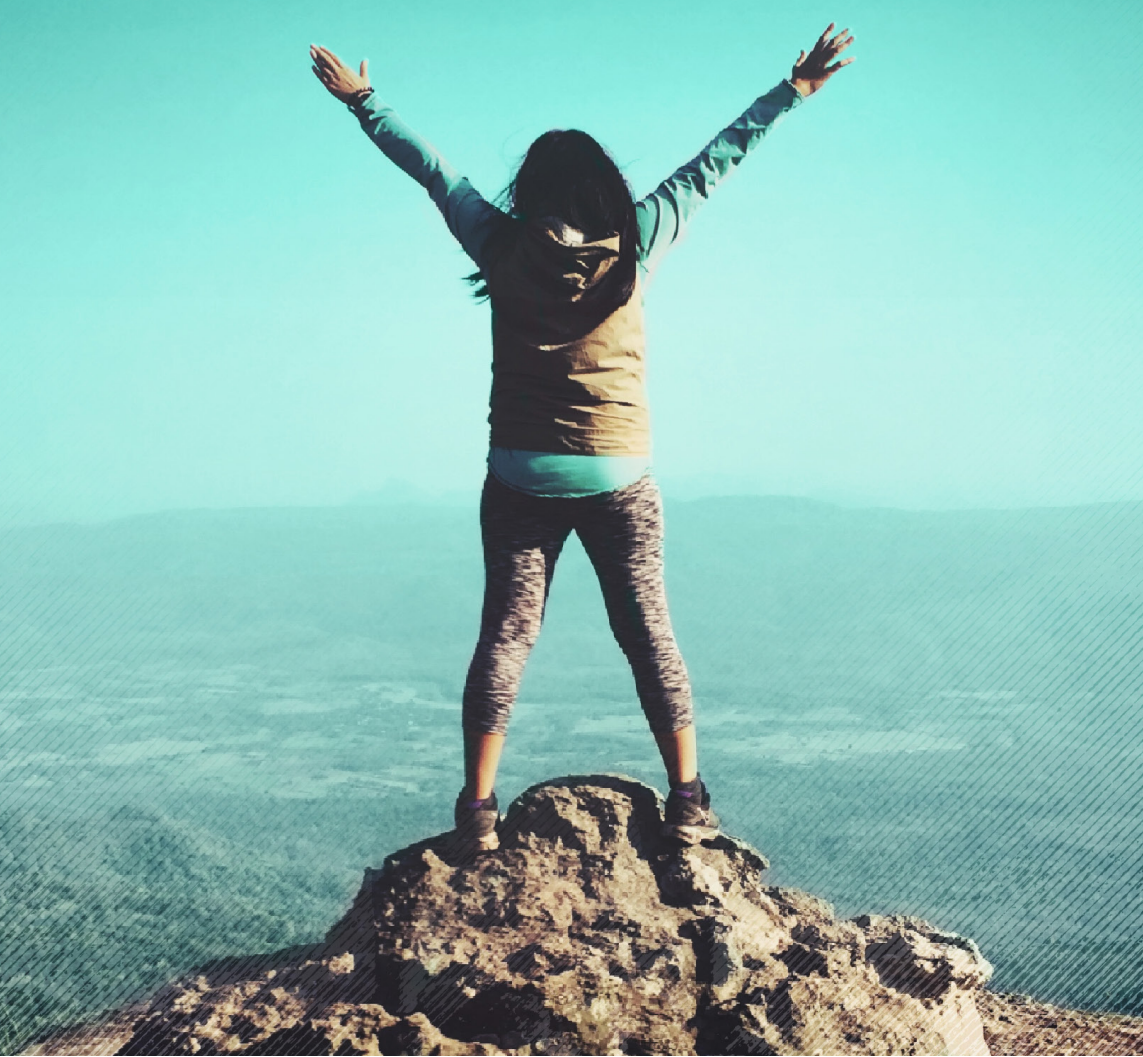


**FROM SHORTCHANGED
TO EMPOWERED:
A Pathway for Improving
Women's Well-Being in Virginia**



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Through their voting,
advocacy, and candidacies,
women are proving to be a
political force capable of
transforming our sense of
what's possible and helping
shift public policy priorities.



