

# SYSTEMIC RACISM AND THE GENDER PAY GAP

A supplement to **The Simple Truth**

The COVID-19 pandemic is having a profound impact on the health and economic security of millions of Americans. It has also revealed and exacerbated structural economic inequalities that have made it much harder for women of color to weather this storm.

Pay inequality is a linchpin in this story. In 2019, men made a median of \$57,456, while women made a median of \$47,299—a wage gap of 18%. Compared to white, non-Hispanic men, the pay gap for Black women was 38% and 46% for Latinas. And these numbers are a measure of inequality *before* the pandemic hit.

This pay gap means women have less to spend on food, housing or child care—if safe child care is even available. [Fig. 1] Unemployment for women, especially mothers and women of color, is also skyrocketing. Persistent and ongoing pay inequality means women—particularly women of color—have less money and fewer resources, resulting in devastating consequences for our families,

communities and our nation.

How did we get here? Although the pandemic emerged suddenly, the wage gap is the result of centuries of exploitation, segregation and implicit bias. This history has created systems that funnel women—especially women of color—into lower-paying occupations, undervalue the work that women do and penalize women for having children. While these intersectional inequities have been magnified by the COVID-19 pandemic, the wage gap is an intentional, structural problem that demands intentional, structural solutions.

**Figure 1. Women’s Earnings as a Percentage of White Men’s Earnings, by Race/Ethnicity**

Race/Ethnicity	Earnings Ratio
White alone, not Hispanic or Latino	79%
Black or African American	63%
American Indian and Alaska Native	60%
Asian	87%
Native Hawaiian and Other Pacific Islander	63%
Hispanic or Latino origin	55%

Source: Figures for Black, Latina and Asian women are AAUW calculations based on CPS 2020 ASEC; figures for Native Hawaiian and Pacific Islander and Native women are AAUW calculations based on ACS 2019.

## WHAT CAUSES THE GENDER AND RACIAL WAGE GAPS?

The history of the gender and racial wage gaps is inextricably linked to the history of labor in America. From depriving Black women of wages while they toiled under the system of slavery and its aftermath, to creating lasting disparities in health, education, safety and opportunity for Native women through land theft, to the legal and cultural limitations on women’s ability to earn money, our nation’s story is replete with discrimination and its consequences. Exploitation of and theft from women of color fueled America’s economic growth, and those crimes continue to reverberate in women’s lives today.

### De Jure and De Facto Occupational Segregation and Inequality

Women and men tend to work in different kinds of jobs. Even though a pay gap exists within nearly every occupational field, jobs traditionally associated with men tend to pay better than traditionally female-dominated jobs that require the same level of skill.<sup>1</sup> Women are also concentrated in many of the lowest-paying occupations. [Fig. 2] This is no accident, nor is it merely the result of women’s choices. While there are many modern factors that contribute to occupational segregation, its roots run deep. After

the abolition of slavery, policy makers and business owners prevented Black women from holding good-paying jobs—creating systems of de facto and de jure segregation that continue to affect women of color today.

The end of slavery did not mark the beginning of Black women’s economic freedom. In an effort to maintain social and economic control, policy makers in the South passed laws restricting, among other things, the types of work Black people could do—de jure segregation. South Carolina’s Black Code, for instance, prohibited freedpeople from practicing any

**Figure 2. Median Weekly Earnings and Women’s Share of Employment in the Ten Lowest-Paid Occupations, 2019**

Occupation	Median Weekly Earnings			Women’s share of total employment
	Total	Women	Men	
Dishwashers	\$453	–	\$464	19%
Hosts and hostesses, restaurant, lounge and coffee shop	\$456	\$441	–	79%
Combined food preparation and serving workers, including fast food	\$462	\$467	\$457	66%
Maids and housekeeping cleaners	\$490	\$484	\$520	86%
Laundry and dry-cleaning workers	\$490	\$482	–	66%
Child care workers	\$495	\$491	–	92%
Food preparation workers	\$496	\$463	\$532	57%
Cashiers	\$503	\$499	\$510	69%
Waiters and waitresses	\$511	\$491	\$594	70%
Cooks	\$512	\$489	\$535	39%

Source: BLS, 2020b, Labor Force Statistics from the Current Population Survey, “Median weekly earnings of full-time wage and salary workers by detailed occupation and sex.” Downloaded on September 11, 2020, from <<https://www.bls.gov/cps/cpsaat39.htm>> Note: Workers ages 16+

trade without an expensive license, and then punished those who did not work by declaring them “vagrants.”<sup>2</sup> These laws forced Black women to continue doing the same kinds of agricultural and domestic work they had done under slavery.

In response, Black women fled to northern cities. There they were met with de facto segregation. As Black journalist and activist Fannie Barrier Williams noted, Black women were the “least favored of any class of women.”<sup>3</sup> Shut out of better-paying positions, the vast majority—even those with education and training—sought work in the domestic service industry. That industry was exploitative and isolating. Marvel Cooke, a Black labor activist, reported on how Black women in mid-20<sup>th</sup>-century New York stood on sidewalks at so-called “slave markets,” waiting to be hired for domestic labor by white housewives.<sup>4</sup>

These systems of de jure and de facto segregation set the stage for the profound occupational segregation we see in service work today: 13% of all maids and domestic service workers are Black women. More recently, Latinas have come to dominate the domestic service industry, with 45% of domestic service workers identifying as Latina.<sup>5</sup> Both Black and Latina women contend with complicated gender-, race-, class- and migration status-based issues that tie them to the service industry and isolate them within it. And the industry remains just as exploitative as it was 70 years ago, with a dramatic

power imbalance between employers and employees. Initial research indicates that the economic downturn and social upheaval wrought by the COVID-19 pandemic has only exacerbated this power imbalance between vulnerable women workers and their employers.<sup>6</sup>

