

WORKPLACE JUSTICE

THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO

Women in the U.S. who work full time, year round are typically paid only 82 cents for every dollar paid to their male counterparts.¹ This gap in earnings translates into \$10,194 less per year in median earnings, leaving women and their families shortchanged. Although enforcement of the Equal Pay Act and civil rights laws, as well as other progress for women, including increased access to reproductive health care, have helped narrow the gender wage gap over time, addressing the significant pay disparities that remain is critical for the economic security of women and their families.

Equal Pay is Crucial for All Women

Women of color are paid less than white, non-Hispanic men.

- Black women working full time, year round typically make only 62 cents for every dollar paid to their white, non-Hispanic male counterparts.
- For Latinas this figure is only 54 cents, for Native Hawaiian and Pacific Islander women it is 61 cents, and for Native women it is 57 cents.³
- While Asian women working full time, year round are typically paid 90 cents for every dollar paid to their white, non-Hispanic male counterparts, the wage gap is substantially larger for some subgroups of Asian women.⁴
- The wage gap translates into an annual median loss of \$23,540 for Black women, \$28,036 for Latinas, \$24,443 for Native women, and \$6,007 for Asian women.⁵ Closing the wage gap is, therefore, particularly important for Black, Latina, and Native women who tend to have lower incomes than white, non-Hispanic women and Asian women, and are more likely to be in poverty.

Mothers are paid less than fathers.

- Mothers who work full time, year round typically have lower earnings than fathers (\$41,000 compared to \$59,000): mothers are typically paid only 69 cents for every dollar paid to fathers.⁶ Mothers of every race are typically paid less than white, non-Hispanic fathers.⁷

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

- The wage gap is smaller for younger women than older women, but it begins right when women enter the labor

NOTES
<i>What closing the wage gap would mean to me this year:²</i>
• Three months' supply of groceries \$1,935.30
• Three months' child care payments \$2,450.50
• Three months' rent \$2,547.00
• Three months' health insurance premiums \$1,810.33
• Four months' student loan payments \$1,088.00
• Seven tanks of gas \$345.10
Total: \$10,194.00



force. Women ages 15 to 24 working full time, year round are typically paid 88 cents for every dollar their male counterparts are paid.

- Among older women the gap is larger. Women ages 45 to 64 working full time, year round are typically paid only 80 cents for every dollar their male counterparts are paid.
- For women still working at age 65 or older the figure is 76 cents.⁸

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

- Based on today's wage gap, a woman who works full time, year round stands to lose \$407,760 over a 40-year career.⁹ This woman would have to work nine years longer than her male counterpart to make up this lifetime wage gap. These lost wages severely reduce women's ability to save for retirement and threaten their economic security later in life.
- As a result of lower lifetime earnings and different work patterns, the average Social Security retired worker benefit for women 65 and older was about \$15,780 per year in December 2018, compared to \$19,766 for men of the same age.¹⁰

Lesbian women make less than men, regardless of their sexual orientation.

- According to the most recent analysis available, women in same-sex couples have a median personal income of \$38,000, compared to \$47,000 for men in same-sex couples and \$48,000 for men in different-sex couples.¹¹

Transgender women make less after they transition.

- One study found that the average earnings of transgender women workers fall by nearly one-third after transition.¹²

Women with disabilities also experience a wage gap.

- Women with disabilities working full time, year round are typically paid just 80 cents when compared to their male counterparts with disabilities¹³
- Under the Fair Labor Standards Act employers may pay people with disabilities below the minimum wage, further depressing wages for women with disabilities.¹⁴

Women at all education levels experience a wage gap.

- Among full time, year round workers, women who started, but did not finish high school, make 71 cents for every dollar their male counterparts make.¹⁵
- Women with only high school diplomas working full time, year round are typically paid only 72 cents for every dollar paid to their male counterparts.

- Among workers with a Bachelor's degree or higher, women typically make 75 cents for every dollar men make.¹⁶
- Even when women earn a Bachelor's degree, they still make less than what men with an Associate's degree make (\$56,680 and \$56,719, respectively)—and men with only a high school degree but no college education typically make more than women with an Associate's degree (\$45,579 and \$41,485, respectively).¹⁷

Women in nearly every occupation face a wage gap.

