

# THE SIMPLE TRUTH ABOUT THE GENDER PAY GAP

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FALL 2018 EDITION



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## ACKNOWLEDGMENTS

The Fall 2018 edition of *The Simple Truth about the Gender Pay Gap* was written by AAUW Senior Researcher Kevin Miller and Senior Vice President for Public Policy and Research Deborah J. Vagins. Director of Federal Policy Anne Hedgepeth and State Policy Counsel Kate Nielson contributed additional writing, and Research Assistant Raina Nelson provided research support. We are grateful for the contributions of former members of our research, policy, and editorial teams who helped build *The Simple Truth* into a preeminent source for facts and guidance on the gender pay gap.

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# FOREWORD

Research has been a key element of AAUW's work for women's pay equity since the release of our 1896 report *Compensation in Certain Occupations of Women Who Have Received College or Other Special Training*. Research empowers our members and other advocates with the facts they need to express the problems associated with the gender pay gap: It's real, it's persistent, and it's causing economic hardships for women and their families. And, as demonstrated by the fact that we've been working on this issue since 1896, the gap is closing too slowly.

This year AAUW released its strategic plan with a vision to achieve equity for all. Closing the gender pay gap is a core element of our work to improve women's economic security, and our research informs and enhances our ongoing programs and advocacy that are pushing to end the pay gap. We continue to advocate for much-needed federal legislation that would strengthen fair-pay laws and level the playing field for women. We've also been proud to support and witness real progress at the local and state level, as lawmakers devise creative approaches to closing the gender pay gap. We promote best practices for employers, and we are working to empower women to secure their financial futures. In partnership with cities and organizations across the United States, our Start Smart and Work Smart salary negotiation workshops and newly-launched online e-learning tool are expanding to help millions of women secure the pay they deserve.

Pay equity will continue to be an AAUW priority until the gap is fully eliminated. We hope this new edition of *The Simple Truth* motivates and empowers you as you join us in this cause.



Julia T. Brown, Esq.  
Board Chair



Kimberly Churches  
Chief Executive Officer

# INTRODUCTION

In 2017, women working full time and year-round in the United States typically were paid just 80 percent of what men were paid, a gap of 20 percent (Fontenot et al., 2018).

The gap has narrowed since 1960, due largely to women's progress in education and workforce participation and to men's wages rising at a slower rate. At the rate of change between 1960 and 2017, women are expected to reach pay equity with men in 2059. But even that slow progress has stalled in recent years. If change continues at the slower rate seen since 2001, women will not reach pay equity with men until 2106 (figure 1).

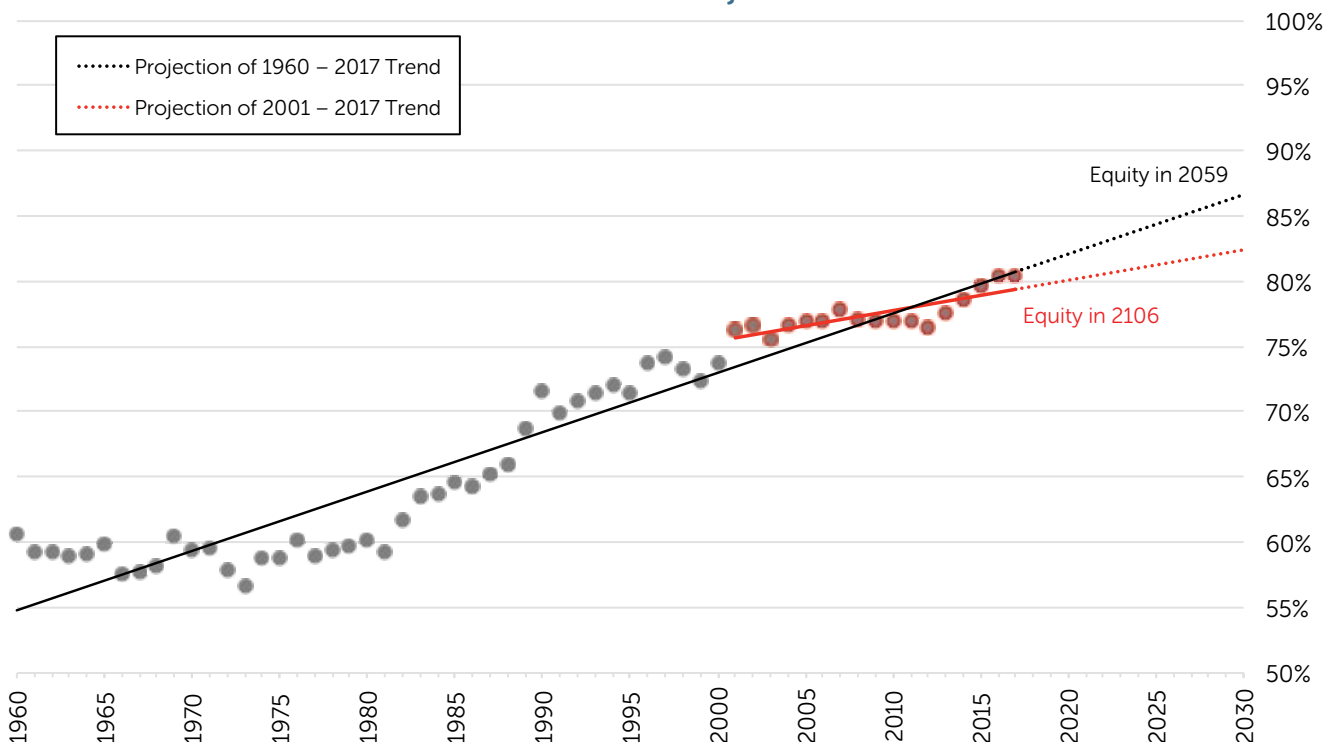
The gender pay gap has lifelong financial effects. For one, it contributes directly to women's poverty. In 2017, 13 percent of American women ages 18–64 were living below the federal poverty level, compared with 9 percent of men. For ages 65 and older, 11 percent of women and 8 percent of men were living in poverty (Fontenot et al., 2018).

The pay gap follows women throughout their time in the workforce, and even after they leave the workforce. Employers' use of women's prior salary history to set their wages in new jobs means wage discrimination carries forward from job to job, compounding over time. And because women typically are paid less than men during working years, women receive less income than men do from Social Security, pensions, and other sources when they retire. (Fischer & Hayes, 2013).

Other benefits, such as disability and life insurance, are also smaller for women because these benefits usually are based on earnings.

The impact of the pay gap has also broadened in recent years as a result of changes in family structure. Between 1967 and 2015, the proportion of mothers working outside the home and contributing at least

**FIGURE 1: Women's Median Annual Earnings as a Percentage of Men's for Full-time, Year-round Workers 1960-2017 and Projections**



Source: AAUW analysis of Fontenot (2018)

a quarter of the family's earnings rose from less than a third (28 percent) to nearly two-thirds (64 percent). Today, 42 percent of mothers with children under the age of 18 are their families' primary or sole breadwinners (Glynn, 2016). As families increasingly rely on women's wages to make ends meet, the gender pay gap directly affects more men and children as well.

Closing the gender pay gap would have a large impact on women, their families, and the economy. Eliminating the gender pay gap by increasing women's pay to match that of men of the same age and education level would cut the poverty rate for all working women in half, regardless of their family structure. Closing the gender pay gap would also provide a boost to the economy. Providing equal pay to women would increase the wages paid into the economy by \$513 billion, which represents 3 percent of the 2016 gross domestic product (Milli et al., 2017).

This guide provides key facts about the gender pay gap in the United States. Included are breakdowns of the gender pay gap by race and ethnicity, by education, by age, and by occupation, as well as a detailed discussion of the causes of the gender pay gap. In addition, the guide provides detailed recommendations about how individuals, employers, and policymakers can contribute to closing these pay gaps.



# WHAT IS THE PAY GAP?

The pay gap is the difference in men's and women's median earnings, usually reported as either the earnings ratio between men and women or as an actual pay gap, as defined below. The median value is the middle value, with equal numbers of full-time workers earning more and earning less. In 2017, median annual earnings in the United States for women and men working full time and year-round were \$41,977 and \$52,146, respectively (Fontenot et al., 2018).

---

|                                                                                               |                                                                                                                         |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Earnings Ratio</b> = $\frac{\text{Women's Median earnings}}{\text{Men's median earnings}}$ | <b>Pay Gap</b> = $\frac{[\text{Men's median earnings} - \text{Women's median earnings}]}{\text{Men's median earnings}}$ |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|

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.....

|                                                                                |                                                                                      |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>2017 Earnings Ratio</b> = $\frac{\$41,977}{\$52,146} = 80.499 \approx 80\%$ | <b>2017 Pay Gap</b> = $\frac{[\$52,146 - \$41,977]}{\$52,146} = 19.501 \approx 20\%$ |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

---

The ratio and gap above are calculated comparing women of all races and ethnicities to men of all races and ethnicities. The gap in the earnings for women of different racial and ethnic groups is usually calculated with white, non-Hispanic men as the comparison group. These comparisons are discussed in the following sections.

