



POLICY AGENDA

# ADVANCE GENDER JUSTICE BY GROWING WORKER POWER

The lack of worker protections in our nation's employment laws gives employers a tremendous amount of power over their workers, jeopardizing women's and LGBTQI+ people's ability to make a safe and secure living for themselves and their families. Too often, for example, employers exert complete control over a worker's schedule and deprive them of any time outside of work to take care of their personal responsibilities, with many workers lacking even one paid day off to attend to their health or caregiving needs. Even when they have legal protections through anti-discrimination laws, workers are often afraid to come forward, and the laws are frequently undermined by loopholes and lack of enforcement. The financial precarity experienced by workers in low-paid, low-benefit jobs—who are [disproportionately Black women and other women of color](#)—makes it extremely risky to leave a bad job situation. As a result, millions of workers are forced to live paycheck to paycheck or work multiple jobs to survive.

## THE UNITED STATES NEEDS AN ECONOMY THAT ENSURES EVERYONE CAN WORK WITH SAFETY, EQUALITY, AND DIGNITY

Correcting this imbalance by increasing workers' bargaining power and protecting the right to organize is an essential part of leveling the playing field for women and LGBTQI+ workers. The power of unions to organize workers and bargain collectively is one of the strongest tools workers have at their disposal: although individual workers may lack bargaining power on their own, by joining together and acting collectively, workers can increase their power in the workplace. Unionized workers have [higher wages, better benefits, and greater job security](#).

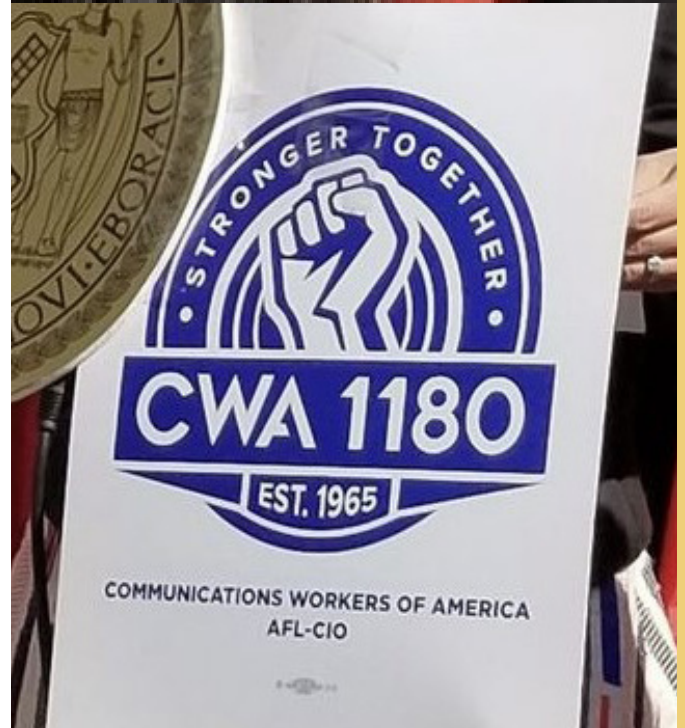
Increasing worker power also requires enacting and strengthening labor and employment laws. For all workers—including those who do not

have the benefits of union membership—state and federal law enshrines many vital civil rights protections and basic labor standards that place checks on employer power and enable workers to harness the power of the courts or the government to secure their rights. Across races, genders, and political affiliations, people are **united in their strong support** for policymakers to enact laws providing greater protections for workers.

## **POLICIES THAT WILL WORK TOGETHER TO RESTORE WORKERS' POWER OVER THEIR LIVES INCLUDE:**

**Ending Discriminatory Pay Practices.** When employers get away with paying women workers less than their white male counterparts, there are **long-lasting repercussions** for women's housing, education, health, and retirement. The gender wage gap is estimated to cost a woman **\$399,600** over the course of a 40-year career. The gaps for **women of color, mothers, lesbian women, and transgender women** are particularly staggering and set back their family economic security by years or even decades. **States must help** level the playing field for working women by enacting laws to promote fair pay, 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 **workplace harassment is widespread**, and longstanding gaps in federal and state law have stymied efforts to address and prevent it. 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 with little or no legal recourse. **States can take the lead** in ending workplace harassment by extending anti-harassment protections to independent contractors, small business employees, and other excluded workers; strengthening protections against retaliation so that workers who experience harassment can come forward without risking their jobs or their safety; increasing funding for state enforcement agencies, legal services, and community-based organizations



that serve victims of harassment, including those who experience sexual assault; extending the statute of limitations for bringing all discrimination claims, including harassment claims, to at least three years; improving victims' access to justice and ability to hold employers and individual harassers accountable; increasing monetary damages; restricting employers' efforts to impose secrecy regarding harassment, such as through nondisclosure agreements; and emphasizing prevention strategies.

