselves. Some people put the fault on women for not negotiating more aggressively. But instead of blaming women, we need to recognize that women do not always advocate for fairer pay because it can backfire when they do. In fact, studies have found that when women negotiate on their own behalf they are often seen as aggressive
and employers are less enthusiastic about working with them. That’s a tough way to start a
new job.

**To close the gender wage gap, we need to have an open and honest conversation about the biases that suppress women’s pay.** The good news is that there are strategies that women can use (such as using communal language—“we” vs. “I”) that will increase the chances of negotiating successfully. People will still like them and want to work with them.

**Leanin.org** is dedicated to making men and women aware of workplace biases and offering strategies to help women navigate them. Our aim is to help women achieve their ambitions...and receive fair and equal pay while doing so. **You can join us at [www.leanin.org](http://www.leanin.org) or [www.facebook.com/leaninorg](http://www.facebook.com/leaninorg).**

For more detailed information on negotiating strategies for women, check out Kim Keating’s article “Thoughts on Achieving Equal Pay” at [http://leanin.org/discussions/equal-pay-day/](http://leanin.org/discussions/equal-pay-day/). Or watch Professor Margaret Neale from the Stanford Graduate School of Business share her wisdom in an instructional video [http://leanin.org/education/negotiation/](http://leanin.org/education/negotiation/).

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First the good news: Gender parity has already been reached in secondary educational enrollment rates in high-income countries and in Latin America and the Caribbean. From 1975 to 2010, the Arab region saw a remarkable rise in the ratio of female to male secondary enrollment rates, from 59 to 98 percent. In Asia and the Pacific region, there are 99 women in secondary education for every 100 men. Africa, too, has seen gains, with the ratio rising from 54 to 85 percent during this time period. And in 53 countries, ranging from Hong Kong to the Caribbean island of Dominica, women are now the majority of students enrolled in secondary schools.

There is also good news on the health front. Parity in life expectancy (taking into account men’s and women’s biological probabilities of long life) has been reached in all regions of the world. That means that in any region, on average, women’s life expectancy relative to the biological goalpost is on par with men’s, and in most regions, exceeds men’s. One caution is that regional averages obscure some disturbing inequalities in individual countries. Women’s relative life expectancy is less than 95 percent of men’s in 26 countries, including Israel and Bahrain.

But these gains in education and health have not translated into economic parity—or at least, not enough to significantly narrow gender gaps. The widest gaps in labor force participation are in several Middle Eastern countries—Syria, Algeria, Iran, Jordan, Saudi Arabia, for example—where men are five times more likely to be in the labor force than women. Compare this to several African countries where parity has been achieved—Rwanda, Burundi, Mozambique, and Malawi. Even in otherwise egalitarian Scandinavia, gender gaps in labor force participation rates persist -- with only 88 Norwegian women in the labor force for every 100 men, followed by 87 per 100 in Finland.

One reason gender gaps in labor force participation persist is women’s greater responsibility for the care of children. (In African countries, where parity has been achieved, many women farm family land, making it easier to combine work with childcare). Without policies that support men’s shared role in childcare or that make it easier to combine paid work and family care, women are not in a position to spend as much time earning income as men.

Even among women and men who are in the labor force, women are more likely to experience unemployment than men. In the Caribbean, for instance, despite the fact that women comprise over 70 percent of students enrolled at the University of West Indies and, on average, have more education than men, they are twice as likely as men to be unable to
find a job. The Great Recession that began in 2008 has been especially hard on women in the Euro area. In Greece, one of the worst hit countries in that region, women’s Depression-level unemployment rate is 31 percent, compared to 24 percent for men. And in the US, where the crisis was labeled a “mancession” because men were the first to lose jobs, married mothers have had a harder time finding a job after being laid off than married dads and earn less once they do find work.

Nor have women’s educational gains wiped out the gender pay gap, even in countries where women earn more degrees than men. In South Korea, for example, despite the virtual elimination of educational achievement differences between men and women, the median earnings of full-time female employees are still 40 percent lower than men’s. Because of the wage gap in the US, women have to work 52 years to earn the same income men earn in 40 years.

Strong gains in educational equality have also failed to translate into equal voice in political decision-making. In only a handful of countries do women hold a share of parliamentary seats that comes close to representing their proportion of the population. The global average in 2010 was 19 percent, ranging from a low regional average of 8 percent in Arab countries to a high of 26 percent in rich countries. (Sweden stands out amongst rich countries at 45 percent, surpassed only by Rwanda at 56 percent)

It is clear that attaining educational parity – or even superiority – does not ensure economic and political parity for women. And one worrying trend is that in fully 96 of the 135 countries where gender employment gaps have narrowed since 1991, this convergence is partly accounted for by declines in men’s employment rates. In some countries, men’s access to work has declined precipitously (by as much as 23 percentage points in Moldova, for example). Equalizing men’s and women’s employment rates or wages through the erosion of male well-being is hardly a viable basis on which to achieve the benefits of gender equity.
Men against Women, or the Top 20 Percent against the Bottom 80?