Earnings can also be reported on a weekly basis. The gender pay gap in weekly earnings tends to be slightly smaller than the pay gap in terms of annual earnings. In 2017, the pay gap in median weekly earnings was 18 percent (U.S. Bureau of Labor Statistics, 2018a).

## WHERE DO THE DATA COME FROM?

Federal agencies, such as the U.S. Census Bureau, the U.S. Department of Education, and the U.S. Bureau of Labor Statistics, conduct surveys of individuals, households, and businesses to gather information about people's salaries and other earnings.

Most reports on national workforce participation, pay, and pay differences depend on data from the Current Population Survey (CPS) ([www.census.gov/cps](http://www.census.gov/cps)), the country's primary source of labor force statistics. The CPS is a monthly survey with a sample of 100,000 households, sponsored jointly by the Census Bureau

and the Bureau of Labor Statistics (U.S. Census Bureau, 2016).

The estimate of the pay gap using weekly earnings is based on the annual average of median weekly earnings for the previous year, usually released every January by the Bureau of Labor Statistics ([www.bls.gov/cps](http://www.bls.gov/cps)). The estimate of the pay gap using annual earnings is based on the *CPS Annual Social and Economic Supplement*, which is published each September by the Census Bureau and the Bureau of Labor Statistics. Compared with other government surveys, the CPS provides more detailed information on income. In recent years, this information has been published in the report *Income and Poverty in the United States* (Fontenot et al., 2018).

## STATE-LEVEL DATA

A pay gap can also be calculated for each state (figure 2). The American Community Survey (ACS) ([www.census.gov/acs](http://www.census.gov/acs)) is a detailed annual survey distributed to a broad sample of U.S. households; it supplements the U.S. census of all Americans, which only occurs once per decade. The ACS is often used (including in this report) to estimate more detailed analyses of subpopulations and geographical areas, such as the

state-level pay gap and the gap for smaller racial/ethnic groups (e.g., Native Hawaiian or other Pacific Islander and American Indian or Alaska Native workers). The reason is that it includes more households—approximately 3 million per year—compared with the 100,000 surveyed in the CPS (U.S. Census Bureau, 2016). The ACS results are released annually in September, and briefs based on the survey can be found on the Census Bureau’s website. According to ACS data, in 2017 the pay gap was smallest in California, where women were paid 89 percent of what men were paid. The largest was in Louisiana, where women were paid 69 percent of what men were paid (figure 2).

**FIGURE 2: Median Annual Earnings and Earning Ratio for Full-time, Year-round Workers, by State and Gender, 2017**

|                      | Men             | Women           | Earnings Ratio |
|----------------------|-----------------|-----------------|----------------|
| California           | \$52,487        | \$46,783        | 89%            |
| District of Columbia | \$74,877        | \$66,679        | 89%            |
| New York             | \$55,636        | \$48,901        | 88%            |
| Florida              | \$42,261        | \$36,746        | 87%            |
| Delaware             | \$54,657        | \$47,052        | 86%            |
| Vermont              | \$48,924        | \$41,976        | 86%            |
| Maryland             | \$61,263        | \$52,381        | 86%            |
| Arizona              | \$46,681        | \$39,675        | 85%            |
| North Carolina       | \$46,289        | \$38,784        | 84%            |
| Rhode Island         | \$55,183        | \$46,146        | 84%            |
| Nevada               | \$45,439        | \$37,880        | 83%            |
| New Mexico           | \$42,690        | \$35,523        | 83%            |
| Massachusetts        | \$65,939        | \$54,646        | 83%            |
| Connecticut          | \$62,976        | \$52,120        | 83%            |
| Georgia              | \$47,114        | \$38,958        | 83%            |
| Maine                | \$49,476        | \$40,618        | 82%            |
| Minnesota            | \$55,812        | \$45,798        | 82%            |
| Alaska               | \$57,943        | \$47,472        | 82%            |
| Tennessee            | \$45,032        | \$36,812        | 82%            |
| Oregon               | \$50,965        | \$41,572        | 82%            |
| Colorado             | \$54,869        | \$44,733        | 82%            |
| Texas                | \$49,414        | \$40,236        | 81%            |
| Hawaii               | \$51,594        | \$41,664        | 81%            |
| <b>United States</b> | <b>\$52,146</b> | <b>\$41,977</b> | <b>80%</b>     |
| Pennsylvania         | \$52,111        | \$41,929        | 80%            |
| New Jersey           | \$64,497        | \$51,538        | 80%            |
| Wisconsin            | \$51,346        | \$40,930        | 80%            |
| North Dakota         | \$51,563        | \$40,964        | 79%            |
| New Hampshire        | \$57,966        | \$46,044        | 79%            |
| Virginia             | \$57,690        | \$45,692        | 79%            |
| Arkansas             | \$43,266        | \$34,154        | 79%            |
| Iowa                 | \$50,295        | \$39,658        | 79%            |
| Montana              | \$45,616        | \$35,964        | 79%            |
| Kentucky             | \$46,289        | \$36,487        | 79%            |
| Missouri             | \$47,436        | \$37,339        | 79%            |
| Washington           | \$60,893        | \$47,681        | 78%            |
| Michigan             | \$51,749        | \$40,453        | 78%            |
| Ohio                 | \$51,000        | \$39,774        | 78%            |
| Illinois             | \$55,585        | \$43,149        | 78%            |
| Wyoming              | \$51,948        | \$40,200        | 77%            |
| South Carolina       | \$45,477        | \$35,142        | 77%            |
| Nebraska             | \$50,293        | \$38,726        | 77%            |
| Kansas               | \$49,267        | \$37,931        | 77%            |
| Oklahoma             | \$46,114        | \$35,488        | 77%            |
| South Dakota         | \$46,170        | \$35,424        | 77%            |
| Mississippi          | \$42,287        | \$32,441        | 77%            |
| Idaho                | \$46,241        | \$34,665        | 75%            |
| West Virginia        | \$47,425        | \$35,078        | 74%            |
| Alabama              | \$48,199        | \$35,414        | 73%            |
| Indiana              | \$50,782        | \$37,167        | 73%            |
| Utah                 | \$52,249        | \$37,252        | 71%            |
| Louisiana            | \$50,445        | \$34,708        | 69%            |

Note: National data include workers ages 15 and older and are based on the Current Population Survey. State-level statistics include workers ages 16 and older are based on the American Community Survey.

Source: Fontenot et al. (2018), U.S. Census Bureau (2018a)

# HOW DOES THE PAY GAP AFFECT WOMEN OF DIFFERENT DEMOGRAPHICS?

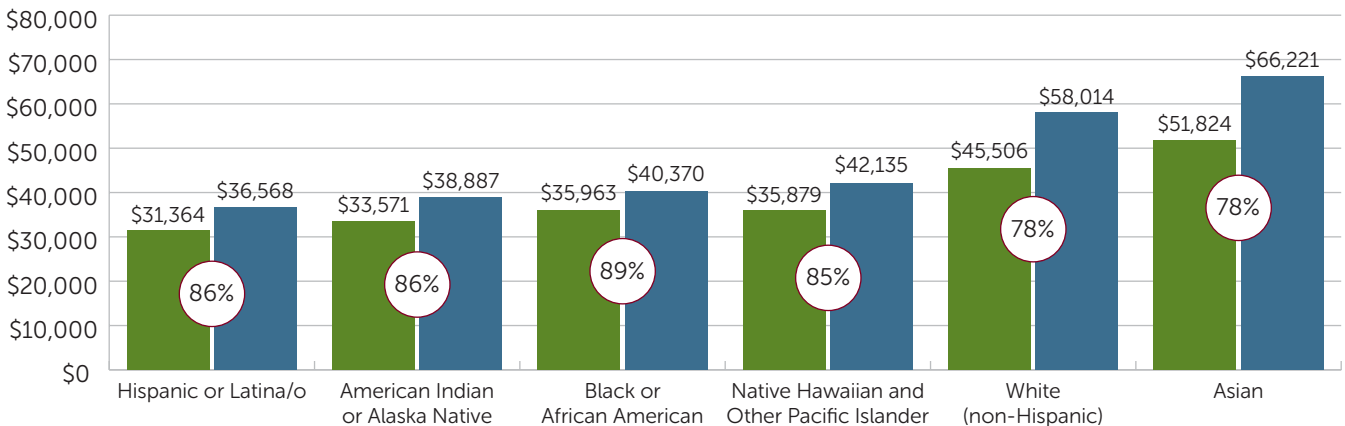
The pay gap affects women from all backgrounds, at all ages, and of all levels of educational achievement, although earnings and the gap vary depending on a woman's individual situation.

## RACE/ETHNICITY

The overall gender pay gap is useful for understanding the impact of gender on women's pay, but there is no single gender pay gap or race pay gap since women of different backgrounds have very different experiences and earnings. However, across all racial and ethnic groups, women working full time are typically paid less

than men in the same group (figure 3). Among full-time workers in 2017, Hispanic or Latina, American Indian or Alaska Native (AIAN), black or African American, and Native Hawaiian or other Pacific Islander (NHPI) women had lower median annual earnings compared with non-Hispanic white and Asian women.