- There is a gender wage gap in 97 percent of occupations.¹⁸
- Even workers in low-wage occupations face a wage gap: based on the most recent year of data women who work full time, year round in the 40 lowest-paying occupations typically make only 82 percent of what men working in those same occupations make.¹⁹

Causes of the Wage Gap

Despite the fact that women have made enormous gains in educational attainment and labor force involvement in the last several decades—gains which have helped close the wage gap over time²⁰—unequal pay remains pervasive. Below are some of the reasons why.

Women are paid less for the same work.

- Numerous research studies show that compared to men, women are less likely to be hired, particularly for high-wage jobs, and are likely to be offered lower salaries when they are hired.²¹ For example, one experiment revealed that when presented with identical resumes, one with the name John and one with the name Jennifer, science professors offered the male applicant for a lab manager position a salary of nearly \$4,000 more, as well as additional career mentoring, and judged him to be significantly more competent and hireable.²²
- Recent research reveals that even controlling for race, region, unionization status, education, work experience, occupation, and industry leaves 38 percent of the pay gap “unexplained.”²³ Discrimination is thought to be a major cause of this unexplained gap.

Pay secrecy policies help perpetuate pay disparities.

- Even though the National Labor Relations Act makes it illegal to prohibit private sector employees from discussing wages and working conditions, 62 percent of female employees in the private sector report that discussing their wages is either prohibited or discouraged by employers.²⁴ In contrast, only 18 percent of women in the public sector reported similar policies.



- In the public sector, where wages are more likely to be public, wage gaps are slightly smaller.
- One study found women's earnings were 3 percent higher in six states that have enacted laws since 2012 prohibiting retaliation against employees who discuss pay.²⁵ The same study found that in states with such policies, the gender wage gap is reduced by as much as 12 to 15 percent for workers with a college degree, and by six to eight percent for workers without a college degree.

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

- In 2017, women made up nearly two-thirds of the 23.8 million workers in the 40 lowest-paying jobs—occupations such as personal care aides, home health aides, and fast food workers.²⁶
- Conversely, women are underrepresented in higher wage occupations, making up 37 percent of workers in the 40 highest-paying occupations.²⁷ This underrepresentation is due in part to the fact that women are discouraged from entering better paying fields, such as STEM.²⁸ Sometimes this discouragement is subtle, but other times it is very overt, in the form of harassment and other forms of discrimination.

Women's work is devalued because women do it.

- “Women’s” jobs often pay less precisely because women do them.²⁹ A study of more than 50 years of data revealed that when women moved into a field in large numbers, wages declined, even when controlling for experience, skills, education, race and region.³⁰

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

- Mothers are paid less than fathers and the motherhood wage penalty, which grows by an estimated seven percent for each child,³¹ is larger for low-wage workers.³²
- Employers’ negative stereotypes about mothers harm mothers’ job and salary prospects. In comparing equally qualified women candidates, one study revealed that mothers were recommended for significantly lower starting salaries, were perceived as less competent, and were less likely to be recommended for hire than non-mothers. The effects for fathers were just the opposite—fathers were recommended for significantly higher pay and were perceived as more committed to their jobs than men without children.³³
- Mothers’ wages are also affected by a lack of support for women’s disproportionate caregiving responsibilities. The high cost of child care and a lack of paid leave make it less likely that women with caregiving responsibilities are able to stay in the workforce.³⁴ This time out of work negatively impacts

mothers’ wages,³⁵ though policies like paid leave make it more likely that women will continue to work after having children, strengthening their connection to the workforce.³⁶

- Relatedly, increased access to contraception is one reason the gender wage gap closed in the last few decades of the 20th century. This access allowed women to control their fertility so that they could invest in education and increase their representation in non-traditional occupations, resulting in higher wages.³⁷