Government action can help remedy structural inequality—but even the most well-intentioned legislation can yield unintended consequences. Passed in 1964, Title VII of the Civil Rights Act banned discrimination on the basis of race, color, religion, sex and national origin. In so doing, it removed the most blatant discriminatory barriers to women of color’s educational and professional success and allowed them to move into higher-paying jobs. This allowed Black women to move into white-collar jobs and nearly closed the wage gap between Black and white women.<sup>7</sup> At the same time, it prompted more white women to keep working after they got married. In 1960, 48.2% of Black women worked outside the home, while only 36.5% of white women did.<sup>8</sup> By 2019, 57.1% of Black women and 54.9% of white women worked outside the home.<sup>9</sup> As a result, the growth in married white women’s labor force participation eroded Black women’s work experience advantage, resulting in an increased wage gap between Black and white women.<sup>10</sup>

Today, women can work anywhere— but the undervaluing of their labor continues. When women

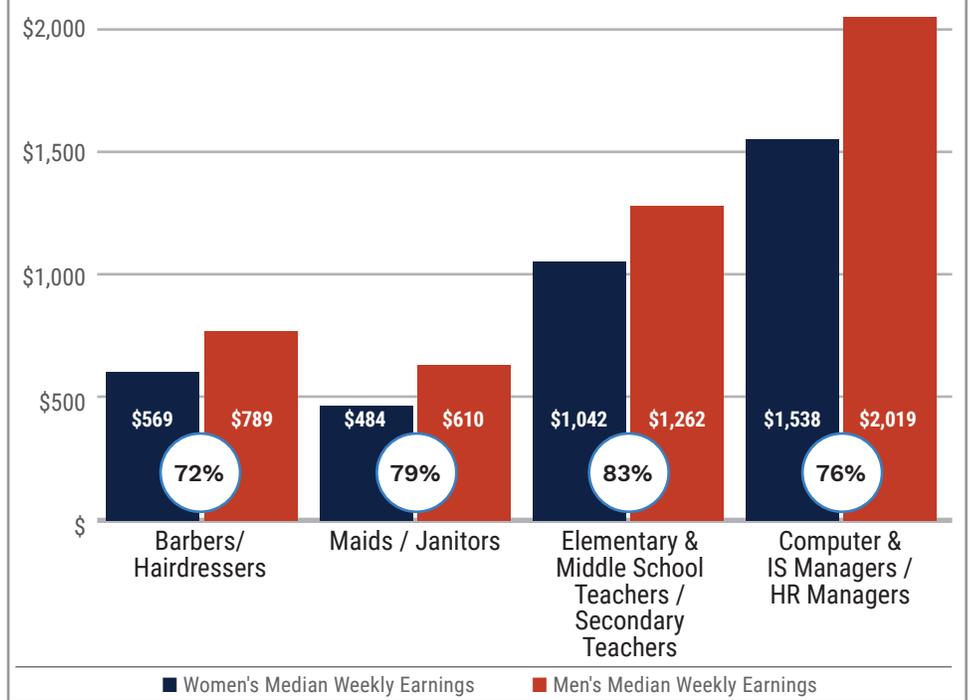
enter an occupation in large numbers, wages for the occupation as a whole decline.<sup>11</sup> Take the field of recreation, which includes working in parks or leading camps. Between 1950 and 2000, when recreation workers went from being predominantly male to predominantly female, median hourly wages for the field as a whole dropped by 57 percentage points. The same thing happened when women in large numbers became ticket agents (43 percentage points), designers (34 percentage points), housekeepers (21 percentage points) and biologists (18

percentage points).<sup>12</sup> [Fig. 3] The significant pay disparities between substantially similar occupations provide further evidence of the undervaluing of women's labor and explain a large piece of the gender pay gap: By some estimates it accounts for 51% of the difference between women's and men's earnings.<sup>13</sup> The problem is not that women choose to

do lower-paying work. The problem is that our society has always undervalued the work that women do and responded by lowering their wages.