ABOUT THE NATIONAL WOMEN'S LAW CENTER

The National Women's Law Center fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families. For more than 45 years, we have been on the leading edge of every major legal and policy victory for women



ABOUT THE VIRGINIA WOMEN'S EQUALITY COALITION

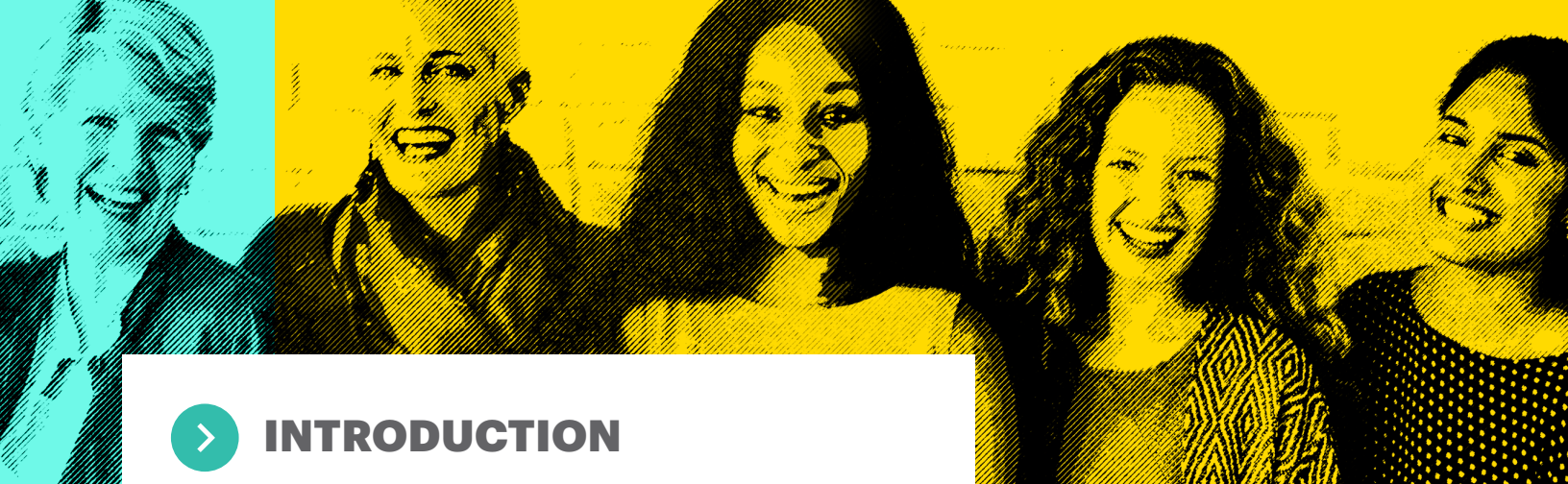
The Virginia Women's Equality Coalition promotes women's health and safety, economic opportunity, and democratic participation in order to ensure all Virginia women are able to fully participate in social, economic, and political life. The time has come to secure full equality for Virginia women. Advocates for women and families from across the Commonwealth are working together to advance an agenda that secures women's health and safety, advances our economic opportunity, and promotes women's democratic participation.

Acknowledgments

We gratefully acknowledge Catalist for data analysis used in this report.

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> **INTRODUCTION**

Women are animating politics and setting the stage for important policy discussions in Virginia and across the country – both in the lead-up to the 2020 election and beyond.

Through their voting, advocacy, and candidacies, women are proving to be a political force capable of transforming our sense of what’s possible and helping shift public policy priorities. This is particularly true for women of color, who comprise a growing percentage of the state’s overall population (19 percent of adults age 18 and up in 2017, up from 15 percent in 2001),¹ are leading prominent advocacy efforts, and are playing a determinative role in election outcomes. And yet women and girls in Virginia and across the country – especially women and girls of color – continue to face barriers to opportunity, equity, and economic security in all areas of their lives: health, work, and family.

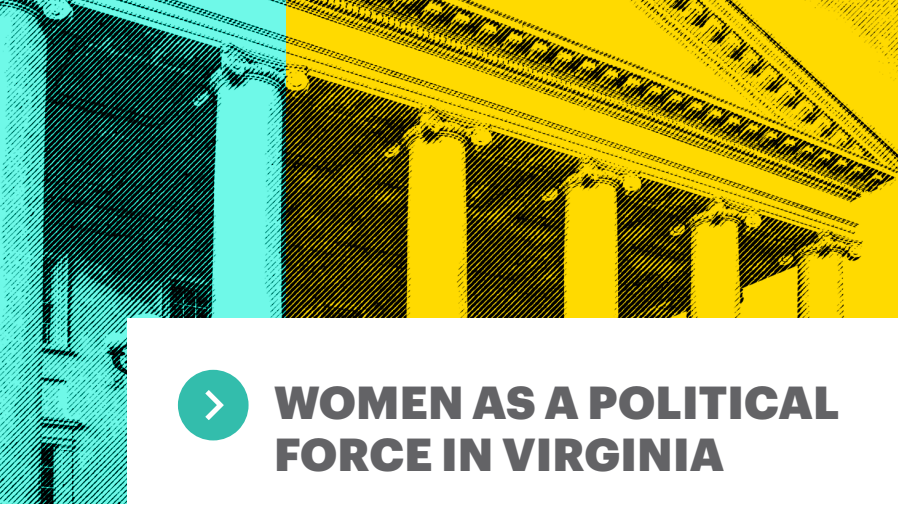
In this report – the first in a series of state-based analyses – we provide an overview of Virginia women’s well-being around four core pillars of gender justice: adequate and equitable wages; affordable, high-quality child care; protection from sexual harassment; and access to abortion. We find a decidedly mixed environment facing women, one that requires public policy solutions and the commitment of leaders in Virginia – and nationally – to address.

