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SEX-BASED DISCRIMINATION IN THE AMERICAN WORKPLACE¹
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In the United States, federal law prohibits workplace discrimination based on sex, including, but not limited to, hiring and firing, assignment and promotion, training and development, and pay and benefits. Some states and municipalities afford their citizens additional legal rights. Despite formal protections, research shows that 68% of women believe sex discrimination persists in the workplace. In 2012 alone, the U.S. Equal Employment Opportunity Commission (EEOC) reported 30,356 cases filed for sex discrimination, or approximately 31% of the total cases filed. Indeed, sex-based discrimination and inequities continue to pervade the American workplace which, in many ways, has failed to adapt to a 21st century workforce that is 47% women.

In response to ongoing inequities, the San Francisco Department on the Status of Women submitted the *Report on Sex-Based Discrimination in the American Workplace Under the International Covenant on Civil and Political Rights*, the first shadow report to be submitted to the UN Human Rights Committee by a local government agency. Below are its findings.

UNEQUAL PAY FOR EQUAL OR COMPARABLE WORK

- **In 2012, women earned only \$0.77 on the male dollar.** This pay gap is further compounded by racial inequities: **African American women make just \$0.68 and Hispanic or Latina women just \$0.59 for every dollar earned by a white man.**
- Over a lifetime, or 47 years of full-time work, **the gender pay gap amounts to a loss of \$700,000 for a female high school graduate, \$1.2 million for a female college graduate, and \$2 million for a female professional school graduate.**

MINIMUM WAGE AND POVERTY

- Last increased under the Fair Labor Standards Act in 2009, the **federal minimum wage of \$7.25 per hour** has failed to keep up with inflation, making it increasingly difficult to survive on one full-time job.
- **Women make up nearly 2/3 of minimum wage workers**, and 4 in 10 of those are women of color.
- The federal minimum wage for tipped workers is just \$2.13 per hour. More than 70% of tipped servers are women, and **their poverty rate is nearly 3 times higher than that for the general workforce.**
- The poverty rate for women was a historically high 14.5% for women in 2012, compared to 11% for men; and the **poverty rates for black, Hispanic, and Native American women were more than three times higher than for white non-Hispanic men.**
- **Today, more than 4 in 10 female-headed families with children are considered poor.**

DISPARITIES IN FAMILY LEAVE

- The United States is **one of the few countries in the world that does not offer paid maternity leave**, although such programs do exist in the states of New Jersey, Rhode Island, and California.
- Only about half of working mothers in the United States even qualify for the 12 weeks of unpaid job-protected leave provided by the federal Family and Medical Leave Act. Gaps in state paid leave and federal job protection laws mean that many Americans still risk getting fired for taking paid family leave.

SEXUAL HARASSMENT

- In 2011, the EEOC received 11,364 charges of sexual harassment and, in 2011, it was reported that **1 in 4 American women had experienced workplace sexual harassment.**

WORK-LIFE BALANCE: INEQUITABLE ACCESS TO FLEXIBILITY AND CHILD CARE

- In 2011, **58% of women were in the labor force, and the labor force participation rate of mothers with children under 18 years of age was 71%. Additionally, in 40% of all households with children under the age of 18, the mother is the sole or primary income provider for the family, and of these breadwinner mothers, 63% are single.** Despite these realities, flexible workplaces that fully honor these changing demographics are still rare.
- Quality child care is very expensive, **costing low-income families up to 36% of their monthly income.** High cost, high quality child care and the lack of decent alternatives means working mothers are left to choose between leaving the workforce to care for a child or turning to cheaper, lower quality child care.

RECOMMENDATIONS: We recommend asking the U.S. delegation to provide an update on what measures the United States is taking to ensure a discrimination-free workplace for women, and the role government can play in encouraging private entities to adopt practices that promote gender equity in the workforce.

To ensure that women are free from workplace discrimination, the U.S. government should:

- Continue to support the critical work of the **U.S. Department of Labor Women's Bureau** and the **White House Council on Women and Girls**, which are coordinating the efforts around and bringing much needed attention to the inequities facing working women
- Pass the **FAMILY Act** to provide workers up to 12 weeks of partial income when they take family or medical leave, and address gaps that leave paid family workers unprotected from job loss
- Work to reauthorize the **Child Care and Development Block Grant**, pass the **pre-kindergarten initiative**, and institute other child care initiatives in order to allow more mothers to return to work to support themselves and their families, and advance their careers
- Ensure all workers can meet the demands of work and family life by adopting a federal right to request flexibility, known as the **Flexibility for Working Families Act**, a version of which has already been passed in the State of Vermont and the City and County of San Francisco
- Pass the **Pregnant Workers Fairness Act**, reintroduced in 2013, to ensure that pregnant women get the basic accommodations necessary for an equal opportunity to work
- Approve the **Paycheck Fairness Act** which would require employers to prove that wage differences are related to legitimate business specifications and prohibit retaliation against employees who file wage discrimination claims, and allow victims to seek back and punitive damages for lost wages
- Pass the **Fair Minimum Wage Act of 2013** to raise the federal minimum wage to \$10.10. This will ensure that low wage women workers are able to earn a living wage and that a mother working full time with two children will no longer live under the poverty line.
- Pass the **Employment Non-Discrimination Act**, which stalled in the house in 2013, to ensure equal protection for LGBT workers
- Amend **Title VII of the Civil Rights Act of 1964** to adopt a broader definition of "supervisors" to hold employers accountable for preventing and correcting sexual harassment in the workplace.

¹ All citations for statements included in this fact sheet can be found in the full report or through consultation with the Department. For more information, please contact Elizabeth Laferriere at the San Francisco Department on the Status of Women at elizabeth.laferriere@sfgov.org.