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

- Less than 11 percent of the workforce belongs to a union, but those women who are members of unions experience greater wage equality. Female union members make 86 cents for every dollar paid to male union members, compared to female non-union members who make only 81 cents for every dollar paid to their male counterparts. Wages for women who are members of unions, especially white and Latina women, are higher than those of their female counterparts who are not represented by unions.³⁸
- Unions not only bargain for higher wages, they reduce inequality by increasing pay transparency. For example, a recent analysis by a journalists’ union of their wage data revealed pervasive pay inequality in the industry,³⁹ prompting a promise of immediate action by at least one national newspaper.⁴⁰

What We Need To Do To Achieve Equal Pay

In order to finally achieve equal pay we need to:

- Strengthen our equal pay laws so that women are better able to discover and fight back against pay discrimination.⁴¹
- Build ladders to better paying jobs for women by removing barriers to entry into male-dominated fields.⁴²
- Lift up the wages of women in low-wage jobs by raising the minimum wage and ensuring that tipped workers receive at least the regular minimum wage before tips.⁴³
- Increase the availability of high-quality, affordable child care.⁴⁴
- Help prevent and remedy caregiver discrimination and protect workers from pregnancy discrimination.⁴⁵
- Establish fair scheduling practices that allow employees to meet their caregiving responsibilities and other obligations.⁴⁶
- Provide paid family and medical leave.⁴⁷
- Ensure women’s access to the affordable reproductive health care they need.⁴⁸
- Protect workers’ ability to join unions and collectively bargain.

Every Woman Matters. Every Dollar Matters. Equal Pay Matters.