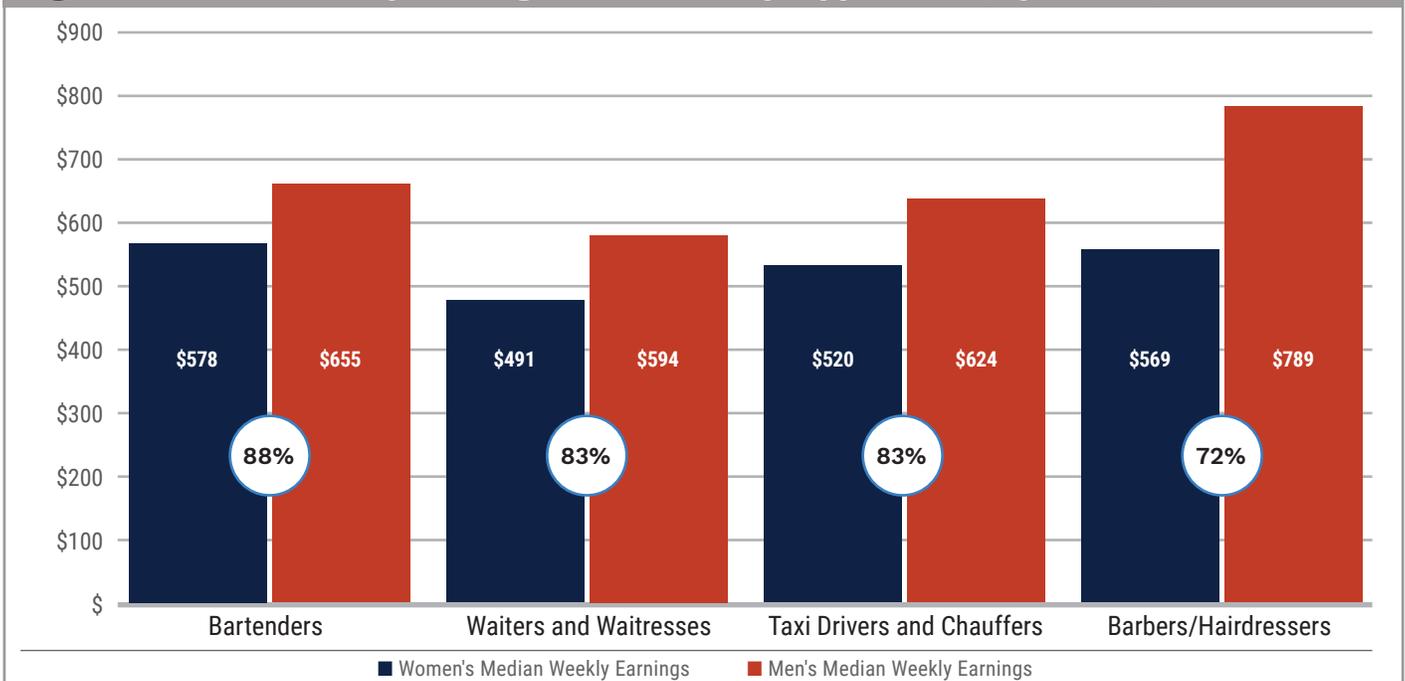
This trend is also evident in the custom of tipping—a practice rooted in the segregation and racism of the Reconstruction era that exposes women to wage theft and exploitation. [Fig. 4] White business

**Figure 3. Median Weekly Earnings for Similar Occupations, by Gender, 2019**



Source: BLS 2020

**Figure 4. Median Weekly Earnings for Commonly Tipped Jobs, by Gender, 2019**



Source: BLS 2020

owners adopted tipping to avoid paying fair wages to the freedpeople they hired.<sup>14</sup> In the 1920s, railcar operators began a crusade to abolish tipping; waiters, taxi drivers, barbers and maids all joined their campaign.<sup>15</sup> Yet those professions were dominated by people of color, and so in 1938, when Congress passed the first federal minimum wage, it excluded all tipped workers. A tipped minimum wage was created in 1966, but it is woefully inadequate, and attempts to change it have failed at the federal level. Exacerbating the issue, studies have found that customers habitually tip Black service workers less than their white counterparts.<sup>16</sup>

### **Failure to Extend Basic Protections and Full Benefits**

Government has long failed to mandate that business owners extend basic protections to occupations dominated by vulnerable women, all while relying on them to do the hardest, dirtiest and most dangerous work—a trend that has been magnified by the COVID-19 pandemic.

In turn-of-the-century New York City, young women garment workers and their unions fought for better pay and safer working conditions. But on March 25, 1911, a fire broke out on the top floor of the Triangle Waist Company factory. Locked inside the factory—the owner insisted the practice reduced theft—146 workers burned alive or jumped to their deaths. Most of the victims were recently-immigrated Italian and Jewish girls and women, ages 14 to 23, who had been making as little as a dollar and a half a week.<sup>17</sup>

The tragedy fueled a movement for structural change, leading to the passage of the National Labor Relations Act (known as the Wagner Act) of 1935 and the Fair Labor Standards Act (FLSA) of 1938. The laws expanded collective bargaining rights, provided for a 40-hour work week, required overtime pay, set a minimum wage and forbade classification by sex for wage purposes. But while the FLSA's provisions covered 39% of male workers, they only covered 14% of female workers.<sup>18</sup> And because it excluded

domestic servants, agricultural workers, retail workers and food processing workers, Black and Latino Americans were almost completely denied these protections.<sup>19</sup> Only 12 years later, the Taft-Hartley Act allowed states to prohibit union shops—giving birth to what are now known as “right-to-work” laws.

The whole episode shows how even when the law finally moves to protect white women, it often fails to extend the same protections to women of color. That failure continues to impact women today. Though the FLSA has been amended many times, agricultural and domestic workers—many of whom today are Latina or Asian American women—remain some of the least protected employees in the United States. And right-to-work laws hurt women and people of color, for whom union membership consistently results in higher pay and better benefits.<sup>20</sup>

The COVID-19 pandemic has laid bare the fact that the least powerful women in our society end up

doing the most dangerous and dirtiest work. During the health crisis, workers have continued to show up to jobs in health care, transportation, food and agriculture and other essential industries. But for some, this work is not just dangerous, it is poorly compensated: Women and people of color tend to be concentrated in the lowest-paying of these jobs. [Fig 5] Just as they have in the past, employers and policy makers have failed to ensure fair pay to these workers: Many work long hours for minimum-wage pay. And though the Centers for

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Disease Control has recommended a set of health and safety measures to protect workers from the virus, the federal government's enforcement of these standards has been lax. Most employers have not stepped in to fill the void.<sup>21</sup> This while many essential workers still do not have access to adequate paid sick leave.<sup>22</sup> Women essential workers need workplace protections, including access to personal protective equipment and hazard pay, to ensure they are both safe on the job and fairly compensated for their work.<sup>23</sup>

