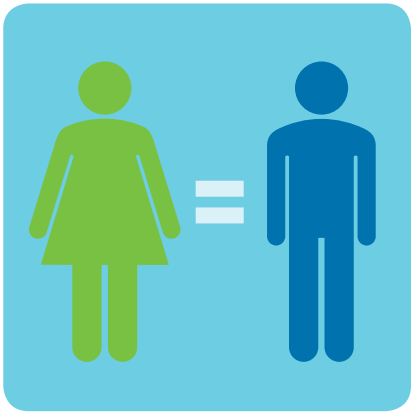
PAY INEQUALITY IN OREGON

Oregon Council on Civil Rights

Formal Recommendations

JANUARY 2014



presented to

Brad Avakian, Commissioner

Oregon Bureau of Labor and Industries

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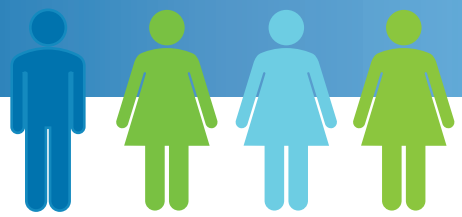
EXECUTIVE SUMMARY

In 2011, Labor Commissioner Brad Avakian directed the Oregon Council on Civil Rights to create a formal set of policy recommendations regarding pay equality in Oregon. In June 2013, Senate Bill 744 was signed into law, prompting the Council on Civil Rights to further study wage inequality in Oregon and to provide recommendations for closing gender and race-based wage gaps to the Oregon Legislature. *Pay Inequality in Oregon* is the culmination of this research and recommendations process. A compendium of current issues, laws, programs, and policies, *Pay Inequality in Oregon*, details a number of promising strategies for Oregon's leadership to address the gender pay gap in our state.

(UN)EQUAL PAY IS *REAL*....

Women earn only 77 cents for every dollar men earn, and minority women experience an even greater gap in earnings.



THE GENDER PAY *gap affects*

SHORT-TERM EARNINGS
LONG-TERM SAVINGS
RETIREMENT BENEFITS
HOUSING SECURITY
& EDUCATIONAL OPPORTUNITIES

Pay inequality

The gender pay gap affects short-term earnings, long-term savings, retirement benefits, housing security and educational opportunities. Though the gap has been slowly narrowing since the 1970s, it plateaued in 2002, and persists today:

How big is the problem?

- Nationally, women earn only 77 cents for every dollar men earn, and minority women experience an even greater gap in earnings.[1]
- Oregon's women fare only slightly better: in 2012, women in Oregon were paid 79 cents for every dollar that male workers earned in the state.[2]
- Oregon's highest paying jobs are male-dominated,[3] and even in the only high-earning occupational category in which women hold a majority of positions, women earn only 63.8 cents to every dollar of their male counterparts.[4]

What creates pay inequality?

Workplaces: Many women face discrimination in recruitment, hiring, and promotion, based on prejudice and bias that targets women as high-risk hires based on their higher likelihood to step away from work for caregiving responsibilities.[5,6]

Education: Though Oregon universities graduate more women than men,[7] women continue to be severely underrepresented in high-earning potential majors, especially Science Technology, Engineering, and Mathematics (STEM) fields.[8]

Work-life conflict: The "second shift" of housework and family care falls more frequently to women than men.[9] Women are less likely than men to have access to paid sick time[10] and paid family leave and are more likely to need that time to take care of a child or other family member.[11] Women take home less income, are less likely to earn raises and promotions at the same pace, earn fewer retirement benefits, and accumulate lower lifetime wealth.[12]

RECOMMENDATIONS *for Oregon*

1. OUTREACH & PUBLIC AWARENESS

- **Partnerships with employers and private sector leaders**
- **Public Service Advertisements, and social media campaign**
- **Technical Assistance and training**

2. EDUCATIONAL & OCCUPATIONAL PROGRAMS

- **Opportunities for women in traditionally male-dominated academic and professional fields**
- **Career training and mentorship programs**

3. EMPLOYER INCENTIVES & WORKPLACE BEST PRACTICES

- **Establish benchmarks and criteria for an official Equal Pay award program, recognizing model employers statewide**
- **Create *Best Practices Portfolio* for employers**

4. LEGISLATION & MONITORING

- **Paid leave: expand paid sick time statewide, create a statewide paid family leave insurance program, support leave time for child-related activities**
- **Right to request flexibility and predictability**
- **Safe, affordable childcare: Expand ERDC, extend tax credits**
- **Protections against discrimination and retaliation: An Oregon Paycheck Fairness Act**
- **Increased minimum wage**

Why is it a priority?

- Two thirds of working women are the primary or co-breadwinners in their families.[13] Pay inequality impacts adults and children who depend on women's incomes.
- An estimated 33 percent of single working mothers in Oregon live below the poverty line.[14] Addressing pay inequality is a crucial step toward eradicating poverty.
- According to a study from the Boston Consulting Group, women reported controlling or influencing 73 percent of household spending.[15] The business and consumer case for closing the pay gap is strong.

What should Oregon do?

Oregon's Equal Pay Act (ORS 652.220) and Unlawful Discrimination in Employment Act (ORS 659A.030 et seq.) reflect a commitment to prevent and ameliorate the effects of unequal pay. Despite these protections, gender-based disparities persist in Oregon and more needs to be done to achieve the goal of full pay equality. Oregon's residents, business and education communities, and political leadership should attend to the four areas for intervention identified in this report to realize the goal of equal pay in Oregon.

BACKGROUND
Oregon Council on *civil rights*

About the Oregon Council on Civil Rights

The Oregon Council on Civil Rights (OCCR) advises Commissioner Brad Avakian, BOLI and the state generally on matters related to education about and enforcement of civil rights in Oregon.

The Council's mission:

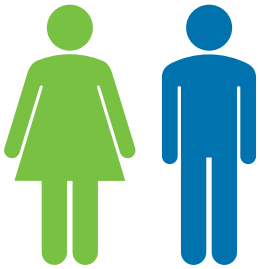
- Study and monitor the causes, effects and solutions of unlawful discrimination in Oregon;
- Consider legislative and agency proposals and actions;
- Foster communication, goodwill, cooperation and conciliation among groups interested in civil rights across the state; and
- Advise the labor commissioner, and other interested state agencies or officials, on policies and procedures related to education about and enforcement of civil rights.

Membership:

- Sunny Petit, Chair
- LaKeitha Elliott
- Nova Newcomer
- Roberta Phillip
- Debra Robinson

Objectives

The Oregon Council on Civil Rights was asked to create and submit formal research to the state Legislature regarding pay equality in Oregon. The proposal covers current issues, existing



(UN)EQUAL PAY

Women earn only 77 cents for every dollar men earn, and minority women experience an even greater gap in earnings.

BOLI
Bureau of Labor and Industries

WHAT IS PAY *equality?*

Equal pay for equal work
paying the same wages to men and women performing the same work.

=

Equal pay for comparable work
paying the same wages to men and women performing work of comparable value.

laws and policy options and recommendations to address pay equality among women and minority populations in Oregon.

Definitions

In this document, "pay equality" is defined in the following terms:

- Equal pay for equal work: paying the same wages to men and women performing the same work, within and across establishments or businesses; and/or
- Equal pay for comparable work: paying the same wages to men and women performing work of comparable value,[16] within and across establishments or businesses.

"Pay equity" is also cited in some instances. Pay equity has often been used to distinguish equal pay for the same work (equality) from equal pay for comparable worth (equity). In this document, the distinction is minor and the terms may be considered interchangeably.

Process and research for recommendations

In July 2011, Commissioner Avakian assigned the Oregon Council on Civil Rights the task of investigating the issue of pay equality in Oregon. The Council broke the process down into three phases: education, information gathering and formal recommendations.

The Oregon Legislature supported the Council's efforts with SB 744, a measure sponsored by Sen. Chris Edwards in 2013 to further explore factors contributing to wage disparities in Oregon.

BOLI will use the Council's recommendations and this report to inform the agency's development of an action plan to eliminate pay inequality.