Over the past 20 years, Virginia’s gender wage gap has narrowed by only four cents, with women today being paid only 81 cents to every dollar paid to men.² At the same time, child care costs have risen by more than 37 to 39 percent in real dollars over the past decade,³ outpacing the typical Virginia woman’s wage growth (five percent)⁴ by more than seven times. Women also face barriers to living

safe and healthy lives. Despite the MeToo movement, the Virginia legislature has failed to pass most of the myriad bills introduced to address sexual harassment and other forms of discrimination, like pay and pregnancy discrimination, that occur alongside and further entrench harassment. And women have limited access to full reproductive health care in Virginia, with 80 percent of Virginia women living in counties without a clinic that performs abortions.

Building a state and a nation that delivers justice for all requires a broad and encompassing vision for gender justice. It requires a commitment – at the national, state, and local levels – to combatting unfair and discriminatory policies and to creating the conditions in which women can make real decisions about whether and when to start a family, access affordable, high-quality child care, and pursue work that pays them equitably and treats them with dignity. Below, we delineate the progress Virginia has yet to make – progress that Virginia women are increasingly demanding – as well as the policy solutions that will make this vision a reality.

Building a state and a nation that delivers justice for all requires a broad and encompassing vision for gender justice.



WOMEN AS A POLITICAL FORCE IN VIRGINIA

Over the past several years, we have seen the rising power of women voters in Virginia. Virginia holds elections every year, and in the 2016 presidential, 2017 gubernatorial, and 2018 mid-term elections, women were a majority (between 53 to 55 percent) of the state’s electorate.

White women were 38 to 39 percent of Virginia voters, and women of color were 15 to 16 percent. Of women of color voters in Virginia, two-thirds are Black, 15 to 16 percent are Latinx, 15 to 16 percent are Asian American, one percent are Native, and one percent identify as “other.”⁵

The Virginia electorate has remained remarkably consistent over the last three years. Typically, voters in non-presidential year elections are older and less diverse, the result of drop-off among lower propensity voters, who are disproportionately younger and people of color. But in Virginia, people of color were a consistent percentage of the electorate all three years, making the 2018 election younger and more diverse than previous mid-term electorates.⁶

Women of color are the strongest Democratic voting bloc, in Virginia and nationally, supporting Democratic top-of-ticket candidates at rates of 89 to 90 percent over the last three years. In contrast, white women’s support for Democratic top-of-ticket candidates ranged from 50 to 54 percent in the 2016–2018 elections; men of color supported Democratic candidates at rates of 80 to 82 percent and white men at rates of 35 to 44 percent.⁷

Women’s votes are key to electoral victories in the state. According to Catalist’s two-party vote share models, Virginia women’s votes – and, in particular, the votes of Virginia women of color – were determinative of top-of-ticket election

outcomes in 2016 and 2017 and contributed significantly to Senator Tim Kaine’s 16-point margin of victory in the 2018 midterm election.⁸ If women had not voted in 2016 and 2017, Donald Trump and Republican gubernatorial candidate Ed Gillespie would have prevailed in the state over Hillary Clinton and Ralph Northam, respectively. The same is true if only men and white women had voted both years.⁹ Although there was a 14-point swing in overall white voters’ support for the Democratic candidates from 2016 to 2018 (with certain subgroups of white women voters, most notably college-educated white women, favoring the top-of-ticket Democrat by a 13-point margin in 2018), the state’s growing diversity, strong off-year election turnout in communities of color, and high levels of Democratic support among women of color are critical factors in shifting the state from “purple” to “blue.”¹⁰

Women also made gains in elected leadership over the past several cycles. Women now make up 26.4 percent of the state legislature (up from 19.3 percent in 2017) and 23 percent of the state’s congressional delegation (up from 8 percent in 2016). Despite these gains, none of the state’s three executive seats are currently held by women.¹¹