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It used to be that the most economically successful women earned no more than the typical man, even when they had more education and held more highly skilled jobs. In 1970, the average woman in the top of the women’s distribution (between the 85th and 95th percentiles) made less than the average man who fell in the middle of the men’s distribution (between the 45th and 55th percentiles). The average female college graduate also earned less than the average male high school graduate.

But gender is no longer so predictive of earnings. Being at the top now outweighs being a woman. In 2010, high earning women made more than 1.5 times as much as the typical man.

This shift reflects the rising importance of socioeconomic status in determining life’s chances and complicates the struggle for gender equity. The equalizing effect of the Equal Pay Act and other measures that removed the most blatant forms of gender discrimination has been to some extent countered by the growing economic divide between the affluent and everyone else. As some women have made significant progress in breaking into the top tiers of business and the professions, they have pulled away from other women, and even from men, in the middle and at the bottom.

Recent attention to the extraordinary gains of the top one percent and to women’s underrepresentation among these titans of industry can sometimes obscure the divergence in the economic and broader life experiences of women.

Although we do not yet have reliable information on the gender breakdown of the one percenters, we do know what’s happening among the rest of Americans. Since 1970, when my analysis of the March Current Population Survey begins, women’s earnings at the top grew faster than those of men at the top in every decade. For instance, in the decade from 2000 to 2010, these women’s earnings grew 14 percent while men’s grew 8.3 percent, among full-time workers. These elite women are making strong absolute gains, even as they face obstacles to keeping up with men of the same qualifications, who started their gains from a higher base.

By contrast, the median earnings of full-time women workers were flat over the last decade, just as they were for men. This marks a historical reversal of the healthy gains in earnings of nearly all women for the past several decades.
My analysis of a larger group of women in the middle (between the 45th and 55th percentiles of women’s distribution) and at the bottom (between the 5th to the 15th percentiles) shows that the earnings of both groups lag considerably behind those of women at the top. As Figure 1 shows, inequality among women is steadily marching upwards. It closely tracks the more well-known rise in inequality among men.

In short, with most of the growth in women’s earnings concentrated among top earners, the benefits of gender equality have been uneven. And the majority of women are now beginning to face some of the same kinds of economic challenges that have hampered the economic progress of men over the past quarter of a century.

The advantages of being a top earner are spilling over into advantages in family life as well, in two principal ways. First, as the marriage rates of most women declined, the average marriage rate of women with high pay increased -- from 58 percent in 1980 to 64 percent in 2010. The most economically successful women are now more likely to be married than are other women, whereas the reverse was true in 1970.

Second, top-earning women often form dual-income households with top-earning men. So high-earning women and high-earning men double their earnings advantage when they marry, while the lower the earnings of a woman, the more likely she is, if she is married at all, to be with a low-earning man. The rise of income homogamy in marriage reinforces the widening gap in earnings.
As Figure 1 shows, even in 1970, inequality among women was nearly as high as it was among men. But for those concerned about gender discrimination this fact was overshadowed by the high degree of gender inequality. Today, we have a more complex mixture of trends toward gender equality and socioeconomic inequality. Women in the top echelons of society are improving both their economic and family status. But socioeconomic inequality is beginning to undercut the economic progress of large numbers of women.
The Wrong Route to Equality: Men’s Declining Wages

In the late 1970s, after a long period of holding fairly steady, the gap in wages between men and women began improving. In 1979, the median hourly wage for women was 62.7 percent of the median hourly wage for men; by 2012, it was 82.8 percent. However, a big chunk of that improvement – more than a quarter of it -- happened because of men’s wage losses, rather than women’s wage gains.

With the exception of the period of labor market strength in the late 1990s, the median male wage, after adjusting for inflation, has decreased over essentially the entire period since the late 1970s. Between 1979 and 1996, it dropped 11.5 percent, from $19.53 per hour to $17.27 per hour. With the strong labor market of the late 1990s, the median male wage partially rebounded to $18.93 by 2002. It then began declining again; at $18.03 per hour in 2012, the real wage of the median male was 4.7 percent below where it had been a decade earlier.

This cannot be blamed on economic stagnation. Between 1979 and 2012, productivity – the average amount of goods and services produced in an hour by workers in the U.S. economy -- grew by 69.5 percent, but that did not translate into higher wages for most men. Over this period, the real wage of the median male dropped 7.6 percent. This is a new and troubling disconnect: In the decades prior to the 1970s, as productivity increased, the wages of the median worker increased right along with it.

Furthermore, looking at the median wage understates the losses many men have experienced since the 1970s. For men with a high school degree, real wages have fallen by more than 14 percent. It is not the case, however, that men’s wages have fared poorly since the 1970s because men do not have the right education or skills. In the last 10 years, even workers with a college degree have failed to see any real wage growth.