Information gathering

In an effort to encourage participation and foster outreach, the Oregon Council on Civil Rights sought the perspective of small and large business owners throughout Oregon. The Council asked participants questions such as:

1) Whether they had a mechanism for evaluating pay equality within their business;

OREGON COUNCIL on *Civil Rights*

2) What thoughts or perspectives they had on pay equality within their businesses and sectors;
3) What barriers exist for conducting pay equality assessments within their businesses; and
4) How employers envisioned the role of the Bureau of Labor and Industries in addressing pay equality.

Members of the Council also evaluated other laws and policies addressing pay equality from countries including Canada, Switzerland and Sweden to gain an international perspective.

Additionally, the council held town hall meetings in Eugene and Portland to further facilitate public discussion. The meetings provided an outlet for the general public to offer perspectives and testimonials about pay inequality in Oregon.

The town hall meeting in Portland generated wide attendance and conversation around various issues regarding pay equality. One suggestion involved de-emphasizing employees' previous salaries in favor of a heavier emphasis on experience. Other ideas discussed included the involvement of union representatives in the salary negotiation process, more transparency in wages and improving methods for gathering wage data, improved family leave laws, and allowing labor organizations to bring forward both cases of broad wage discrimination as well as individual complaints. In addition, many attendees completed an online survey to further assist the council in developing recommendations.

Sunny Petit
Chair, OCCR

OREGON COUNCIL ON CIVIL RIGHTS APPROACH

INFORMATION GATHERING

The Oregon Council on Civil Rights asked small and large businesses about pay equality practices, barriers, perspectives, and what role the Bureau of Labor and Industries should take to address pay equality.

POLICY AND LEGAL EVAULATION

The Oregon Council on Civil Rights evaluated laws and policies addressing pay equality from around the world and held meetings in Portland and Eugene to facilitate public discussion.

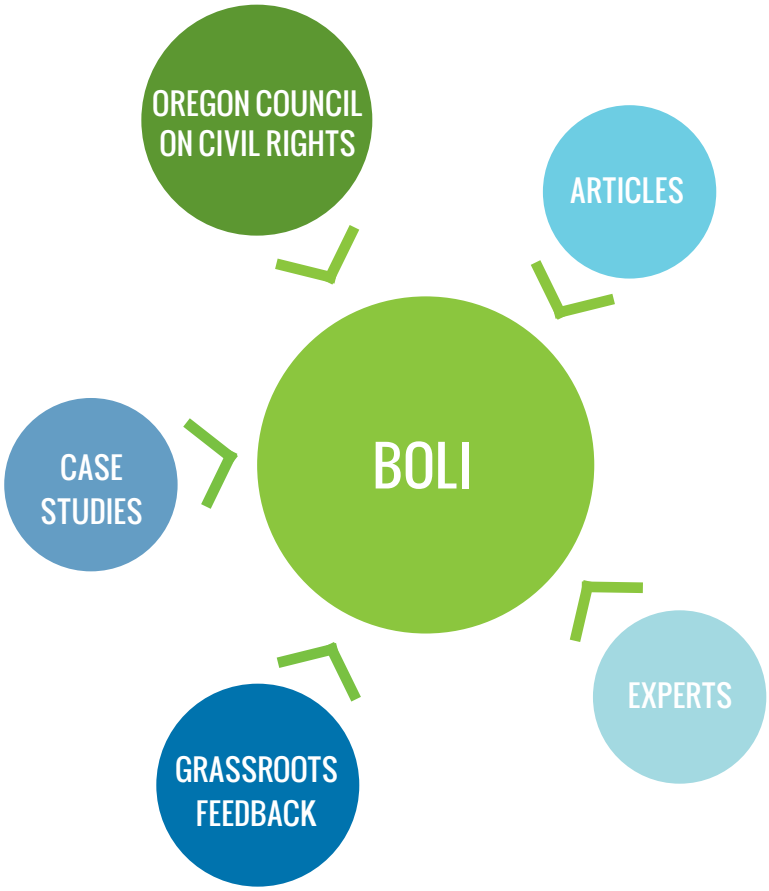
EDUCATION

The Oregon Council on Civil Rights conducted research and solicted advice from around the state and consulted with labor and family policy experts.

Education

The Oregon Council on Civil Rights conducted extensive research and solicited advice and feedback from around the state. This included initiating the education phase of its research. In conjunction with the Oregon Employment Division, the Oregon Council on Civil Rights gave a presentation on the pay gap by race and gender in Oregon. The presentation highlighted pay disparities between men, women and minorities using data from the 2010 Census and the American Community Survey.

Labor and family policy advocates discussed the disproportionate impact of sick and family leave policies on women, especially those raising children. Other significant factors in pay disparity discussed included "job segregation," in which certain occupations are predominately occupied by women and therefore undervalued, both monetarily and culturally. It was proposed that to eradicate pay inequality in the workplace it is necessary to place equal value on jobs that require similar levels of complexity, supervision and problem solving. The Council heard from experts in the field, including Dr. Margaret Hallock of the University of Oregon and Dr. Barbara Reskin from the University of Washington, Seattle. Drs. Hallock and Reskin attested to the historical struggle to correct pay disparities. In addition to the research and feedback provided to the Council, BOLI staff developed an extensive bibliography of articles and studies related to pay equality, incorporated in this report.



THE PROBLEM OF *income inequality*

Historically, Oregon has been a leader in addressing the issue of pay equality by legislative means.

A brief history of pay equality efforts in Oregon

Oregon's Equal Pay Act was enacted in 1955, eight years before the federal Equal Pay Act. Oregon currently has two primary laws that address pay inequality:

1. Wage and hour protection

The Oregon Equal Pay Act[17] states:

(1) No employer shall:

(a) In any manner discriminate between the sexes in the payment of wages for work of comparable character, the performance of which requires comparable skills.

(b) Pay wages to any employee at a rate less than that at which the employer pays wages to employees of the opposite sex for work of comparable character, the performance of which requires comparable skills.

(2) Subsection (1) of the section does not apply where:

(a) Payment is made pursuant to a seniority or merit system which does not discriminate on the basis of sex.

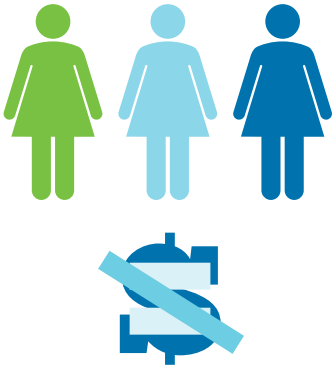
(b) A differential in wages between employees is based in good faith on factors other than sex.

OREGON HAS PASSED TWO PIECES OF LEGISLATION TO ADDRESS PAY INEQUALITY

THE OREGON EQUAL PAY ACT OF 1955
(WAGE + HOUR PROTECTION)

FAIR EMPLOYMENT PRACTICES OF 1953
(CIVIL RIGHTS PROTECTION)

DISPARITY *hurts.*



White men in Oregon were earning an average income of $46,848 for full-time, year-round work compared to $35,552 for white women, $35,625 for Asian women and $23,469 for Hispanic and Latina women.

2. Civil rights protection

The Fair Employment Practices Act of 1953,[18] amended by the Oregon Legislature in 2001 (and now called the Unlawful Discrimination in Employment Act, Public Accommodations and Real Property Transactions Act), prohibits discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, or age in compensation or in terms, conditions, or privileges of employment.

In 1964, Governor Mark Hatfield established the Oregon Commission for Women to advise the governor's office. The commission's mission is "to work for the implementation and establishment of economic, social, legal, and political equality for women and to maintain a continuing assessment of the issues and needs confronting women in Oregon," with a primary goal "to advocate for equal opportunity and treatment for women in employment."[19]

In the 1981 U.S. Supreme Court case County of Washington v. Gunther[20] the court found an Oregon employer liable to women workers who worked in female prisons and were paid less than their male counterparts who worked in male prisons. The landmark civil rights case applied pay equality issues to Title VII of the Civil Rights Act of 1964, the centerpiece of federal discrimination protection in the workplace.