> WAGES

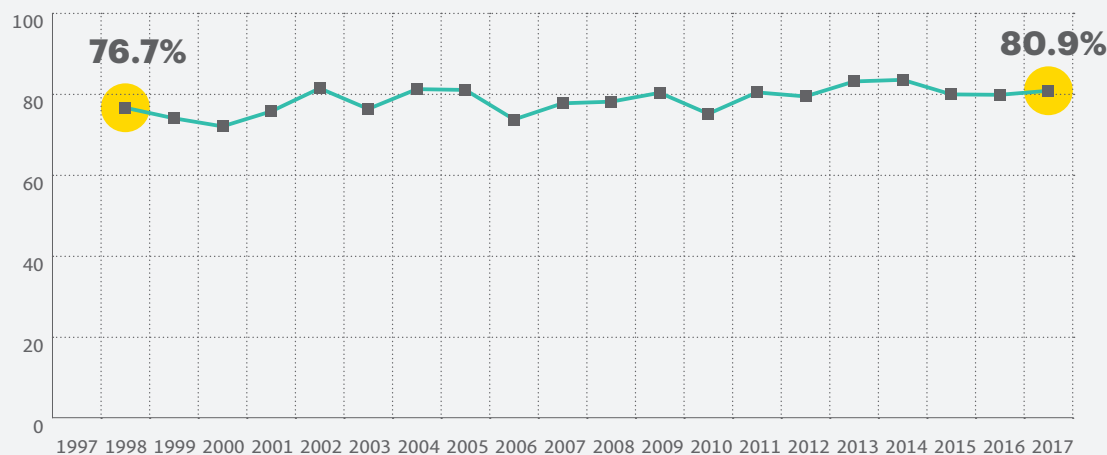
Despite their growing political power, the story of how women are faring economically in Virginia is decidedly mixed.

Although women’s median wages have increased over the last 20 years, and women’s poverty rates in the state are slightly lower than the national average (10.9 percent versus 12.4 percent), women still are typically paid significantly less than men. Over the past 20 years, the gender wage gap for women overall in Virginia narrowed by a mere four cents. Women are paid 81 cents to every dollar paid to a man.¹² For some women of color, the gap is even larger, with Black women being paid 60 cents, Latina women 53 cents, and Native women 65 cents for every dollar paid to white, non-Hispanic men.¹³ Although Asian American and Pacific Islander women are typically paid 90 cents for every dollar paid to white, non-Hispanic men, the wage gap is substantially larger for some subgroups of Asian women.¹⁴

The loss of earnings that results from the wage gap has real effects on women’s lives and the economy, as well as on the families that rely on women’s earnings. In Virginia, 61.3 percent of all mothers are primary or co-breadwinners in their families,¹⁵ meaning that mothers’ incomes are critical to their families’ economic security.

This is particularly true for Black mothers, who, nationally, are more than twice as likely than white mothers to be the primary breadwinners for their families.¹⁶ An additional \$12,000 in earnings (the approximate dollar amount of the median gender wage gap in 2017) could allow a Virginia woman to pay for 19 months of groceries; 10 months of center-based infant child care; 10 months of housing costs; or 23 months of health insurance premiums for

Virginia Women’s Earnings as a Percent of Virginia Men’s Earnings 1998 – 2017



An additional \$12,000 in earnings could allow a Virginia woman to pay for 19 months of groceries; 10 months of center-based infant child care; 10 months of housing costs; or 23 months of health insurance premiums for a family-based plan.

a family-based plan. This is money that could go back directly into Virginia communities and boost the state’s economy.

Over the course of a 40-year career, the earnings losses are even more striking: if the wage gap we see today does not close, a Virginia woman will typically lose \$479,920 in wages to her male counterpart over a 40-year career. Native women stand to lose more than \$883,000, Black women more than \$1 million, and Latinxs more than \$1.1 million. In order to “catch up” to what the typical white, non-Hispanic Virginia man is paid by age 60, the typical Virginia woman would need to work 11 years longer – or until age 71.¹⁷

The practical implications of wage inequity are heightened for Virginia women because they make up more than 58 percent of the minimum wage workforce¹⁸ and just over two-thirds of those in low-wage jobs (defined as jobs that typically pay less than \$11.50/hour).¹⁹ Virginia women are more than twice as likely as men to work in low-wage occupations.²⁰ Nearly three-fourths of tipped workers in Virginia – whose cash minimum wage is a mere \$2.13 an hour and has not been increased since 1991 – are women and more than three in 10 are women of color.²¹ Tips are less reliable, making a disproportionately female workforce reliant on fluctuating income to cover regular expenses like housing and groceries. And workers who depend on the whims of customers for the bulk of their income are especially vulnerable to workplace abuses, including sexual harassment on the job. In effect, an overwhelmingly female labor force is expected to rely on the “kindness of strangers” in order to make ends meet.

