

A Window Into the Wage Gap: What's Behind It and How to Close It

BY BROOKE LEPAGE AND JASMINE TUCKER

Women in the U.S. who work full time, year round are typically paid only 84 cents for every dollar paid to their male counterparts.¹ This gap in earnings translates into \$9,954 less per year in median earnings, leaving women and their families shortchanged, especially during a period of rising inflation, when families need every dollar. Although the gender wage gap has narrowed over time, in part because of enforcement of the Equal Pay Act and civil rights laws, ongoing efforts to address the significant pay disparities that remain are critical for the economic security of women and their families.

What's Behind the Full-Time, Year-Round Gender Wage Gap Calculation?

The 84-cent gender wage gap calculation for full-time, year-round workers that NWLC reports at the national level is derived from 2021 data and is the same as that reported by the Census Bureau—the median earnings of women (of all races) working full time, year round as a percentage of the median earnings of men (of all races) working full time, year round.³ Median earnings describe the earnings of a worker at the 50th percentile—right in the middle. Earnings means wages, salary, and net self-employment income—so essentially the money people see in their paychecks.⁴ Working full time is defined as working at least 35 hours a week and working year round means working at least 50 weeks during the last 12 months.⁵ The national gender wage gap data for full-time, year-round workers that results in the 84-cent wage gap figure comes from the Current Population Survey (CPS) and includes workers 15 years and older.⁶

NOTES

What closing the wage gap would mean to me this year:²

- Two months' supply of groceries \$2,079
- Three months' child care payments \$1,883
- Three months' rent \$3,575
- Three months' health insurance premiums \$1,544
- Two months' student loan payments \$544
- Six tanks of gas \$316

• **Total: \$9,939**

Wage gap yearly total: \$9,954

How Big Is the Gender Wage Gap If We Include Part-Time and Part-Year Workers?

When comparing the median earnings of *all* women who worked in 2021 with the median earnings of *all* men who worked, regardless of how many hours or weeks they worked, and including workers of all races, women are typically paid just 77 cents for every dollar paid to men. The 77-cent gender wage gap calculation for workers, regardless of how many hours or weeks they worked, that NWLC reports at the national level also comes from the Census Bureau and represents the median earnings of all working women as a percentage of the median earnings of all working men. Median earnings describe the earnings of a worker at the 50th percentile—right in the middle. Earnings means wages, salary, and net self-employment income—so essentially the money people see in their paychecks.⁷ The national gender wage gap data for workers, regardless of how many hours or weeks they worked, that results in the 77-cent wage gap figure comes from the Current Population Survey (CPS) and includes workers 15 years and older.⁸

Equal Pay Is Crucial for All Women

Women of color working full time, year round are typically paid less than white, non-Hispanic men. In calculating wage gaps for women of color, we compare the wages of women of color to the wages of white, non-Hispanic men because women of color carry a double burden of both sexism and racism—so it's important to take those both into account when we look at their economic security.

- Asian American, Native Hawaiian, and Pacific Islander (AANHPI) women working full time, year round make only 92 cents for every dollar paid to their white, non-Hispanic male counterparts.⁹
- Black women working full time, year round typically make only 67 cents for every dollar paid to their white, non-Hispanic male counterparts.
- Latinas working full time, year round typically make only 57 cents for every dollar paid to their white, non-Hispanic male counterparts.¹⁰
- Native women working full time, year round typically make only 57 cents for every dollar paid to their white, non-Hispanic male counterparts.¹¹
- The wage gap translates into an annual median loss of \$22,692 for Black women, \$29,724 for Latinas,¹² and

\$28,797 for Native women.¹³ Closing the wage gap is, therefore, particularly important for Black women, Latinas, and Native women who tend to have lower incomes than white, non-Hispanic women.

When part-time and part-year workers are included in the comparison, women of color are similarly paid less than white, non-Hispanic men.

- When we include part-time and part-year workers, Asian American, Native Hawaiian, and Pacific Islander women make only 80 cents for every dollar paid to their white, non-Hispanic male counterparts.¹⁴
- When we include part-time and part-year workers, Black women make only 64 cents for every dollar paid to their white, non-Hispanic male counterparts.
- When we include part-time and part-year workers, Latinas make only 54 cents for every dollar paid to their white, non-Hispanic male counterparts.¹⁵
- When we include part-time and part-year workers, Native women make only 51 cents for every dollar paid to their white, non-Hispanic male counterparts.¹⁶

Note: The wage gaps presented here are based on data from 2021, the most recent annual data available. Note that the wage gap numbers for 2021 are affected by the massive job losses experienced in 2020 that disrupted the labor market.

Mothers are paid less than fathers.