Income inequality in the U.S. and Oregon

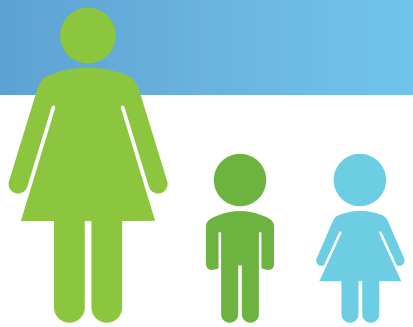
Pay disparity affects short-term earnings, long-term savings, retirement benefits, housing security and educational opportunities. Despite some statutory protections for pay equality,[21] pay disparities between men and women persist.

Nationally, women earn roughly 77 percent of men's earnings, minority men earn roughly 65 percent of white men, and minority women tend to experience an even greater gap in earnings.[22] In the U.S., African American women are paid 64 cents and Latinas are paid just 55 cents for every dollar a white man earns.[23] According to U.S. Census Bureau statistics, in 2012, women in Oregon were paid 79 cents for every dollar that male workers earned in the state.[24] The disparity between white males and women of color in Oregon is even more substantial. White males in Oregon earned an average income of $46,848 for full-time, year-round work, compared with

white women at $35,552, Asian women at $35,625 and Hispanic women at $23,469.[25] The wage gap between men and women has been slowly narrowing since the 1970's, but has stalled in the last decade and has not changed since 2002.[26] More needs to be done to achieve the goal of full pay equality by gender and by race.

In addition to race-based disparities, the wage gap also widens with workplace seniority and position status.[27] The United States ranks 13th internationally by female-to-male ratio of legislators, senior officials and managers, and only 10 percent of board members nationwide are female.[28] Further, in Fortune 500 companies, for example, only 3.6 percent of CEOs, 14.1 percent of executive officers, and 16.1 percent of board members were female in 2011.[29]

Family structures have changed significantly during the past five decades. Four in five U.S.



MOTHERHOOD + *poverty*

An estimated 33 PERCENT of SINGLE WORKING MOTHERS in Oregon live below the poverty line.

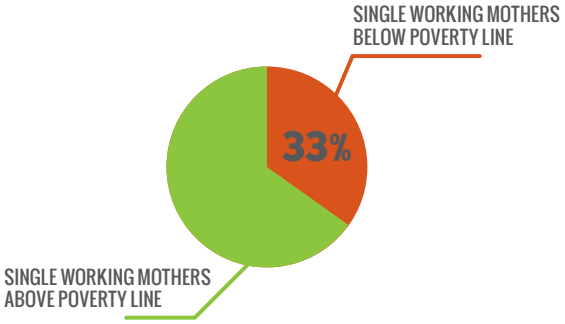
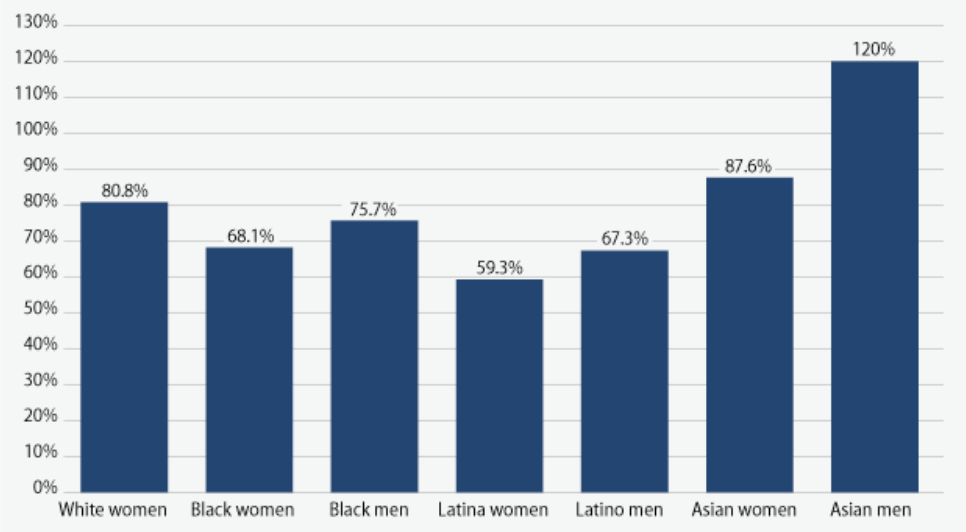
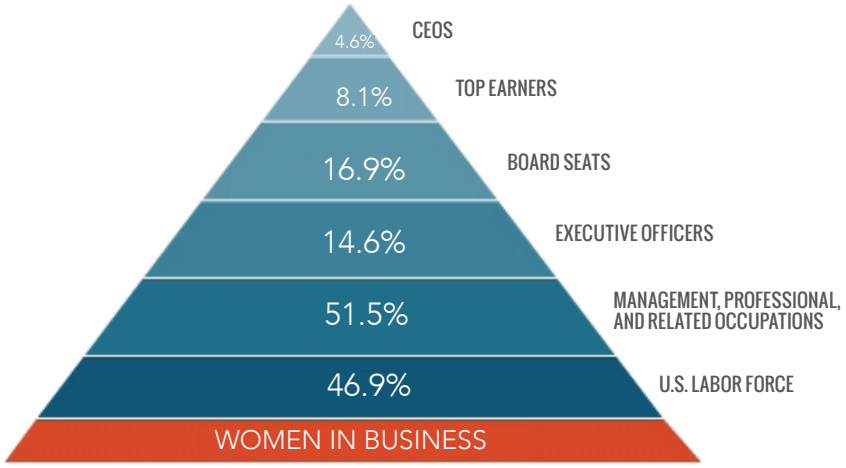


FIGURE 1. PAY OF WOMEN AND MEN OF COLOR RELATIVE TO WHITE MEN
RATIO OF MEDIAN EARNINGS OF FULL-TIME WAGE AND SALARY WORKERS, 2012



Source: Boushey & Farrell, 2013

FIGURE 2. U.S. WOMEN IN BUSINESS



Source: Catalyst, 2014

families with children are headed by either two working parents or a single working parent,[30] and two-thirds of working women are the primary or co-breadwinners in their families.[31] Notably, the number of single parents has increased more than threefold as a share of American households since 1960.[32] As more families depend on working women, the importance of equal pay is ever more pressing. In 2011, an estimated 33 percent of single working mothers in Oregon lived below the poverty line.[33] Pay inequality impacts entire families—children included—who increasingly depend on women's incomes to support family economic stability and security.

The gender pay gap has historically been attributed to a number of factors, including workplace discrimination, occupational choices, educational attainment, and life decisions, all variable among men and women.[34] Though each of these individual elements may be essential to understanding pay inequality, none of these pieces alone entirely explain the gender pay

WHEN WOMEN EARN LESS, *families suffer*

NEARLY **2/3 OF MOTHERS** ARE THE BREADWINNER OR CO-BREADWINNER FOR THEIR FAMILY.

WIDENING WAGE GAP POST-GRADUATION

Controlling for various factors often cited as responsible for pay inequalities–women still make 7 PERCENT LESS than men one year after college graduation, and 12 percent LESS at 10 years post-graduation.

gap. Among college graduates, even controlling for occupation, college major, hours worked, economic sector, GPA, type of undergraduate institution, marital status—all the "choice" factors often cited as responsible for pay inequalities—women still make 7 percent less than men one year after college graduation, and this gap widens to 12 percent at 10 years post-graduation.[35]

Clearly, multiple mechanisms at play enable, reinforce, and maintain unequal pay between men and women. Issues concerning work environments, education, and work-life conflict are considered in subsequent sections.

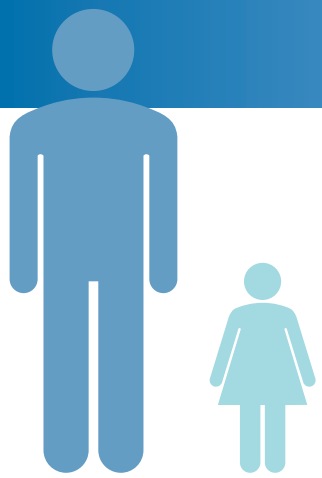
The workplace

Workplaces and the labor market play critical roles in perpetuating pay inequality in the U.S. and Oregon, via discriminatory practices in hiring, promotion and retention, overt discrimination and harassment, occupational segregation, or combinations of these factors.