Virginia Women's Lifetime Losses Due to Wage Gap

Comparison	Lifetime losses due to the wage gap	Age at which a woman's career earnings catch up to a man's at age 60
All women v. all men	\$479,920	71
Asian women v. white, non-Hispanic men	\$252,520	65
Black women v. white, non-Hispanic men	\$1,005,280	87
Latinas v. white, non-Hispanic men	\$1,161,120	95
Native women v. white, non-Hispanic men	\$883,640	82
Native Hawaiian or other Pacific Islander women v. white, non-Hispanic men	\$696,040	85
White, non-Hispanic women v. white, non-Hispanic men	\$572,760	72

Source: State wage gaps calculated by National Women’s Law Center (NWLCC) are based on 2013-2017 American Community Survey 5-year Estimates (<http://www.census.gov/acs/www/>). “Lifetime losses due to wage gap” or the “Lifetime Wage Gap” is what a woman would lose, based on today’s wage gap, over a 40-year career. Figures are not adjusted for inflation. Figures are in 2017 dollars. “Age at which a woman’s career earnings catch up to men’s career earnings at age 60” assumes all workers begin work at age 20. Assuming men have a 40-year career, this is the age at which women are able to retire with the same lifetime earnings as their male counterparts.



CHILD CARE

Although the many benefits of affordable, high-quality child care to parents, children, and the economy are well-documented,²² families in Virginia, as they do nationally, struggle to find and afford the child care they want and need for their children.

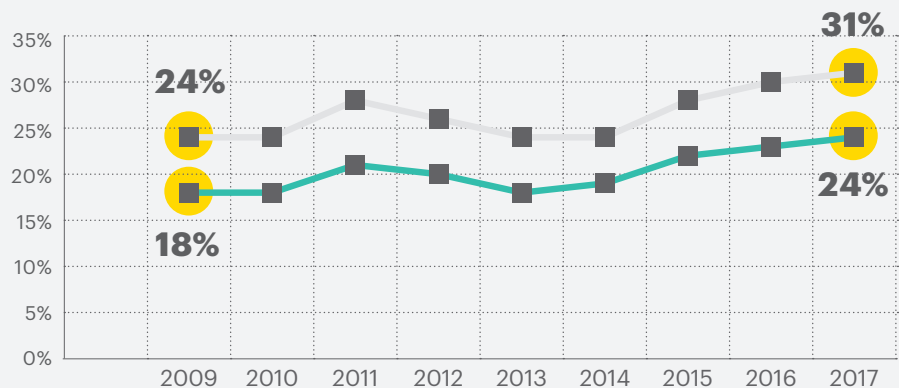
The average annual costs in Virginia for full-time center-based care for infants (\$13,728) and four-year-olds (\$10,608) is higher than the national average (\$10,759 and \$8,678, respectively).²³ And child care costs are on the rise. Between 2009 and 2017, the cost of full-time center-based care infant care in Virginia increased by 37 percent (from \$10,040 to \$13,728 in inflation-adjusted 2017 dollars), and the cost of and center-based care for four-year-olds increased by 39 percent (from \$7,605 to \$10,608 in inflation-adjusted 2017 dollars); meanwhile, Virginia women’s wages grew by less than 5 percent over that same time period.²⁴ This means that the cost of child care in Virginia grew more than seven times faster than the typical Virginia woman’s wage growth.

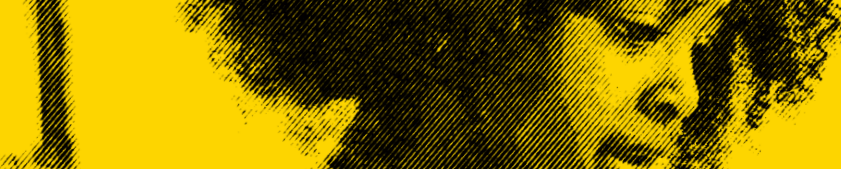
Given that the typical full-time, working woman in Virginia made less than \$44,000 in 2017, the cost of child care would have consumed nearly a third of women’s earnings (31.3 percent). Even for women with working partners in the home, such costs could fall well above the U.S. Department of Health and Human Services (HHS) affordability guideline of seven percent of family income.

This means that the cost of child care in Virginia grew more than seven times faster than the typical Virginia woman’s wage growth.

