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INFORMATIONAL HEARING

“Women of Color and the Gender Wage Gap in California”

Tuesday, January 19, 2016
State Capitol, Room 126
Sacramento, CA 95814
3:00 p.m. – 5:00 p.m.

Background Summary

Introduction

Women in California comprise 12 percent of the women in the United Statesⁱ and women of color comprise the majority (61%) of California’s female population, with Latinas alone comprising 4 out of every 10 women in the state.ⁱⁱ As nearly half of the state’s workforceⁱⁱⁱ and breadwinners in most households,^{iv} women have played a pivotal role in the state’s economic well-being over the last 60 years^v and make up the majority of workers in the four service sectors whose growth has been key to California’s recovery from the Great Recession of 2007-2008.^{vi}

However, more than fifty years since the enactment of federal laws prohibiting discrimination based on sex and race^{vii} and despite the recent passage of one of the strongest equal pay laws in the country, the California Fair Pay Act (SB 358 – Jackson),^{viii} the gender pay gap persists and it disproportionately hurts women of color, who have made less than their white counterparts for decades.^{ix} While California has the eighth smallest wage gap in the country for all women compared to all men^x and the overall gender wage gap in California has improved by five percent since 2004,^{xi} California women employed full time are still losing a combined total of more than \$39 billion every year due to the wage gap, which translates into hundreds of thousands of dollars in lost income over women’s lifetimes.^{xii}

1 Prepared by Equal Rights Advocates for the Select Committee on the Status of Girls and Women of Color.

Although California women have made considerable advances in recent years with respect to levels of educational attainment and advancement in managerial and professional occupations,^{xiii} the gender wage gap in California contributes to its high rate of poverty and adversely affects women in nearly every field, no matter their income or educational status. Women in California still earn less than men in every occupational sector^{xiv} and are more likely to live in poverty.^{xv} Studies show that myriad factors which contribute significantly to the overall gender wage gap – such as differences in occupation, hours worked,^{xvi} and time spent in the labor force – reflect structural barriers and economic realities limiting women’s capacity to participate in the labor force on equal footing with men.^{xvii} All of these barriers are magnified for women of color. The wider wage gap for women of color also raises questions about the combined effects of gender, race, and ethnicity on discrimination, which economists believe is part of the unexplained portion of the gender wage gap.^{xviii}

As women of color now make up the majority of California’s female workforce and are co- or primary breadwinners in more than six in ten households,^{xix} it is important for the Legislature to examine the root causes and drivers of the persistent gender wage gap facing women of color and to explore potential policy solutions that would improve the economic security of these women and the millions of families they support.

Overview: Women of Color and the Gender Wage Gap

Although they make up a large and growing share of the workers, breadwinners, and entrepreneurs that are driving California’s economy, women of color are consistently paid less than all other groups of workers — white women, men of color, and white men – in this state.^{xx} The disparities in earnings for women of color have remained much larger or even worsened in recent years. The wage gap for Latinas in California, who comprise nearly four of every ten women in the state,^{xxi} is now the second worst in the country, with Latinas working full-time, year-round earning, on average, just 42.9 cents for every dollar white, non-Hispanic men earn^{xxii} and Native American women making 50.7 cents for every dollar white, non-Hispanic men make.^{xxiii} The median annual income for African American women in California amounts to just 63 percent of white men’s earnings, which equates to an annual wage gap of \$26,174 per year^{xxiv} – more than the federal poverty threshold for a family of four.^{xxv}

Research indicates that these pay inequities may be driven in large part by gender and race-based occupational segregation, whereby women of color are disproportionately concentrated in low-wage and minimum wage jobs and underrepresented in higher-paying occupations and industries.^{xxvi} These wage gaps are also affected by the persistently low valuation of work in occupations done predominantly by women, in general and compared to male-dominated occupations that require similar levels of skill and/or education.^{xxvii} While many occupations remain highly segregated by gender^{xxviii} and by race,^{xxix} with women concentrated in the lowest paid jobs and more likely than men to hold positions in the lower ranks of most occupational categories,^{xxx} women of color are even more likely than their white counterparts to work in the lowest-paying job^{xxxi} and experience higher levels of unemployment and poverty.^{xxxii}

The Minimum Wage and the Problem of Wage Theft

Minimum wage workers are disproportionately women of color. The concentration of women into minimum wage jobs contributes to the gender wage gap, especially for women of color. Nationwide, while women of color represent 16 percent of the workforce, they are 23 percent of minimum wage workers.^{xxxiii} In California, women comprise just under 46% wage earners in California but women of color are disproportionately represented among those earning the minimum wage.^{xxxiv}

The minimum wage also contributes to California’s high rate of poverty, which is particularly high among African American, Latina, and Native American women, at least a quarter of whom live at or below the federal poverty level.^{xxxv} And most poor families in California are working families, with 78 percent of poor

Californians living in families with at least one adult working and in more than half of poor households (53.8%), at least one family member reported working *full time*.^{xxxvi} While California recently took steps to give low-wage workers a boost by enacting a minimum wage increase through AB 10, which raised the minimum wage to \$9 per hour in 2014 and \$10 per hour in 2016, a single mother supporting two children working full-time, year-round in a minimum wage job still would not make enough to lift herself and her family out of poverty.^{xxxvii}