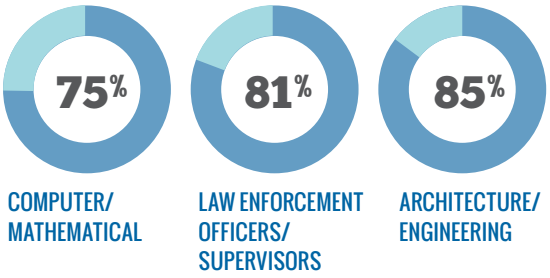
During hiring, research indicates that many employers "statistically discriminate" against women based on the perception of loss potential for hiring a female employee[36,37] (i.e. avoiding the possibility that a female new hire will eventually take leave for a pregnancy, family caregiving, etc.). This discriminatory tendency often persists throughout women's careers—being denied promotions, passed over for challenging and important projects and tasks, or offered other opportunities contributing to job advancement and security—premised on the prospect of a female employee leaving the workplace to attend to other family commitments.[38] Discrimination at any step impacts the work experience and job-related capital women accumulate, which has an effect on both immediate and lifetime earnings.[39]

In addition to these less visible practices, other forms of discrimination challenge and penalize women in the workplace. In 2012, 31 percent of the nearly 100,000 employment discrimination charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) involved allegations of sex-based discrimination. In the same year, 7,571 sexual harassment charges, 1,082 Equal Pay Act charges, and 31,208 retaliation-based charges were filed.[40] Women filed the

Research indicates that many employers "statistically discriminate" against women, based on the perception that a female new hire will eventually take leave for a pregnancy, family caregiving, etc.



In Oregon, men occupy a majority share of positions in three out of the four highest paying occupations.



majority of the largest category of charges—allegations of retaliation for discrimination complaints.[41]

Another issue, occupation segregation, accounts for a portion of the wage gap. Jobs traditionally held by men tend to pay better than traditionally female jobs.[42] In Oregon, men occupy a majority share of positions in three out of the four highest paying occupations—computer/mathematical (75.1 percent male), architecture/engineering (85.2 percent male), and law enforcement officers/supervisors (80.9 percent male).[43] In the only high-earning category in which women hold a majority of positions, health diagnosing and treating practitioners, where women account for 69.7 percent of job holders, they earn only 64 cents to every dollar of their male counterparts.[44] Of the four lowest paying occupations in Oregon, women occupy a majority share in two—food preparation and serving (60.1 percent female) and personal care and service (79.1 percent female).[45] Despite women dominating these two fields, they still make 80 cents and 79 cents on the dollar, respectively, when compared with men in these occupations.[46] In the remaining two lowest-paying occupations, building and grounds cleanup and maintenance and farming, fishing, and forestry, though men hold a bigger share of low-pay positions, they still make substantially more than the women in those jobs.[47]

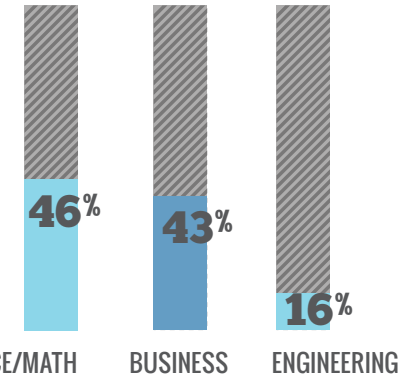
Gains in occupational desegregation can be attributed largely to women moving more frequently into male-dominated fields during the 1970s and 1980s.[48] However, the wage gap often persists even for women who break into traditionally male-dominated workplaces,

In health diagnosing and treating practitioner positions–the only high-earning category in which women hold a majority of positions at 70 percent–women earn only 64 cents to every dollar of their male counterparts.

as is clearly evident in Oregon. Occupational segregation arises in large part from patterns of history, socialization, and opportunity that help shape which types of careers are viable and available to women.[49] Family, community, and media all send messages to girls and women

In Oregon, undergraduate and graduate majors with high earning potential are largely dominated by male students.

OREGON STATE UNIVERSITY DEGREES EARNED BY WOMEN, 2012-2013



about the types of careers that are suitable and available to them.[50] An additional, significant contributor to this process of socialization is the educational system.

Education

Education can advance the position of women in the labor force, providing skills and knowledge, as well as relationships and entrée into employment sectors. In Oregon, women slightly outpace men in both undergraduate and graduate enrollment and graduation.[51] However, the types of degrees men and women are awarded do not reflect the same balance. For example, at Oregon State University, one of the three largest Oregon University System (OUS) schools, comprising slightly more than one-quarter of the entire Oregon University System student population,[52] the majority of graduates in engineering, science/math, and business are men. Women earn only 46 percent of science/math degrees, 43 percent of business degrees, and 16 percent of engineering degrees.[53] Despite higher rates of enrollment and degree completion, in Oregon, those majors with high earning potential are still largely dominated by male students.[54] Oregon's occupational segregation in fields related to these degrees, detailed prior, strongly suggests a link between education focus and subsequent career and earning differences.

A number of factors keep women out of traditionally male-dominated educational and professional fields. For example, women tend to be dramatically underrepresented in Science, Technology, Engineering and Mathematics (STEM) programs of study and careers, both in Oregon and nationally.[55] Research suggests that masculine stereotypes, a lack of active encouragement at critical points in development, absence of female mentorship,[56,57] and a paucity of female role models in STEM fields[58] all negatively impact the likelihood of women to even consider STEM professions. These influences are all essential in shaping the options that appear available and attainable to women.

Work/life conflict

In part, the gender pay gap does represent differentials in occupational, educational, and other life choices made by men and women. However, it is crucial to consider the differential

social expectations and consequences faced by men and women at the intersection of work and life.

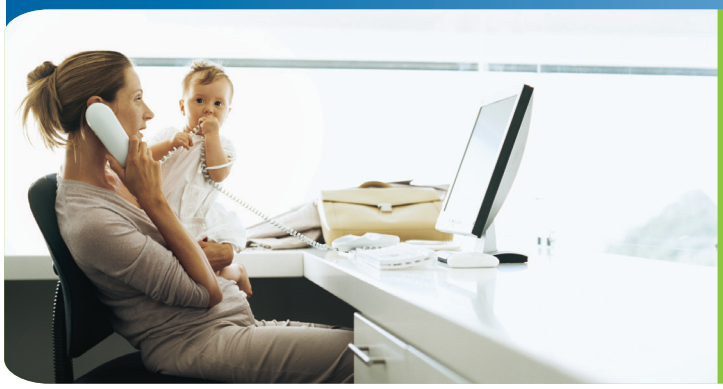
The jobs men and women hold are the product of patterns, expectations, and paths constructed and reinforced by many years of accumulated history and norms. Certain choices—what field to enter, what course of study to pursue, how much (if any) education to pursue, how much to work outside of home, what types of jobs and workplaces are desirable—are all bound by culture and experienced differently by men and women.[59]

Compounding the issues of discrimination and occupational and educational segregation detailed in prior sections, women also face a set of social expectations around caretaking and home life. Women are often expected, more than men, to take on the "second shift" of child care, housework, and domestic responsibility, extending their working hours. These pervasive cultural norms have a direct effect on the amount of time men and women spend at work and, as a result, women tend to accumulate less work experience in the long run, as their roles in housework and child care compete with work-related commitments.[60]

About 10 percent of the gender wage gap can be attributed to differences in work experience between men and women, often the result of work time lost to caregiving responsibilities.[61] The wage gap also widens with age: as workers with care responsibilities withdraw from the workforce or limit their participation, they take home less income, are less likely to earn raises and promotions at the same pace, have less access to earned retirement benefits, and accumulate lower lifetime wealth.[62] Women are both less likely than men to work in an employment setting that offers paid sick time[63] and more likely to need that time to take care of a child or other family member.[64] In the absence of benefits like paid leave for either individual, and because men are more likely to earn more income in the first place, couples in

SACRIFICING WOMENS PAID WORK

Couples in a two-parent household more frequently decide to sacrifice a woman's paid work to meet family caregiving needs than a man's.