**Figure 5. Essential Workers by Industry, Gender and Race/Ethnicity, 2019**

Industry	Median Hourly Wage			Female Essential Workers		Essential Workers of Color	
	All workers (ages 16+)	Women	Men	Number	Distribution across industries	Number	Distribution across industries
Food and agriculture	\$13.12	\$12.45	\$14.05	5,243,187	19%	5,471,152	24%
Communications and IT	\$16.05	\$15.11	\$17.47	1,754,027	6%	1,339,439	6%
Industrial, commercial, residential facilities and services	\$17.97	\$13.16	\$18.88	952,897	3%	3,471,268	15%
Critical manufacturing	\$18.32	\$14.81	\$19.03	234,628	1%	684,332	3%
Transportation, warehouse, and delivery	\$18.34	\$16.91	\$19.22	953,301	3%	1,866,882	8%
Government and community-based services	\$19.69	\$17.88	\$30.89	3,350,751	12%	1,744,227	8%
Health care	\$21.05	\$20.00	\$25.12	12,676,705	47%	6,505,151	28%
Water and wastewater management	\$22.40	\$22.91	\$22.09	9,706	0%	23,726	0%
Emergency services	\$22.98	\$19.20	\$24.09	351,430	1%	554,889	2%
Energy sector	\$26.91	\$27.60	\$26.89	53,110	0%	411,606	2%
Chemical sector	\$27.95	\$24.44	\$28.78	48,809	0%	75,925	0%
Financial sector	\$29.55	\$23.98	\$38.30	1,627,314	6%	890,417	4%

Source: McNicholas, Celine and Margaret Poydock (2020). "Who are essential workers? A comprehensive look at their wages, demographics, and unionization rate." Working Economics Blog. Economic Policy Institute. May 19, 2020.<sup>23</sup>

### Cultural Stereotypes and Biases

For hundreds of years, American society has undervalued work done by women. In the mid-19<sup>th</sup> century, as today, women's unpaid domestic labor fueled America's economic growth. As men left to take new jobs spurred by industrialization, many women kept doing the same work they had always done. But because women's work in the home did not bring in wages—the new measure of a job's worth—society denied that labor done by women had economic value.<sup>24</sup> When women entered the industrial workforce, this precedent resulted in chronically low pay.

U.S. Supreme Court decisions from this time period further demonstrate the legal and cultural beliefs that women must be protected and that their labor was somehow different. A concurring opinion from the 1873 case *Bradwell v. Illinois*, which upheld the decision to deny a married woman's application to join the Illinois bar, stated, "The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother."<sup>25</sup> In the 1908 case *Muller v. Oregon*, the Supreme Court upheld a law limiting women to ten hours of work per day in factories and laundries, arguing that the state's interest in protecting women's

health overrode women's freedom to work.<sup>26</sup> While these cases are no longer good law, they exemplify the galaxy of stereotypes and biases that, even today, perpetuate and recreate the gender wage gap.

Inextricably linked, is the notion that a woman's primary purpose is to be a mother. This was not the case prior to the advent of industrialization in the 19<sup>th</sup> century, which brought about the availability of work away from homes and farms.<sup>27</sup> The notion that motherhood was women's primary role remained powerful, despite the fact that many middle- and working-class women worked outside the home out of economic necessity.

One way this sexist legacy lives on is in the expectation that women will be the primary caregivers in their families—a perception that persists despite the fact that women now make up 47% of the labor force.<sup>28</sup> The assumption that women will be the first port of call for child care duties, or that they don't need support, wears women thin. Mothers of young children spend more time on their paid jobs, child care and household labor than do fathers.<sup>29</sup> It also hurts their wages: One study examining train and bus operators found that women are less likely than men to accept

overtime and weekend shifts, likely due to family care responsibilities.<sup>30</sup> Some families circumvent this issue by paying for child care—but at an average cost of 10% of a dual-earning household’s income, or an astronomical 36% of a single parent’s income, that option is increasingly out of reach.<sup>31</sup> Only affordable, accessible child care and national paid family leave can level the playing field and ensure that anyone who wants to work, can.