- Mothers who work full time, year round typically have lower earnings than fathers: mothers are typically paid only 74 cents for every dollar paid to fathers, which means mothers typically make \$1,417 less per month or \$17,000 less per year than fathers. Mothers of every race are typically paid less than white, non-Hispanic fathers.¹⁷
- In addition, in 2020 (the most recent year we have data for this group), many mothers lost their jobs or were forced into part-time work during the pandemic as schools went remote and child care providers closed.¹⁸ When comparing all mothers who worked to all fathers who worked in 2020, regardless of how many hours or weeks they worked during the year, mothers were typically paid just 58 cents for every dollar paid to fathers.¹⁹

Women are affected by the wage gap as soon as they enter the labor force and the gap continues to expand over the course of a woman's career.

- The wage gap is smaller for younger women than older women, but it begins right when women enter the labor force. Women ages 15 to 24 working full time, year round are typically paid 87 cents for every dollar their male counterparts are paid. When we include part-time and part-year workers, women ages 15 to 24 are typically paid 80 cents for every dollar their male counterparts are paid.
- Among older women the gap is larger. Women ages 45 to 64 working full time, year round are typically paid only 79 cents for every dollar their male counterparts are paid. When we include part-time and part-year workers, women ages 45 to 64 are typically paid 76 cents for every dollar their male counterparts are paid.
- Women still working full time, year round at age 65 or older are paid 77 cents for every dollar paid to their male peers. When we include part-time and part-year workers, women age 65 or older are paid 62 cents for every dollar paid to their male counterparts.²⁰

Older women also experience a gender gap in retirement income, due in large part to the gender wage gap they experienced during their working years.

- Based on today's wage gap, a woman who works full time, year round stands to lose \$398,160 over a 40-year career.²¹ She would have to work nearly eight years longer than her male counterpart to make up this lifetime wage gap. These lost wages severely reduce women's ability to save for retirement and threaten their economic security later in life. This is particularly harmful for women of color, who face larger lifetime wage gaps than white women and who already experience less intergenerational economic mobility²² and are more likely to live with extended family.²³
- As a result of lower lifetime earnings, the average Social Security retired worker benefit for women 65 and older was about \$18,049 per year in December 2021, compared to \$22,339 for men of the same age.²⁴

Women in same-gender unmarried and married couples have less household income than opposite-gender couples and men in same-gender unmarried and married couples.

- Analysis from the Brookings Institution finds on average,

the family income for married men in same-gender relationships is 31 percent higher than married women in same-gender relationships, and 27 percent higher than opposite-gender married couples. Additionally, the family income for men in unmarried partnerships is 36 percent higher than unmarried women in same-gender relationships, and 38 percent higher than opposite gender unmarried couples. However, women in a same-gender coupled family regardless of marital status have similar family income to opposite-gender couples (married and unmarried).²⁵

Transgender women make less after they transition.

- One study found that the average earnings of transgender women workers fall by nearly one-third after transition.²⁶

Women with disabilities also experience a gender wage gap.

- Women with disabilities working full time, year round are typically paid just 84 cents when compared to their male counterparts with disabilities. When we include part-time and part-year workers, women with disabilities are typically paid just 48 cents when compared to men without disabilities.²⁷
- Under the Fair Labor Standards Act, employers may pay less than minimum wage to people with disabilities working in segregated environments known as 'sheltered workshops,' further depressing wages for women with disabilities.²⁸

Women at all education levels experience a gender wage gap.

- Among full-time, year-round workers, women who started, but did not finish, high school, make 76 cents for every dollar their male counterparts make. When we include part-time and part-year workers, women who started, but did not finish, high school make 67 cents for every dollar their male counterparts make.²⁹
- Women with only high school diplomas working full time, year round are typically paid only 76 cents for every dollar paid to their male counterparts. When we include part-time and part-year workers, women with only high school diplomas are typically paid only 73 cents for every dollar paid to their male counterparts.³⁰
- Among workers with a Bachelor's degree or higher,

women typically make 77 cents working full time, year round and 72 cents when we include part-time and part-year workers, for every dollar their male counterparts make.

- Even when women working full time, year round earn a Bachelor's degree, they still only make about what men with an Associate's degree make (\$62,208 and \$60,959 respectively). When we include part-time and part-year workers, women with a Bachelor's degree (\$54,161) typically make slightly less than men with just an Associate's degree (\$54,279).

Women in nearly every occupation face a wage gap.

- Women make less than men in 94 percent of occupations.³¹
- Even workers in low-paid jobs face a wage gap: women who work full time, year round in the 40 lowest-paying occupations typically make only 82 percent of what men working in those same occupations make.³²

Causes of the Wage Gap

Even though women have made meaningful gains in educational attainment and labor force involvement in the last several decades—gains which have helped close the wage gap over time³³—unequal pay remains pervasive. Below are some of the reasons why.

Women are paid less for the same work and discrimination is a major cause.