Because they experience wider wage gaps and are disproportionately represented among minimum wage earners, an increase in the minimum wage would have a particularly positive impact on women of color.^{xxxviii} It has been estimated that if the minimum wage were raised just \$2.00 per hour (to \$12.00) within the next four years, nearly two million women in California would get a raise.^{xxxix} In addition, a recent study by the Institute for Research on Labor and Employment at UC Berkeley estimates that the California budget would see an annual net gain of \$2 billion if the minimum wage was raised to \$13 an hour because of increased income and sales tax revenue and reduced costs for public benefits for which working poor people are eligible.^{xl}

Wage theft contributes to the gender wage gap for women of color, especially immigrant women. Wage theft is the illegal practice of not paying workers all of their earned wages. It occurs when a worker is paid less than minimum wage, is not paid overtime, is paid only in tips, or works off the clock.

A 2009 study by the National Employment Law Project and the UCLA Labor Center found that the 4,000 low-wage workers surveyed lost an average of 15 percent, or \$2,634, of their annual wages due to wage theft.^{xli} In a December 2014 report, the United States Department of Labor found that more than 300,000 minimum wage violations occur in California each week, costing working people in this state between \$22.5 and \$28.7 million per week, which adds up to between \$1.2 and \$1.5 billion in losses due to minimum wage violations annually in California.^{xlii}

Because they are disproportionately concentrated in low-wage and minimum wage jobs, wage theft hits women of color particularly hard and contributes to the significant inequalities they face, including the wage gap. Immigrant women, especially undocumented immigrants, are especially vulnerable to wage theft.^{xliii}

The California Legislature has taken steps to curb wage theft. The Wage Theft Protection Act (AB 469 - Swanson) took effect in January 2012 and requires employers to provide each employee with a written notice containing specified information at the time of hire in the language the employer normally uses to communicate employment-related information to the employee.^{xliv} More recently, SB 588 (De Leon) was signed into law, giving the Labor Commissioner additional tools to collect wages due from employers who have exhausted all appeals for their non-payment of wages and have final judgments owed.^{xlv}

Valuing Work in Occupations Dominated by Women of Color

In California, 75 percent of the workers in the ten lowest-paid occupations are women.^{xlvi} While women of color are more likely to work in the paid labor force than white women,^{xlvii} they are frequently employed in low-wage jobs that fail to provide family-supporting wages or basic benefits such as paid parental and sick leave.

Domestic workers – nannies, housecleaners, and caregivers – are primarily immigrant women who work in private households in order to provide for their own families as the primary income earner.^{xlviii} Domestic workers are essential to California's economy as they enable others to participate in the workforce. However, despite the importance of their work, they are among the most isolated, underpaid, and vulnerable workforce in the state and historically have been exempted or excluded from laws providing labor rights and basic protections afforded to other workers.^{xlix} For example, even though California has regulated household occupations since 1976, when it promulgated Industrial Welfare Commission Wage Order 15, until the

enactment of the Domestic Workers Bill of Rights (AB 241-Ammiano) in 2013, domestic workers who cared for property were entitled to overtime and rest breaks, while the domestic workers who cared for human beings were not.¹

While the Domestic Workers Bill of Rights extended overtime protections to some personal attendants, certain categories of domestic workers are still exempted, including home health care workers. AB 241 went into effect on January 1, 2014, but will expire or “sunset” on January 1, 2017, unless the Legislature extends or removes the sunset provision.^{li}

Wage theft affects a significant minority of domestic workers, compounding the problem of low pay. One study found that 10 percent of workers surveyed reported at least one instance of being paid less than agreed to or not at all for work completed in the previous 12 months, and 23 percent reported being paid late during that period, a stress on themselves and their families given their consistently low wages.^{lii}

Child care is another occupation that is overwhelmingly performed by women.^{liii} In California, women of color comprise more than half of the child care workforce and a majority of licensed family child care providers, one in three of whom is Latina.^{liv} Low pay in the child care field is well documented: despite the fact that 40 percent of the employees at child care centers have bachelor’s degrees, 70 percent earn less than \$15 per hour. These low wages and a shortage of resources for continuing education and training have contributed to high turnover among child care workers, which has been shown to undermine program quality and children’s development.^{lv}

Child care is expensive for consumers, especially single working mothers, who are more likely to be women of color.^{lvi} At an average annual cost of more than \$13,000 per year, for example, the cost of center-based infant care exceeds 14 percent of the state’s median income for married couples with children and is equivalent to 44 percent of the median income for a single mother.^{lvii} A recent study by the Economic Policy Institute finds that the cost of high quality child care makes it out of reach for most working families, and particularly unaffordable for minimum wage earners^{lviii} – who are disproportionately women of color, as discussed above. The high cost of child care also reduces women’s participation in the workforce.^{lix}

Personnel costs are the biggest expense in child care, and are governed by state regulations requiring an appropriate number of adults to children. However, California’s reimbursement rates to subsidized child care programs have failed to keep pace with inflation and are not indexed to the different costs of living across geographic areas of the state. The five percent increase in the Standard Reimbursement Rate (“SRR”) in the 2015-2016 budget was significantly lower than the 20 percent increase that had been proposed by the Assembly and less than the 7.5 percent increase that was proposed by the Joint Budget Conference Committee.^{lx} Because child care providers struggle to meet operating costs on current reimbursement rates and their own earnings are generally very low: on average, women who operate small family child care homes in California earn about \$5 per hour.^{lxi}