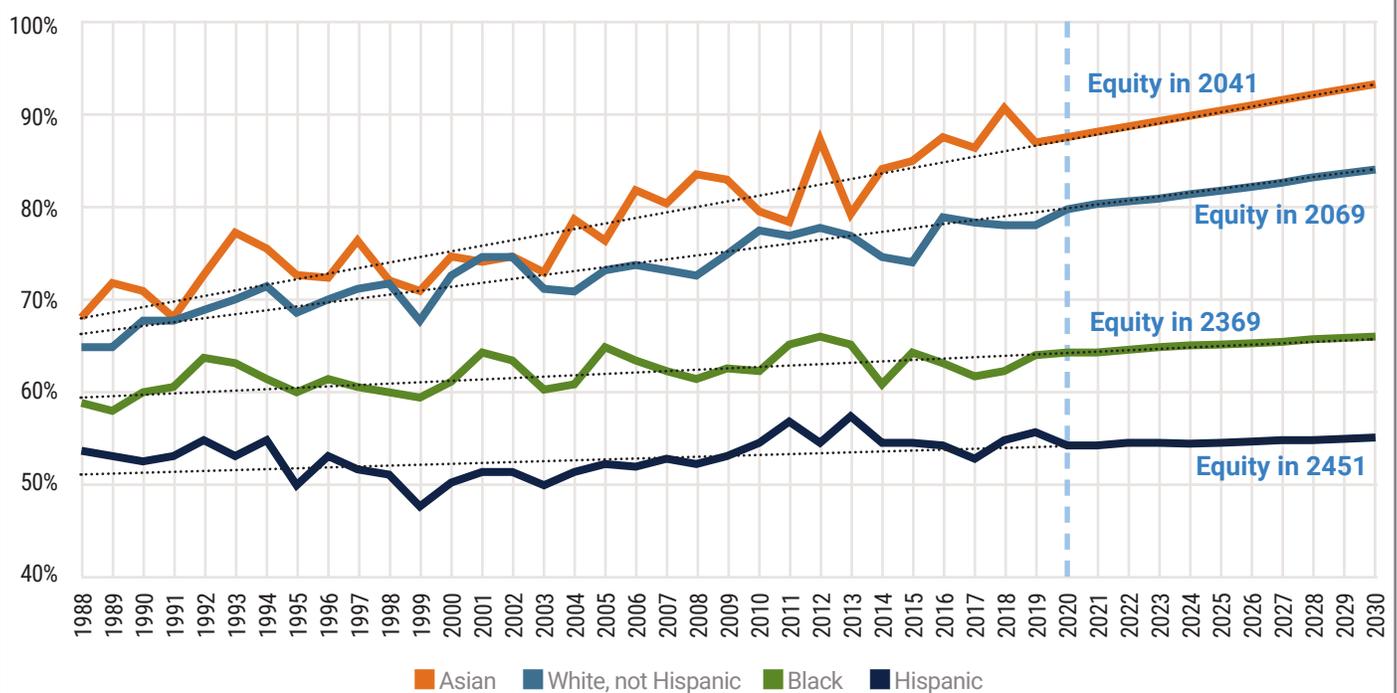
Women’s role as primary caregivers and the unaffordability of child care have collided to disastrous effects during the pandemic. Between February and August 2020, mothers of young children lost jobs at three times the rate of fathers.<sup>32</sup> And a survey in October 2020 found that 34% of mothers (compared to 26% of fathers) reported needing to reduce their work hours to balance parenting responsibilities.<sup>33</sup> The lack of affordable child care has especially affected Black, Latino and indigenous families. More than half of Latino and indigenous families live in an area with an inadequate supply of licensed child care. And a median-income Black family with two children would have to spend 56% of its income on child care—a larger share than any other group. Even before the pandemic, this resulted in Black and multiracial parents enduring child care-related job disruptions at almost twice the rate of white parents.<sup>34</sup> The data indicates that women feel

they have no option other than to reduce work hours, put off advancement opportunities or quit their jobs altogether. The pandemic has thus exacerbated long-standing inequalities between mothers and fathers.

Women of color also contend with a number of long-standing and offensive race- and gender-based stereotypes that continue to depress their wages.<sup>35</sup> Some of these stereotypes have changed over time—especially for Asian women, who, despite the diversity of Asian American experiences, are now subjected to the model minority myth.<sup>36</sup> But many persist in our culture in the form of explicit racism or implicit bias that, along with occupational segregation mean it will take women of color much longer to reach full equality. [Fig. 6]

These historically-rooted forms of gender and racial discrimination bias work in tandem to reduce women’s pay—even after researchers control for other variables (which are, themselves, also the product of structural inequities). For instance, after accounting for college major, occupation, economic sector, hours worked, months unemployed since graduation, grade point average, type of undergraduate institution, institution selectivity, age, geographical region and marital status, there remains a 7% difference between the earnings of male and female college graduates one year after graduation. That gap jumps to 12% ten years after college graduation.<sup>37</sup>

**Figure 6. Wage Gap Closing Projections, by Race/Ethnicity**



Source: Earnings data from U.S. Census Bureau (2020), Current Population Survey, 2020 Annual Social and Economic Supplement. Wage projections based on calculations done by AAUW.

# WHAT WORKS AND WHAT STILL NEEDS TO BE DONE

Pay inequity is a structural problem that demands structural solutions. Over the last century impactful legislation, such as the Social Security Act, the Fair Labor Standards Act, the Equal Pay Act, the Civil Right Act, and the Family and Medical Leave Act, has put important protections and standards into place. Concerted efforts to ensure equity, such as affirmative action programs and targeted enforcement mechanisms through the Equal Employment Opportunity Commission (EEOC), diminish the effects of workplace discrimination. But many of these laws provided at-the-time solutions that are now, at best, outdated, and execution of programs is often stifled by lack of funding.<sup>38</sup> Policy makers and employers must take concerted, targeted steps to close the gender and racial wage gaps, particularly as we respond to and recover from the COVID-19 pandemic.

## GOVERNMENT

Federal, state and local officials all play a vital role in addressing discrimination in employment. But these legal protections have not yet ensured equal pay for women and men. Over time, loopholes emerge and we learn more about how discrimination works, leading to the need to update and strengthen our laws.

Congress should act, as should states and localities, to enact policies that will help to close the gender and racial wage gaps.

■ **Make existing pay equity laws stronger:** Congress should pass laws like the Paycheck Fairness Act, which would update the Equal Pay Act of 1963. The Paycheck Fairness Act would close existing loopholes in the law, strengthen penalties for equal pay violations, prohibit the use of salary history in employment decisions, prohibit retaliation against workers who voluntarily discuss or disclose their wages, and support data collection and research. In addition, Congress should take action on the Fair Pay Act, which would provide solutions aimed at curbing the financial impact of occupational segregation for women and workers of color.

■ **Raise the minimum wage and eliminate the tipped minimum wage:** Enacting the Raise the Wage Act would lift millions of people out of poverty and raise the wages for an estimated 23 million women, many of whom are their family's primary breadwinner.<sup>39</sup> Women of color are overrepresented in low-wage jobs; nearly a quarter of those who would see substantial benefits from raising the minimum wage are Black women or Latinas.<sup>40</sup> Moreover, two-thirds of tipped workers are women, and tipped women of color make notably less than their tipped white male and female counterparts.<sup>41</sup>

■ **Improve paid leave and child care support:** While all workers need access to paid leave and child care to do their jobs and care for their families and themselves, the lack of these supports is acutely felt by workers of color who are more likely to receive lower pay and less likely to have access to employer-sponsored benefits. As a result, workers of color, especially women of color, face greater economic insecurity and have a harder time affording unpaid leave.<sup>42</sup> This leaves the untenable choice between care for themselves or their families and bringing home a paycheck. The Family and Medical Insurance Leave (FAMILY) Act would create a national paid family and medical leave insurance program for all American workers. The Healthy Families Act would allow workers to earn paid sick days to cover temporary and minor illnesses and caregiving. In addition to passing this critical legislation, Congress should also make it easier for families to deal with the costs associated with child care responsibilities by funding early childhood education programs and improving access to high-quality and affordable child care.