**FIGURE 3: Median Annual Earnings, by Race/Ethnicity and Gender, 2017**



Source: U.S. Census Bureau (2018a)

Because non-Hispanic white men are the largest and most advantaged demographic group in the labor force, they are often used as a benchmark for the earnings of women of different races and ethnicities. Compared with the salaries of white men, Asian women's salaries show the smallest gender pay gap, at 85 percent of white men's earnings. The gap was largest for Hispanic women, who were paid only 53 percent of what white men were paid in 2017 (figure 4).

**FIGURE 4: Women's Earnings as a Percentage of White Men's Earnings, by Race/Ethnicity, 2017**

|                                           | Current Population Survey (CPS) | American Community Survey (ACS) |
|-------------------------------------------|---------------------------------|---------------------------------|
| Hispanic or Latina                        | 53%                             | 54%                             |
| Black or African American                 | 61%                             | 62%                             |
| White (non-Hispanic)                      | 77%                             | 78%                             |
| Asian                                     | 85%                             | 89%                             |
| Native Hawaiian or Other Pacific Islander | --                              | 62%                             |
| American Indian or Alaska Native          | --                              | 58%                             |

Note: Based on median annual earnings of full-time, year-round workers. CPS includes workers 15 and older, ACS includes workers 16 and older. The CPS is the preferred data source for income estimates, but lacks sufficient sample size for reporting on smaller demographic groups. See page 7 for a more detailed description of the CPS and ACS.

Source: U.S. Census Bureau (2018a, 2018b)

Though these are the major racial and ethnic divisions for which the U.S. government routinely provides pay breakdowns, it's important to recognize that the figures can obscure substantial variation within those groups. For instance, among Asian women in the United States, women of Indian and Chinese descent

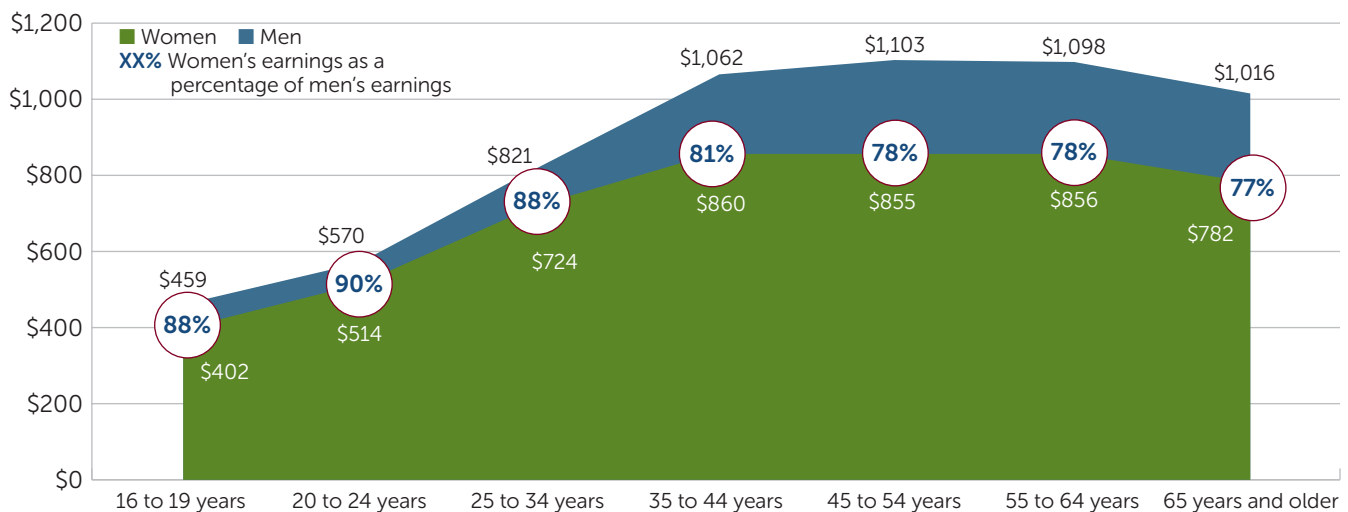
are on average paid better than the typical white man, but Burmese, Hmong, and Laotian women on average are paid significantly less—60 percent or less of what white men are paid (National Partnership for Women and Families, 2018).

## AGE

Earnings for both female and male full-time workers tend to increase with age, though earnings increase more slowly after age 45 and even decrease after age 55. The gender pay gap also grows with age, and differences among older workers are considerably larger than differences among younger workers.

In 2017, for full-time workers ages 20–24, women were paid 90 percent of what men were paid on a weekly basis. As workers grow older and progress in their careers, median earnings for women grow more slowly than median earnings for men, resulting in larger gaps for women (figure 5). Women 55–64 years old are paid 78 percent as much as men in the same age range, a gap that is more than double the gap for women ages 20–24.

**FIGURE 5: Median Weekly Earnings, by Gender and Age, 2017**



Note: Based on median usual weekly earnings of full-time wage and salary workers, 2017 annual averages

Source: U.S. Bureau of Labor Statistics (2018c)

## DISABILITY

Disability status is a challenging demographic to capture because it includes many different disabilities and conditions. In the current ACS questionnaire, disability is measured by answering questions related to six disability types: hearing, vision, cognitive, ambulatory, self-care, and independent living (U.S. Census Bureau, 2017). People with disabilities are

paid significantly less than people without a disability. In 2017, median pay for women with disabilities was 72 percent that of men with disabilities; women with a disability made 48 percent as much as men without a disability (figure 6). (These data include all workers regardless of full-time or year-round status.)

There are many factors that contribute to the pay gap for individuals with disabilities, ranging from lack of access to educational and employment opportunities to direct bias and discrimination. One likely factor is a provision of the Fair Labor Standards Act, which makes it legal to pay some people with disabilities less than minimum wage. About 150,000 Americans with disabilities are paid less than minimum wage, in some cases as little as pennies per hour (U.S. Department of Labor, 2018; U.S. Department of Justice, 2015).

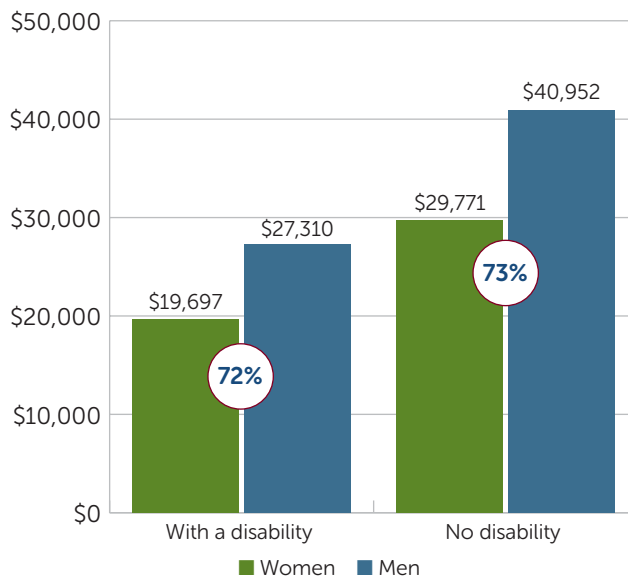
### SEXUAL ORIENTATION AND GENDER IDENTITY

A study of the pay received by gay men, lesbians, and bisexual men and women found that all three groups have labor market outcomes that diverge from heterosexual workers. Gay men are paid less than straight men, while lesbians are paid more than straight women, but both differences are attributed primarily to differences in family structure: Gay men do not receive the “fatherhood bonus” that many straight men receive, while lesbians are more likely than straight women to avoid the “motherhood penalty” due to a lower likelihood of having children (see below on the causes of the pay gap). Bisexuals seem to face lower earnings primarily as a result of discrimination (Mize, 2016).

However, the gender pay gap is consistent across sexual orientation: Regardless of sexual orientation, women tend to have lower earnings than men. As a result, eliminating the gender pay gap would lower poverty rates for couples that include at least one woman (Williams Institute, 2015).

When analyzing the gender pay gap, it’s also important to include people who do not identify with the gender they were assigned at birth. The Williams Institute estimates that 1.4 million adults in the United States identify as transgender (2016). More than one-quarter of respondents to a survey of transgender people reported an income of less than \$20,000 annually, while another analysis found that 15 percent of transgender people have earnings less than \$10,000 annually, compared to 4 percent of the general population (Grant et al., 2011). Transgender people frequently experience harassment and discrimination

**FIGURE 6: Median Annual Earnings by Disability Status and Gender, 2017**



Source: U.S. Census Bureau (2018a)

in the workplace because of their gender identity, as well as discrimination and obstacles in other domains that further harm their economic security (U.S. Equal Employment Opportunity Commission, 2018a; Center for American Progress, 2015).