Access and Opportunities for Women in Higher-Paid, Nontraditional Fields

Even though women are outpacing men in educational achievement, men still dominate high-wage, skilled occupations, especially in blue collar fields such as construction and skilled manufacturing (so-called “nontraditional” occupations), which pay 20 to 30 percent higher wages than those paid in occupations dominated by women.^{lxii} Women continue to be underrepresented in nontraditional fields and are paid less than men when they are employed in these job categories.^{lxiii} In California, women are particularly underrepresented in higher-paid, high-skill fields, like STEM and the construction trades, where the fastest-growing and most lucrative employment opportunities exist.^{lxiv} These disparities hit women of color the hardest.^{lxv}

Apprenticeship is a key pathway into the high-wage, high-skill occupations that offer economic security and job mobility because it offers participants a chance to earn income while obtaining job training and education.^{lxvi} However, only 5.3% of all apprentices in California are women, and that includes apprenticeships that lead to jobs in lower-paid, female-dominated occupations like cosmetology and home health care.^{lxvii} In the construction trades, which employ approximately 70 percent of the more than 53,000 apprentices in California,^{lxviii} the workforce is only 2.2% women. Women's share of construction jobs has stayed flat or declined over the past three decades, despite a substantial increase in the number and percentage of women in other nontraditional, physically demanding occupations, such as firefighting and correctional officer positions, during this period.^{lxix} Nationally, women of color comprise less than one percent of all construction apprentices.^{lxx} Although women of color are approximately 50% of the women in construction apprenticeships in California, this is still half of a very small number that has not changed significantly in many years.^{lxxi}

Many studies show that in addition to lacking access to information about apprenticeship and pre-apprenticeship programs, women – and especially women of color – face significant barriers to retention and advancement in the form of harassment and other types of discrimination during and after they complete these programs and enter the field of construction.^{lxxii}

The low percentage of women in the construction industry is also driven by inequities and discrimination that start in education programs. In career and technical education (CTE) programs, young women are often subtly encouraged and explicitly steered into occupations that align with traditional gender stereotypes instead of being encouraged to enter traditionally male programs such as construction.^{lxxiii} Women and girls in nontraditional CTE programs report facing harassment and differential treatment, which further serves to discourage them from entering or staying in these fields.^{lxxiv} Such practices contribute to CTE programs that are highly segregated by gender, with female students concentrated in low-wage, traditionally-female fields.^{lxxv}

The federal Workforce Innovation and Opportunity Act (WIOA) requires all states who seek to receive federal funds for certain workforce investment activities to develop regional plans that will address the needs of job seekers, workers, and employers within regional labor markets.^{lxxvi} Additionally, the impending release of millions of dollars in federal funding to expand and create new apprenticeship training programs nationwide and the California Workforce Investment Board's promotion of apprenticeship as a primary training model (as set forth in AB 86)^{lxxvii} provide incentive and opportunities to improve service delivery and outcomes for women of color, who are severely underrepresented in apprenticeships and underserved by CTE programs. Currently, the state does not require workforce development programs and agencies, including One-Stop Centers, to collect or report detailed data on the individuals who participate in or receive job referrals from these programs, by gender, race and occupation. Similarly, limitations in data collection at the community college level make it difficult to measure or hold these programs accountable for ensuring equal access to CTE programs for women of color and other underrepresented groups. Requiring and evaluating such data would improve the state's ability to ensure that these programs are providing equal access to higher-paid jobs and training programs for underrepresented groups, including women of color.^{lxxviii}

Community colleges are also hampered in their ability to use funding to support students' participation in CTE programs (including apprenticeships) because of certain rules regarding the reimbursement rates for different types of attendance that the Office of the Chancellor of California Community Colleges has proposed to change. Amending the Education Code to allow for colleges to determine the best attendance reporting system to use, based on local needs, would help to remove some of the financial barriers to participation in these programs facing low-income students and students with family responsibilities – who are disproportionately women and women of color.^{lxxix}

Conclusion

Ensuring the economic success of women of color has never been more crucial to California's future. Tackling the disparities in pay and employment facing women of color in all strata of occupational categories will require policies at state and local level that link these women to the education, workforce training, and work opportunities necessary to thrive. This can be accomplished not only through enforcing and strengthening our existing laws, but also promoting systems and practices that value and compensate women of color as equal participants in the labor force. Making systematic improvements in compensation, minimum labor standards, job training and mobility, and access to higher-paid, nontraditional careers for women and girls of color will increase economic opportunity and security for all Californians.

Endnotes

ⁱ U.S. Census, State and County Quick Facts: California, <http://quickfacts.census.gov/qfd/states/06000.html> (last visited Jan. 16, 2015).

ⁱⁱ Mount St. Mary's University Los Angeles, The Report on the Status of Women and Girls in California (2015) ("Report on the Status of Women and Girls"), p. 4, available at https://www.msmu.edu/uploadedFiles/Content/Status_of_Women_and_Girls/RSWG%202015%20final.pdf (citing U.S. Census, 2013 American Community Survey 1-Year Estimates. Table B01001 for total; B01001B for African American, B01001D for Asian; B01001H for White (Non-Hispanic); B01001I for Latinas).