### **Raising the Minimum Wage and Ending**

**Exclusions.** In most states, the [minimum wage is still below \\$12 per hour](#), keeping workers—especially [women of color](#)—and their families in (or perilously close to) poverty. And for some workers, the minimum wage is even lower. In most states, employers can count tips toward wages and pay tipped employees a “minimum cash wage” that is [typically less than \\$5 per hour](#), and many states also allow employers to pay subminimum wages to disabled and/or young workers in certain circumstances. But **states can shift power** to working people and help dismantle—rather than entrench—inequities in our economy by eliminating these exclusions and phasing out any lower minimum wages applicable to tipped workers, youth, workers with disabilities, and others. States should also ensure that the minimum wage is enough to enable workers to meet basic needs by gradually raising it to at least \$17 per hour—ideally more—then indexing it to rise annually based on increases in median wages or the cost of living.

**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 breadwinners and caregivers](#) for their families. **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.** No one should have to worry about losing their job because of their reproductive health decisions. But [across the country](#), employees are being punished, threatened, or fired for using birth control, having or contemplating an abortion, undergoing in vitro fertilization, or having sex without being married. With abortion access in crisis, and increased attacks on contraception and fertility treatments, like IVF, people's reproductive health decisions are increasingly under scrutiny. Reproductive health 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. Although many state and federal laws protect against reproductive health discrimination as a form of sex or pregnancy discrimination, narrow or erroneous court decisions have created loopholes in these laws. **States can protect** working people from this discrimination by specifically prohibiting employers from taking adverse actions against their employees because of an employee's reproductive health decision.

### **Protecting Caregivers Against Discrimination.**

Providing care—for children, parents, or chosen family—is part of daily reality for millions of people across the country. Unfortunately, caregivers, particularly women, still face discrimination in the workplace, stemming in part from outdated stereotypes regarding gender norms and expectations around “women's work.” Workers who are caregivers do have some protections against discriminatory treatment in the workplace through a patchwork of federal laws including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Pregnant Workers Fairness Act, and Family and Medical Leave Act. However, because of the gaps in these laws and the difficulty some employees have in proving discrimination because of their caregiving responsibilities, some workers still lack protection. **States are increasingly taking action** to explicitly protect caregivers from discrimination in the workplace. Often, caregiver status is added to existing antidiscrimination laws as a protected category, like race, sex, religion, or national origin. The most common type of caregiver discrimination covered by state and local laws is discrimination against parents, commonly referred to as “parental status” or “familial status,” but broad and inclusive language that recognizes an individual's chosen family best protects caregivers and reflects their lived experiences.

**Guaranteeing Paid Family and Medical Leave and Paid Sick Days.** Everyone needs time to care for themselves and their loved ones—but people working in low-paid jobs, who are least likely to be able to afford to take unpaid time off from work, are also least likely to have access to any paid sick days or paid family or medical leave. This reality leaves many women of color—who are disproportionately likely to hold low-paid jobs, and to be both breadwinners and caregivers for their families—and other working people with the impossible choice between caring for themselves or their families and maintaining their financial security. **States can establish** programs to guarantee at least 12 weeks of universal, comprehensive **paid family and medical leave for all**, ensuring that working people are able to take the time they need to bond with a new addition to the family, or to care for themselves or their loved ones when a serious illness strikes. And they can enable everyone to protect their health, attend doctor’s appointments, and deal with unanticipated illnesses, without threatening their economic security, by ensuring that all employees can earn at least seven **paid sick days** each year.

**Restoring and Expanding the Right to Organize.** Union membership is a **key driver of gender equity**: Women who are union members experience greater economic security for themselves and their families than nonunion members, including higher and more equal wages. For women of color, who face the most significant pay gaps and discrimination at work, union membership provides particularly meaningful wage improvements. Union members also have greater access to benefits—such as paid sick leave, predictable schedules, affordable health insurance, and retirement benefits—and the right not to be fired without cause. But decades of corporate attacks and employer anti-union tactics have gutted the federal law designed to protect the right to organize, the National Labor Relations Act (NLRA). What’s more, many groups of workers, including domestic workers and farmworkers, are left out of the NLRA’s protections. **States can take the lead** by **strengthening collective bargaining rights**, including for their own state and local government workers, as well as by extending protections to workers not covered by the NLRA.



Mary Luke of PowHerNY, Gloria Middleton of CWA Local 1180, Beverly Neufeld of PowHerNY, and Seher Khawaja of Legal Momentum (p. 21) rally at an Equal Pay Day press conference organized by the PowHer New York Network on the steps of New York City Hall highlighting continuing wage disparities for New York women, especially women of color, and calling on leaders to strengthen New York City’s and the state’s pay transparency laws. PowHerNY is comprised of 100+ gender and racial justice organizations and unions working in collaboration for women’s economic equality. Photo by Amplify Her Foundation.