THE MOTHERHOOD PENALTY

Employers are less likely to hire mothers compared with non-mothers and tend to offer lower salaries to mothers, while fathers suffer no discernible penalties for fatherhood as compared with other men.

a two-parent household more frequently decide to sacrifice a woman's paid work to meet family caregiving needs than a man's.[65]

Mothers experience an even wider pay gap than women without children because of lifetime loss of accumulated earnings due to perinatal job transitions (e.g. maternity leave, job re-entry, etc.).[66] Women with children tend to face what has been termed a "motherhood penalty," with employers being less likely to hire mothers compared with non-mothers and tending to offer lower salaries to mothers, while fathers suffer no discernible penalties for fatherhood as compared with other men.[67] Compounding the family-related earning gap, research evidences that women are often penalized for self-promotion behaviors at work (e.g. negotiating pay, requesting time off, etc.), making opportunities for re-entry into work and advancement difficult and often costly for women.[68]

Among Oregon women with children under eighteen years of age, 73.5 percent are in the workforce, and parents in general are more likely to be working than people without children under eighteen.[69] However, work status of parents differs by both gender and age of their children. For parents of children under six, a time in parental life when work-family conflicts are greatest, there's a wide disparity with 93.4 percent of men in the labor force, compared with only 68.5 percent of women.[70] This gap narrows somewhat for parents of children ages six to 17, with men's labor participation at 92.5 percent and women's at 77.6 percent.[71] However, for non-parents, there is a much less distinct gap in labor force participation: 62.4 percent of men without children under 18 are in the labor force, which is only five percent higher than women's participation rate of 57.1 percent.[72] This narrower gap in workforce participation among men and women without young children may support that women, more often than men, forego work for family caregiving.

Among Oregon women with children under eighteen years of age, 73.5 percent are in the workforce

RECOMMENDATIONS for *Oregon*

To address the myriad causes of pay inequality in Oregon, multiple strategies on the policy, employer, and individual levels are required.

The Oregon Council on Civil Rights recommendations are presented in four sections.

1. The first section addresses short-term objectives to remedy pay inequality, including education and outreach activities to raise awareness of the issue and to encourage timely voluntary adoption of best practices in the private and public sectors.
2. The second section includes suggestions for employer incentives and examples of best practices for the workplace.
3. The third section includes recommendations for programming aimed at improving entrée for women into male-dominated fields of study and occupations.
4. The fourth section includes potential long-term objectives and policy options, including proposed legislation and enforcement provisions.

1. OUTREACH & PUBLIC AWARENESS

- **Partnerships with employers and private sector leaders**
- **Public Service Advertisements, and social media campaign**
- **Technical Assistance and training**

2. EDUCATIONAL & OCCUPATIONAL PROGRAMS

- **Opportunities for women in traditionally male-dominated academic and professional fields**
- **Career training and mentorship programs**

3. EMPLOYER INCENTIVES & WORKPLACE BEST PRACTICES

- **Establish benchmarks and criteria for an official Equal Pay award program, recognizing model employers statewide**
- **Create Best Practices Portfolio for employers**

4. LEGISLATION & MONITORING

- **Paid leave: expand paid sick time statewide, create a statewide paid family leave insurance program, support leave time for child-related activities**
- **Right to request flexibility and predictability**
- **Safe, affordable childcare: Expand ERDC, extend tax credits**
- **Protections against discrimination and retaliation: An Oregon Paycheck Fairness Act**
- **Increased mimum wage**

SECTION ONE
outreach + public awareness

Oregon should develop and implement a strategic communications program that elevates awareness of pay inequality and motivates employees and employers to take meaningful action toward equality.

Elements of such a program should include:

Initial partnerships with key employers and private sector leaders

- The effort to achieve pay equality should include targeted outreach to a limited number of employment sectors based on their visibility and likelihood of voluntary involvement. Within each sector, BOLI should approach market and sector leaders for potential partnership. In addition, BOLI and the Commissioner's Office should look for opportunities to highlight businesses already engaged in workplace practices that foster pay equity. In doing so, the effort would create a public/private partnership that leverages private communications dollars to enhance the overall visibility for the effort to achieve pay equality.

Finally, BOLI could work to enlist media partners —especially those with existing awards programs —to incorporate pay equality into their categories of excellence.

BOLI should also develop technical assistance materials to help small businesses comply with pay equality laws. BOLI may also choose to create seminars and workshops to teach employers how to identify and address sex and race-based discrimination or incorporate practices into existing sessions.

Strong Public Service Advertisement (PSA) and social media campaign

A low-cost, high-impact PSA campaign could include production and distribution of targeted videos and other content that Oregonians would want to share with their friends and family. Given budget limitations, heavy emphasis should be placed on generating content that's memorable, creative and interesting.

> **CASE EXAMPLE:** When women see themselves represented in certain occupations, they are more likely to consider those positions within reach, and act on pursuing them.[73] National Public Radio developed a special web series, The Changing Lives of Women,[74] a collection of

women's stories in education, in the labor force, and on work-life balance. BOLI could approach Oregon Public Broadcasting or other media outlets to develop a similar radio/web series, serving the dual purpose of providing a platform for women's stories to be told and heard, and offering a mechanism of recognition for best practices from Oregon companies and organizations that support, employ, and/or are led by women profiled in the series.

Technical assistance and best practices for existing seminars and training

The Bureau of Labor and Industries' Technical Assistance for Employers Program receives nearly 20,000 calls a year from Oregon businesses and, in 2012, trained more than 4,000 managers in state and federal employment law. The Technical Assistance Program should consider further incorporating information on pay equality laws, company strategies and principles in its trainings and materials. Lessons from Oregon companies and others who have made strides in their own workforce would be of particular importance to highlight.

When women see themselves represented in certain occupations, they are more likely to consider those positions within reach, and act on pursuing them.

SECTION TWO
educational + occupational programs

Oregon should focus on improving educational and occupational training program access, opportunities and environments for young girls, women, and men of color. Toward this aim, Oregon should initiate programs that target early entry-points to education and careers, prioritizing reaching these underrepresented groups with a goal to promote job desegregation.

Enhancing opportunities for women in traditionally male-dominated fields

As detailed in a prior section, a number of factors keep women out of traditionally male-dominated educational and professional fields. Oregon's current employment data indicates a severe lack of female representation in science, technology, engineering and mathematics (STEM) fields, protective service occupations, natural resource, construction and maintenance occupations, and production, transportation and material moving occupations.[75] Improving entrée for women into traditionally male-dominated fields—especially those with high earning potential, such as STEM careers—can decrease occupational segregation and aid in narrowing the pay gap.

Schools—from local public K-12 school systems to Oregon colleges and universities—could initiate targeted efforts to create an education-to-career pipeline for women in traditionally male-dominated majors and fields. Trade school and occupational training programs targeted toward women should be adequately funded and supported.

CASE EXAMPLE: In the Portland Public Schools District, the Harriet Tubman Leadership Academy for Young Women (closed in June 2012 as a district cost-saving measure) was the only public college preparatory school in Oregon serving 6th through 12th grade female students, with a focus on education in science, technology, engineering and mathematics (STEM).[76] The school, which had a strong presence in the city's African-American community,[77] provided a model for educational programs aimed toward engaging girls and young women early in STEM.

CASE EXAMPLE: Maria Klawe, president of Harvey Mudd College in CA, has spearheaded a number of initiatives to recruit and retain more female students in the school's computer science program. Through program promotion among female students and applicants, curricular changes making introductory courses more accessible, research

opportunities for practical application of skills, and networking opportunities including a large conference for women in computing offered to first year students, Harvey Mudd College now boasts near-parity in computer science majors—40 percent of the school's computer science majors are women—pacing it far ahead of an 18 percent national average of CS degree holders.[78]

Career training and mentorship programs for women

Career and technical education programs should be expanded to provide more women and minority students opportunities to explore hands-on learning through shop classes and skills training. By directly engaging young students in vocational programs in the classroom, Oregon can strengthen its pipeline of skilled workers and make progress toward a stronger, more diverse workforce. Notably, vocational programs can excite students—including women and people of color—in interests that lead to well-paying careers without adding to skyrocketing student debt.

Oregon Tradeswomen, Inc.