ⁱⁱⁱ Luke Reidenbach, California Budget & Policy Center, How California's Workforce Is Changing and Why State Policy Has to Change With It ("California's Workforce is Changing"), p. 10, available at http://calbudgetcenter.org/wp-content/uploads/How-Californias-Workforce-Is-Changing_Report_09062015.pdf (showing women comprised 45.7% of the state workforce in 2013, per analysis of U.S. Census Bureau data).

^{iv} Wendy Wang, Kim Parker & Paul Taylor, Pew Research Center, Breadwinner Moms: Mothers Are the Sole or Primary Provider in Four-in-Ten Households with Children; Public Conflicted about the Growing Trend (May 29, 2013) ("Breadwinner Moms"), available at http://www.pewsocialtrends.org/files/2013/05/Breadwinner_moms_final.pdf.

^v California's Workforce is Changing, *supra* note 3, at p. 9.

^{vi} Marisol Cuellar Mejia & Sarah Bohn, The California Economy: Employment Update, Public Policy Institute of California (Dec. 2014), available at http://www.ppic.org/content/pubs/jtf/JTF_EmploymentReviewJTF.pdf. Nationally, women make up the majority (59.6%) of those employed across these four sectors combined (health care services; accommodation and food services; professional, scientific and technical services; and administrative and support services). Within each specific industry, however, women only make up the majority of those employed in the health care and social assistance sector (78.4% women) and the accommodation and food services sector (52.6% women). Bureau of Labor Statistics, U.S. Department of Labor, Table 16: Employed persons in nonagricultural industries by sex and class of worker (2014), available at <http://www.bls.gov/cps/cpsaat16.htm>.

^{vii} These laws include the Equal Pay Act of 1963, 29 U.S.C. § 206(d) and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. California's Equal Pay Act, codified at Labor Code section 1197.5, was enacted in 1949 and the Fair Employment and Housing Act, codified at Government Code section 12900, et seq. which prohibits discrimination in employment based on sex, race, and other protected classes, became law in 1959.

^{viii} SB 358 amended Labor Code section 1197.5; bill text available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB358; see Patrick McGreevy and Chris Megerian, "California now has one of the toughest equal pay laws in the country," L.A. Times (Oct. 6, 2015), available at <http://www.latimes.com/local/political/la-me-pc-gov-brown-equal-pay-bill-20151006-story.html>.

^{ix} See Equal Rights Advocates, Moving Women Forward: On the Fiftieth Anniversary of Title VII of the Civil Rights Act, A Three-Part Series, Part Three: A Gender Wage Gap That Won't Close (2014), available at <http://www.equalrights.org/wp-content/uploads/2015/04/ERA-Moving-Women-Forward-Part-Three-Equal-Pay1.pdf>; Institute for Women's Policy Research, The Status of Women in the States: 2015, Employment and Earnings, pp. 4-16, available at <http://statusofwomendata.org/app/uploads/2015/02/EE-CHAPTER-FINAL.pdf>; American Association of University Women, The Simple Truth About the Gender Wage Gap (2015), available at http://www.aauw.org/files/2015/02/The-Simple-Truth_Spring-2015.pdf; Milia Fisher, Center for American Progress, Women of Color and the Gender Wage Gap (April 14, 2015), available at <https://cdn.americanprogress.org/wp-content/uploads/2015/04/WomenOfColorWageGap-brief.pdf>; National Women's Law Center (NWLCL), Closing the Wage Gap is Crucial for Women of Color and Their Families (2015), available at http://nwlcl.org/wp-content/uploads/2015/08/closing_the_wage_gap_is_crucial_for_woc_and_their_families_2015.pdf; Sophia Kerby, Center for American Progress, How Pay Inequity Hurts Women of Color (April 9, 2013), available at <https://cdn.americanprogress.org/wp-content/uploads/2013/04/KerbyPayEquity-1.pdf>.