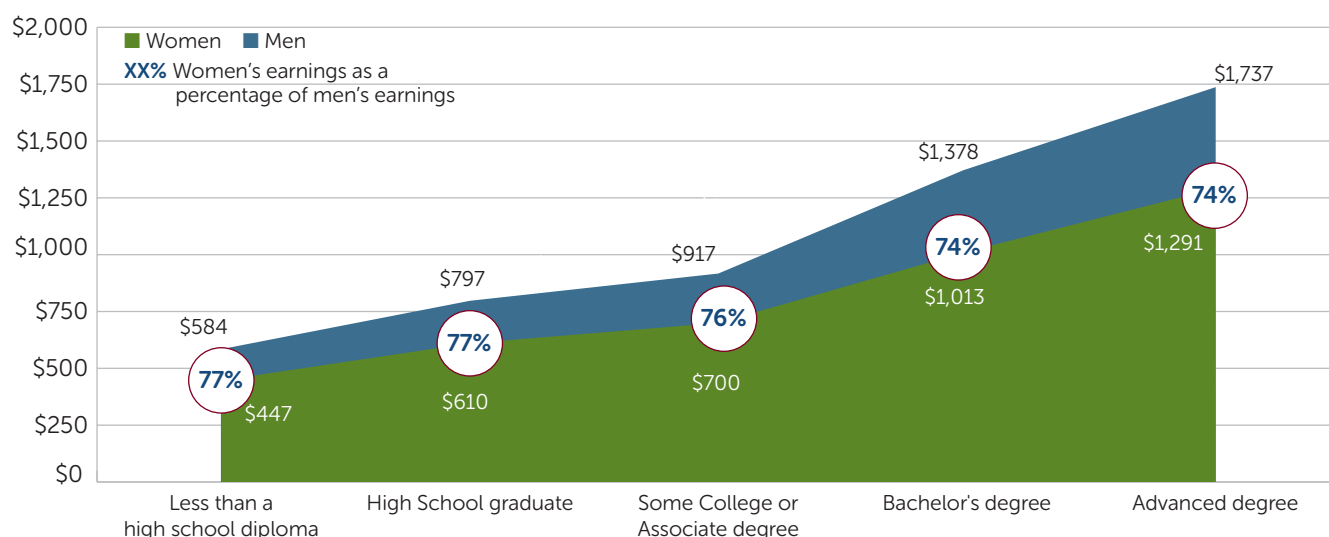
People who transition from male to female gender expression experience a drop in pay after the transition, while those who transition from female to male gender expression see no difference in pay or even a small increase (Grant et al., 2011; Schilt and Wiswall, 2008). The experiences of transgender people provide insight into gender stereotypes and bias and how these factors play a role in the gender pay gap.

While the U.S. Equal Employment Opportunity Commission (EEOC) does currently assert that lesbian, gay, bisexual, and transgender workers are protected from wage discrimination under Title VII of the Civil Rights Act of 1964 (U.S. Equal Employment Opportunity Commission, 2018a), these groups still lack uniform federal legislative protections against workplace discrimination. Federal court rulings and state and local laws are inconsistent, meaning that workplace protections for LGBT workers are not sufficiently robust or comprehensive with respect to challenging their wage gaps.

# HOW DOES EDUCATION AFFECT THE PAY GAP?

As a rule, earnings increase as years of education increase for both men and women. Though more education is an effective tool for increasing earnings, women's median earnings are less than men's median earnings at every level of academic achievement (figure 7). In *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*, AAUW found that just one year after college graduation, women were paid 82 percent of what men were paid (AAUW, 2012).

**FIGURE 7: Median Weekly Earnings, by Level of Education and Gender, 2017**



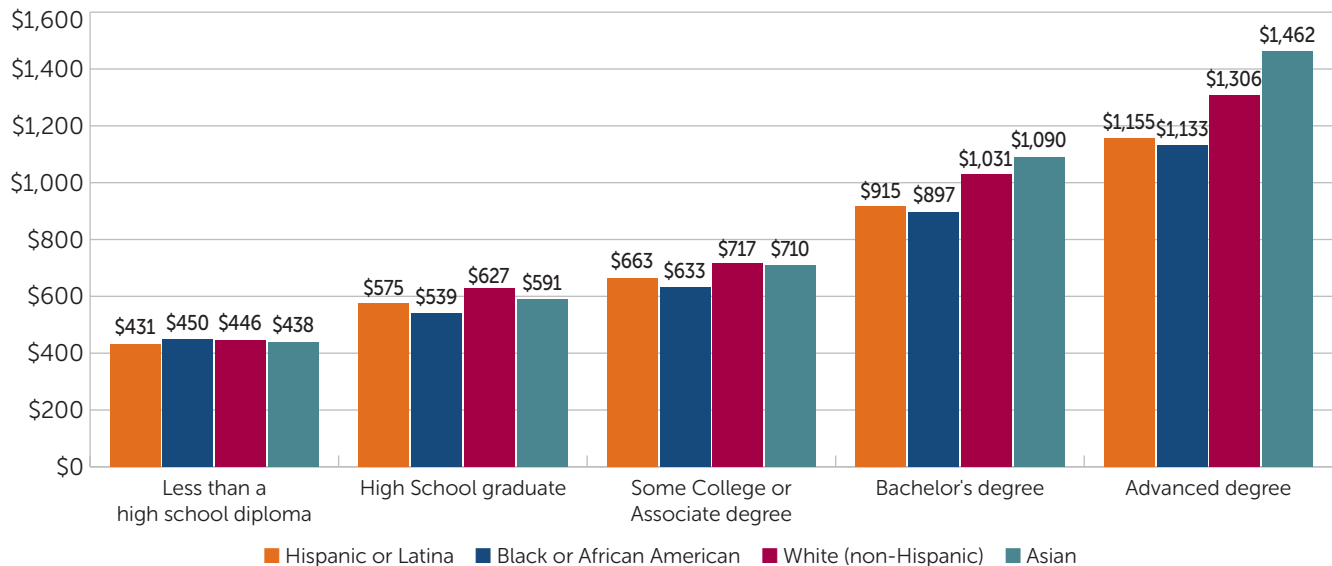
Note: Based on median usual weekly earnings of full-time wage and salary workers, ages 25 and older, 2017 annual averages.  
Source: U.S. Bureau of Labor Statistics (2018b)

Across all racial and ethnic groups, American women now earn more college and postgraduate degrees than men (U.S. Department of Education, 2016b). Though education does not eliminate the gender pay gap, the success of women in postsecondary education is helping to narrow the overall gender pay gap. Without women's greater educational attainment, the current gender pay gap would be larger (Blau and Kahn, 2017). However, women with college degrees who work full time make, on average, 26 percent less than their male peers with college degrees (figure 7). It is important to note that this gap is larger than the gap for women overall; although women with degrees have higher earnings than women without degrees, men with degrees have even higher earnings. And even when

women gain degrees in more lucrative majors and pursue higher-paying occupations, women still tend to be concentrated in lower-paying subfields and are paid less across fields, even with advanced degrees (Carnevale, 2018).

Furthermore, earnings at different education levels are affected by race and ethnicity, as well as gender. White women are paid more than black and Hispanic women at all education levels (figure 8). Research suggests that differences in education and other measurable factors explain part of the difference in earnings between racial and ethnic groups. However, as is the case with gender, part of the racial and ethnic pay gap cannot be explained by other factors known to affect earnings and is likely due to discrimination.

**FIGURE 8: Median Weekly Earnings of Women, by Race/Ethnicity and Level of Education, 2017**



Note: Based on median usual weekly earnings of full-time wage and salary workers, ages 25 and older, 2017 annual averages.  
Source: U.S. Bureau of Labor Statistics (2018b)

As discussed above, the gender pay gap persists across education levels and is worse for black and Hispanic women, even among college graduates. As a result of the pay gap, women who complete college degrees are less able than men initially to afford college and then less able to pay off their student loans promptly afterwards. As a result, women pay more in interest and make payments for a longer time. Women take on larger initial loans than men, with black women holding more debt than any other group when graduating with a bachelor's degree. AAUW's research estimates that women hold nearly two-thirds—or almost \$900 million—of outstanding student debt in the United States (AAUW, 2018a).

Student debt and the pay gap mean that women have a more difficult time making ends meet while they are repaying their loans. In 2012, among students who graduated in 2007–08, women working full time had paid off 33 percent of their student loan debt on average, while men working full time had paid off 44 percent of their debt. Black

and Hispanic women working full time are paid considerably less than men from these groups, and they struggle to pay off student loans promptly: Four years after graduation, black and Hispanic women had paid off less than 10 percent of their debt—much less than other women and men (figure 9). While repaying student loans, approximately 1 in 3 female college graduates experience difficulty meeting their financial obligations, compared to 1 in 4 men; more than half of black women with bachelor's degrees experience financial difficulties while repaying student loans (AAUW, 2018a).