■ **Institute robust protections against sexual, racial and other forms of harassment:** Racism and sexism often collide in the workplace causing women of color to experience higher levels of harassment and discrimination, and often harming their pocketbooks. The BE HEARD in the Workplace Act, the EMPOWER Act and the Forced Arbitration Injustice Repeal (FAIR) Act are legislative responses that put workers first and allow everyone to do their jobs and earn a fairer paycheck without the threat of harassment or retaliation.

■ **Collect relevant data:** The Equal Employment Opportunity Commission (EEOC) has the ability to

collect critical wage data based on sex, race and ethnicity from private employers and from federal contractors with 100

or more employees. This data collection could help the EEOC better identify wage discrimination and encourage voluntary

compliance by companies. The Trump administration halted this collection. It needs to be fully reinstated.

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## EMPLOYERS

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Equal pay is important for legal and ethical reasons, but it can also be good for employers' bottom lines and employee recruitment and retention. When workers believe their employer is fair, it improves their morale.<sup>43</sup> When workers believe they are paid fairly, they are more likely to contribute their best effort to the job.<sup>44</sup> And when workers feel their employer's approach to pay is equitable and transparent, they are more likely to be satisfied with their jobs. Women and their employers, however, miss out on many of these benefits: They are more likely to feel "in the dark" about compensation in the workplace.<sup>45</sup>

There are many practices employers can voluntarily implement to help close the wage gap.

- **Conduct pay audits:** Pay audits can be used to understand, monitor and address gender and racial pay differences. Regularly analyzing pay decisions—when salaries are set, when job functions change, when bonuses are awarded or raises given—ensures that salaries remain equitable and employers comply with the law.

- **Prohibit retaliation for wage disclosure:** Pay disparities are notoriously difficult to detect and many employers punish employees for asking about or sharing that information. Such punitive pay-secrecy policies make it difficult for workers to remedy wage disparities because they cannot find out if they're being paid less. Employers should not impose such policies and should proactively ban retaliation against employees seeking this information.

- **Ban the use of prior salary history:** The practice of using past salaries to set current wages perpetuates the gender and racial pay gaps because it assumes that prior salaries were fairly established by previous employers. Relying on salary history allows a new employer to continue underpaying an employee who faced a pay gap and lost wages due to bias or discrimination at a previous job. Salary history questions can also introduce bias and discrimination into the recruitment process of a company that may be attempting to avoid it.

Employers should prohibit the use of salary history and instead use market research to determine what the position is worth to the organization.

- **Publicize wage ranges for all job postings:**

Increased transparency levels the playing field when job applicants are negotiating their salaries. Publishing salary ranges also provides employers with the opportunity to proactively ensure they are in line with the market and correct any disparities that may have arisen over time.

- **Offer paid family and medical leave to all employees:**

To support all workers and address yawning pay and promotion gaps, employer-sponsored leave must be fully paid, cover time away for both caretaking and personal medical reasons and be equally available to men and women. Additionally, employers must encourage all employees to utilize their leave. Even if employers offer generous leave, if the workplace culture discourages it or penalizes those who use it, employees will not utilize it. This will penalize those workers who have no alternative but to use it.

- **Implement equitable recruitment, hiring and promotion practices:**

Both overt and implicit bias still plague American workplaces. As a first step, employers should commit to equity and inclusivity in hiring and pay, including proportional representation by gender and race or ethnicity. But to implement that commitment, human resource departments must conduct training for hiring managers and develop and implement clear and unambiguous guidance about policies that help or hinder the recruitment, hiring and promotion of underrepresented populations. This should include developing and implementing affirmative action policies, as well as a plan to restart searches if applicant pools do not produce an adequate number of competitive candidates from diverse backgrounds. Instituting blind resume screening and requiring unconscious bias training are also good practices.