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- ^x NWLC, Shocking State Wage Gaps for Women of Color (Dec. 3, 2015), available at <http://nwlc.org/shocking-state-wage-gaps-for-women-of-color/>.
- ^{xi} Institute for Women’s Policy Research (IWPR), Fact Sheet #R415, The Status of Women in California, 2015: Highlights (“Status of Women in California”), <http://statusofwomendata.org/app/uploads/2015/02/California-Fact-Sheet1.pdf>.
- ^{xii} National Partnership for Women and Families, Fact Sheet: California Women and the Wage Gap, September 2015 (“California Women and the Wage Gap”), available at <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/9-2015-ca-wage-gap.pdf>.
- ^{xiii} IWPR, Status of Women in California, *supra* note 11; Report on the Status of Women and Girls, *supra* note 2, at p. 9 (California high school and college graduation rates are higher for women than men).
- ^{xiv} Report on the Status of Women and Girls, *supra* note 2, at p. 24; see also Ariane Hegewisch and Emily Ellis, IWPR, The Gender Wage Gap by Occupation 2014 and by Race and Ethnicity (April 2015) (“Gender Wage Gap by Occupation 2014”), available at <http://www.iwpr.org/publications/pubs/the-gender-wage-gap-by-occupation-2014-and-by-race-and-ethnicity> (finding that women’s median earnings are lower than men’s in nearly all occupations, whether they work in occupations predominantly done by women, occupations predominantly done by men, or occupations with a more even mix of men and women).
- ^{xv} Report on the Status of Women and Girls, *supra* note 2, at p. 29.
- ^{xvi} While women in general and women of color in particular tend to work fewer hours, they often do not do so voluntarily. Jobs in industries where women of color are concentrated—such as food service and retail—are often hourly jobs in which many workers are part time and schedules are subject to cancellation or alteration on short notice. Women of color are also more likely to be employed as involuntary part-time workers than their white counterparts. (Involuntary part-time workers are available for full-time work but settle for part-time positions because their employers cannot give them enough hours or because they cannot find a full-time job.) In 2014, 29 percent of African American women, 28 percent of Latinas, and 20 percent of Asian American women worked part time involuntarily, compared with only 16 percent of white women. See Fisher, Women of Color and the Gender Wage Gap, *supra* note 9, at pp. 2-3.
- ^{xvii} See, e.g., Katherine G. Robbins, The Story Behind the Numbers: The Wage Gap, National Women’s Law Center (Sept. 15, 2014), available at <http://www.nwlc.org/our-blog/story-behind-numbers-wage-gap-1>; NWLC, 50 Years and Counting: The Unfinished Business of Achieving Fair Pay (2013), available at http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_equalpayexecutivesummary.pdf; Claudia Goldin, Gender Gap, 2nd edition, in The Concise Encyclopedia of Economics, available at <http://www.econlib.org/library/Enc/GenderGap.html> (last visited Jan. 14, 2016); Francine D. Blau and Lawrence Kahn, The Gender Pay Gap: Have Women Gone as Far as They Can? in Academy of Management Perspectives (2007) 21, pp. 7-23, available at https://web.stanford.edu/group/scsppi/media/pdf/key_issues/gender_research.pdf.
- ^{xviii} Fisher, Women of Color and the Gender Wage Gap, *supra* note 9, at p. 2.
- ^{xix} Breadwinner Moms, *supra* note 4.
- ^{xx} National Partnership for Women and Families, California Women and the Wage Gap, *supra* note 12.
- ^{xxi} Report on the Status of Women and Girls, *supra* note 2, p. 4.
- ^{xxii} National Partnership on Women and Families, Fact Sheet: Latinas and the Wage Gap (Dec. 2015), available at <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/latinus-wage-gap.pdf>; see also NWLC, The Wage Gap, State by State, available at <http://nwlc.org/resources/wage-gap-state-state/> (last visited Jan. 16, 2015).
- ^{xxiii} NWLC, The Wage Gap, State by State, *supra* note 22.
- ^{xxiv} National Partnership on Women and Families, Fact Sheet: African American Women and the Wage Gap (Dec. 2015), available at <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/african-american-women-wage-gap.pdf>.
- ^{xxv} U.S. Department of Health & Human Services, ASPE, 2015 Poverty Guidelines (Sept. 3, 2015), available at <https://aspe.hhs.gov/2015-poverty-guidelines>.
- ^{xxvi} IWPR, The Gender Wage Gap by Occupation 2014, *supra* note 14.
- ^{xxvii} The Gender Wage Gap by Occupation 2014, *supra* note 14; see also Ariane Hegewisch, et al., Institute for Women’s Policy Research, Separate and Not Equal? Gender Segregation in the Labor Market and the Gender Wage Gap (August 2010), available at <http://www.iwpr.org/publications/pubs/separate-and-not-equal-gender-segregation-in-the-labor-market-and-the-gender-wage-gap>.
- ^{xxviii} Philip N. Cohen, The Persistence of Workplace Gender Segregation in the U.S., in Sociology Compass 7/11 (2013), pp. 889-899, available at <http://www.terpconnect.umd.edu/~pnc/SocComp2013.pdf>.