- Numerous research studies show that compared to men, women are less likely to be hired, particularly for high-wage jobs, and are likely to be offered lower salaries when they are hired.³⁴ For example, one experiment revealed that when presented with identical resumes, one with the name John and one with the name Jennifer, science professors offered the male applicant for a lab manager position a salary of nearly \$4,000 more, as well as additional career mentoring, and judged him to be significantly more competent and hireable.³⁵
- Employers' reliance on job applicants' salary history to set starting pay also plays a significant role in perpetuating the wage gap because it allows employers to take advantage of pay discrimination by other employers or within the market.³⁶ Recent research shows that state laws prohibiting employers from relying on salary history are helping close racial and gender wage gaps in those

states.³⁷

- Recent research reveals that even controlling for race, region, unionization status, education, work experience, occupation, and industry leaves 38 percent of the pay gap "unexplained."³⁸ Discrimination is thought to be a major cause of this unexplained gap.

Pay secrecy policies help perpetuate pay disparities.

- Even though the National Labor Relations Act makes it illegal to prohibit private sector employees from discussing wages and working conditions, 60 percent of private sector workers report that discussing their wages is either prohibited or discouraged by employers.³⁹ In contrast, only 13 percent of public sector workers reported similar policies.
- In the public sector, where wages are more likely to be publicly disclosed, wage gaps are slightly smaller.⁴⁰
- One 2015 study found women's earnings were 3 percent higher in the six states that had enacted laws since 2012 prohibiting retaliation against employees who discuss pay.⁴¹ The same study found that in states with such policies, the gender wage gap is reduced by as much as 12 to 15 percent for workers with a college degree, and by 6 to 8 percent for workers without a college degree.

Women are overrepresented in low-paid jobs and underrepresented in high-paid ones.

- In 2018, women made up nearly two-thirds of the 22.2 million workers in the 40 lowest-paying jobs—occupations such as child care workers, home health aides, restaurant servers, and fast food workers.⁴²
- Conversely, women are underrepresented in higher wage occupations, making up 37 percent of workers in the 40 highest-paying occupations.⁴³ This underrepresentation is due in part to the fact that women are discouraged from entering better paying fields, such as STEM.⁴⁴ Sometimes this discouragement is subtle, but other times it is very overt, in the form of harassment and other forms of discrimination.

Women's work is devalued because women do it.

- Women's jobs often pay less precisely because women do them.⁴⁵ A study of more than 50 years of data revealed that when women moved into a field in large numbers,

wages declined, even when controlling for experience, skills, education, race, and region.⁴⁶

Mothers are discriminated against and face barriers that result in lower pay.

- Mothers are paid less than fathers and the motherhood wage penalty, which grows by an estimated 7 percent for each child,⁴⁷ is larger for low-paid workers.⁴⁸
- Employers' outdated views about mothers harms mothers' job and salary prospects.⁴⁹ In comparing equally qualified women candidates, one study revealed that mothers were recommended for significantly lower starting salaries, were perceived as less competent, and were less likely to be recommended for hire than non-mothers. The effects for fathers were just the opposite—fathers were recommended for significantly higher pay and were perceived as more committed to their jobs than men without children.⁵⁰
- Mothers' wages are also affected by a lack of support for women's disproportionate caregiving responsibilities. The high cost of child care and a lack of paid leave make it less likely that women with caregiving responsibilities are able to stay in the workforce.⁵¹ This time out of work negatively impacts mothers' wages,⁵² though policies like paid leave and subsidized child care make it more likely that women will continue to work after having children, strengthening their connection to the workforce.⁵³

Restrictions on and barriers to reproductive health care widen the wage gap.

- Increased access to contraception is one reason the gender wage gap closed in the last few decades of the 20th century. This access allowed women to control their reproductive decisions so that they could invest in education and increase their representation in non-traditional occupations, resulting in higher wages.⁵⁴
- A forthcoming study is analyzing the effects of over forty years of legislation regulating abortion providers. They find the laws—which are proxies for abortion restrictions—widen the gender pay gap between women of childbearing age and the rest of the population.⁵⁵

Women in unions experience smaller wage gaps—but rates of unionization are low.

- Just over 10 percent of working women belong to a union,

but those women who are members of unions experience greater wage equality. Unionized women make 88 cents for every dollar paid to male union members, compared to nonunionized women who make only 82 cents for every dollar paid to their male counterparts. Wages for unionized women are higher than those of women who aren't in unions, with unionized Latinas experiencing especially large wage gains.⁵⁶

- Unions not only bargain for higher wages, but they also reduce inequality by increasing pay transparency. For example, an analysis by a journalists' union of their wage data revealed pervasive pay inequality in the industry,⁵⁷ prompting a promise of immediate action by at least one national newspaper.⁵⁸

What We Need to Do to Achieve Equal Pay

In order to finally achieve equal pay, we need to:

- Strengthen our equal pay laws so that women are better able to discover and fight back against pay discrimination.⁵⁹
- Prohibit setting pay based on salary history and increase pay transparency.
- Build ladders to better paying jobs for women by removing barriers to entry into male-dominated fields and ensuring that women can succeed in those fields without being forced out by harassment or other forms of discrimination.⁶⁰
- Lift up the wages of women in low-paid jobs by raising the minimum wage and ensuring that tipped workers receive at least the regular minimum wage before tips.⁶¹
- Increase the availability of high-quality, affordable child care.⁶²
- Help prevent and remedy caregiver discrimination and protect workers from pregnancy discrimination.⁶³
- Establish fair scheduling practices that allow employees to meet their caregiving responsibilities and other obligations.⁶⁴
- Provide paid family and medical leave.⁶⁵
- Restore and expand women's access to the affordable reproductive health care they need.⁶⁶
- Protect workers' ability to join unions and collectively bargain.⁶⁷

- 1 National Women's Law Center (NWLC) calculations using U.S. Census Bureau, *Current Population Survey, 2022 Annual Social and Economic Supplement* [hereinafter CPS, 2022 ASEC], Table PINC-05, (Washington, DC: Sept. 13, 2022), <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pinc/pinc-05.html>. Women working full-time, year-round had median annual earnings of \$51,226 in 2021. Men working full-time, year-round had median annual earnings of \$61,180 in 2021.
- 2 **Groceries** –U.S. Department of Agriculture, Official USDA Food Plans: Cost of Food at Home at Three Levels, U.S. Average, October 2022 (Nov. 2022) <https://fns-prod.azureedge.us/sites/default/files/media/file/CostofFoodOct2022LowModLib.pdf>. Calculation is based on the USDA low-cost food plan for a family of four (two adults 19-50 and children 6-8 and 9-11) estimated at \$1,025.90 per month. **Child Care** –“Demanding Change: Repairing Our Child Care System, Appendix I, https://info.childcareaware.org/hubfs/Demanding%20Change%20Appendices.pdf?utm_campaign=Budget%20Reconciliation%20Fall%202021&utm_source=website&utm_content=22_demandingchange_append. Average costs for child care for an infant in the U.S. (including the District of Columbia and Puerto Rico) is \$11,300 annually in 2020, or \$942 per month. **Rent Payments** –U.S. Census Bureau, 2016-2020 American Community Survey, Table DP04 Median Gross Rent (Dollars), <https://data.census.gov/cedsci/table?q=DP04%3A%20SELECTED%20HOUSING%20CHARACTERISTICS&tid=ACSDP5Y2020.DP04>. Median housing costs for renters was \$1,191 per month, 2021. **Health Insurance Premiums** –U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality, Medical Expenditure Panel Survey: 2021. Data Tool: Average total employee contribution (in dollars) per enrolled employee for family coverage at private-sector establishments that offer health insurance by firm size and selected characteristics: United States, 2021, <https://datatools.ahrq.gov/meps-ic?tab=mepsich3nt1&type=tab>. Average monthly employee contribution for employer-based family coverage (\$6,174 annually or \$514.50 per month). **Loan Payments** –Average monthly loan payment for someone who graduated in 4 years from a public university has an average debt of \$26,946. Calculation assumes ten-year standard repayment plan and all debt in the form of direct unsubsidized loans and single taxpayer status (3.9 percent interest). Initial monthly payment of \$272 calculated using the Department of Education's loan repayment calculator, <https://studentloans.gov/myDirectLoan/mobile/repayment/repaymentEstimator.action>. **Tanks of Gas** –Average tank of gas in 2020 and a 17-gallon gas tank. Gas prices from U.S. Energy Information Administration, Weekly Retail Gasoline and Diesel Prices, http://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_nus_w.htm Average cost of all grades of gasoline in 2021 rounded to \$3.10 per gallon. At this price, it would cost \$52.7 to fill up a 17-gallon tank.
- 3 Jessica Semega and Melissa Kollar, U.S. Census Bureau, *Income in the United States: 2021* (Sept. 2022), <https://www.census.gov/library/publications/2022/demo/p60-276.html>.
- 4 U.S. Census Bureau, Current Population Survey (CPS) – Subject Definitions, “Earnings,” <http://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html>.
- 5 *Id.* See definition for “work experience.”
- 6 *Id.* See definition for “income measurement.”
- 7 U.S. Census Bureau, Current Population Survey (CPS) – Subject Definitions, “Earnings,” <http://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html>.
- 8 *Id.* See definition for “income measurement.”
