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Centering Equity in the Future-of-Work Conversation is Critical for Women's Progress

By Jocelyn Frye July 24, 2020

The ongoing discussion about the future of work[1] has focused much-needed attention on how best to prepare for the changing nature of the workforce and the workplace. This conversation has taken on added importance with the onset of the coronavirus pandemic that has led to skyrocketing unemployment in the United States—which has disproportionately affected women, particularly women of color—and devastated the economy at levels not seen since the Great Depression.[2] The pandemic has placed new strains on workplaces already hampered by old problems, not the least of which include the persistent barriers that undermine women's economic standing and employment opportunities.

The conversation about the future of work has largely centered on readying workers by discussing the new skills they may need to acquire, jobs that are expected to grow, and how emerging technologies may change workplace operations and the nature of work. However, it is equally important to focus on preparing workplaces for the future by transforming work environments so that all workers have the best chance of success and can participate to their fullest potential.

For women, these transformed workplaces must be free of the barriers and biases that have been used for years to limit their opportunities, undermine their advancement, and depress their wages. The workplace of the future must view women—and the diverse experiences they bring to the table—not as workers who fall short of a preferred norm but as workers who are valued and recognized for their contributions. This means a workplace where workers can take time off for their family's medical or caregiving needs without adversely affecting their job or advancement prospects. It means a workplace that is rooted in equity and free of discrimination and harmful stereotypes about women's skills, work ethic, attitude, leadership abilities, or intellect. It means a workplace where pay gaps are nonexistent and women are not funneled into a narrow selection of jobs with lower wages and little mobility. It means a workplace culture that is inclusive of diverse perspectives and diverse leadership, embraces collaboration among workers and management at all levels, and supports the individual and collective power of workers to create an environment responsive to their needs.

The task of workplace transformation for the future, however, must also be informed by understanding the successes and failures of the past. Having both a broad historical and contemporary perspective is particularly important to ensure women's continued workplace progress and to address longstanding disparities in pay, career advancement, and opportunities that have impeded women's progress and undermined their overall economic stability. This wide view makes clear that the pursuit of equity through measures aimed at leveling the playing field, countering persistent biases, and removing sex-based barriers to employment is essential to opening new doors for women and changing attitudes about their abilities.

Learning from history and the pivot toward equity

While working women in the United States have made significant gains, including expanded job opportunities and legal protections to promote equality and combat discrimination, the path to workplace success for women has been shaped—and often constrained—by their status as women.

Biases around gender, race, ethnicity, and class have resulted in the exclusion of women from jobs and have curtailed their workforce participation throughout the nation's history. These barriers affected both white women and women of color, although the experiences of these groups were often very different. Historically, men—primarily white, cisgender men—have played a dominant role in shaping the structure, operations, and overall culture of American workplaces by virtue of holding the most powerful and highly paid jobs.

Women who worked in paid jobs well into the 20th century had limited employment options because many occupations were, in practice, not open to them.[3] Additionally, white women were less likely to be engaged in paid work outside of the home than women of color, in part because of a racial and ethnic hierarchy that frequently afforded white women a more privileged societal and economic status. For example, a little more than 16 percent of white women worked for pay in 1890 compared with almost 40 percent of nonwhite women.[4] White women who worked for pay outside of the home were primarily single women until the 1920s, when more white married women gradually began moving into the paid workforce.[5]

During this same time period, working women of color were faced with the combined effects of race, gender, and ethnic biases—known as intersectional discrimination[6]—and were relegated to the lowest-paid positions. For Black women, entrenched racism rooted in the nation's painful history of slavery and racial oppression meant that they were expected to work in jobs with few benefits or protections, with little regard given to their working conditions or their personal or family needs.[7] Many were limited to domestic work, caregiving work, or other service jobs. Immigrant and Native American women were also subjected to oppres-

sive tactics that reduced their job options, primarily working as laborers, domestic workers, and service workers.[8] Much of this work by women of color, although essential to the care and support of families, was not as valued or respected as other types of paid work. Domestic and caregiving work, whether paid or unpaid, was often dismissed as mere "women's work"[9] and deemed less important.