## ENDNOTES

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- <sup>2</sup> "South Carolina's 'Black Code,'" Lowcountry Digital History Initiative, December 1865, [https://ldhi.library.cofc.edu/exhibits/show/after\\_slavery\\_educator/unit\\_three\\_documents/document\\_eight](https://ldhi.library.cofc.edu/exhibits/show/after_slavery_educator/unit_three_documents/document_eight).
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- <sup>5</sup> Based on employed persons age 16+. Author's calculations from "CPS ORG Uniform Extracts, Version 2.5" (Washington, D.C.: Center for Economic and Policy Research, 2020), <https://ceprdata.org/cps-uniform-data-extracts/cps-outgoing-rotation-group/cps-org-data/>.
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- <sup>9</sup> "Table 3: Employment Status of the Civilian Noninstitutional Population by Age, Sex, and Race," U.S. Bureau of Labor Statistics: Labor Force Statistics from the Current Population Survey, January 22, 2020, 3, <https://www.bls.gov/cps/cpsaat03.htm>.
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- <sup>11</sup> This is true even when controlling for education, labor force experience, age, race, and geographical location. For a longitudinal analysis of this trend, see Asaf Levanon, Paula England, and Paul Allison, "Occupational Feminization and Pay: Assessing Causal Dynamics Using 1950-2000 U.S. Census Data," *Social Forces* 88, no. 2 (December 2009): 865–91.
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- <sup>16</sup> See, for instance Michael Lynn et al., "Consumer Racial Discrimination in Tipping: A Replication and Extension," *Cornell University, School of Hospitality Administration*, 2008, 1–25; Ian Ayres, Frederick E. Vars, and Nasser Zakariya, "To Insure Prejudice: Racial Disparities in Taxicab Tipping," *Yale Law Journal* 114 (May 2005): 1613–74.
- <sup>17</sup> Less than 40 dollars a week in today's money. See Pauline Newman, Working for the Triangle Shirtwaist Company, interview by Joan Morrison, 1980, <http://historymatters.gmu.edu/d/178/>.
- <sup>18</sup> Ronnie Steinberg, *Wages and Hours: Labor and Reform in Twentieth Century America* (New Brunswick, NJ: Rutgers University Press, 1982), 98–99; Suzanne Mettler disagrees with these findings, arguing, for example, that nearly equal portions of the male and female workforce were exempt from the minimum wage provisions. In effect, however, the exemption hurt women more than men: 62.1% of exempt women as opposed to 35.6% of exempt men earned annual wages below the \$800 baseline established by the FLSA. See Suzanne B. Mettler, "Federalism, Gender, and the Fair Labor Standards Act of 1938," *Polity* 26, no. 4 (Summer 1994): 652.
- <sup>19</sup> Phyllis Palmer, "Outside the Law: Agricultural and Domestic Workers Under the Fair Labor Standards Act," *Journal of Policy History* 7, no. 4 (October 1995): 416–40.
- <sup>20</sup> Josh Bivens et al., "How Today's Unions Help Working People" (Washington, D.C.: Economic Policy Institute, August 24, 2017), <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/#epi-toc-10>; For the effect of unionization on women in manufacturing, see Lauren Haumesser and Melissa Mahoney, "Factory Flaw: The Attrition and Retention of Women in Manufacturing" (Washington, D.C.: American Association of University Women, 2021), [https://www.aauw.org/app/uploads/2021/03/FactoryFlaw\\_FINAL-for-web\\_update.pdf](https://www.aauw.org/app/uploads/2021/03/FactoryFlaw_FINAL-for-web_update.pdf).
- <sup>21</sup> On the federal government's failure to protect workers, see Celine McNicholas, "Workers Memorial Day Highlights Secretary of Labor Scalia's Failure to Protect Workers During the Coronavirus Crisis," *Working Economics Blog* (blog), April 20, 2020, <https://www.epi.org/blog/workers-memorial-day-highlights-secretary-of-labor-scalias-failure-to-protect-workers-during-the-coronavirus-crisis/>; On the lack of personal protective equipment in workplaces, see Daniel Schneider and Kristen Harknett, "Essential and Unprotected: Covid-19-Related Health and Safety Procedures for Service-Sector Workers" (Cambridge: The Shift Project at the Harvard Kennedy School, 2020), <https://shift.hks.harvard.edu/essential-and-unprotected-covid-19-related-health-and-safety-procedures-for-service-sector-workers/>; Emily Stewart, "Essential Workers Still Lack Basic Safety Protections on the Job," *Vox*, May 7, 2020, <https://www.vox.com/coronavirus-covid19/2020/5/7/21250387/essential-worker-ppe-amazon-walmart-employees-protection-hazard-pay>.
- <sup>22</sup> Daniel Schneider and Kristen Harknett, "Essential and Vulnerable: Service-Sector Workers and Paid Sick Leave" (Cambridge, Mass.: The Shift Project at the Harvard Kennedy School, 2020), <https://shift.hks.harvard.edu/essential-and-vulnerable-service-sector-workers-and-paid-sick-leave/>.
- <sup>23</sup> Notes: (1) Distributions of female essential workers and essential workers of color across industries were calculated by AAUW as the number of essential workers by industry divided by total essential workers in all industries; (2) Essential workers of color is the sum of Black, Hispanic and AAPI essential workers; (3) Any differences in calculation are due to rounding.
- <sup>24</sup> For more on this thesis, see Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990).
- <sup>25</sup> *Bradwell v. Illinois*, 83 U.S. 130 (1872).
- <sup>26</sup> *Muller v. Oregon*, 208 U.S. 412 (1908).
- <sup>27</sup> For instance, one author declared, "The surest pathway to the highest happiness and honor lies through the peaceful domain

of wifehood and motherhood." See De La Banta, *De La Banta's Advice to Ladies Concerning Beauty* (Chicago: S. Junkin, 1878), 288; For an explication of this white, middle-class prescriptive ideal, see Barbara Welter, "The Cult of True Womanhood: 1820-1860," *American Quarterly* 18, no. 2 (1966): 151-74.

<sup>28</sup> "Table 2: Employment Status of the Civilian Noninstitutional Population 16 Years and Over by Sex, 2019," Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, 2020, <https://www.bls.gov/cps/tables.htm>.

<sup>29</sup> Sarah Jane Glynn, "An Unequal Division of Labor: How Equitable Workplace Policies Would Benefit Working Mothers" (Center for American Progress, May 18, 2018), <https://www.americanprogress.org/issues/women/reports/2018/05/18/450972/unequal-division-labor/>.

<sup>30</sup> Valentin Bolotnyy and Natalia Emanuel, "Why Do Women Earn Less Than Men? Evidence from Bus and Train Operators," July 2019, <https://scholar.harvard.edu/bolotnyy/publications/why-do-women-earn-less-men-evidence-bus-and-train-operators-job-market-paper>.