Virginia Child Care Costs as a Percentage of Women’s Median Earnings 2009 – 2017

- Infant center costs as a percent of women’s earnings
- Four-year-old center costs as a percent of women’s earnings





The prohibitive costs of child care force parents to make impossible choices between paying for care or paying for other necessities such as housing and food. In many cases, low-wage working parents may have to turn to lower cost care, which may be lower quality and less stable and may not sufficiently nurture children’s growth and development or protect their health and safety.

Low- to moderate-income families also face heightened barriers to accessing child care. Although the federal Child Care and Development Block Grant (CCDBG) dramatically reduces costs for families able to receive assistance through the program, federal and state funding for this assistance is woefully inadequate relative to the need. Only 5.1 percent of Virginia children – and just 1.3 percent of Latinx children in Virginia – eligible for child care assistance under federal law received it through CCDBG in FY 2016 (the most recent year for which data are available).²⁵ And although the state has used the recent increase in federal CCDBG funds to serve many of the children on its waiting list for assistance, there were still over 2,500 children on the state’s list as of April 2019.

Virginia does invest \$69 million in state funds in a preschool program for at-risk and low-income children.²⁶ But the program serves only 18 percent of the state’s four-year-olds and is not available to children ages three or younger. It also only operates for part of the day during the school year, and therefore does not meet the child care needs of parents who work full-time year-round, or those working nights and weekends.

At the same time that costs put child care out of reach for many families, the child care system also rests on the back of low-wage workers – largely women of color and immigrant women. Child care workers in Virginia – who are 93 percent women and 50 percent women of color²⁷ – have a median annual income of \$22,900,²⁸ well below the typical Virginia woman (\$44,000). To ensure that child care professionals earn enough to support themselves and their families and receive fair compensation for their important work – without increasing costs on families who are already financially strained, it is essential to expand the public investment in child care.

At the same time that costs put child care out of reach for many families, the child care system also rests on the back of low-wage workers – largely women of color and immigrant women.





➤ SEXUAL HARASSMENT

Sexual harassment and assault took on new prominence in Virginia in early 2019 when two women alleged that Lieutenant Governor Justin Fairfax had sexually assaulted them in the early 2000s. The allegations, which Lt. Governor Fairfax has denied, revealed the need for better protocols for addressing sexual harassment and assault allegations against sitting elected officials – including systems to ensure a full, fair, transparent, independent, and nonpoliticized investigation.

But it is not merely the high-profile cases of sexual harassment and assault that are issues for Virginians. As the MeToo movement revealed, sexual harassment is endemic, with women and girls making up the overwhelming majority of those targeted.²⁹ Surveys of employees find that at least 25 percent, and as many as 85 percent, of women surveyed report having experienced sexual harassment at work.³⁰ Women working in low-wage jobs and in male-dominated fields appear to be at heightened vulnerability to harassment.³¹ And disturbingly, sexual harassment starts before women ever enter the workforce. The National Women’s Law Center’s (NWLC’s) 2017 Let Her Learn Survey found that more than one in five girls ages 14 to 18 reported being kissed or touched without their consent. And in college, more than one in five women and nearly one in 18 men are sexually assaulted.³² LGBTQ students, girls with disabilities, and girls of color are more likely to experience sexual harassment and assault than their peers.³³

Despite the high rates of sexual harassment found in numerous studies, reporting rates are low. There were 257 sexual harassment claims from Virginia filed with the Equal Employment Opportunity Commission (EEOC) in 2018.

Between 2012 and 2016,

Black women were nearly three times as likely as white, non-Hispanic women to file sexual harassment charges with the EEOC.

Given that six to 13 percent of individuals who experience harassment file a formal complaint, actual incidences in the state are likely far higher.³⁴

Within what is reported, women of color – and Black women in particular – appear to be disproportionately likely to experience sexual harassment at work. Women of color make up 37 percent of women in the workforce but 56 percent of women who filed sexual harassment charges with the EEOC between 2012 and 2016.³⁵ Between 2012 and 2016, Black women were nearly three times as likely as white, non-Hispanic women to file sexual harassment charges with the EEOC.³⁶

Sexual harassment in schools is similarly prone to underreporting. According to NWLC’s Let Her Learn Survey,



only one in five girls who experienced sexual harassment reported it. Only 12 percent of college survivors who experience sexual assault,³⁷ and only 7.7 percent of college students who experience sexual harassment, report to their schools or the police.³⁸ This appears to bear out in the reporting figures. In the 2015–2016 school year, there were seven reported cases of rape and 435 cases of reported sexual assault in Virginia public elementary and secondary schools – improbably low numbers considering that the Virginia public schools served nearly 1.3 million students that year, 49 percent of who were girls.³⁹ In higher education, 138 colleges and universities across 160 campuses in Virginia reported a total of 216 rapes in 2017, another improbably low number given that more than 1.2 million students attended colleges and universities in Virginia.⁴⁰

Gaps in anti-harassment laws have left many of those most vulnerable to sexual harassment with insufficient legal protections. Between 2012 and 2016, Black women were nearly three times as likely as white, non-Hispanic women to file sexual harassment charges with the EEOC.

