



FOR GENDER EQUITY

# ADVANCE WORKPLACE EQUALITY IN YOUR STATE

In the last four decades, women's educational levels and work experiences have increased dramatically. Women are over half of college graduates and nearly half the workforce, and families increasingly depend on their wages to achieve economic security. But although women have better credentials than ever before, discriminatory workplace policies and practices make it difficult for women to keep a job, put food on the table, make decisions about whether or not to have children, and care for their families.

Working people want a fairer workplace and an economy that works for all of us. Working women are particularly concerned about economic stability, ranking equal pay, sexual harassment, and affordable/guaranteed health care as top issues for action in recent national polls. And the freedom to decide whether and when to become a parent is a top value for all voters and millennial women in particular.

## Working Women and Families Need Policies That Will Work for Them

Workplace discrimination and harassment based on factors such as a person's sex, gender identity, sexual orientation, race, disability, familial status, or (often) a combination of these, stand in the way of equal opportunity and economic stability. Employers still too often discriminate against women, particularly women of color and mothers, paying them less or forcing them out of jobs. They steer women towards particular types of jobs, pass women over for

advancement or promotion opportunities based on discriminatory stereotypes about women's ability or commitment to the job, or deny women comprehensive benefits on par with their male counterparts'.

Families rely on women's earnings. When women are paid less than their male counterparts, are denied advancement, or lose or are forced to leave a job, they and their families face not only an immediate loss of income but potentially years of decreased earnings, job stability, and economic security.

A legislative agenda to address workplace equality will significantly improve the lives of women and their families. In addition, more equitable workplaces will produce bottom line benefits for business including reduced workforce turnover, more diversity, and increased employee satisfaction and productivity. These policies will also benefit the broader economy by enhancing the buying power of women and their families, and harnessing the full potential, talent, and productivity of the workforce.

Policies that will work together to combat workplace discrimination and promote the economic security of women and their families include:

**Ending Discrimination Because of a Person's Reproductive Health Decisions:** Everyone should be able to make the decision about whether, when, and how to have children that is best for them, without fear of unfair consequences

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at work. But across the country, women are being punished, threatened, or fired by their employers for using birth control, for having or contemplating an abortion, for undergoing in vitro fertilization in order to get pregnant, or for having sex without being married. This type of discrimination undermines a woman's ability to make decisions about starting or growing a family, and threatens her health, wellbeing, and her and her family's long term economic security. States can step up to protect working people from this harm by specifically prohibiting employers from taking adverse actions against their employees because of an employee's reproductive health decision.

**Ensuring Pregnant Workers Are Treated Fairly:** No pregnant worker should have to choose between a healthy pregnancy and keeping her job. Some pregnant workers need temporary accommodations to continue working safely throughout pregnancy, but employers frequently deny even minor accommodations, such as being permitted to sit down during a long shift or drink water at a work station—forcing many pregnant workers to choose between the health of their pregnancies and the job that provides their families economic security. States can ensure that pregnant workers can continue to do their jobs and support their families by requiring employers to make the same sorts of reasonable accommodations for medical needs arising out of pregnancy, childbirth, and related medical conditions that employers are required to make for disabilities.

**Ending Discriminatory Pay Practices:** When women are paid less than their male counterparts their smaller paychecks have long-lasting repercussions for their housing, education, health, and retirement. The wage gap for women of color and mothers is particularly staggering and sets these working women and their families back years, oftentimes decades, in achieving economic stability. States must help level the playing field for working women by strengthening pay discrimination laws through measures such as prohibiting employers from relying on salary history in setting pay, requiring employers to provide job applicants and employees information about salary

ranges, protecting employees who discuss their pay with each other from retaliation, requiring employers to collect and report pay data, closing loopholes that make it harder for employees to prevail in equal pay claims, and fully compensating victims of pay discrimination.

**Stopping and Preventing Sexual Harassment:** Everyone deserves dignity, respect, and safety at work. But as the Me Too movement has clearly demonstrated, sexual harassment is widespread, affecting workers in every state, in nearly every kind of workplace setting and industry, and at every level of employment. Sexual harassment is a substantial barrier to women's equality, economic security, and safety. Longstanding gaps in federal and state law, and judicial decisions undermining existing protections and their enforcement, have stymied efforts to address and prevent persistent workplace sexual harassment. These gaps put certain workers—particularly those in low-wage jobs, women, and immigrants—at increased risk of harassment and retaliation with little or no legal recourse. States can take the lead in protecting more workers, increasing victims' access to justice, promoting accountability, and preventing harassment. These reforms should expand anti-harassment protections to independent contractors and employees of small employers; improve victims' access to justice and ability to hold employers and individual harassers accountable; redress the harm caused by harassment by improving recovery of monetary damages; restrict employers' efforts to impose secrecy regarding harassment, such as through nondisclosure agreements; and emphasize prevention strategies, including mandatory sexual harassment training and ensuring tipped workers are entitled to the same minimum wage as other workers, so women do not have to tolerate harassment as the price of tips.