- 9 Figures for Asian American, Native Hawaiian, and other Pacific Islander women and Native American women are NWLC calculations using 2021 American Community Survey microdata, <https://www.census.gov/programs-surveys/acs/>. Respondents self-identify their sex as either male or female and self-identify their race and whether they are of Hispanic, Latino, or Spanish origin.
- 10 Figures for Black women and Latinas are NWLC calculations using CPS, 2022 ASEC, *supra* note 1, Table PINC-05. White, non-Hispanic women who work full time, year round make 80 cents for every dollar made by their white, non-Hispanic male counterparts (CPS, 2022 ASEC, *supra* note 1, Table PINC-05). Black women refer to those who self-identified in the CPS as Black alone and Latinas may be of any race and are those who self-identified they are of Spanish, Hispanic, or Latino origin. White, non-Hispanic men and women are those who self-identified as white alone, but who are not of Spanish, Hispanic, or Latino origin.
- 11 NWLC calculations using U.S. Census Bureau, Tables B20017C and B20017H from 2021 American Community Survey, <https://data.census.gov/cedsci/>.
- 12 Figures are NWLC calculations based on CPS, 2022 ASEC, *supra* note 1, Table PINC-05.
- 13 NWLC calculations using U.S. Census Bureau, Tables B20017C and B20017H from 2021 American Community Survey, <https://data.census.gov/cedsci/>.
- 14 Figures for Asian American, Native Hawaiian, and other Pacific Islander women and Native American women are NWLC calculations using 2021 American Community Survey microdata, <https://www.census.gov/programs-surveys/acs/>. Respondents self-identify their sex as either male or female and self-identify their race and whether they are of Hispanic, Latino, or Spanish origin.
- 15 Figures for Black women and Latinas are NWLC calculations using CPS, 2022 ASEC, *supra* note 1, Table PINC-05. All white, non-Hispanic women make 73 cents for every dollar made by their white, non-Hispanic male counterparts (CPS, 2022 ASEC, *supra* note 1, Table PINC-05). Black women refer to those who self-identified in the CPS as Black alone and Latinas may be of any race and are those who self-identified they are of Spanish, Hispanic, or Latino origin. White, non-Hispanic men and women are those who self-identified as white alone, but who are not of Spanish, Hispanic, or Latino origin.
- 16 NWLC calculations using U.S. Census Bureau, Tables B20017C and B20017H from 2021 American Community Survey, <https://data.census.gov/cedsci/>.
- 17 Jasmine Tucker, “The Wage Gap Shortchanges Mothers” (National Women’s Law Center, August 2022), <https://nwlc.org/resource/mothers-equal-pay-day/#:~:text=Among%20full%2Dtime%2C%20year%2D,month%2C%20or%20%2417%2C000%20per%20year>.
- 18 Brooke LePage, “Resilient But Not Recovered: Mothers in the COVID-19 Crisis” (National Women’s Law Center, August 2022), https://nwlc.org/wp-content/uploads/2022/08/Moms_RESILIENT_FS-Final-August-2022.pdf.
- 19 See Jasmine Tucker, “The Wage Gap Shortchanges Mothers.”
- 20 NWLC calculations, CPS, 2022 ASEC, *supra* note 1, Table PINC-05.
- 21 *Id.* These calculations were not adjusted for inflation and assume a constant gap of \$9,954 for women working full time, year round, calculated by subtracting women’s median earnings (\$51,) from men’s (\$61,180).
- 22 Bradley Hardy and Trevon Logan, “Race and the Lack of Intergenerational Economic Mobility in the United States” (Washington Center for Equitable Growth, February 2020) <https://equitablegrowth.org/race-and-the-lack-of-intergenerational-economic-mobility-in-the-united-states/>.
- 23 D’Vera Cohn, Juliana Menasce Horowitz, Rachel Minkin, Richard Fry, and Kiley Hurts, “Financial Issues Top the List of Reasons U.S. Adults Live in Multigenerational Homes,” (Pew Research Center, March 2022), <https://www.pewresearch.org/social-trends/2022/03/24/financial-issues-top-the-list-of-reasons-u-s-adults-live-in-multigenerational-homes/>.
- 24 NWLC calculations using U.S. Social Security Administration, Annual Statistical Supplement to the Social Security Bulletin, 2022, Table 5.A16, <https://www.ssa.gov/policy/docs/statcomps/supplement/2022/5a.html#table5.a16>. The average monthly benefit for retired worker female beneficiaries 65 and older was \$1,504.05, or about \$18,049 per year as of December 2021, compared to \$1,861.57 per month, or \$22,339 per year for all male beneficiaries 65 and older. Data are preliminary.
- 25 Lauren Bauer, Veronica Clevestine, Moriah Macklin, “Examining the Economic Status of Same-Gender Relationship Households” (the Brookings Institution, January 2022) <https://www.brookings.edu/blog/up-front/2022/01/20/examining-the-economic-status-of-same-gender-relationship-households/>.