**FIGURE 9: Cumulative Student Debt for 2007-08 College Graduates, by Gender and Race/Ethnicity**

|                           | Total average debt owed, 2009 | Total average debt owed, 2012 | Percentage of debt paid off, 2009-12 |
|---------------------------|-------------------------------|-------------------------------|--------------------------------------|
| <b>Men</b>                | <b>\$22,656</b>               | <b>\$12,793</b>               | <b>44%</b>                           |
| <b>Women</b>              | <b>\$24,126</b>               | <b>\$16,105</b>               | <b>33%</b>                           |
| Asian                     | \$19,687                      | \$7,679                       | 61%                                  |
| White (non-Hispanic)      | \$24,479                      | \$15,417                      | 37%                                  |
| Black or African American | \$26,535                      | \$24,116                      | 9%                                   |
| Hispanic or Latina        | \$21,626                      | \$21,026                      | 3%                                   |

Source: AAUW analysis of U.S. Department of Education (2015)

# WHAT CAUSES THE PAY GAP?

The gap of 20 cents on the dollar between men and women working full time and year-round is a statistical fact, though the overall pay gap summarizes a huge diversity of women and life circumstances. The origins of the pay gap are also more complicated than a single cause. From birth, gendered perceptions and expectations mean that boys and girls have different experiences and take different paths through education and training on their way to the workforce. Factors such as race, class, sexual orientation, and disability mean different women have different opportunities and advantages. Once in the workforce, women and men again face gendered perceptions, expectations, and other biases.

As a result of the cumulative impact of gendered experiences and biases, women and men participate in the workforce in different ways and are treated differently by employers. As noted above, women's greater educational attainment is helping to shrink the gap overall. Furthermore, unionization exerts a larger positive effect on women's wages than men's, also decreasing the size of the gap (U.S. Bureau of Labor Statistics, 2018c). But the remaining 20 cent pay gap is the result of the cumulative effect of the ways that men's and women's experiences and treatment in the workforce still differ and reduce women's earnings.

Men and women may be steered toward different industries and occupations. Sectors and jobs where men tend to work are, on average, better compensated than those where women tend to work. Moreover, due to work and home structures still built around the presumption that women will be primary caretakers, women are more likely to drop out of the workforce temporarily as a result of parenting or other family obligations. Women of color experience outcomes and pay that are worse than would be expected as a result of race and gender separately, suggesting that gendered racism is a distinct contributor to the gap. The remaining gap apart from these factors cannot be explained by other observable characteristics. Many researchers attribute it to direct gender bias and discrimination.

## OCCUPATIONAL SEGREGATION

Early in boys' and girls' educational experiences, there are gendered expectations regarding what boys and girls are "good" at or "should" be focusing on. These different expectations, as well as external pressure to conform to stereotypes about gender roles, follow women and men into classes and extracurricular activities, their college majors, and their career directions.

In 2017 the U.S. civilian workforce included 160 million full- and part-time employed workers. Of these, 53 percent were men, and 47 percent were women (U.S. Bureau of Labor Statistics, 2018d). But women and men tend to work in different kinds of jobs. Women are disproportionately represented in education, office and administrative support, and health care occupations. Men are disproportionately represented in construction, maintenance and repair, and production and transportation occupations (U.S. Bureau of Labor Statistics, 2018e). Segregation by occupation is a major factor behind the pay gap. Even though a pay gap exists within nearly every occupational field, jobs traditionally associated with men tend to pay better than traditionally female-dominated jobs that require the same level of skill (Hegewisch & Hartmann, 2014).

Occupational segregation is facilitated through the practice of "steering." Steering occurs when women are channeled into jobs with lower pay (or lower long-term pay potential) than other similar jobs, based on the

perception of “women’s work.” Therefore, compensation disparities can arise where employers track women into low-paying jobs or limit their opportunities for promotions or transfers to better jobs.

Occupational gender segregation has decreased over the last 40 years, largely due to women moving into formerly male-dominated jobs, especially during the 1970s and 1980s, and to faster growth of more evenly mixed-gender occupations in the 1990s. But integration has stalled since the early 2000s. Occupational segregation also continues to affect some women more than others: Of all racial and ethnic groups, Hispanic women and men are the least likely to work in the same jobs (Hegewisch & Hartmann, 2014).

Working in traditionally male fields will likely improve wages for individual women, but it is unlikely to eliminate the pay gap. Women in such male-dominated jobs as computer programming still face a pay gap compared with men in the field, even though women in such jobs may be paid higher salaries than women in traditionally female fields. And moving into a higher-paying field can have diminishing returns for women over time. A study of 50 years of U.S. workforce data concluded that when an influx of women enters a previously male-dominated profession, average wages

for the occupation as a whole actually decrease, even for men in the field (Levanon et al., 2009).

Women are not drawn to low-paying fields because they desire low pay; the work that women do is valued less than work done by men because that work is done by women. Men are paid more watching cars (as parking lot attendants) than women are paid watching children (as child care workers), but few would argue that the former is more intrinsically valuable work (U.S. Bureau of Labor Statistics, 2018e).

The research and data indicate, therefore, that women experience pay gaps in nearly every line of work, regardless of occupational qualifications or setting. Among the 114 occupations held by at least 50,000 men and 50,000 women in 2017, 107 had a statistically significant pay gap favoring men and six had non-significant gaps. Only one occupation had a “reverse” gap favoring women. Considering the gap in pay, along with the number of women employed in an occupation, allows for a rough estimate of how much women in that occupation could gain from equal pay: \$19.6 billion for financial managers, \$19.5 billion for doctors and surgeons, \$10.7 billion for lawyers, and \$10.0 billion for chief executives. Below are the gender pay gaps for the 10 largest occupations for women (figure 10).

**FIGURE 10: Women Employed, Earnings, Pay Ratio, and Total Occupation Gap, Largest Occupations for Women, 2017**

|                                                                     | Women Employed | Men's Median Earnings | Women's Median Earnings | Gender Pay Ratio | Occupation Gap   |
|---------------------------------------------------------------------|----------------|-----------------------|-------------------------|------------------|------------------|
| Registered nurses                                                   | 2,092,489      | \$71,590              | \$65,612                | 92%              | \$12,509,000,000 |
| Secretaries and administrative assistants                           | 2,060,289      | \$42,566              | \$38,470                | 90%              | \$8,439,000,000  |
| Elementary and middle school teachers                               | 1,933,074      | \$55,197              | \$50,766                | 92%              | \$8,565,000,000  |
| Customer service representatives                                    | 1,196,513      | \$37,623              | \$32,893                | 87%              | \$5,660,000,000  |
| First-line supervisors of retail sales workers                      | 1,177,835      | \$47,774              | \$35,217                | 74%              | \$14,790,000,000 |
| Nursing, psychiatric, and home health aides                         | 1,071,789      | \$30,125              | \$26,816                | 89%              | \$3,547,000,000  |
| Accountants and auditors                                            | 1,014,827      | \$77,320              | \$60,280                | 78%              | \$17,293,000,000 |
| Office clerks, general                                              | 734,622        | \$39,160              | \$35,226                | 90%              | \$2,890,000,000  |
| First-line supervisors of office and administrative support workers | 729,985        | \$57,466              | \$46,555                | 81%              | \$7,965,000,000  |
| Bookkeeping, accounting, and auditing clerks                        | 723,342        | \$45,254              | \$39,939                | 88%              | \$3,845,000,000  |

Source: U.S. Census Bureau (2018a)

## THE MOTHERHOOD PENALTY

Becoming a parent produces very different professional outcomes for women and men. Mothers working full time are paid 71 percent as much as fathers (National Women's Law Center, 2018). Taking time away from the workforce or cutting back hours, both more common scenarios for mothers than fathers, hurts earnings (Bertrand et al., 2010). Many employers and industries still prioritize long, continuous, traditional work hours rather than flexible schedules, a preference that tends to put women with children at a disadvantage (Goldin, 2014). In 2017, 71 percent of mothers of children under age 18 participated in the labor force, compared with 93 percent of fathers of children under age 18 (U.S. Bureau of Labor Statistics, 2018f).

Many working mothers also encounter a "motherhood penalty," which extends beyond their actual time out of the workforce. Experimental studies have documented that employers are less likely to hire mothers (including mothers who never left the workforce) than they are to hire women without children, and when employers do make an offer to a mother, they offer her a lower salary than they offer to other women (Correll & Benard, 2007; Kricheli-Katz, 2012). The magnitude of the penalty for mothers in the workforce has remained steady for the past few decades or even increased slightly for some mothers after accounting for education and work experience (Lee et al., 2018). Fathers, in contrast, do not suffer a penalty compared with other working men. Many fathers actually receive higher wages after having a child, known as the "fatherhood bonus" (Killewald, 2013; Budig, 2014).

The very different experiences of women and men who become parents are the result of gendered norms and expectations, institutional systems built around a worker who is not a primary caretaker, and a lack of systemic supports for new parents in the United States. Nearly every other country in the world mandates access to paid leave for new mothers, and most developed countries provide similar leave for



new fathers. In the United States, there is no national paid parental leave right or system and only 15 percent of workers receive paid parental leave from their employers (Raub et al., 2018, U.S. Bureau of Labor Statistics 2017). As a result, most new parents must cobble together other types of paid leave, take shorter leaves than they would prefer, or return to work as soon as possible after childbirth to avoid lost wages.