Nor are men’s losses are due to women’s gains. The forces that were holding back male wage growth were also acting on women’s wages, but the gains made by women over this period in educational attainment, labor force attachment, and occupational upgrading, along with greater legal protections against discriminatory pay, initially compensated for adverse forces. In the last decade, however, women’s wages have also dropped.

Unlike the postwar period, when economic policy supported the expansion of good jobs, for the last 35 years, the focus has been on policies that were advertised as making everyone better off as consumers through lower prices: deregulation of industries, the Federal Reserve Board’s prioritizing low inflation over full employment, weakening of labor
standards including the minimum wage, a “stronger” dollar -- which costs manufacturing jobs by making our goods relatively more expensive around the world and imports relatively cheaper to US consumers -- and the move toward fewer and weaker unions. The decline in unionization alone explains about a third of the rise in male wage inequality (and about a fifth of the increase in female wage inequality) over this period.

Together, these policies have eroded the individual and collective bargaining power of most workers, depleting access to good jobs. In other words, these policies have served to make the already-affluent better off at the expense of the rest.
Happy Birthday Equal Pay: Pregnancy Accommodation as the New Frontier

After 50 years of Equal Pay, what are new laws?

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Key pieces of legislation passed in the 1960s and 1970s – including the Equal Pay Act, Title VII, and Title IX – have greatly decreased, though not eliminated, direct discrimination in hiring and pay on the basis of gender alone. In the 1960s, men’s and women’s jobs were listed in different columns in the newspaper. Today, not only can an employer not specify sex in a job listing; if a woman can prove that she is doing a job that requires “equal skill, effort and responsibility” under “similar working conditions,” her employer must pay her the same as men.

Unfortunately, the progress of the past 50 years has not spelled the end for gender discrimination in the workplace. For instance, a 2007 study by Shelley Correll, Stephen Benard, and In Paik documented that motherhood triggers gender bias an order of magnitude larger than glass-ceiling bias against women in general.

In light of this, one vitally important and fast-developing area of law is family responsibilities discrimination (FRD), which involves pregnant women or mothers, fathers who seek an active role in family care, or adults caring for elders or ill family members. FRD suits grew 400 percent in the decade before 2008, and are becoming ever more important since they have moved into the class action arena. There, plaintiffs have won verdicts and settlements as high as $256 million. In one notable case, a class of sales representatives for a major pharmaceutical company obtained a $175 million settlement. One class member reported that her manager had said he preferred not to hire young females, explaining, “First comes love, then comes marriage, then comes flex time and a baby carriage.” Another class member alleged that employees were urged during a training session to avoid getting pregnant; five months pregnant at the time, this employee drew the eye of the trainer, who said “oops, too late.”

Today, the next legal frontier is whether pregnant women can be forced out of their jobs when they require modest workplace accommodations. For example, an administrative assistant asked to have her work station moved closer to the bathroom. Her employer’s response was to decide she needed immediate training in handling high explosives—such obvious retaliation that the Equal Employment Opportunity Commission sued and won $70,000 on her behalf. An extensive study by the Center for WorkLife Law revealed many other cases in which employers used women’s pregnancies as an opportunity to get rid of them.
Another case catches the flavor. A call center employee who suffered from severe nausea requested more frequent bathroom breaks as an accommodation. Her employer denied the bathroom breaks, offering instead to buy her a bigger waste basket. Clearly the employer did not expect her co-workers would sit beside someone else's vomit; it expected the pregnant woman to quit. Many employers deny accommodations due to legitimate concerns with productivity, work process and fairness; but others (like this one) appear to be denying pregnancy accommodations as a way to force pregnant women to quit their jobs.

Women today have new rights under the Americans with Disabilities Act, according to a law review article by myself, Robin Devaux, and Danielle Fuschetti, to be published by the Yale Law and Policy Review in January 2014. While many pregnant women do not become disabled, many others experience pregnancy-related disabilities that entitle them to accommodation under the 2008 Americans with Disabilities Act Amendments Act. Examples are typists who experience pregnancy-triggered carpal tunnel syndrome, cashiers who need to use a stool rather than standing up for eight hours, and women who need to carry a water bottle due to persistent urinary tract infections (all common in pregnant women). The Center for WorkLife Law’s Pregnancy Accommodation Working Group has brought together doctors and lawyers to create resources to save pregnant women’s jobs, notably a set of model downloadable Pregnancy Accommodation Notes that will help doctors navigate disability law in ways that give fair notice to employers and protect the rights of pregnant women.
For Further Information

Stephanie Coontz was convener and editor of this symposium and is available for further information.

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About CCF

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Founded in 1996 and now based in the School of Education and Human Development at the University of Miami, the Council’s mission is to enhance the national understanding of how and why contemporary families are changing, what needs and challenges they face, and how these needs can best be met. To fulfill that mission, the Council holds annual conferences, open to the public, and issues periodic briefing papers and fact sheets.

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