- 26 Kristen Schilt and Matthew Wiswall, "Before and After: Gender Transitions, Human Capital, and Workplace Experiences," *The B.E. Journal of Economic Analysis & Policy* 8, no. 1 (Sept. 2008), <http://www.degruyter.com/view/j/bejeap.2008.8.1/bejeap.2008.8.1.1862/bejeap.2008.8.1.1862.xml>.
- 27 NWLC calculations based on CPS, 2021 ASEC using IPUMS, available at <https://ipums.org/>. People with disabilities reported having difficulty on at least one of six CPS cognitive difficulties.
- 28 Rabia Belt and Doron Dorfman, "Subminimum Employment for People with Disabilities," (Stanford Law School, November 2018), <https://law.stanford.edu/2018/11/01/subminimum-employment-for-people-with-disabilities/>.
- 29 NWLC calculations from CPS, 2022 ASEC, *supra* note 1, Table PINC-03. This compares median earnings for men and women 25 and older who worked full-time, year-round and all workers who have some high school education but did not graduate or receive a GED.
- 30 *Id.* Figures are for workers who graduated from high school (including those who received GEDs).
- 31 Jasmine Tucker, "The Wage Gap Has Robbed Women of Their Ability to Weather COVID-19" (National Women's Law Center, Mar. 2021), <https://nwlc.org/wp-content/uploads/2021/03/EPD-2021-v1.pdf>.
- 32 NWLC calculations based on CPS, 2020 ASEC using IPUMS, available at <https://ipums.org/>. The low-paid workforce is defined as the 40 detailed occupations that have the lowest median hourly wages based on U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/2018/may/oes_nat.htm.
- 33 Francine Blau and Lawrence Kahn, "The Gender Wage Gap: Extent, Trends and Explanations" (Nat'l Bureau of Economic Research, (Jan. 2016), <http://www.nber.org/papers/w21913.pdf>.
- 34 See Blau and Kahn, *supra* note 23 at 33 for a review.
- 35 Corrine A. Moss-Racusin, et al., "Science Faculty's Subtle Gender Biases Favor Male Students," *Proceedings of the National Academy of Sciences of the United States of America* 109, no. 41 (Oct. 2012): 16474-16479, <http://www.pnas.org/content/109/41/16474.abstract#aff-1>.
- 36 "Asking for Salary History Perpetuates Pay Discrimination from Job to Job" (National Women's Law Center, Jan. 2020), <https://nwlc-ci49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2018/12/Asking-for-Salary-History-Perpetuates-Discrimination-1.14.2020-v2.pdf>.
- 37 James E. Bessen, ChenMeng, and Erich Denk, "Perpetuating Inequality: What Salary History Bans Reveal About Wages" (Boston University School of Law, June 2020), <https://ssrn.com/abstract=3628729>; Drew McNichols, "Information and the Persistence of the Gender Wage Gap; Early Evidence from California's Salary History Ban" (Feb. 1, 2019), <https://ssrn.com/abstract=3277664>.
- 38 Blau and Kahn, *supra* note 23 at 8, 72.
- 39 Shengwei Sun, Jake Rosenfeld, and Patrick Denice, "On the Books, Off the Record: Examining the Effectiveness of Pay Secrecy Laws in the U.S." (Institute for Women's Policy Research, Jan. 2021), <https://iwpr.org/wp-content/uploads/2021/01/Pay-Secrecy-Policy-Brief-v4.pdf>.
- 40 Claire Ewing-Nelson, "As State and Local Governments Face a Fiscal Crisis, Women's Jobs Are on the Line" (National Women's Law Center, Jul. 2020), <https://nwlc.org/wp-content/uploads/2020/07/Governmentworkersfactsheet-2.pdf>.
- 41 Marlene Kim, "Pay Secrecy and the Gender Wage Gap in the United States," *Industrial Relations* 54, no. 4 (Oct. 2015):648-667.
- 42 Jasmine Tucker and Julie Vogtman, "When Hard Work is Not Enough: Women in Low-Paid Jobs" (National Women's Law Center, Apr. 2020), <https://nwlc.org/resources/when-hard-work-is-not-enough-women-in-low-paid-jobs/>.
- 43 NWLC calculations based on CPS, 2019 ASEC using IPUMS, available at <https://ipums.org/>. The high-wage workforce is defined as 40 detailed occupations that have the highest median hourly wages based on U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm.