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- ^{xxxix} Derek Thompson, “The Workforce is Even More Divided by Race Than You Think,” *The Atlantic* (Nov. 6, 2013), available at <http://www.theatlantic.com/business/archive/2013/11/the-workforce-is-even-more-divided-by-race-than-you-think/281175/>.
- ^{xxx} Report on the Status of Women and Girls, *supra* note 2, at pp. 20-22; IWPR, *Gender Wage Gap by Occupation 2014*, *supra* note 14.
- ^{xxxix} IWPR, *The Gender Wage Gap by Occupation 2014*, *supra* note 14; see also Ariane Hegewisch and Heidi Hartmann, *Occupational Segregation and the Gender Wage Gap: A Job Half Done* (Jan. 2014), available at http://www.iwpr.org/publications/pubs/occupational-segregation-and-the-gender-wage-gap-a-job-half-done/at_download/file.
- ^{xxxii} U.S. Department of Labor Women’s Bureau, *Fact Sheet, The Economic Status of Women of Color: A Snapshot*, available at http://www.dol.gov/wb/media/reports/wb_womencolorfactsheet.pdf; Report on the Status of Women and Girls in California, *supra* note 2, at pp. 29-30.
- ^{xxxiii} Julie Vogtman & Katherine Gallagher Robbins, NWLC, *Fair Pay for Women Requires a Fair Minimum Wage* (Apr. 2015), available at http://www.nwlc.org/sites/default/files/pdfs/fair_pay_for_women_requires_a_fair_minimum_wage_apr_2015.pdf.
- ^{xxxiv} NWLC, *Women, the Minimum Wage, and the Wage Gap, State by State* (Aug. 2015), available at http://nwlc.org/wp-content/uploads/2015/08/women_the_minimum_wage_and_the_wage_gap_state_by_state_8.11.15.pdf (summarizing calculations based on unpublished U.S. Department of Labor Bureau of Labor Statistics annual averages for 2014 for all wage and salary workers). See also UC Berkeley Labor Center, *Low-Wage Work in California: 2014 Chartbook* (Apr. 2015), available at <http://laborcenter.berkeley.edu/pdf/2014/chartbook.pdf> and *Profile of Low Wage Workers*, available at <http://laborcenter.berkeley.edu/lowwageca/#3.ProfileofLow-WageWorkers>.
- ^{xxxv} Report on the Status of Women and Girls, *supra* note 2, at p. 29.
- ^{xxxvi} Public Policy Institute of California, *Just the Facts: Poverty in California* (Dec. 2015), available at http://www.ppic.org/main/publication_show.asp?i=261. These figures exclude families made up only of adults age 65 and older.
- ^{xxxvii} Equal Rights Advocates’ calculation assuming 40 hours per week, 50 weeks per year at \$10.00 per hour and the Federal Poverty Level Guidelines for 2015, available at <https://aspe.hhs.gov/2015-poverty-guidelines>.
- ^{xxxviii} NWLC, *Higher State Minimum Wages Promote Fair Pay for Women* (May 2015), available at http://www.nwlc.org/sites/default/files/pdfs/higher_state_minimum_wages_promote_fair_pay_for_women_may_2015.pdf. A higher minimum wage would generally narrow the wage distribution, effectively narrowing the wage gap. Nicole M. Fortin & Thomas Lemieux, *Institutional Changes and Rising Inequality*, *Journal of Economic Perspectives*, Spring 1997, 75-96, at 78, available at <http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.11.2.75>. See also Francine D. Blau & Lawrence M. Kahn, *Swimming Upstream*, *Journal of Labor Economics*, Jan. 1997, 1-42, at 28, available at http://econ2.econ.iastate.edu/classes/econ321/orazem/blau_wages.pdf.
- ^{xxxix} NWLC, *Women, the Minimum Wage, and the Wage Gap, State by State*, *supra* note 34.
- ^{xl} Sylvia A. Allegretto, Michael Reich and Rachel West, Center on Wage and Employment Dynamics, Institute for Research on Labor and Employment, UC Berkeley, *Ten Dollars or Thirteen Dollars? Comparing the Effects of State Minimum Wage Increases in California*, June 2014, available at <http://irle.berkeley.edu/cwed/briefs/2014-02.pdf>.
- ^{xli} Annette Bernhardt et al., *Broken Laws, Unprotected Workers: Violation of Employment and Labor Laws in America’s Cities*, National Employment Law Project (2009) (“Broken Laws”), at p. 9, available at <http://www.nelp.org/content/uploads/2015/03/BrokenLawsReport2009.pdf>. “Low-wage workers” are defined as non-managerial employees in industries where the median non-managerial wage is 85 percent or less of the median non-managerial wage for all employees in the city of employment.
- ^{xlii} U.S. Department of Labor ASP/CEO, *The Social and Economic Effects of Wage Violations: Estimates for California and New York*, December 2014, available at <http://www.dol.gov/asp/evaluation/completed-studies/wageviolationsreportdecember2014.pdf>. See also Ross Eisenbrey, Economic Policy Institute, *Wage Theft by Employers is Costing Workers Billions of Dollars a Year*, <http://www.epi.org/blog/wage-theft-by-employers-is-costing-u-s-workers-billions-of-dollars-a-year/> (noting that “[t]he DOL study vastly understates the total impact of wage theft because it reported only on minimum wage violations, which are more frequent than overtime violations but usually involve smaller per violation dollar amounts than many overtime pay violations.”).
- ^{xliii} See Bernhardt, et al., *Broken Laws*, *supra* note 41; Shannon Gleeson, PhD, et al., *Santa Clara County Wage Theft Report* (2014), p. 12, available at <https://www.sccgov.org/sites/owp/Documents/pub/WageTheftReportFinal-2014.pdf>; Restaurant Opportunities Center - Los Angeles, *Behind the Kitchen Door: Inequality & Opportunity in Los Angeles, the Nation’s Largest Restaurant Industry* (2012), available at <http://rocunited.org/roc-la-behind-the-kitchen-door/>.
- ^{xliv} California Department of Industrial Relations, Labor Commissioner’s Office, *Wage Theft Protection Act*, available at http://www.dir.ca.gov/dlse/governor_signs_wage_theft_protection_act_of_2011.html.

^{xlv} UCLA Labor Center, Gov. Brown Signs Landmark Wage Theft Bill (Oct. 2015), available at <http://www.labor.ucla.edu/ca-wage-theft/>.

^{xlvi} Laura D'Andrea Tyson, "The Significance of the Minimum Wage for Women and Families," The New York Times (March 7, 2014), available at http://economix.blogs.nytimes.com/2014/03/07/the-significance-of-the-minimum-wage-for-women-and-families/?_r=0.