CASE EXAMPLE: Oregon Tradeswomen, Inc., (OTI) is a 501 (c)(3) nonprofit "dedicated to promoting success for women in the trades through education, leadership and mentorship…OTI was founded on the principles that women deserve and can attain economic self-sufficiency through pursuing careers in the building, mechanical, electrical, and utility trades while helping and encouraging the trades industry build up a diverse workforce. Today the organization is comprised of nearly 400 members, three programs, an annual trades career fair for women and girls, and the support of trades industry employers."[79] OTI is an exemplary organization whose strategy to reduce occupational desegregation and improve labor force participation for women is multi-dimensional: OTI equips women with necessary skills and relationships while also working toward impacting and changing work environments and cultures that perpetuate the underrepresentation of women in trades.

In addition to sector-specific mentoring, outreach programs for women beginning their careers should emphasize personal mentoring and skills development, including teaching young women salary negotiation skills early. The Council's research found that men are four times as likely as women to initiate salary negotiations.[80] According to one study, 20 percent of adult women say they never negotiate at all, even though they often recognize negotiation as appropriate and even necessary.[81] When women fail to negotiate their salaries, they are less likely to receive a higher salary. Of course, women who do negotiate competitive salaries still face discrimination,[82,83,84,85] Accordingly, efforts toward encouraging women's self-promotion behaviors need to be coupled with employer education and strong policies to mitigate unintended consequences of penalty or retaliation against women who engage in salary or position negotiation.

Though closing educational gaps may help efforts toward reducing the gender pay gap, research indicates that it alone is not sufficient to remedy persistent disparities in pay and labor force participation between men and women.[86] More must be done in the policy arena, at the population level to effectively shift the pay gap.

SECTION THREE
employer incentives + workplace best practices

As one incentive for employers to strive for pay equality, the Bureau of Labor and Industries could establish benchmarks and criteria for employers that would make them eligible for a pay equality award and/or official recognition.

To qualify, employers must demonstrate that they have made a substantial effort to achieve pay equality that deserves special recognition. Employers who would qualify to participate in this program[87] include, but are not limited to:

- Corporations
- Partnerships
- Professional associations
- Nonprofit organizations
- Labor organizations

In addition to enforcement efforts or mandated programs, Oregon should create a portfolio of Best Practices in the Workplace for employers who want to achieve pay equality in their organizations. Because the causes of pay inequality are myriad —and influenced heavily by social factors related to family obligations and childrearing—policies that support women, minorities and their families in the workplace provide the best chance of creating an environment that will lead to pay equality. This portfolio of best practices could be of use in implementing a cooperative system for engaging the business community: through recognition of model workplaces and technical assistance on achieving best practices, a culture of "healthy competition" to meet and exceed newly established workplace standards can be created and sustained.

BEST PRACTICE EXAMPLE: Hiring, promotion, and pay-equity audits[88]

Companies may conduct periodic internal audits to assess their performance in non-discriminatory hiring, promotion, and pay practices. Such audits can shed light on whether or not current company workforce composition reflects the available candidate pool in a sector, whether management reflects balance in promotion of men, women, and minority employees internally from lower-level positions, and whether men, women, and minorities are paid equally for performing the same work.

For example, Sarah Allen, founder of Blazing Cloud, a mobile devices software design and development company, noticed early on in her career a dearth of female programmers in software and development fields. Allen recommends that firms examine their recruitment, interviewing, hiring, and

promotion practices to see where and how women are excluded from first consideration, or discriminated against during the process, in order to identify entry points for action. In other words, because nearly 20 percent of computer science graduates are women, Allen recommends that if an agency does not see this demographic reflected in initial candidate recruitment, interviewing, and hiring, that attention to affirmative action recruitment may be merited.[89] Such audits can be performed formally or informally, internally or by external contract, though formal, structured processes are preferable for improving accountability and the likelihood of follow-through.

Another audit strategy is to examine pay equity within a workplace, or equity across sectors. Pay equity is a method of eliminating broad pay disparities whereby women are paid less than men for jobs that require comparable levels of expertise. Pay equity expands upon the familiar concept of 'equal pay for equal work' by addressing how traditionally female-dominated work is often systematically paid less than male-dominated work, despite comparable levels of required education, skill, responsibility, and experience.[90,91] A policy establishing pay equity usually involves evaluation of all jobs, with points assigned according to the level of knowledge and responsibility required to do the job; and salary adjustments commensurate with any disparities by which women and/or minority employees are consistently paid less than men for jobs assessed at similar point values.[92]

Allen recommends that firms examine their recruitment, interviewing, hiring, and promotion practices to see where and how women are excluded from first consideration, or discriminated against during the process, in order to identify entry points for action.

For example, Minnesota requires public sector employers to conduct regular pay equity studies, identifying, reporting on, and remedying pay disparities between comparable jobs.[93] Women tend to dominate public sector service jobs,[94] thus, targeting this area has strong potential to impact earnings inequality. Minnesota has a gender wage gap of 80%, median male earnings of $50,885, and median female earnings of $40,595[95]—all better metrics as compared to Oregon, and perhaps attributable to pay equity in the public sector. Oregon's public sector could pioneer broad pay equity audit efforts for the state, either widely across public employees, or piloted through select departments most plagued by occupational segregation.

BEST PRACTICE EXAMPLE: Joint evaluation

The gender pay gap exists at all levels of labor force participation, but is most pronounced at senior-level positions,

with women starkly underrepresented in managerial, leadership, and high-earning positions.[96] In many workplaces, initial hiring often involves "joint evaluation," whereby candidates are explicitly compared to one another on the basis of qualifications and credentials, and promotional consideration moves to separate evaluation.[97] Research indicates that employers using joint-evaluation approaches tend to make decisions based on past performance, rather than an employee's gender and implicit stereotypes, while separate employee evaluations were influenced by the candidate's gender.[98] Employers should engage in joint evaluation practices throughout hiring and promotion procedures to mitigate the consequences of separate evaluation, which is more subject to discriminatory stereotypes and non-performance-based factors.

BEST PRACTICE EXAMPLE: Workplace flexibility

Many companies have come to value workplace flexibility as a means to facilitate efficiency, employee retention, and productivity. Flex-work may include regular or short-notice flex time, compressed workweeks, telecommuting, sabbaticals or other extended leave, part-time or part-year work, self-scheduling and shift trading, as well as paid vacations, sick time, and time off for caregiving.[99] Flexible employment arrangements can have a marked impact on women's ability to stay in the workforce, in large part by mitigating the "motherhood penalty" many women experience in lost positions, missed promotions, and decreased tenure.

For example, each year the Families and Work Institute (FWI) and The Society for Human Resource Management (SHRM) partner to present the Sloan Award for Excellence in Workplace Effectiveness and Flexibility to a number of model employers across the U.S. for their innovative and effective workplace practices.[100] These workplaces represent a broad range of sectors, and demonstrate the efficacy of innovations that improve retention, engagement, and job satisfaction.[101]

Flexible employment arrangements can have a marked impact on women's ability to stay in the workforce, in large part by mitigating the "motherhood penalty" many women experience in lost positions, missed promotions, and decreased tenure.

BEST PRACTICE EXAMPLE: On-site child care

Some companies recognize the benefits of offering on-site child care facilities to employees. This structure provides returns for businesses, who can better recruit and retain high quality employees. Further, on-site child care facilities allow more flexibility to employees with young children, which fosters a more efficient and productive workforce.[102]

For example, Intel, with multiple offices and facilities in numerous locations, offers near-site child care and contracts with existing

providers.[103] In fact, the company credits its backup childcare program with saving more than 5,000 days of absenteeism per year, a major economic benefit both for the company and its workforce. Fred Meyer offers some employees onsite child care options through a partnership with a national child care provider, Children's Creative Learning Centers, as does Oregon Health & Science University.

Intel, with multiple offices and facilities in numerous locations, offers near-site child care and contracts with existing providers.