- 44 Bettina J. Casad, Zachary W. Petzel, and Emily A. Ingalls, "A Model of Threatening Academic Environments Predicts Women STEM Majors' Self-Esteem and Engagement in STEM," *Sex Roles* 80 (2019):469-488, <https://doi.org/10.1007/s11199-018-0942-4>; Sarah Hand, Lindsay Rice, and Eric Greenlee, "Exploring Teachers' and Students' Gender Role Bias and Students' Confidence in STEM Fields," *Social Psychology of Education* 20 (2017):929-945, <https://doi.org/10.1007/s11218-017-9408-8>; Dawn Johnson, "Campus Racial Climate Perceptions and Overall Sense of Belonging Among Racially Diverse Women in STEM Majors," *Journal of College Student Development* 53, no. 2 (March/April 2012): 336-346, http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_college_student_development/v053/53.2.johnson.html.
- 45 See Philip N. Cohen, "Devaluing and Revaluing Women's Work," *Huffington Post*, May 25, 2011, http://www.huffingtonpost.com/philip-n-cohen/devaluing-and-revaluing-w_b_444215.html, and Kathrin Leuze and Susanne Straub, "Why do occupations dominated by women pay less? How 'female-typical' work tasks and working-arrangements affect the gender wage gap among higher education graduates," *Work, Employment & Society* (2016), <https://d-nb.info/1119707552/34>.
- 46 Asaf Levanon, Paula England, and Paul Allison, "Occupational Feminization and Pay: Assessing Causal Dynamic Using 1950-2000 U.S. Census Data," *Social Forces* 88, no.2 (Dec. 2009):865-891, <http://sf.oxfordjournals.org/content/88/2/865.short>.
- 47 Michelle J. Budig and Paula England, "The Wage Penalty for Motherhood," *American Sociological Review* 66, no. 2 (Apr. 2001): 213, <http://www.jthomasniu.org/class/781/Assigns/budig-wage.pdf>.
- 48 Michelle J. Budig and Melissa J. Hodges, "Differences in Disadvantage: Variation in the Motherhood Penalty across White Women's Earnings Distribution," *American Sociological Review* 75, no. 5 (Oct. 2010): 1-24, https://www.researchgate.net/profile/Michelle_Budig/publication/241644194_Differences_in_Disadvantage_Variation_in_the_Motherhood_Penalty_across_White_Womens_Earnings_Distribution/links/0deec52d6c3611b301000000.pdf.
- 49 Elizabeth Weingarten, Pranac Trewn, Manasee Desai, and Katy Davis, "From Ideal Worker to Ideal Workplace: Using Behavioral Design to Create More Equitable Companies" (Ideas42 and Time's Up Foundation, March 2021), <https://www.ideas42.org/wp-content/uploads/2021/03/From-Ideal-Worker-to-Ideal-Workplace.pdf>.
- 50 Shelley J. Correll, Stephan Benard, and In Paik, "Getting a Job: Is There a Motherhood Penalty," *Am. J. Sociology* 112, no. 5 (March 2007): 1297-1338, https://sociology.stanford.edu/sites/g/files/sbiybj9501/f/publications/getting_a_job_is_there_a_motherhood_penalty.pdf.
- 51 For child care resources, see Leila Schochet, "The Child Care Crisis Is Keeping Women Out of the Workforce" (Center for American Progress, Mar. 2019), <https://www.americanprogress.org/issues/early-childhood/reports/2019/03/28/467488/child-care-crisis-keeping-women-workforce/>; D'Vera Cohn, Gretchen Livingston, and Wendy Wang, "After Decades of Decline, A Rise in Stay-at Home Mothers" (Pew Research Center, Apr. 2014), <http://www.pewsocialtrends.org/2014/04/08/after-decades-of-decline-a-rise-in-stay-at-home-mothers/>; Sharon R. Cohany and Emy Sok, Bureau of Labor Statistics, "Trends in Labor Force Participation of Married Mothers of Infants," *Monthly Labor Review* (Feb. 2007): 16 (note 8), <http://www.bls.gov/opub/mlr/2007/02/art2full.pdf>. For paid leave resources, see, e.g., Linda Houser and Thomas P. Vartanian, "Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public" (Rutgers Center for Women and Work, Jan. 2012), <http://www.nationalpartnership.org/research-library/work-family/other/pay-matters.pdf>; Amanda Novello, "The Cost of Inaction: How a Lack of Family Care Policies Burdens the U.S. Economy and Families (National Partnership for Women & Families, July 2021), <https://www.nationalpartnership.org/our-work/resources/economic-justice/other/cost-of-inaction-lack-of-family-care-burdens-families.pdf>.