Women's progress in moving beyond the historical limits placed on their economic participation did not occur by chance: It required intentional change in laws, workplace structures and practices, and workplace culture to create spaces that are more equitable, fair, and welcoming. These gains were grounded in the equality principles established at the nation's founding, interpreted and expanded to encompass a commitment to equal opportunity and equal justice for all women. The focus on greater equity required a shift toward seeing women as deserving of equal opportunity to participate fully in the economy and determine their own direction. This shift, one that occurred gradually over time, was not merely an act of beneficence toward women. Rather, it reflected an emerging recognition of the benefits of women's workforce participation, from increased economic security for families to improving business outcomes for employers to helping boost the nation's annual gross domestic product.[10]

The passage of landmark laws such as the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, and the Pregnancy Discrimination Act of 1978 established critical protections to prohibit various forms of sex discrimination and ensure that women were not denied opportunities or treated unfairly solely because of their sex.[11] These measures were bolstered by later laws, including the Americans with Disabilities Act passed in 1990, which extended additional anti-discrimination protections to women and other workers with disabilities.[12] The 1993 Family and Medical Leave Act (FMLA) broke new ground by enabling eligible workers to take up to 12 weeks of unpaid leave for family or medical emergencies, helping to address a form of discrimination mostly faced by women who need time off to care for their families.[13] The Supreme Court also played a role interpreting key protections, such as those available under Title VII, to cover different forms of sex discrimination including sexual harassment and, most recently, discrimination aimed at LGBTQ workers.[14]

The implementation of these protections required a commitment to robust enforcement of the law. The U.S. Equal Employment Opportunity Commission (EEOC), established by the 1964 Civil Rights Act and launched in 1965,[15] enforces the vast majority of the protections against sex discrimination in employment; one exception is the FMLA, which is enforced by the U.S. Department of Labor. The EEOC has been instrumental in using its investigatory and litigation powers to enforce women's legal rights and help expand women's employment options. This enforcement remains pivotal to women's progress. Nearly one-third of the estimated 414,235 charges filed with the EEOC from fiscal year 2015 to

fiscal year 2019 included charges alleging sex discrimination.[16] These enforcement efforts complement the work employers should also be undertaking to tackle persistent disparities, eliminate systemic practices that exclude women, and transform workplace culture.

Transforming workplaces: Equity and enforcement are keys to women's progress

Even with the important gains women have made, too many workplaces are still marred by persistent inequities, outdated attitudes, and entrenched biases. These problems translate into adverse employment outcomes, including disparities in women's earnings, job opportunities, job mobility, and advancement opportunities. For example, researchers have found that among transgender workers, trans women are more likely to report losing a job because of their gender identity or expression than trans men or nonbinary individuals.[17] Women also continue to experience a stubborn pay gap: Women working full time, year-round earn 82 cents for every dollar earned by male full-time, year-round workers.[18] And this gap is even more pronounced for many women of color: Black women earn 62 cents, Latinas earn 54 cents, Native American women earn 57 cents, and Asian American women earn 90 cents for every dollar earned by white men.[19] Researchers also have found pay disparities among trans workers, with one study finding that the earnings of trans women workers surveyed fell by nearly one-third after their gender transition.[20] Over the course of a lifetime, these gaps can add up to hundreds of thousands of dollars in lost earnings for women.[21]

Women also are underrepresented in leadership and in the most senior jobs in Fortune 500 companies, with women of color experiencing the sharpest leadership disparities.[22] Even with a record-high number of 37 women as Fortune 500 CEOs in 2020, the milestone represents just 7.4 percent of the total number of CEOs.[23] Furthermore, only three of these women are women of color, none of whom are African American or Latina.[24] This lack of opportunity not only deprives women of higher earnings and greater economic security but also can affect the business bottom line. Research increasingly shows that businesses with greater gender and ethnic diversity at the executive level report better financial performance than industry averages.[25]

Instilling gender equity practices requires a range of intentional interventions, including six areas for action: strong legal protections, robust enforcement mechanisms, modern workplace policies to address work-family needs, broad worker supports, deep structural and cultural change, and a strong commitment to focusing resources on workers who face the sharpest disparities.

Strengthening legal protections can fill gaps where additional support is needed and help establish a baseline measure of employer accountability. Adopting federal proposals to close longstanding loopholes—such as the "any factor other than sex" defense[26] that has enabled employers to justify pay disparities without having to show a business necessity and job rationale—is critical to thwart efforts to undermine equal pay enforcement.[27] Another potential legal improvement could replicate progress made in states such as California, which prohibits the misuse of a worker's salary history when making hiring decisions—a practice that poses an obstacle to equal pay.[28] Exploring new measures to protect workers with caregiving responsibilities from discrimination, particularly in the midst of the current pandemic, is also a legal strategy policymakers should pursue to counter sex discrimination on the job.[29]

Additionally, substantial investments in the full range of federal enforcement mechanisms are needed to ensure agencies have the staffing, investigatory tools, and jurisdictional authority they need to achieve compliance with the law. The EEOC, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), and the U.S. Department of Justice all play a role in ensuring that workplaces in the public and private sector are free of discrimination, but more progress is needed.[30] Policymakers should increase funding to double the available resources for federal enforcement efforts and strengthen investigatory tools such as enforcement officials' access to employers' pay data on an annual basis.[31] Agencies should have the resources to respond rapidly to situations like the current pandemic and take action in real time—for example, by challenging instances of sex discrimination when employers decide not to hire or rehire women workers because they have small children or may need time off in the future.[32]