^{xlvii} Bureau of Labor Statistics, U.S. Department of Labor, Labor Force Statistics from the Current Population Survey (2014), Table 3: Employment status of the civilian noninstitutional population by age, sex, and race, available at <http://www.bls.gov/cps/cpsaat03.htm>, and Table 4: Employment status of the Hispanic or Latino population by age and sex, available at <http://www.bls.gov/cps/cpsaat04.htm>. Black women continue to have the highest labor force participation rate out of all racial groups of women workers. U.S. Department of Labor, Black Women in the Labor Force, available at <http://www.dol.gov/wb/factsheets/blackwomenintheworkforce.pdf>.

^{xlviii} Heidi Shierholz, Economic Policy Institute Briefing Paper #369, Low Wages And Scant Benefits Leave Many In-Home Workers Unable to Make Ends Meet (Nov. 25, 2013), available at <http://www.epi.org/files/2013/bp369-in-home-workers-shierholz.pdf>.

^{xlix} For example, the National Labor Relations Act of 1935 excludes "any individual employed as an agricultural laborer or in the domestic service of any family or person at his home..." 29 USC § 152(3). The Occupational Health and Safety Act of 1970 provides, "As a matter of policy, individuals who in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, such as house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with regard to such employment," 29 CFR § 1975.6. The Fair Labor Standards Act of 1932 (as amended) provides an exemption from overtime requirements for domestic service employees who reside in the household where they are employed, 29 USC § 213 (b)(21). Title VII of the Civil Rights Act of 1964 defines an "employer" as "a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks" in the year, 42 USC § 2000(e). The Americans with Disabilities Act of 1990 applies to employers who have "15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year," 42 USC § 12111(5)(a), and so does not cover most domestic workers. The Age Discrimination in Employment Act of 1967 applies only to employers who have "twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year," 29 USC § 630(b). Similarly, in California, the Industrial Welfare Commission

¹ The Wage Order is available at <https://www.dir.ca.gov/iwc/WageOrders2006/iwcarticle15.html>.

ⁱⁱ California Domestic Workers Coalition and Golden Gate University Women's Employment Rights Clinic, Frequently Asked Questions, California Domestic Workers' Wage & Hour Rights, available at http://www.domesticworkers.org/sites/default/files/Domestic_Workers_Rights_Fact_Sheet_FINAL.pdf.

ⁱⁱⁱ National Domestic Workers Alliance and Center for Urban Economic Development, University of Illinois at Chicago, DataCenter, Home Economics: The Invisible and Unregulated World of Domestic Work, available at <http://www.domesticworkers.org/sites/default/files/HomeEconomicsEnglish.pdf>, p. 22.

ⁱⁱⁱⁱⁱ Bureau of Labor Statistics, U.S. Department of Labor, Labor Force Statistics from the Current Population Survey (2014), Table 11: Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity (2014), available at <http://www.bls.gov/cps/cpsaat11.htm> (last visited Jan. 18, 2016).

^{liv} Marcy Whitebook, et al., U.C. Berkeley Institute for Research on Labor and Employment, Center for the Study of Child Care Employment and the California Child Care Resource and Referral Network, California Early Care and Education Workforce Study: Licensed Family Child Care Providers (2006), available at http://www.irle.berkeley.edu/cscce/wp-content/uploads/2006/01/statewide_providers.pdf.

^{lv} Marcy Whitebrook, et al., U.C. Berkeley Institute for Research on Labor and Employment, Center for the Study of Child Care Employment, Worthy Work, STILL Unlivable Wages: The Early Childhood Workforce 25 Years after the National Child Care Staffing Study (2014), pp. 4 and 29-37., available at <http://www.irle.berkeley.edu/cscce/wp-content/uploads/2014/11/ReportFINAL.pdf>.

^{lvi} See Pew Research Center, Breadwinner Moms, *supra* note 4.

^{lvii} A Stronger California, Securing Economic Opportunity for All Women, 2015 Legislative Agenda: The Case for Support (March 24, 2015), p. 4 n. 28, available at <https://astrongerca.files.wordpress.com/2015/03/final-stronger-ca-case-for-support-3-24-15.pdf> (citing Child Care Aware of America, Parents and the High Cost of Child Care: 2014 Report (2014), <http://cca.worksmartsuite.com/UserContentStart.aspx?category=25>).

^{lviii} Elise Gould and Tanyell Cooke, Economic Policy Institute, Issue Brief #404, High Quality Child Care is Out of Reach for Working Families (Oct. 6, 2015), available at <http://www.epi.org/files/2015/child-care-is-out-of-reach.pdf>.