<sup>31</sup> These costs are usually significantly higher in major metropolitan areas. See "The U.S. and the High Price of Child Care: An Examination of a Broken System" (Arlington, VA: Child Care Aware of America, 2019), 44, <https://www.childcareaware.org/our-issues/research/the-us-and-the-high-price-of-child-care-2019/>.

<sup>32</sup> Mothers of children under 12 lost 2.2 million jobs, a 12% drop; fathers of children under 12 lost 870,000 jobs, a 4% drop. See Tim Henderson, "Mothers Are Three Times More Likely Than Fathers to Have Lost Jobs in Pandemic," Pew Stateline, September 28, 2020, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/28/mothers-are-3-times-more-likely-than-fathers-to-have-lost-jobs-in-pandemic>.

<sup>33</sup> Ruth Igielnik, "A Rising Share of Working Parents in the U.S. Say It's Been Difficult to Handle Child Care During the Pandemic," Pew Research Center: FactTank, January 26, 2021, <https://www.pewresearch.org/fact-tank/2021/01/26/a-rising-share-of-working-parents-in-the-u-s-say-its-been-difficult-to-handle-child-care-during-the-pandemic/>.

<sup>34</sup> Cristina Novoa, "How Child Care Disruptions Hurt Parents of Color Most," Center for American Progress, June 29, 2020, <https://www.americanprogress.org/issues/early-childhood/news/2020/06/29/486977/child-care-disruptions-hurt-parents-color/>.

<sup>35</sup> Micki McElya, *Clinging to Mammy: The Faithful Slave in Twentieth-Century America* (Cambridge, Mass.: Harvard University Press, 2007); Joel R. Anderson et al., "Revisiting the Jezebel Stereotype: The Impact of Target Race on Sexual Objectification," *Psychology of Women Quarterly* 42, no. 4 (2018): 461-76; Mahassen Mgdami, "Black Women's Identity: Stereotypes, Respectability and Passionlessness (1890-1930)," *LISA E-Journal* 7, no. 1 (2009): 40-55. For more on the way that white American soldiers stereotyped Mexican women, see Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (Cambridge: Cambridge University Press, 2005); For more on the stereotyping of Asian women immigrants, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

<sup>36</sup> Kat Chow, "'Model Minority' Myth Again Used As A Racial Wedge Between Asians And Blacks," NPR: Code Switch, 19 2017, <https://www.npr.org/sections/codeswitch/2017/04/19/524571669/model-minority-myth-again-used-as-a-racial-wedge-between-asians-and-blacks>;

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<sup>37</sup> Catherine Hill and Christiane Corbett, "Graduating to a Pay Gap: The Earnings of Women and Men One Year After College Graduation" (Washington, D.C.: American Association of University Women, 2012); Judy Goldberg Dey and Catherine Hill, "Behind the Pay Gap" (Washington, D.C.: American Association of University Women, 2007).

<sup>38</sup> "Fiscal Year 2019 Annual Performance Report" (Washington, D.C.: U.S. Equal Employment Opportunity Commission, n.d.), <https://www.eeoc.gov/fiscal-year-2019-annual-performance-report>; "EEOC Budget and Staffing History 1980 to Present," U.S. Equal Employment Opportunity Commission, n.d., <https://www.eeoc.gov/eeoc-budget-and-staffing-history-1980-present>; Inflation calculation done using "CPI Inflation Calculator," U.S. Bureau of Labor Statistics, n.d., [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>39</sup> "The Raise the Wage Act of 2019," Majority Leader Steny Hoyer, July 16, 2019, <https://www.majorityleader.gov/content/raise-wage-act-2019-0#:~:text=RAISING%20THE%20MINIMUM%20WAGE%20IS%20GOOD%20FOR%20FAMILIES,their%20households%20-%20with%20a%20raise>.

<sup>40</sup> Diana Boesch, Robin Bleiweis, and Areeba Haider, "Raising the Minimum Wage Would Be Transformative for Women" (Center for American Progress, February 23, 2021) <https://www.americanprogress.org/issues/women/news/2021/02/23/496221/raising-minimum-wage-transformative-women/>.

<sup>41</sup> Ibid.

<sup>42</sup> Jessica Mason and Paula Molina Acosta, "Called to Care: A Racially Just Recovery Demands Paid Family and Medical Leave" (National Partnership for Women and Families, March 2021) <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/called-to-care-a-racially-just-recovery-demands-paid-family-and-medical-leave.pdf>.

<sup>43</sup> Yochi Cohen-Charash and Paul E. Spector, "The Role of Justice in Organizations: A Meta-Analysis," *Organizational Behavior and Human Decision Processes* 86, no. 2 (November 2001): 278-321.

<sup>44</sup> Jason A. Colquitt et al., "Justice at the Millennium: A Meta-Analytic Review of 25 Years of Organizational Justice Research," *Journal of Applied Psychology* 86, no. 3 (2001): 425-45.

<sup>45</sup> "New Payscale Study Reveals Employees' Perceptions About Pay Fairness and Transparency Are Five Times More Impactful on Engagement Than Actual Compensation," Payscale, November 7, 2017, <https://www.payscale.com/about/press-releases/new-payscale-study-reveals-employees-perceptions-pay-fairness-transparency-five-times-impactful-engagement-actual-compensation>; "Global Salary Transparency Survey: Employee Perceptions of Talking Pay" (Mill Valley, CA: Glassdoor, 2016), [https://media.glassdoor.com/pr/press/pdf/GD\\_Survey\\_GlobalSalaryTransparency-FINAL.pdf](https://media.glassdoor.com/pr/press/pdf/GD_Survey_GlobalSalaryTransparency-FINAL.pdf).

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