



FOR GENDER JUSTICE



STATE POLICY AGENDA

# ADVANCE WORKPLACE GENDER JUSTICE IN YOUR STATE

COVID-19 has exposed and exacerbated existing inequities and economic insecurities that increase the risk of discrimination and harassment in the workplace. Caregiving and service sector jobs performed largely by women, disproportionately Black women and other women of color, have long left millions living paycheck to paycheck or working multiple jobs to survive—even as corporations raked in record profits. Many employers have also refused to make the changes necessary to ensure people can succeed at work while caring for their families and work safely while pregnant. And discriminatory workplace policies and practices make it difficult for all women, including trans and cisgender women, as well as gender-nonconforming people to keep a job, put food on the table, and make decisions about whether or not to have children.

Now, as the COVID-19 pandemic sends us into a deep recession, women are on the front lines of the crisis, in jobs that leave them unprotected and underpaid. Women facing heightened risk of unemployment —disproportionately Black women and Latinas—are more desperate to keep a paycheck at any cost in the midst of record-setting job losses and less willing to report discrimination, harassment, or assault. As a result, they are at greater risk of coercion and abuse from employers. Many gig workers are also on the front lines and without legal protections against discrimination because they are often classified as independent contractors.

We must rebuild an economy that values women’s work, shifts power to working people, and ensures everyone can work with safety, equality, and dignity. [Voters are united in their strong support](#) for policymakers to focus on the gender pay gap and equal pay, sexual harassment, access to low-cost comprehensive, accessible health care, and access to reproductive health care. Voters also [overwhelmingly support](#) lawmakers working to ensure women can’t be fired or discriminated against because of their reproductive health decisions.

## WORKING WOMEN AND FAMILIES NEED POLICIES THAT WILL WORK FOR THEM

Workplace policies and practices that limit opportunity based on a person’s sex, gender identity, sexual orientation, race, disability, familial status, or (often) a combination of these, stand in the way of equal opportunity and economic stability for many women. The COVID-19 crisis has exacerbated these harms and is turning back the clock for women. Between [February and December 2020](#), an unprecedented 2.1 million women left the labor force, including more than 1.1 million Black women and Latinas.

Unaddressed gender and racial wage gaps have left women, especially women of color, with little to no financial cushion to weather this crisis. Unless we take action to ensure our hiring and pay setting practices are equitable, these wage gaps will likely only widen as women seek to re-enter the workforce and are forced to accept a lower paying job because they don’t have the savings to hold out for a higher pay one.

A legislative agenda to advance workplace equality will significantly improve the lives of women and their families and help families, businesses, and the country recover from a punishing recession wrought by COVID-19.

### **Policies that will work together to combat workplace discrimination and promote the economic security of women and their families include:**

**Ensuring Pregnant Workers Are Treated Fairly:** No pregnant worker should have to choose between a healthy pregnancy and keeping her job. Some pregnant workers need temporary

accommodations to continue working safely throughout pregnancy, but employers frequently deny even minor accommodations, such as being permitted to sit down during a long shift or drink water at a work station—forcing many pregnant workers to choose between the health of their pregnancies and the job that provides their families economic security. [States](#) can ensure that pregnant workers can continue to do their jobs and support their families by requiring employers to make the same sorts of reasonable accommodations for medical needs arising out of pregnancy, childbirth, and related medical conditions that employers are required to make for disabilities.

**Ending Discriminatory Pay Practices:** When women are paid less than their male counterparts, their smaller paychecks have [long-lasting repercussions](#) for their housing, education, health, and retirement. [Lesbian women and transgender women](#) also experience significant wage gaps and the gaps for women of color and mothers is particularly staggering, and sets these women and their families back years, oftentimes decades, in achieving economic stability. [States must help](#) level the playing field for working women by strengthening pay discrimination laws through measures such as prohibiting employers from relying on salary history in setting pay, requiring employers to provide job applicants and employees information about salary ranges, protecting employees who discuss their pay with each other from retaliation, requiring employers to collect and report pay data, closing loopholes that make it harder for employees to prevail in equal pay claims, and fully compensating victims of pay discrimination.