- 52 See Shelly Lundberg and Elaina Rose, “Parenthood and the Earnings of Married Men and Women,” *Labour Economics* 7, no. 6 (Nov. 2000): 689-710 and Steven Greenhouse, *The Big Squeeze* (Knopf Doubleday Publishing Group, 2008), 194.
- 53 See, e.g., Houser and Vartanian, *supra* note 43, at 6-7, and Schochet, *supra* note 43.
- 54 Martha J. Bailey, Brad Hershebin, and Amalia R. Miller, “The Opt-In Revolution? Contraception and the Gender Gap in Wages” (Nat’l Bureau of Economic Research, June 2012), <http://www.nber.org/papers/w17922.pdf>.
- 55 Ravid, Itay and Zandberg, Jonathan, The Future of Roe and the Gender Pay Gap: An Empirical Assessment (March 2, 2022). 98 Indiana L. J. ____ (forthcoming, 2023), Available at SSRN: <https://ssrn.com/abstract=4048004> or <http://dx.doi.org/10.2139/ssrn.4048004>
- 56 Amanda Fins, Sarah David Heydemann, and Jasmine Tucker, “Unions Are Good for Women,” (National Women’s Law Center, Jul. 2021), <https://nwlc.org/wp-content/uploads/2021/07/Union-Factsheet-9.8.21.pdf>.
- 57 Danielle Paquette, “Pay Doesn’t Look the Same for Men and Women at Top Newspapers,” *Washington Post*, Mar. 10, 2016, <https://www.washingtonpost.com/news/work/wp/2016/03/10/pay-doesnt-look-the-same-for-men-and-women-at-top-newspapers/>.
- 58 Danielle Paquette, “Under Pressure, the Wall Street Journal Pledges to Wipe Out Its Race and Gender Pay Gaps,” *Washington Post*, Mar. 25, 2016, <https://www.washingtonpost.com/news/work/wp/2016/03/25/under-pressure-the-wall-street-journal-pledges-to-wipe-out-its-race-and-gender-pay-gaps/>.
- 59 “How the Paycheck Fairness Act Will Strengthen the Equal Pay Act” (National Women’s Law Center, Jan. 2021), <https://nwlc.org/wp-content/uploads/2019/01/PFA-Factsheet-2021-1.27.21.pdf>; “Combating Punitive Pay Secrecy Policies” (National Women’s Law Center, Feb. 2019), <https://nwlc.org/wp-content/uploads/2019/02/Combating-Punitive-Pay-Secrecy-Policies.pdf>.
- 60 See, e.g., Women in Construction: Still Breaking Ground (National Women’s Law Center, June 2014), https://nwlc.org/wp-content/uploads/2015/08/final_nwlc_womeninconstruction_report.pdf.
- 61 “One Fair Wage: Women Fare Better in States with Equal Treatment for Tipped Workers” (National Women’s Law Center, Feb. 2021), <https://nwlc.org/resources/one-fair-wage/>; “The Raise the Wage Act: Valuing Working People and Advancing Equal Pay” (National Women’s Law Center, Mar. 2021), <https://nwlc.org/wp-content/uploads/2019/10/RTWA-FS-2021-v3.pdf>.
- 62 See, e.g., “Building a Comprehensive Child Care and Early Learning System: The Case for a \$450 Billion Investment in Child Care Over the Next 10 Years” (National Women’s Law Center, Aug. 2021), <https://nwlc.org/wp-content/uploads/2021/08/450B-Justification-Fact-Sheet.pdf>, and Karen Schulman, “On the Precipice: State Child Care Assistance Policies 2020” (National Women’s Law Center, May 2021), <https://nwlc.org/wp-content/uploads/2021/05/NWLC-State-Child-Care-Assistance-Policies-2020.pdf>.
- 63 See, e.g., “The Pregnant Workers Fairness Act: Making Room for Pregnancy on the Job” (National Women’s Law Center, Aug. 2021), <https://nwlc.org/wp-content/uploads/2021/02/PWFA-Making-Room-for-Pregnancy-v4.2-2021.pdf>, and “It Shouldn’t Be a Heavy Lift: Fair Treatment for Pregnant Workers” (National Women’s Law Center, June 2013), https://nwlc.org/wp-content/uploads/2015/08/pregnant_workers.pdf.
- 64 See, e.g., “The Schedules That Work Act: Giving Workers the Tools They Need to Succeed” (National Women’s Law Center, Oct. 2019), <https://nwlc.org/wp-content/uploads/2019/10/Schedules-that-Work-Act-Giving-Workers-the-Tools-2019-v3.pdf>.
- 65 See, e.g., “Paid Family and Medical Leave Will Support an Equitable Economic Recovery” (National Women’s Law Center, May 2021), <https://nwlc.org/wp-content/uploads/2021/05/PaidLeaveFS.pdf>, and “Paid Sick Days Will Support an Equitable Economic Recovery” (National Women’s Law Center, May 2021), <https://nwlc.org/wp-content/uploads/2021/05/PaidSickFS.pdf>.
- 66 See, e.g., “Promoting Equitable Access to Health Care in Response to COVID-19” (National Women’s Law Center, March 2020), https://nwlc.org/wp-content/uploads/2020/03/NWLC_FactSheet_COVIDxRepro.pdf.
- 67 See, e.g., Fins, David Heydemann, and Tucker, “Unions are Good for Women,” and Kayla Patrick and Sarah David Heydemann, “Union Membership is Critical For Equal Pay” (National Women’s Law Center Mar. 2018), <https://nwlc.org/wp-content/uploads/2016/02/Union-Membership-is-Critical-for-Equal-Pay-2018.pdf>.