Moreover, state law (like federal law) focuses largely on remedying harassment after the fact, with little emphasis on prevention.

Limitations in state enforcement further exacerbate the problem. For example, enforcement of the Virginia Human Rights Act is the jurisdiction of the Virginia Attorney General’s Division of Human Rights, but the division only processes employment complaints, forwarding all education complaints to U.S. Department of Education or to the Virginia Dept of Education (VDOE). Meanwhile, VDOE and its various sub-agencies deny that they have any duty to investigate violations of state or federal law, including Title IX, claiming it is a local issue and the domain of local school boards.⁴¹

Virginia’s incredibly narrow workplace harassment law covers only a small segment of employers and blocks most victims from going to state court to seek justice, making it difficult to hold employers and individual harassers accountable.



➤ ACCESS TO ABORTION

Access to abortion is under unprecedented assault across the country. Virginia has not been immune to these efforts – Virginia politicians have passed laws and adopted policies that interfere in an individual’s decision whether or not to have an abortion, shutting down clinics and making it more difficult for people to obtain an abortion.

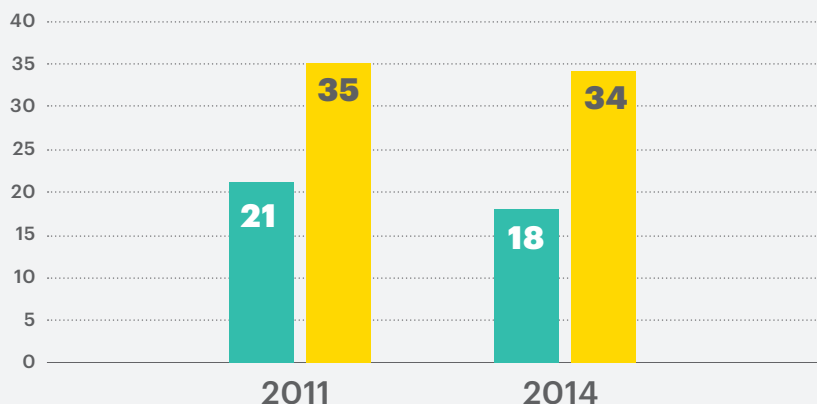
In 2011, anti-abortion Virginia politicians passed a law that singles out abortion providers for medically unnecessary, burdensome restrictions that do nothing to promote patient safety.⁴² Instead, by design, the regulations burden access to abortion by making it difficult to open new facilities and operate existing ones. The Virginia Department of Health estimated that the total cost for Virginia abortion providers to come into compliance with the physical plant requirements would have been to \$15 million.⁴³ The clinics that could not afford these unnecessary costs closed; from 2011 to 2014, the number of clinics providing abortion in Virginia dropped by 14 percent.⁴⁴ Now, first trimester

abortion care is only available in a few urban areas,⁴⁵ leaving 92 percent of Virginia’s counties – where 80 percent of all Virginia women reside – without an abortion provider.⁴⁶ The impact falls hardest on those who already face multiple barriers to care, such as women struggling to make ends meet, women of color, rural women, and women who already have children.⁴⁷

Virginians who can reach an abortion provider may be unable to afford the care they need because Virginia withholds insurance coverage from those who have decided to have an abortion.

Number of Virginia Abortion Providers 2011 and 2014

■ Total Providers
■ Clinics



Source: Guttmacher Institute, *State Facts about Abortion: Virginia*, available at <https://www.guttmacher.org/fact-sheet/state-facts-about-abortion-virginia>.



Despite the incredible gains Virginia has made in expanding health insurance coverage through Medicaid – enrolling nearly 300,000 of the estimated 400,000 eligible Virginians since enrollment opened in November 2018⁴⁸ – the state Medicaid program does not cover all medically necessary abortions because of federal restrictions⁴⁹ and the state’s unwillingness to offer coverage with its own state Medicaid funds. Given that nearly 60 percent of new enrollees since enrollment opened in November 2018 are women⁵⁰ and 28 percent are young women (ages 19–34),⁵¹ abortion coverage is critical.