1. National Women's Law Center (NWLC) calculations based on U.S. CENSUS BUREAU, CURRENT POPULATION SURVEY, 2019 ANNUAL SOCIAL AND ECONOMIC SUPPLEMENT [hereinafter CPS, 2019 ASEC], Table PINC-05, <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pinc/pinc-05.html> (last visited Sept. 10, 2019). Women working full time, year round had median annual earnings of \$45,097 in 2018. Men working full time, year round had median annual earnings of \$55,291 in 2018.
2. **Groceries** - U.S. DEPARTMENT OF AGRICULTURE (USDA), OFFICIAL USDA FOOD PLANS: COST OF FOOD AT HOME AT FOUR LEVELS, U.S. AVERAGE, DECEMBER 2018, <https://www.cnpp.usda.gov/sites/default/files/CostofFoodJul2018.pdf>. (last visited Sep. 9, 2019). Calculation is based on the USDA thrifty food plan for a family of four (two adults 19-50 and children 6-8 and 9-11) estimated at \$645.10 per month. **Child Care** - CHILD CARE AWARE OF AMERICA, PARENTS AND THE HIGH COST OF CHILD CARE: 2017 REPORT, APPENDIX III, http://usa.childcareaware.org/wp-content/uploads/2018/01/2017_CCA_High_Cost_Appendices_FINAL_180112_small.pdf. Average costs for child care in a center in Missouri for an infant is \$9,802 annually in 2017 or \$816 per month). Missouri's cost for this type of child care falls at the median of all state averages (including the District of Columbia). **Rent Payments**- U.S. CENSUS BUREAU, AMERICAN HOUSING SURVEY: 2017, USING AMERICAN HOUSING SURVEY TABLE CREATOR, https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html?s_areas=a00000&s_year=n2017&s_tableName=Table1&s_byGroup1=a1&s_byGroup2=a1&s_filterGroup1=t1&s_filterGroup2=g1&s_show=S. (last visited Sep. 9, 2019). Median housing costs for renters was \$991 per month in 2017. Adjusted for inflation (http://www.bls.gov/data/inflation_calculator.htm) to 2018, this figure is \$1,028.41. **Health Insurance Premiums** - U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, AGENCY FOR HEALTHCARE RESEARCH AND QUALITY, MEDICAL EXPENDITURE PANEL SURVEY: 2018. TABLE II.D.2 (2018). Average total employee contribution (in dollars) per enrolled employee for family coverage at private-sector establishments that offer health insurance by firm size and State: United States, 2018, https://meps.ahrq.gov/data_stats/summ_tables/insr/state/series_2/2017/tiid2.htm. Average monthly employee contribution for employer-based family coverage (\$5,432 annually or \$452.58 per month). **Loan Payments** -Average monthly loan payment for someone who graduated in 4 years from a public university has an average debt of \$26,946. Calculation assumes ten-year standard repayment plan and all debt in the form of direct unsubsidized loans and single taxpayer status (3.9 percent interest). Initial monthly payment of \$272 calculated using the Department of Education's loan repayment calculator, <https://studentloans.gov/myDirectLoan/mobile/repayment/repaymentEstimator.action>. **Tanks of Gas** - Calculations based on average tank of gas in 2018 and a 17-gallon gas tank. Gas prices from U.S. ENERGY INFORMATION ADMINISTRATION, WEEKLY RETAIL GASOLINE AND DIESEL PRICES, http://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_nus_w.htm (last visited Sep. 9, 2019). Average cost of all grades of gasoline in September 2018 rounded to \$2.90 per gallon. At this price, it would cost \$49.30 to fill up a 17-gallon tank.
3. Figures for Black women, Latina women, and Asian women are NWLC calculations based on CPS, 2019 ASEC, *supra* note 1, Table PINC-05. Figures for Native Hawaiian and Pacific Islander women and Native women are NWLC calculations based on AMERICAN COMMUNITY SURVEY 2018 [hereinafter ACS 2018], Tables B20017H, B20017C, and B20017E, <https://www.census.gov/programs-surveys/acs/> (last visited Sept. 26, 2019). White, non-Hispanic women who work full time, year round make 77 cents for every dollar made by their white, non-Hispanic male counterparts (CPS, 2019 ASEC, *supra* note 1, Table PINC-05).
4. NWLC, *The Wage Gap and Asian American And Pacific Islander Women* (Mar. 2019), <https://nwlc.org/resources/equal-pay-for-asian-pacific-islander-women/>.
5. Figures for Black women, Latina women, and Asian women are NWLC calculations based on CPS, 2019 ASEC, *supra* note 1, Table PINC-05. Figures for Native Hawaiian and Pacific Islander women and Native women are NWLC calculations based on ACS 2018, *supra* note 3, Tables B20017H, B20017C, and B20017E, <https://www.census.gov/programs-surveys/acs/> (last visited Sept. 26, 2019).
6. NWLC, MOTHERHOOD WAGE GAP FOR MOTHERS OVERALL (May 2019), <https://nwlc.org/resources/motherhood-wage-gap-for-mothers-overall/>.
7. NWLC, THE WAGE GAP FOR MOTHERS BY RACE, STATE BY STATE (May 2019), <https://nwlc.org/resources/the-wage-gap-for-mothers-state-by-state-2017/>.
8. NWLC calculations, CPS, 2018 ASEC, *supra* note 1, Table PINC-05.
9. *Id.* These calculations were not adjusted for inflation and assume a constant gap of \$10,194 annually, calculated by subtracting women's median earnings (\$45,097) from men's (\$55,291).
10. NWLC calculations based on U.S. SOCIAL SECURITY ADMINISTRATION, ANNUAL STATISTICAL SUPPLEMENT TO THE SOCIAL SECURITY BULLETIN, 2019, Table 5.A16, <https://www.ssa.gov/policy/docs/statcomps/supplement/2018/5a.html#table5.a16>. The average monthly benefit for all female beneficiaries 65 and older was \$1,314.97, or about \$15,780 per year as of December 2018, compared to \$1,647.15 per month, or \$19,766 per year for all male beneficiaries 65 and older. Data are preliminary.
11. Gary J. Gates, THE WILLIAMS INSTITUTE, *Same-sex and Different-sex Couples in the American Community Survey 2005-2011* (Feb. 2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/ACS-2013.pdf>. Figures only include people in labor force. Due to data limitations, they do not include lesbian or gay individuals who are not part of a couple. These figures are median annual personal income for all workers in the labor force – these figures differ from the median annual earnings for full-time, year round workers reported for the wage gap and are not directly comparable.
12. Kristen Schilt & Matthew Wiswall, *Before and After: Gender Transitions, Human Capital, and Workplace Experiences*, THE B.E. JOURNAL OF ECONOMIC ANALYSIS & POLICY 1 (Sept. 2008), <http://www.degruyter.com/view/j/bejeap.2008.8.1/bejeap.2008.8.11862/bejeap.2008.8.11862.xml>.
13. NWLC calculations from CPS, 2018 ASEC using IPUMS, available at <https://ipums.org/>. People with disabilities reported having difficulty to at least one of six CPS cognitive difficulties.
14. 29 U.S.C. 214(c). The Raise the Wage Act (H.R. 582, S. 150) would phase out the subminimum wage for workers with disabilities. The House of Representatives passed the Act on June 18, 2019.
15. NWLC calculations from CPS, 2018 ASEC, *supra* note 1, Table PINC-03. This compares median earnings for men and women 25 and older who worked full time, year round who have some high school education but did not graduate or receive a GED.
16. *Id.* Figures are for full time, year round workers.
17. *Id.* Figures are for full time, year round workers.
18. Jasmine Tucker, NWLC, WOMEN EXPERIENCE A WAGE GAP IN NEARLY EVERY OCCUPATION (Apr. 2018), <https://nwlc.org/resources/women-experience-and-wage-gap-in-nearly-every-occupation/>.