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- ^{lix} Christina Cautarucci, “When Child Care Costs More Than Rent, Women Stay at Home,” Slate.com (Oct. 7, 2015), available at http://www.slate.com/blogs/xx_factor/2015/10/07/when_child_care_costs_more_than_rent_women_stay_at_home.html.
- ^{lx} Child Care Law Center, Analysis of Child Care Provisions in the California State Budget for Fiscal Year (FY) 2015-2016, available at <http://childcarelaw.org/wp-content/uploads/2015/08/Analysis-of-Child-Care-Provisions-California-State-Budget-FY15-16-Child-Care-Law-Center.pdf>.
- ^{lxi} Marcy Whitebrook, et al., STILL Unlivable Wages, *supra* note 55.
- ^{lxii} Wider Opportunities for Women, Women in Nontraditional Work Fact Sheet (2013), available at <http://www.wowonline.org/wp-content/uploads/2013/05/Women-and-Non-Traditional-Work-Fact-Sheet-2010.pdf>.
- ^{lxiii} IWPR Fact Sheet #C350a, The Gender Wage Gap by Occupation (April 2013), available at <http://www.iwpr.org/publications/pubs/the-gender-wage-gap-by-occupation-2/>. Table 2 of this Fact Sheet shows that the gender wage gap cannot even be accurately calculated in 4 of the 20 most common occupations for men – construction laborers, grounds maintenance workers, carpenters, and automotive service technicians and mechanics – because there are too few women workers in those fields to determine their average weekly earnings.
- ^{lxiv} Report on the Status of Women and Girls, *supra* note 2, at p. 20.
- ^{lxv} NWLC, Women in Construction: Still Breaking Ground (2014), pp. 2-3, available at http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_womeninconstruction_report.pdf.
- ^{lxvi} Division of Apprenticeship Standards, California Department of Industrial Relations (DAS), Apprenticeship programs information guide, available at <https://www.dir.ca.gov/databases/das/descOfAppr.html#Description>.
- ^{lxvii} DAS, Overview of DAS, available at https://www.dir.ca.gov/das/DAS_overview.html.
- ^{lxviii} *Id.*
- ^{lxix} NWLC, Still Breaking Ground, *supra* note 65, at p. 6.
- ^{lxx} NWLC, Still Breaking Ground, *supra* note 65, at p. 4.
- ^{lxxi} The underrepresentation of women in apprenticeship in California has been recognized as a problem for years. See, e.g., California Apprenticeship Council, Blue Ribbon Committee on Women in Apprenticeship, Final Report and Recommendations (2006), available at <https://www.dir.ca.gov/das/women%20in%20apprenticeship%20final.pdf>.
- ^{lxxii} See generally, NWLC, Still Breaking Ground, *supra* note 65, at pp. 7-8; Timothy Casey, Legal Momentum, Still Excluded: There Are Still Virtually No Women in the Federally Created and Supervised Apprenticeship System for the Skilled Construction Trades (March 2013), available at <https://www.legalmomentum.org/sites/default/files/reports/still-excluded.pdf>; Ariane Hegewisch and Brigid O’Farrell, IWPR, Women in the Construction Trades: Earnings, Workplace Discrimination, and the Promise of Green Jobs, Findings from the IWPR Tradeswomen Survey (April 2015), available at http://www.iwpr.org/publications/pubs/women-in-the-construction-trades-earnings-workplace-discrimination-and-the-promise-of-green-jobs/at_download/file; Shawn Taylor, The Pathway To Apprenticeship: Roadblocks To Registration Of Minorities And Women In Building Trade Union Apprenticeship Training Programs In Northeastern Illinois 26 (March 2006), available at <http://www.oaipact.org/attachments/path2apprentice0404.pdf>; *cf. Davis v. Kiewit Pacific Co.*, No. D062388 (Cal. Ct. App. Oct. 8, 2013) (case brought by woman of color construction worker who won jury verdict against employer for gender discrimination, hostile work environment harassment, and retaliation in November 2012).
- ^{lxxiii} See, e.g., Reuma Gadassi & Itamar Gati, The Effect of Gender Stereotypes on Explicit and Implicit Career Preferences, 37 Counseling Psychologist 902, 904-06 (April 2009); National Coalition for Women & Girls in Education, Title IX at 40: Working to Ensure Gender Equity in Education 27 (June 2012), available at <http://www.ncwge.org/PDF/TitleIXat40.pdf>.
- ^{lxxiv} NWLC, Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education (June 2007), available at http://www.nwlc.org/our-resources/reports_toolkits/tools-of-the-trade; see also American Association of University Women, Career and Technical Education for Women and Girls (Sept. 2011), available at <http://www.aauw.org/files/2013/02/position-on-career-and-tech-ed-112.pdf>.
- ^{lxxv} National Coalition for Women & Girls in Education, Invisible Again: The Impact of Changes in Federal Funding on Vocational Programs for Women and Girls 7-8 (Oct. 2001), available at <http://www.ncwge.org/statements/perkins.pdf>.
- ^{lxxvi} See https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB45 (summarizing and providing text of SB 45, enacted in 2015 to amend the California Unemployment Insurance Code in conformity with the requirements of WOIA).
- ^{lxxvii} Bill text is available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB86.
- ^{lxxviii} See also SB 66 (Leyva), available at http://leginfo.ca.gov/pub/15-16/bill/sen/sb_0051-0100/sb_66_bill_20160104_amended_sen_v98.pdf (which would require the Department of Consumer Affairs to make available to

the Office of the Chancellor of the California Community Colleges any information available to enable the Office of the chancellor to measure employment outcomes of students who participate in CTE programs offered by California Community Colleges and recommend how these programs may be improved; and urge the Chancellor to align performance accountability outcome measures for the California Community Colleges Economic and Workforce Development Program with the performance accountability measures of the federal Workforce Innovation and Opportunity Act).

^{lxxix} California EDGE Coalition, Restoring and Restructuring Adult Education, available at <http://www.nationalskillscoalition.org/resources/publications/file/Restoring-and-Restructuring-Adult-Education.pdf>.