Another factor making it difficult for women to participate fully in the American workforce is the expectation they will continue to be primary caretakers. Compounding this is limited availability and high price of child care, especially care for young infants and toddlers. The average price of child care in the United States is \$8,800 per child per year, and the average for infants in child care center settings is \$11,100. Costs are much higher in cities and states with higher costs of living (Child Care Aware of America, 2017). Paying for child care for one or more children may be impractical or impossible for parents with low incomes, who are disproportionately women. As a result, mothers who might otherwise remain in the workforce may lose years of earnings and salary history as they care for their children.

## DIRECT GENDER AND RACE DISCRIMINATION AND BIAS

Not all of the gender and race pay gaps can be explained by observable differences in college major, occupation, work hours, and time out of the workforce. Direct discrimination and bias against women in the workplace are also culprits in the pay gap.

Each year, the EEOC receives thousands of sex, race, and other pay discrimination complaints, and many of these are decided or resolved in favor of the person who filed the charge (U.S. Equal Employment Opportunity Commission, 2018b).

In part due to persistent sex discrimination, women are also less likely than men to reach the highest-paying leadership and executive positions. In 2015, women held only 26 percent of private-sector executive positions, and women of color are particularly unlikely to hold such positions (AAUW, 2016). In addition, women make up just 22 percent of chief executives of nonprofit organizations with annual budgets of \$50 million or more—despite making up about 75 percent of the nonprofit workforce—and female chief executives of nonprofits experience a pay gap relative to men who lead organizations of similar size (AAUW, 2018b).

How do we know that discrimination and bias directly affect women's pay? Researchers look for the "unexplained" pay gap after statistically accounting for other factors. For instance, after accounting for college major, occupation, economic sector, hours worked, months unemployed since graduation, GPA, type of undergraduate institution, institution selectivity, age, geographical region, and marital status, AAUW found a remaining 7 percent difference between the earnings of male and female college graduates one year after graduation. That gap jumped to 12 percent 10 years after college graduation (AAUW, 2012; AAUW Educational Foundation, 2007). Other researchers have reached similar conclusions about gender discrimination and the pay gap when controlling for certain factors. For instance, a study of medical

researchers found an unexplained gap of 6 percent between comparable men and women in the field, and a recent study of the American workforce as a whole found an unexplained gap of 8 percent (Jagsi et al., 2012; Blau & Kahn, 2017).

As noted above, women of different racial and ethnic groups in the United States have widely varying gaps in their earnings when compared to white men. These statistics reflect cumulative disadvantages resulting from different circumstances and opportunities, including direct and structural racial bias, the effect of gender bias, and the intersectional effect of belonging to groups that experience unique stereotypes and bias (e.g. black women). For instance, while all women are underrepresented in executive positions relative to their labor force participation, black women are the most underrepresented of any group (AAUW, 2016).

The intersectional impact of race and gender biases contributes to the overall gender pay gap, as women of color experience pay outcomes that are worse than would be predicted by the additive effect of race and gender separately (Blau and Kahn, 2017). In other words, when closely examining the impact of race and gender (as well as other factors) on the pay of black men, black women, white men, and white women, it is clear that black women experience a large gap that cannot be attributed to other observable characteristics, such as occupation and education, or by race or gender separately (Paul et al., 2018). Black women's education and other labor force characteristics are now such that they would be expected to be paid more than black men if gender bias were not a factor. Yet they are still paid less (Paul et al., 2018). Women of different racial and ethnic backgrounds all have different experiences of discrimination, but biases based on race, gender, and the intersection of race and gender all contribute measurably to the overall gap.

# CONCLUSION

The gender pay gap is persistent and ongoing: It has closed by less than a nickel during the 21st century. Statistics show clearly that women experience a pay gap in every state, at every age, across all racial and ethnic groups, and in nearly every occupation.

Women working full time in the United States are paid 20 percent less than men, despite greater educational attainment. This gap is a result of gender norms and bias that are woven throughout women's experiences in the workforce. Estimates of the "unexplained" pay gap are often treated as estimates of the effect of direct pay discrimination on women's earnings, but the impact of occupational segregation, motherhood penalties, and racial biases on women's careers and earnings cannot be dismissed, even if researchers can statistically account for them.

Moreover, there are factors that exacerbate the pay gap over a woman's career. For example, the common employer practice of basing a worker's starting pay and pay increases on previous pay carries forward any earlier pay gap from job to job. Additionally, the practice of penalizing workers for discussing wages in the workplace makes it harder for individual women to detect or address the effects of bias and discrimination, making the gap resistant to change.

Closing the gender pay gap requires addressing all of the causes of the gap by changing cultural norms, improving employer behavior, and implementing public policy initiatives. AAUW takes a multipronged approach that calls on individuals, employers, and policymakers to end the gender pay gap for the benefit of women, their families, and society.

# RECOMMENDATIONS

**T**he gender pay gap is unlikely to go away on its own, but there are many things that can make a difference. Here are some steps that individuals, employers, and policymakers can take to ensure fair pay.

## INDIVIDUALS

Because most employers have latitude when it comes to pay, negotiating one's salary can pay off. While women can't negotiate around discrimination, it is helpful for them to know their market value and to push for better wages. Traditionally, it has been socially acceptable for men to negotiate for raises because negotiating conforms to the stereotype of men as assertive. But negotiation is especially tricky for women because some behaviors that work for men, like self-promotion and assertiveness, may backfire on women (Carter & Silva, 2011; Bowles & Babcock, 2013). Knowing what your skills are worth, making clear what you bring to the table, emphasizing common goals, and maintaining a positive attitude are some negotiation tactics that have been shown to be effective (Babcock & Laschever, 2008).

To empower women with the skills they need to successfully negotiate salary and benefits, AAUW offers

salary negotiation workshops. Start Smart is designed to help college women who are about to enter the job market, and Work Smart offers training to women already in the labor force, training them to negotiate for a new job, raise, or promotion. These workshops help women determine their market worth based on their skills, experience, performance, qualifications, and responsibilities on the job. And they provide the tools and business strategies women need to successfully negotiate for fair pay for the rest of their careers.

Additionally, individuals can also take steps to influence employers and governments—letters to your legislators and local papers, blogs, and tweets are just a few examples. Joining an organization like AAUW can make all of these activities easier, especially if you use our templates and resources and connect with our network of activists.

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## EMPLOYERS

Equal pay is important for legal and ethical reasons, but it can also be good for employers' bottom lines and employee recruitment and retention. Believing that an employer is fair improves workers' morale (Cohen-Charash & Spector, 2001; Kim, 2009). Work performance has also been linked to the perception of organizational justice (Colquitt et al., 2001). In other words, workers who believe that they are paid fairly are more likely to contribute their best effort to the job. Surveys have also found that employee satisfaction is highly connected to whether employees feel they

are paid fairly and how fair and transparent their employer's approach to pay is, but women are more likely to feel "in the dark" about compensation in the workplace (Payscale, 2017; Glassdoor, 2015).

There are many practices employers can voluntarily implement to help close the wage gap, including analyzing their wage data and conducting regular pay audits; prohibiting retaliation against their employees for discussing, disclosing or inquiring about their wages; and eliminating the practice of using prior salary history to set the wages of new employees.

## Conducting Pay Audits

Consider the example of one employer that voluntarily decided to audit its pay practices: In 2015, Salesforce performed a comprehensive pay audit and analysis of 17,000 employees that led to salary adjustments for 6 percent of employees and a 33 percent increase in the number of women who were promoted that year (Zarya, 2016). Salesforce's actions garnered attention across the country.

Understanding the critical role employers play in ensuring equal pay for the nation's workforce, the Obama administration announced a White House Equal Pay Pledge for private sector companies committed to equal pay for their employees. These companies committed to conducting annual gender pay analyses across occupations; reviewing hiring and promotion processes and procedures to reduce unconscious bias and structural barriers; and embedding equal pay efforts into broader company initiatives (The White House, 2016). After the end of the administration, Simmons College now hosts the Employers for Pay Equity Consortium. As of September 2018, more than 35 companies had joined the consortium, including Delta Airlines, Deloitte, Facebook, Gap Inc., General Motors, Johnson & Johnson, Microsoft, PepsiCo, and Staples.

Employers can use audits to monitor and address gender pay differences to great effect. For example, Minnesota requires public-sector employers to conduct a pay-equity study every few years and eliminate pay disparities between female-dominated and male-dominated jobs requiring comparable levels of expertise (Minnesota Management and Budget). Employers use a job-evaluation tool to compare jobs on such dimensions as the complexity of issues encountered; the depth and breadth of knowledge needed; the nature of interpersonal contacts required; and the physical working conditions. This allows employers to identify different jobs—for example, delivery van drivers and clerk typists—that require similar levels of knowledge

and responsibility. Employers then compare wages of predominantly female jobs with those of predominantly male jobs of comparable skill levels. If they find that women are consistently paid less than men for jobs requiring similar levels of knowledge and responsibility, the employer makes the necessary salary increases. The state's efforts have been hugely successful: Since the 1970s, Minnesota has virtually eliminated the pay gap in public-sector jobs of comparable value (Legislative Office on the Economic Status of Women, 2016). Companies must be sure that they continue to analyze pay decisions—when salaries are set, when job functions change, when bonuses are awarded or raises given—to ensure that salaries remain equitable.