19. NWLC calculations based on CPS, 2018 ASEC using IPUMS, available at <https://ipums.org/>. The low-wage workforce is defined as the 40 detailed occupations that have the lowest median hourly wages based on U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm.
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21. See Blau & Kahn, *supra* note 22 at 33 for a review.
22. Corrine A. Moss-Racusin, et al., *Science faculty's subtle gender biases favor male students*, PROCEEDINGS OF THE NAT'L ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (Aug. 2012), <http://www.pnas.org/content/109/41/16474.abstract#aff-1>.
23. Blau & Kahn, *supra* note 20 at 8, 72.
24. Jeff Hayes, Heidi Hartman, *Women and Men Living on the Edge: Economic Insecurity After the Great Recession*, Institute for Women's Policy Research 70 (Fall 2010).
25. Marlene Kim (2015). *Pay secrecy and the gender wage gap in the United States*. Industrial Relations: A Journal of Economy and Society, 54(4), 648-667.
26. NWLC calculations based on U.S. Census Bureau, 2017 American Community Survey using IPUMS, available at <https://ipums.org/>. The low-wage workforce is defined as the 40 detailed occupations that have the lowest median hourly wages based on U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm.
27. *Id.* The high-wage workforce is defined as 40 detailed occupations that have the highest median hourly wages based on U.S. Department of Labor, Bureau of Labor Statistics, May 2018 National Occupational Employment and Wage Estimates, https://www.bls.gov/oes/current/oes_nat.htm.
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33. Shelley J. Correll, Stephan Benard, & In Paik, *Getting a Job: Is There a Motherhood Penalty*, AMERICAN JOURNAL OF SOCIOLOGY (Mar. 2007), https://sociology.stanford.edu/sites/default/files/publications/getting_a_job_-_is_there_a_motherhood_penalty.pdf.
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35. See Shelly Lundberg & Elaina Rose, *Parenthood and the earnings of married men and women*, LABOUR ECONOMICS 689 (Nov. 2000) and Steven Greenhouse, *THE BIG SQUEEZE*, Knopf Doubleday Publishing Group 194 (2008).
36. Houser & Vartanian, *supra* note 34 at 6-7.
37. Martha J. Baily, Brad Hershbein, & Amalia R. Miller, *The Opt-In Revolution? Contraception and the Gender Gap in Wages*, NAT'L BUREAU OF ECONOMIC RESEARCH, 2-3 (June 2012), <http://www.nber.org/papers/w17922.pdf>.
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42. See generally NWLC, *Women in Construction: Still Breaking Ground* (June 2014), <http://www.nwlc.org/resource/women-construction-still-breaking-ground>.
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