Pushing for better workplace policies to help modernize workplaces and respond to workers' diverse needs is also critical to achieving greater workplace equity. As the pandemic has painfully demonstrated, the lack of strong work-family policies such as paid sick days, paid family and medical leave, and access to flexible scheduling or telework has left too many workers without the necessary supports to navigate work-family emergencies.[33]

Several companies, including Microsoft and Zillow, revamped their policies in response to the coronavirus crisis to provide workers with more flexibility to work from home.[34] Such policies are particularly important to address potential discrimination aimed at women workers, who tend to assume the majority of caregiving responsibilities in their families. But higher-wage workers are far more likely to have access to such work-from-home options than lower-wage workers, and many jobs, such as home care or grocery stores jobs, are not designed for remote work.[35] Leisure and hospitality occupations—which comprise a disproportionately high number of women, particularly women of color—are the least likely to have telework options, with less than 10 percent of workers in the industry able to tele-

work.[36] Access to paid leave and other supports is even more important for these workers. Yet despite the passage of emergency COVID-19 provisions to provide more workers with paid leave, more than 100 million workers may be exempt from these protections.[37] Some employers[38] have expanded their paid leave policies in response to the pandemic, but many workers continue to struggle with how to care for sick family members without putting their jobs at risk.

These actions must be coupled with measures directly focused on disrupting power imbalances, workplace structures, and longstanding stereotypes and biases used to perpetuate inequity and hold women back. Supporting efforts to bolster worker power—including removing barriers to collective organizing, partnering with worker organizers to respond to employment violations, and providing resources for worker advocates—can help address problems in real time.[39] For example, worker-led initiatives to combat sexual harassment among janitorial workers and farmworkers are models that have proven effective in helping to improve working conditions for many women in these sectors.[40]

Employers must also closely examine their own workplaces to ensure that they are free of discrimination, from individual interactions to operational structures and practices. This means investing in ongoing, comprehensive training to counter implicit biases and pervasive, harmful stereotypes about women, such as mischaracterizing Black women as angry,[41] Latinas as oversexualized,[42] or Asian American women as submissive.[43] It could also involve undertaking internal analyses and climate surveys to uncover differences in employee experiences, promotion rates, or pay practices. For instance, Salesforce—a company that provides customer relationship management services—began to take steps in 2015 to analyze their worker compensation. Over the course of the next four years, the company spent more than $10 million to correct gender pay disparities.[44] In 2016, more than 100 companies joined an equal pay pledge launched by the Obama administration, committing to analyze their compensation and identify pay disparities within their workforces on an annual basis.[45]

All of these strategies can be used to inject more equity and fairness into workplaces and, in doing so, create environments where women are more likely to be successful.

A path forward

The ability of women across race and ethnicity, income level, disability status, and gender identity to succeed at work in the future will depend on the scope and depth of efforts to remove longstanding barriers and expand opportunities. This work not only should encompass the full range of interventions to improve legal protections, enforcement tools, workplace policies and structures, and worker supports, but also should prioritize several key measures to help drive transformational change and promote equity in the workplace.

Develop and utilize an assessment tool to establish strong equity baselines and benchmarks

Employers should undertake an equity assessment of their workplaces to identify disparities across measures including race, gender, ethnicity, disability, and LGBTQ status. These assessments should be used to pinpoint problems and help establish concrete, measurable targets where progress is needed. For example, women are less likely than men to advance into the most senior organizational roles, and women of color are less likely to advance into senior positions or management than their white female counterparts.[46] Employers should adopt specific goals and targets to increase these numbers over time.

An assessment tool should utilize different types of measures—from hiring and promotion rates, to demographic differences in workplace morale, to overall numbers of women and people of color in leadership—and explore the different factors that determine success in individual workplaces. To help ensure that every assessment is robust and thorough in scope, research funding could be directed to support the development of a model assessment tool or template that an employer could use as a guide to conduct an internal equity assessment. Furthermore, the adoption of new rules to promote greater accountability and transparency—such as the disclosure of salary ranges, pay gaps, and pay data—may help reduce disparities and encourage quick remedial action by employers.[47] Future workplaces must use equity-based measures to evaluate overall quality and preparedness for the years ahead.

