



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 workplace policies and practices that discriminate on the basis of gender make it difficult for all women, including trans and cisgender women, as well as gender-nonconforming and nonbinary people, to keep a job, put food on the table, and make decisions about when and whether to have children.

Now, more than two years into the COVID-19 pandemic, many jobs have returned to our economy, but many women—particularly Black women, Latinas, and other women of color—are still struggling to make ends meet. Too many jobs still leave women **unprotected and underpaid**, and too few workplaces provide the supports women need to care for their families without sacrificing a paycheck. Moreover, because **inflation has risen at a faster rate than wages**, many low-paid workers have seen higher costs erode the value of any wage gains. This economic precarity places workers at greater risk of coercion and abuse from employers. And many gig workers entirely lack 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. Across races, genders, and political affiliations, people are **united in their strong support** for policymakers to focus on the gender pay gap and equal pay;

sex harassment; raising the minimum wage, including for tipped workers; predictable and flexible work schedules; access to low-cost comprehensive, accessible health care; and access to reproductive health care.

WORKING WOMEN AND FAMILIES NEED POLICIES THAT WILL WORK FOR THEM

The fallout from the COVID-19 crisis threatens to turn back the clock for women. Unaddressed gender and racial wage gaps left women, especially women of color, with little to no financial cushion to weather the pandemic or any crisis. In February 2022 polling, for example, **34% of women say their family's financial situation is worse today than before the pandemic**, compared to 22% of men—and 40% of working women report that they are paid \$15 per hour or less, compared to just 16% of employed men. 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-paying 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 achieve a full and equitable recovery from the punishing economic impacts of 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 workstation—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 are particularly staggering and set 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 Workplace Harassment: Everyone deserves dignity, respect, and safety at work. But as the Me Too movement has clearly demonstrated, **sex harassment is widespread**, affecting workers in every state, in nearly every kind of workplace setting and industry, and at every level of employment. Sex 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 harassment. These gaps put certain workers—particularly those in low-paid jobs, Black women and other women of color, LGBTQI+ 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. 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, providing necessary health care for our loved ones, and performing other essential but underpaid work. Higher wages, particularly for the lowest-paid workers, can help ensure a strong, shared recovery and help families meet rising costs. **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. Employers have continued to use these “just-in-time” scheduling practices throughout the pandemic—even as workers face heightened risks to their health and safety, inadequate access to paid leave and paid sick days, and additional caregiving challenges posed by ongoing school and child care disruptions. **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, and the Supreme Court's decision to take away the constitutional right to abortion is likely to embolden more of this discrimination. With abortion access in crisis and a climate

hostile to abortion rights, pregnancy outcomes will be increasingly scrutinized. 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 show 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.