## Prohibiting Retaliation for Wage Disclosure

One significant reason the gender pay gap is closing so slowly is that pay disparities are notoriously difficult to detect. Generally, salaries are not public. Because many employees have no way of knowing when they are shortchanged, it's hard for them to contest pay discrimination on their own.

Furthermore, employees may face retaliation for inquiring about wages because some workplaces have pay secrecy policies that punish or even fire employees for disclosing or inquiring about their own wages or the wages of a co-worker. Such punitive pay-secrecy policies make it difficult for workers to remedy wage disparities because they cannot find out if they're being paid less.

In 2011, a national survey by the Institute for Women's Policy Research (IWPR) found that about half of employees said they worked in a setting where managers either formally prohibited or discouraged discussions of wages and salaries (Institute for Women's Policy Research, 2011). According to IWPR, pay secrecy was particularly common in the private sector, where 61 percent of employees are either discouraged or prohibited from discussing wage and salary information.

In contrast, only 14 percent of public-sector employees in the IWPR study reported that pay discussions were either discouraged or prohibited. This higher degree of transparency in the public sector may be related to the greater gender pay equity found in the federal government. Federal workers can easily see how their salaries compare with others at their grade level and geographical location. The U.S. Office of Personnel Management makes public the salary and wage range for each level of federal worker and additional locality pay for areas where the cost of living is higher (U.S. Office of Personnel Management, 2016). Among white-collar federal workers, women were paid 87 percent of what men were paid in 2012, compared with 77 percent in the workforce as a whole in 2012 (U.S. Office of Personnel Management, 2014).

In recognition of this problem, President Obama signed an executive order in 2014 banning retaliation for wage disclosure for federal contracting employers, reaching approximately 26 million workers. Moreover, there are limited protections under state laws and the federal National Labor Relations Act, and the EEOC recently issued guidance describing when employers' retaliation for employees' wage disclosure or inquiries may violate Title VII of the Civil Rights Act of 1964. However, these protections do not reach all employees and circumstances.

Therefore, as we continue to fight for uniform federal protections, as a best practice, AAUW recommends that employers do not impose punitive pay-secrecy policies in the workplace. They hurt employees' ability to share information to facilitate equal opportunities in the workplace and impede effective enforcement of pay discrimination laws. A more open approach can foster the perception that compensation is handled fairly and can improve employee morale (Payscale, 2017).

## Banning the Use of Prior Salary History

The practice of using past salaries to set current wages perpetuates the gender pay gap because it assumes that prior salaries were fairly established by previous employers. Relying on salary history allows a new employer to continue underpaying a woman who faced a pay gap and lost wages due to bias or discrimination at a previous job. Salary history questions can also introduce bias and discrimination into the recruitment process of a company that may be attempting to avoid it.

Employers should prohibit the use of salary history and instead use market research to determine what the position is worth to the organization. If a woman starts her career with a pay gap tainted by prior discrimination, it's likely to follow her from job to job. As discussed below, there are also state and federal efforts working to eliminate these practices, but in the meantime, employers can take this important action on their own.



## GOVERNMENT

### Federal

Congress plays a vital role in addressing discrimination in employment. But current legal protections have not yet ensured equal pay for women and men. Congress should act and pass laws like the Paycheck Fairness Act, which would update the Equal Pay Act of 1963. The Paycheck Fairness Act would close existing loopholes in the law; strengthen penalties for equal pay violations; prohibit the use of salary history in employment decisions; prohibit retaliation against workers who voluntarily discuss or disclose their wages; and support data collection and research.

In addition, Congress should take action on the Pay Equity for All Act, which would prohibit employers from using salary history to determine future pay. Additionally, Congress should move forward with the Fair Pay Act, which would provide solutions aimed at curbing the financial impact of occupational segregation for women and workers of color.

Congress can also address one of the gap's underlying causes by creating a national system of paid parental leave. The Family and Medical Insurance Leave (FAMILY) Act would create a national paid family and medical leave insurance program for all workers. Congress should also make it easier for families to deal with the costs associated with child care responsibilities by funding early childhood education programs and improving access to high-quality and affordable child care.

Moreover, strong administrative protections to ensure equal pay are necessary too. However, some administrative actions put in place by the Obama administration are now under attack. In 2016, the EEOC announced a new pay data collection, which would have begun collecting critical wage data based on sex, race, and ethnicity from private employers and from federal contractors with 100 or more employees. This data collection could help the EEOC better identify wage discrimination and encourage voluntary compliance by companies. The Trump administration halted this collection. AAUW urges the administration to reinstate this critical collection.

### FEDERAL EQUAL PAY LEGISLATION TIME LINE

- 1918** ● Following World War I, the U.S. Department of Labor created the Women in Industry Service to address women's labor issues and to bring governmental attention to the rights of female workers. This was the predecessor agency to the U.S. Department of Labor Women's Bureau.
- 1920** ● The U.S. Department of Labor Women's Bureau was founded to promote the welfare of wage-earning women.
- 1938** ● The Fair Labor Standards Act (FLSA) was enacted to improve labor conditions and practices for workers by regulating minimum wage, overtime pay, record-keeping, and other labor standards.
- 1945** ● The Women's Equality Bill, the first federal pay equity legislation, was introduced by AAUW member Rep. Chase Going Woodhouse (D-CT).
- 1961** ● President Kennedy established the first national Commission on the Status of Women to address women's equality, which soon after issued a report detailing employment discrimination against working women, helping lead to the later passage of the Equal Pay Act.
- 1963** ● The Equal Pay Act became law, requiring employers to provide employees equal pay for equal work regardless of sex.
- 1964** ● Title VII of the Civil Rights Act was passed, barring employment discrimination on the basis of race, color, religion, sex, or national origin in employment practices and conditions of employment, including hiring, firing, promotion, and compensation.

- 1967** ● The Age Discrimination in Employment Act became law, protecting workers 40 years and older.
- 1972** ● Title IX of the Education Amendments, the first comprehensive federal law to prohibit sex discrimination in education, was enacted.
- 1990** ● Title I of the Americans with Disabilities Act was passed to protect against discrimination based on disability status, including in employment.
- 1993** ● The Family and Medical Leave Act (FMLA) was signed into law by President Clinton, providing unpaid protected leave for employees in need of time off for family and medical related issues.
- 1994** ● The Fair Pay Act, which addresses unequal pay between female-dominated jobs equivalent to male-dominated jobs, was first introduced. The legislation would take steps to protect employees who discuss their pay and require employers to preserve wage-related data for submission to the EEOC. As of the 115th Congress, the bill has yet to pass.
- 1997** ● The Paycheck Fairness Act, an update to the Equal Pay Act of 1963, was first introduced. The current bill would close loopholes, strengthen remedies to prevent pay discrimination, ban the use of prior salary history, prohibit retaliation against workers who discuss, disclose, or inquire about their wages, and direct the EEOC to collect wage related data. Every year since 1997 the legislation has been reintroduced, even passing the House in 2009 before falling short in the Senate. As of the 115th Congress, the bill has yet to pass.
- 2008** ● The Americans with Disabilities Amendments Act (ADAAA) was passed to update and strengthen the ADA of 1990. The law made a number of significant changes to the definition of “disability” under the ADA and addressed problematic court decisions that had made the ADA weaker over time.
- 2009** ● The Lilly Ledbetter Fair Pay Act was enacted to address the unfortunate Supreme Court case, *Ledbetter v. Goodyear*, which sided with Ledbetter’s employer in her pay discrimination case, overturning 40 years of precedent in discrimination cases. The law clarifies that pay discrimination can occur when a pay decision is made, when an employee is subject to that decision, or at any time that an employee is injured by the decision.
- 2014** ● President Barack Obama signed AAUW-supported executive orders to increase pay protections for women. The provisions directed the federal government to collect more wage data and prohibited federal contractors from retaliating against their workers for discussing, disclosing, or inquiring about their wages.
- 2016** ● The Pay Equity for All Act, which would prohibit the use of prior salary history before making a job offer, was first introduced. As of the 115th Congress, the bill has yet to pass.
- 2017** ● President Donald Trump halted implementation of the EEOC’s pay data collection tool, which would have helped to better identify trends in pay disparities based on gender, race, and ethnicity.

## State

As AAUW continues to press for additional federal equal pay protections, states are moving forward with laws to ensure that women receive pay equity. Currently, nearly every state has a law prohibiting employers from paying workers differently based solely on their sex. But many of these laws are limited in scope or are not enforced. Every state has room to make its pay equity laws stronger.