Women with private insurance coverage face a similar restriction: a 2013 law prohibits health plans offered in Virginia’s health care marketplace from covering abortion except in very narrow, extreme circumstances.⁵² And

a law similarly restricts insurance policies for public employees from providing abortion coverage. When politicians deny women comprehensive health coverage that includes abortion, many women may face high out-of-pocket costs for these services and in some instances may be unable to obtain an abortion at all. The harm from these laws falls hardest on women struggling to make ends meet, women of color, and young women – but these laws jeopardize the health and economic security of every woman denied insurance coverage of abortion.

Now, first trimester abortion care is only available in a few urban areas, leaving 92 percent of Virginia’s counties – where 80 percent of all Virginia women reside – without an abortion provider.





VIRGINIA WOMEN AND GIRLS DEMAND MORE

Virginia women and girls deserve policies that will strengthen their economic security, health, and safety. Although the state has taken some important steps, lawmakers must advance the following additional policies core to gender justice.

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RAISING WAGES

To ensure that women receive the fair wages they deserve, policymakers should gradually raise the minimum wage to \$15 per hour, index it so that it does not lose value over time, and ensure that all workers, including tipped workers, youth, and workers with disabilities, are entitled to no less than the full minimum wage from their employers. To ensure that women receive equal pay for equal work, policymakers should strengthen equal pay laws, including by prohibiting employers from relying on salary history in setting pay and increasing pay transparency.

INCREASING ACCESS TO AFFORDABLE, HIGH-QUALITY CHILD CARE

To ensure that women and families can access the reliable, high-quality child care they need in order to work and to give their children a strong start in school and in life, policymakers should significantly increase public investments in child care, ensure all eligible families who need child care assistance know it is available and can access it, increase payment rates for child care providers serving families who receive child care assistance, support initiatives to increase compensation and professional development opportunities for child care workers, and expand the state preschool program.

STRENGTHENING LAWS ADDRESSING SEXUAL HARASSMENT IN SCHOOL AND IN THE WORKPLACE

To ensure that women and girls can learn and work with safety and dignity, policymakers must ensure that all workers – including independent contractors, employees in low-wage jobs, and those who work in smaller workplaces – are protected by anti-harassment and anti-discrimination laws. Lawmakers should also increase accountability by restricting employer-imposed secrecy around harassment; remove the barriers survivors face in accessing justice and obtaining relief for the harm they have suffered; and promote prevention. The Virginia Attorney General’s Division of Human Rights should also begin enforcing the education provisions of the Virginia Human Rights Act, and the Virginia Department of Education and its sub-agencies should begin investigating all education civil rights complaints, including for sexual harassment.

PROTECTING ACCESS TO ABORTION

To ensure that people have access to abortion, policymakers should rescind existing restrictions on abortion, including laws that prohibit insurance coverage of abortion and laws that impose burdensome and medically unnecessary requirements on abortion providers, and should use state funds to cover all medically necessary abortions for women qualified for the Medicaid program.

CONCLUSION

Building a state – and a nation – in which all women and girls can thrive requires policymaking that is grounded in a researched-based analysis of the current state of women’s lives.

At a moment in which women are investing so much in advocacy and politics, politicians have a heightened obligation to invest in women and advance an agenda that will support Virginia women and girls, especially those who face the greatest barriers to equity. Elected officials must remain vigilant in stopping the ongoing assaults on women’s health and economic well-being, particularly the right to access safe and legal abortion, while working to advance a proactive vision of gender justice.

The fact that our nation and Virginia have not fully committed to progress on these issues is not accidental, nor a public policy oversight. It is the result of the marginalization of policies traditionally viewed as “women’s” or “family,” as well as overtly hostile attacks from an extremist fringe intent on relitigating basic assumptions about women’s equality and autonomy in ways that feel reminiscent of a past era.

After decades of plodding progress – and in some instances, stagnating or worsening conditions – Virginia women and girls deserve a leap forward. We are in a cultural moment in which the advocacy and leadership of women and girls

– especially women and girls of color – is showing real promise and impact. Failing to recognize the communities and leaders who are driving change, both nationally and in the state, is both morally questionable and politically unwise.

States have an opportunity to lead on gender justice issues, centering the experiences of women and girls of color, who face the greatest barriers to fair wages, affordable child care, safe and harassment-free schools and workplaces, and comprehensive reproductive health care, including abortion. Now is the time to move forward and provide Virginia women and girls with the opportunity and equity they deserve.

At a moment in which women are investing so much in advocacy and politics, politicians have a heightened obligation to invest in women and advance an agenda that will support Virginia women and girls, especially those who face the greatest barriers to equity.

ENDNOTES

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- 2 U.S. Dep't of Labor, Bureau of Labor Statistics (BLS), Highlights of Women's Earnings annual reports, 1998-2017, available at <https://www.bls.gov/cps/earnings.htm#demographics> (last visited June 28, 2019).
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