BEST PRACTICE EXAMPLE: Protections for survivors of violence

Millions of women each year experience physical, sexual, and emotional abuse from an intimate partner, and it is estimated that one in four women will experience some form of abuse by a partner in their lifetime.[104] The cost of intimate partner violence (IPV) to working women is tremendous: the Centers for Disease Control and Prevention estimates the annual cost of lost productivity due to domestic violence is $727.8 million (in 1995 dollar equivalent), with more than 7.9 million paid workdays— more than 32,000 full time jobs—lost each year.[105] The mechanisms for this lost productivity are varied: women may miss work due to injury, due to needing to attend court proceedings related to the violence, or for other needs (counseling for self, children, etc.). Further, workplaces are often ill-equipped to support women experiencing violence, and women are often fired, demoted, or transferred involuntarily in response to absenteeism or in response to an abusive partner's use of violence in a woman's workplace (e.g. stalking at work, threatening a workplace, etc.).[106] Because women are disproportionately affected by IPV, and their labor force participation suffers concomitantly, IPV is linked to the gender pay gap. Addressing violence against women can help ensure women's meaningful economic participation, and workplaces can play a key role in helping to mitigate the impact that IPV has on disparities between men's and women's earnings. Women and workplaces bear the costs of absenteeism, impaired job performance, and loss of experienced employees. Though more than 70 percent of United States workplaces do not have a formal program or policy that addresses violence,[107] many workplaces have worked to implement supportive policies, including nondiscrimination and non-retaliation for workers disclosing violence, protected leave and other workplace assistance, access to unemployment benefits, work performance accommodations, and compliance with orders of protection.[108]

SECTION FOUR
legislation+ monitoring

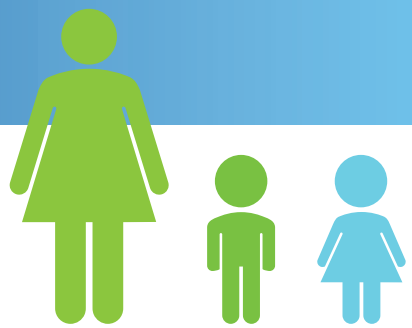
As indicated, the stubborn pay gap in Oregon and nationwide will require comprehensive strategies to shift, decrease, and eventually eliminate disparities in pay by gender and by race.

National policies are certainly a part of the equation, but individual states have tremendous power in setting a standard, serving as models, and creating momentum for federal action.[109] State intervention can mediate the processes by which women's occupational choices and opportunities are formed, while social policies function to shape employers preferences for specific groups of employees, and allow female employees to reconcile work and family conflicts without having to do it solo.[110] Oregon can have an impact locally and on the national stage by championing strong social policies that respond to our state's unique needs, while challenging other states to follow suit and commit to matching Oregon's progress.

Internationally, model countries that have most successfully narrowed pay inequality are those that have implemented a host of social policies and programs: creating equitable opportunities for women to rise to positions of leadership, including; maternal and paternal leave; federal or state parental leave benefits supported jointly via social insurance funds and employers; tax incentives for employers and breaks for parent employees; and post-maternity re-entry protections and programs.[111] Policies that make work more compatible with family, home, and motherhood are likely to contribute to positive changes in labor force participation and equal pay.[112] Paid parental leave, paid sick time, child care affordability and availability, the right to request flexibility, legislative protections from discrimination and provisions for wage fairness, and an increased minimum wage represent a number of key strategies with tremendous potential to reduce pay inequality.

Leave time: Paid family leave, paid sick time, and time off for children's activities

As indicated in prior sections, women's disproportionate time away from work to attend to caregiving commitments, especially those involving children, impact immediate and lifetime earnings. Paid, protected time away from work provide women with means to balance commitments to work and family without sacrificing essential income or foregoing a child or other family members' needs. Maternity, paternity and parental leave are all closely associated with women's economic participation and gender parity in many nations and localities.[113]



Paid family leave

Although the Oregon Family Leave Act (OFLA) is more generous to employees than current federal law,[114] many Oregon families cannot afford to take unpaid leave, and may require additional provisions for family and medical leave. Women are disproportionately impacted by current family and medical leave laws because they are still the most likely to need leave or to drop out of the workforce due to family care giving responsibilities. Women who have children are the most likely to leave their jobs and to experience a wage-drop after changing employers; this is especially true for women of color, young mothers and for women with lower educational attainment.[115] Paid family leave would allow a person to take extended periods of leave to undertake caregiving responsibilities without suffering financial hardship, helping to reduce pay inequality by increasing job tenure rates, lifetime earnings, and economic security in retirement for women.[116]

About 10 percent of gender-based pay inequality is due to differences in work experience between men and women, often a consequence of caregiving responsibilities.[117] The "mother's wage penalty" is estimated at approximately 7 percent per child, and just one-third of the gap is attributed to the consequences of taking leave.[118] According to one national study, a mere 11 percent of private sector workers and 17 percent of public sector workers report access to paid family leave.[119] In the United States, nearly 80 percent of mothers with access to either paid or unpaid maternity leave return to their previous job postpartum, compared to only 63 percent of mothers without access.[120] Women with access to paid leave are almost 70 percent more likely to come back to work three months to one year after having a child,[121] and are less likely to utilize public assistance programs.[122] The negative impact of the birth of a child on an individual's earnings is only present for women—findings indicate that men receive increased employment opportunities, higher salary offers and promotions with the birth of a child.[123] When leave is paid, uptake increases among men, which encourages gender equity in caregiving and in turn leads to a decline in the wage gap. Supporting more men to engage in caregiving without jeopardizing financial stability reduces stigma around taking time off, decreases pay disparities, and provides men with greater access to the work-life balance they increasingly desire.[124]

Paid parental leave, paid sick time, child care affordability and availability, the right to request flexibility, legislative protections from discrimination and provisions for wage fairness, and an increased minimum wage represent a number of key strategies with tremendous potential to reduce pay inequality.

Parents with young children are not the only individuals who would benefit from paid family leave. Caregiving responsibilities often fall on family members to aging individuals who require extra assistance performing daily and

routine tasks. Forty-two percent of workers have provided unpaid elder care to a family member in the past five years, and nearly half of workers expect to need to provide elder care in the next five years.[125] The first wave of baby boomers turned 65 in 2011, and by 2050, demographers project that up to 20 percent of the population will be older than the retirement age.[126] Nearly one in five of those over the age of 65 need help with basic daily activities, and most people who provide care for older family members are themselves employed.[127]

California and New Jersey have implemented paid family leave legislation, and a number of international exemplars in paid family leave policy exist to guide the formulation of legislative strategies for leave provisions in Oregon.

EXAMPLE LEGISLATION: California

In 2002, the California legislature extended disability compensation to cover individuals who take time off of work to care for a seriously ill child, spouse, parent or registered domestic partner, or to bond with and care for a new child. California Senate Bill 1661 established the Paid Family Leave insurance program (also known as Family Temporary Disability Insurance program), administered by the State Disability Insurance Program (SDI).[128] An estimated 13 million California workers covered by the SDI program have also been covered for Paid Family Leave benefits since the program's inception.[129] Key mechanisms and provisions of California's Paid Family Leave insurance program include: [130]

- It is administered by the California Employment Development Department.
- Workers who contribute to SDI may take up to six weeks of partial pay each year to care for a newborn, a newly adopted child or ill family member. These weeks are in addition to the six or eight weeks of maternal disability leave to which a new mother was already entitled under the SDI program for recovery from childbirth.
- Employees are eligible to receive 55 percent of their wages during their absence, up to a maximum weekly benefit amount determined by wages during the base period.
- Under the California Family Rights Act, all employers are covered by the new legislation, regardless of size. However, employers with fewer than 50 employees may not be required to hold open a job for a worker on paid family leave.
- Workers do not need to take all six weeks consecutively, rather employees can take leave intermittently on an hourly, daily or weekly basis as needed.
- Before receiving benefits, workers must serve a 7-day non-payable waiting period.

Nearly 83 percent of the California workers taking leave returned to the same job they had held before.