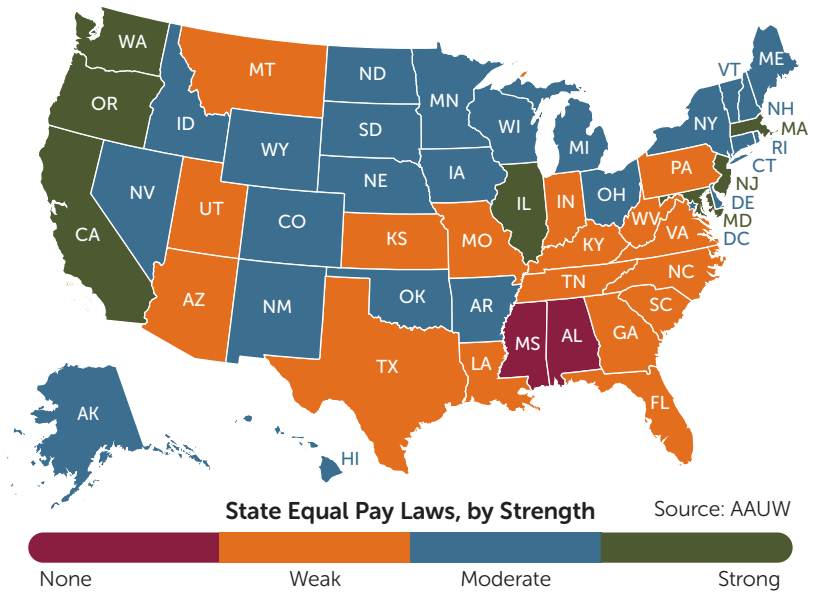
The states with no protections against pay discrimination tend to have the biggest pay gaps. However, states with stronger laws do not necessarily have the smallest gaps. Strong pay equity laws help close the pay gap, but, as discussed above, the gap itself is affected by other issues, such as occupational segregation, access to paid leave, and discrimination.

State laws addressing the pay gap vary considerably. For example, each state's laws apply to different subsets of employees: Some state laws cover all employees, others affect only public or only private employees, and still others regulate only employers who have more than a certain number of workers.

Currently, two states—**Alabama** and **Mississippi**—have no state pay equity or sex-based employment discrimination regulations. All other states have at least some basic equal pay protections. But roughly one-third of states also have major loopholes in those protections that allow employers to continue to pay women less than men. For example, **Louisiana's** equal pay protections apply only to public employers, which generally have a more transparent pay structure than do private employers. This leaves a major hole in the state's otherwise relatively comprehensive equal pay legal structure.

Several states do not prohibit employers from retaliating against employees who take legal action to remedy wage discrimination, making it risky for women to come forward. On the positive side, a handful of states have particularly robust laws governing equal pay. For example,

**FIGURE 11: Map of States with Equal Pay Provisions, 2018**



**California** limits the excuses employers can use to pay women less than men to only a “bona fide factor other than gender,” such as education, training, or experience (as opposed to reasons based solely on gender stereotypes).

**Maryland** prohibits employers from withholding information about promotions or assigning or directing employees into less-favorable career tracks—known as “mommy tracking.”

**Massachusetts**, as well as a growing number of other states and cities, prohibits employers from using the prior salary history of potential employees to set their future wages.

**Tennessee** subjects employers who violate the law to substantial fines and damage payments, emphasizing the seriousness of a violation.

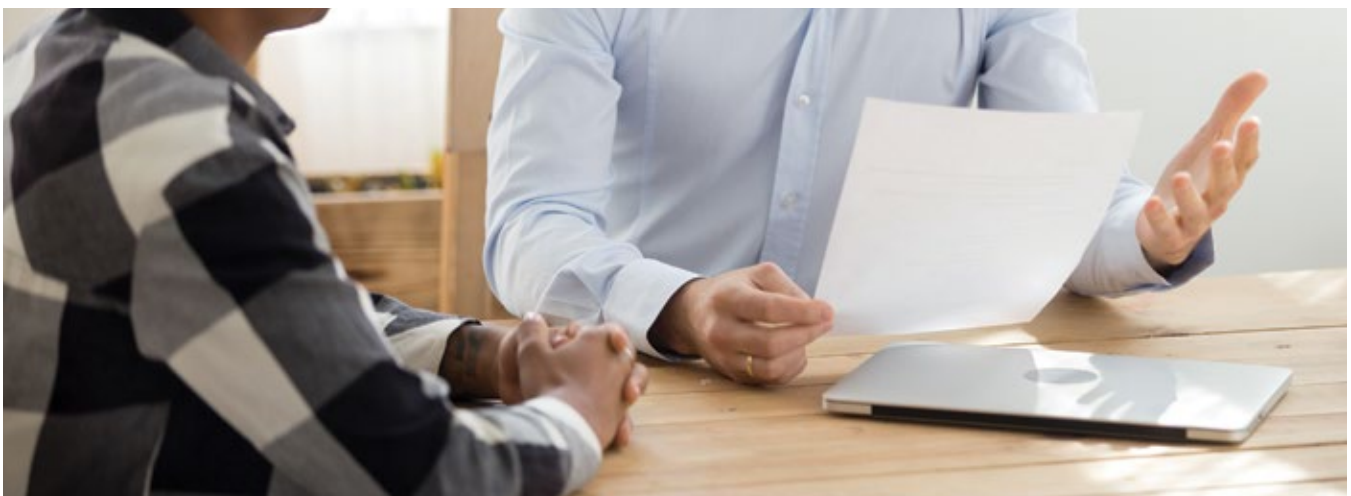
**New Jersey** requires all employers entering into a contract with the state to file a report with information about employee wages and hours categorized by gender, race, ethnicity, and job.

AAUW advocates that all states pass—and enforce—equal pay laws, as well as develop innovative ways to chip away at the gap. We continue to push for federal pay equity legislation, regulation, and enforcement to protect employees and assist employers. AAUW also educates the public about this persistent problem and its effect on working families. These efforts are critical as we work to close the gender pay gap.

# WHAT SHOULD I DO IF I EXPERIENCE PAY DISCRIMINATION AT WORK?

**B**oth the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 prohibit sex-based pay discrimination. Title VII and other federal statutes protect against pay discrimination on other bases as well. There also may be state laws that provide additional protection. If you feel you may be a victim of pay discrimination, these basic steps can help you get started. AAUW has additional resources available at [bit.ly/MyRightsAtWork](http://bit.ly/MyRightsAtWork).

- 1. Put it in writing.** Record the discriminatory pay practices you believe are taking place. Keep copies of your salary records, pay stubs, and any other wage-related information.
- 2. Do your homework.** For more information on your rights, call the U.S. Equal Employment Opportunity Commission (EEOC) hotline at 800.669.4000. Even if you aren't ready to file a discrimination charge, you can speak with an EEOC counselor about your legal rights. Also, find out whether your state has an equal pay law and check out which provisions are included at [www.aauw.org/resource/state-equal-pay-laws](http://www.aauw.org/resource/state-equal-pay-laws).
- 3. Seek help.** Check your employee handbook. Your company may have an equal employment officer or human resources representative who can help you understand the internal grievance procedure, file an internal complaint, or access other tools to resolve problems, if you feel comfortable.
- 4. Get legal advice.** Consider speaking with an attorney who has specific experience with sex discrimination in the workplace. Learn more about your options at [www.aauw.org/what-we-do/legal-resources/legal-referral-network](http://www.aauw.org/what-we-do/legal-resources/legal-referral-network).
- 5. Act quickly.** Depending on the path you pursue, there may be a time limit involved. State laws, Title VII, and the Equal Pay Act may all have different time limits involved in filing a claim. Learn more at [www.eeoc.gov](http://www.eeoc.gov).
- 6. Find a support network.** Discrimination at work is a difficult thing to face alone and the process of fighting discrimination can be very stressful. Seek support from friends and family.
- 7. Prepare for a long haul.** Filing a discrimination lawsuit is a lengthy process, but others have succeeded in fighting discrimination, and you can too. Continue to do good job at work and keep a record of what you're working on. Make copies of your job evaluations and any letters or memos that show you are performing well, and keep them at home.



# TAKE ACTION WITH AAUW

- For the latest information on the status of pay equity legislation, federal policies, and actions that you can take to narrow the pay gap, visit [fightforfairpay.org](http://fightforfairpay.org).
- Visit [salary.aauw.org](http://salary.aauw.org) to find out how to attend a Start Smart or Work Smart salary negotiation workshop or bring one to your community.
- Join AAUW's Action Network to keep up with equal pay advocacy and to receive notices to tell your legislators what you think at [bit.ly/aauw-action](http://bit.ly/aauw-action).
- Learn about your rights at work and what you can do if you believe you're being paid unfairly or otherwise discriminated against at [bit.ly/MyRightsAtWork](http://bit.ly/MyRightsAtWork).
- Learn about the status of pay equity laws in your state and take action at [www.aauw.org/resource/state-equal-pay-laws](http://www.aauw.org/resource/state-equal-pay-laws).
- Get the facts on current issues facing women at [www.aauw.org/what-we-do/research](http://www.aauw.org/what-we-do/research).
- Join AAUW and help secure pay equity for all at [www.aauw.org/join](http://www.aauw.org/join).



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