**Stopping Sexual Harassment:** Everyone deserves dignity, respect, and safety at work. But as the MeToo movement has clearly demonstrated, [sexual harassment is widespread](#), affecting workers in every state, in nearly every kind of workplace setting and industry, and at every level of employment. Sexual harassment is a substantial barrier to women's equality, economic security, and safety. Longstanding gaps in federal and state law, and judicial decisions undermining existing protections have stymied efforts to address and prevent persistent workplace sexual harassment. These gaps put certain workers—particularly those in low-wage jobs; Black women and other women of color; LGBTQ people; immigrants; and people with disabilities—at increased risk of harassment and retaliation. [States](#) can take the lead in ending workplace harassment by expanding anti-harassment protections to independent contractors and to employees of small employers; improving victims' access to justice and ability to hold employers and individual harassers accountable; redressing the harm caused by harassment by improving recovery of monetary damages; restricting employers' efforts to impose secrecy regarding harassment, such as through nondisclosure agreements; emphasizing prevention strategies; and ensuring tipped workers are entitled to the same minimum wage as other workers, so women do not have to tolerate harassment as the prices of tips.

**Raising the Minimum Wage:** People working to support their families should be able to make ends meet. But even before the COVID-19

pandemic, millions of workers—[mostly women, and disproportionately women of color](#)—were struggling to support themselves and their families on poverty-level wages. And today, home care workers, child care workers, grocery store cashiers, food service workers, and many more find that their work is newly deemed essential but is no less undervalued, with decent pay still out of reach. Raising the minimum wage is one important way that policymakers can shift power to working people and value the people who are caring for our children, protecting the public health, and keeping our economy afloat. Higher wages, particularly for the lowest-paid workers, can help boost the consumer demand that is necessary for a strong, shared recovery from the pandemic-induced recession and help working people support themselves and their families. [States should gradually raise the minimum wage](#) to at least \$15 per hour, then index it to keep pace with rising wages overall, and phase out any lower minimum wages applicable to tipped workers, youth, workers with disabilities, and others to arrive at one fair minimum wage for all working people.

**Promoting Fair Work Schedules:** Working families shouldn't have to constantly sacrifice their families' needs to meet their bosses' demands. But too many employers give their employees little or no input into their work schedules and change those schedules at the last minute, making it [incredibly difficult for working people—especially working parents—to care for their families](#) and plan for child care, doctor's appointments, and other obligations. Part-time workers, [who are mostly women](#), are particularly likely to face unpredictable work schedules—and often are denied the additional hours they want and need to support their families. Black women and Latinas especially bear the brunt of these scheduling practices, as they are [more likely to experience them than their white counterparts](#) and more likely to be both the primary [breadwinner and caregiver](#) for their families. With COVID-19, many of these workers are facing volatile and inadequate hours with the additional caregiving challenges posed by school and child care closures. States can help ensure that working people can fulfill their responsibilities on the job and in the rest of their lives by [implementing baseline protections](#) to give employees a voice in their schedules and more predictable, stable, and adequate work hours.

**Ending Discrimination Because of a Person's Reproductive Health Decisions:** Everyone should be able to make the decision about whether, when, and how to have children that is best for them, without fear of unfair consequences at work. But [across the country](#), women are being punished, threatened, or fired by their employers for using birth control, for having or contemplating an abortion, for undergoing in vitro fertilization in order to get pregnant, or for having sex without being married. This type of discrimination undermines a person's ability to make decisions about starting or growing a family, and threatens their health, well-being, and long-term economic security. States can step up to protect working people from this harm by specifically prohibiting employers from taking adverse actions against their employees because of an employee's reproductive health decision.