Embrace women's diverse experiences in workplace culture

Workplaces of the future must be incentivized to embrace a more holistic understanding of work and family and value the full range of experiences that women and all workers bring to the table. This means centering the experiences of women to gain a deeper understanding of the harshest challenges and obstacles facing many women of color, low-income women, transgender women, women with disabilities, and immigrant women. Many low-income women, for example, are less likely to have access to vital work-family supports: Only 47 percent of low-wage workers have access to paid sick days compared with 90 percent of the highest-wage workers.[48] In addition, Black and Latinx workers are less likely to be able to telework.[49] Black women and Latinas are more likely to be single heads of household than their white counterparts, meaning that the lack of available child care may pose additional barriers as they try to return to work amid the ongoing pandemic.[50] Employers' ability to access lucrative opportunities, such as being awarded a federal contract, should be conditioned in part on how well they address these diverse needs through baseline workplace benefits such as paid leave and access to emergency child care.

Address the prevalence and persistence of racism, sexism, and ethnic bias that continue to shape the experiences of and opportunities for women

Although there is no sure-fire remedy for eliminating bias and research shows mixed results from routine diversity training programs,[51] there are strategies that have been shown to be effective. Researchers have found that efforts to increase diversity and inclusion have a greater likelihood of success if they are part of an ongoing program of learning rather than a one-time intervention or one-size-fits-all solution. Such efforts should go beyond solely training workers about legal requirements and seek to bridge perspectives, reverse roles, and understand power imbalances.[52] This could include undertaking regular surveys of workplace climate; initiating trainings on implicit bias tailored to a particular work environment; and reevaluating reporting mechanisms, evaluation measures, promotion practices, and processes for pay decisions.

For example, when Starbucks experienced several high-profile incidents involving racial profiling of Black customers, the company initiated a series of anti-bias trainings over the course of one year along with other measures to address internal issues such as pay equity and greater racial and gender diversity in hiring.[53] Other efforts that have shown promise include initiatives that bring workers and management together on a task force or committee to work collaboratively on programs to drive change.[54] More recently, in response to the national reckoning on systemic racism spurred by a spate of killings of African Americans by police, leaders of organizations and institutions increasingly have been called upon to examine their internal structures and prioritize equity to achieve systemic change.[55] Ongoing investments in research and study to identify best practices should be a focus of future of work efforts.

Explore ways to change power dynamics

Future workplaces must focus on ways to disrupt power imbalances that perpetuate disparities and discrimination. Minimizing how power can be misused within a workplace and diversifying who holds the power to drive decision-making are important steps toward establishing a greater sense of fairness and collective engagement. This can include collective efforts to raise the minimum wage or grant overtime to domestic workers through a domestic workers bill of rights. New York, California, and Hawaii are among the states that have adopted these types of stronger labor protections, but enacting legislation at the national level would help protect more workers across the country.[56] Addressing power dynamics can also include creating more opportunities for collaborative decision-making to foster equity and inclusion among staff at different levels.[57] Workplace transformation often requires an intentional focus on changing the balance of power to establish a shared set of values and commitment to equity across an organization.

Rethink and broaden investments in enforcement to strengthen accountability and compliance with the law

The future of work must include efforts to bolster enforcement mechanisms to reach a broader number of employers and foster a workplace culture where equity and accountability measures are fully integrated into regular workplace practices. This means giving enforcement agencies more resources to increase their capacity to provide assistance through trainings, webinars, or publication of model policies. These resources are also needed to increase staffing at enforcement agencies to conduct more investigations and reviews of employer practices. For example, the OFCCP conducts compliance reviews of less than 5 percent of the more than 120,000 individual establishments under its jurisdiction.[58] Additional resources could help increase the number of reviews conducted, including targeted reviews of barriers within senior leadership levels, referred to as corporate management compliance evaluations or "glass ceiling" reviews.[59] The Trump administration has repeatedly sought to reduce funding for key enforcement agencies, proposing cuts that would further deplete staffing and impair the ability of these agencies to keep up with current caseloads and investigations.[60] Increasing budgets by 25 percent for each of the next four years would provide a new infusion of resources and allow for vigorous enforcement.

Conclusion

Discussions about the future of work in the United States must focus on creating a new normal around success that is grounded in a commitment to equity as a foundational principle and core value. It is essential that new jobs of the future include this focus on equity; without it, women will continue to face disparities in the workplace. This concerted effort requires centering those whose experiences are often treated as an afterthought—women of color, women with disabilities, and LGBTQ women. Employers and policymakers alike must implement intentional corrective strategies specifically focused on how to inject and embed equity practices into workplace systems and structures to erode the barriers holding women back and avoid perpetuating problems into the future. Creating an equitable future also means making real a narrative about work that values the diverse experiences and skills of all women—indeed, all workers—and prioritizes policies to counter longstanding disparities and create opportunity.

Jocelyn Frye is a senior fellow with the Women's Initiative at the Center for American Progress. Her work focuses on improving women's employment opportunities and economic security with a particular focus on the experiences of women of color.

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