According to one survey, more than 95 percent of workers who took family leave in California returned to work, and more than four-fifths returned to the same employer.[131] Women who make low hourly wages are one of the populations least likely to return to work after taking leave to care for a family member or new child. After the enactment of California's

Paid Family Leave program, workers earning less than $20 per hour who took intermittent leaves were significantly more likely to return to the same employer than those who did not take leave. Further, nearly 83 percent of the workers taking leave returned to the same job they had held before.[132]

EXAMPLE LEGISLATION:
An international perspective

In nations with comprehensive and generous maternity leave policies, such as Belgium, Denmark, Finland, France, and Sweden, there is no significant discrepancy in the labor force between women with young children and women without young children.[133] Research conducted in Canada after maternity and parental leave allowances were expanded in 2001 to a maximum of 52 weeks of paid, job-protected leave found that all provincial programs increased the likelihood that women would return to work after the birth of a child.[134] Job-protected paid leave increased employment rates for parents of both genders whose youngest child is under the age of two.[135] Paid leave longer than 17 to 18 weeks—ranging from 29 to 52 weeks depending on the province—was associated with higher rates of job continuity, as more women returned to work who would have otherwise left the labor force. It also resulted in higher rates of women returning to full-time, rather than part-time employment.[136]

Paid sick time

Akin to paid family leave time and paid time off for child-related activities, paid sick time laws can combat the pay gap by mitigating the penalties women often face in taking time off to care for themselves or a dependent due to illness. In

In Oregon, 53 percent or about 314,277 private sector workers do not accrue sick days on the job.

Oregon, 53 percent or about 314,277 private sector workers[137] do not accrue sick days on the job, and women and people of color are overrepresented in part-time and low-wage positions—such as service, sales, office occupations, child care and home health care—which include some of the occupations least likely to offer earned sick days.[138] Working women tend to be primary caregivers of their families, even within a two-parent household, and illness poses the difficult decision of having to work sick or lose pay by staying home.[139] A number of cities, including Portland, San Francisco, Seattle, Washington DC, New York, and Jersey City, have passed paid sick time accrual laws, and Connecticut has statewide sick time provisions. Oregon can continue to be an early adopter and leader in this arena, and maximize the impact these provisions have on the pay gap throughout Oregon by passing statewide legislation ensuring all workers have access to paid sick time.

Paid and/or unpaid time off for school conferences and school activities

A handful of states have enacted legislation to protect employees who must take time off for child-related school functions. This kind of law is positive for mothers, for children, and for workplaces, which retain talent and support positive employment atmospheres by such provisions.

EXAMPLE LEGISLATION:
Illinois, Washington, D.C., California

Illinois requires employers to grant employees time off for child-related activities, available if no other accrued leave is available. Employers with 50 or more employees must grant employees up to eight hours of leave during any school year to attend school conferences or classroom activities that cannot be scheduled during non-work hours.[140] In Washington, D.C., employees are entitled to a total of 24 hours of leave during any 12-month period to attend or participate in school-related events for their child. The employees must provide notice of at least ten calendar days, unless the event cannot be reasonably foreseen.[141] In California, state protections prohibit employers with 25 or more employees at the same location from discharging or in any way discriminating against employees who take time off for school events. This includes parents, guardians, or custodial grandparents, and entitles these caregivers to take up to 40 hours each school year.[142] Other states with some type of protected leave laws for employees to take time off for child-related functions include Louisiana, Massachusetts, Minnesota, Nevada, North Carolina, Rhode Island, and Vermont.[143]

Monitoring leave use in Oregon

To capture an accurate picture of how leave time is used, who uses it, and how it impacts pay inequality in Oregon, data should be routinely collected in several domains. The following recommendations pertain to current laws and programs, as well as prospective laws and programs. Oregon should compile data on:

- OFLA requests, utilization rates, and denials of OFLA requests (including the nature/reasons for such denials);
- Sick time requests, discrimination and retaliation complaints, and resolution of such cases through BOLI.
- Track utilization of public assistance programs (WIC, SNAP, TANF, UI) consequent to implementation of paid leave time.

Workplace flexibility can support the conditions that make work more compatible with family life for women in the workforce.

Right to request flexibility and predictability

Fewer and fewer households have at least one parent at home. According to the Census Bureau, more than 70 percent of children are raised in families that are headed by either a working single parent or two working parents.[144] Furthermore, the number of households with married parents and children, in which both parents are in the workforce, rose to 66 percent in 2010.[145] The number of single-parent families has also increased, almost tripling during the last 50 years, from 5 percent in 1960, to 14 percent in 2010.[146]

Workplace flexibility can support the conditions that make work more compatible with family life for women in the workforce. Having a sense of agency on the job is known to be good for the health and wellbeing of employees[147] and can improve retention and long-term earnings potential for women by allowing them to meet work and family commitments.

THE RISING COSTS OF CHILD CARE

Oregon is the least affordable state when it comes to child care: the annual cost of child care for single-parent families is 61.6 percent of annual income, and 18.6 percent for two-parent families, and average college tuition costs less than two-thirds the annual expense of child care.

EXAMPLE LEGISLATION: The Working Families Flexibility Act

The Working Families Flexibility Act,[148] proposed by U.S. Representative Carolyn Maloney (D-NY), would grant employees the right to request flexibility and predictability in their schedules, and require employers, under certain circumstances, to allow flexible work schedules for employees. The act would also protect employees from retaliation stemming from inquiries about or requests for a flexible work schedule.[149,150] H.R. 4106 would provide a statutory right to request flexible work terms and conditions for employees. Covered employers would be all those who have 15 or more employees. The bill would grant an eligible employee the right to apply for a temporary or permanent change in their work schedule if the change relates to:

(1) the number of hours the employee is required to work;

(2) the times when the employee is required to work or be on call for work;

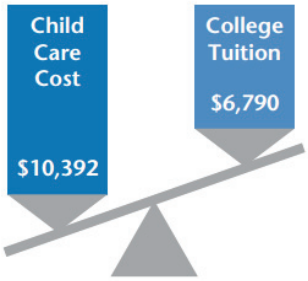
(3) where the employee is required to work; or

(4) the amount of notification the employee receives of work schedule assignments.[151]

Subsidized child care

High-quality child care and early childhood education have countless positive long-term impacts on children and the economy, and provide important benefits to working parents, especially working mothers.[152] Child care is an important factor in allowing women to reconcile professional and family obligations.[153] Accessible, affordable, safe, and reliable child care is especially important for women's economic participation because women tend to bear most caregiving responsibilities, and their immediate and long-term earnings are impacted when child care arrangements are unavailable, unaffordable, or otherwise untenable. Unfortunately, in Oregon, child care systems place a significant burden on many families. Child care expenses are becoming increasingly unaffordable, as wages fail to grow and keep pace with rising costs.[154] Nationally,

FIGURE 3: CHILD CARE COST VS. TUITION



Source: Children First for Oregon, 2013

Oregon is the least affordable state when it comes to child care: the annual cost of child care for single-parent families is 61.6 percent of annual income, and 18.6 percent for two-parent families,[155] and average college tuition costs less than two-thirds the annual expense of child care.[156]

PRIORITY LEGISLATION: Expand employment-related daycare

Currently, Oregon's Department of Human Services provides child care subsidies to working families whose incomes are below 185 percent of the Federal Poverty Level. The Employment Related Day Care Program (ERDC)[157] requires that the child care provider be at least 18 years of age, pass criminal and child abuse records checks, and meet health and safety standards. Each family is required to make a co-payment that varies based on family size and income. In recent years, budget cuts have limited the number of families served and created waitlists for eligible families to gain access to benefits. In order to mitigate the rising costs of child care and the impact on women's earnings and family economic security, Oregon should:[158]

- Restore funding for ERDC to provide subsidies to those currently eligible.
- Expand ERDC eligibility to 250 percent Federal Poverty Level, a more inclusive and realistic level that accurately reflects a family's ability to afford child care costs.
- Increase co-pay limits and coverage assistance.

PRIORITY LEGISLATION: Extend state child care tax credits

Three child care tax credits in Oregon will expire on December 31, 2015 in the absence of action to extend them.[159] Oregon's Child and Dependent Care and Working Family Child Care tax credits reduce tax obligations and offer tax refunds, in some cases, for those who qualify. The Employer Provided Dependent Care tax credit allows businesses to apply a tax credit for providing child care assistance and referral information to employees.[160] Oregon should continue these tax credits beyond their current termination date.

Women may face overt and systematic discrimination at all stages of the work world.

Protections against discrimination and retaliation

As detailed in prior sections, women may face overt and systematic discrimination at all stages of the work world. In particular, protecting mothers against firing or retaliation for requests or accommodations would reduce the earnings gap between mothers and non-mothers, as well as between men and women.[161] Supporting existing non-discrimination efforts, as well as defending employees against retaliation for sharing wage information or asking about employers' wage practices, are important components of a strategy to reduce pay inequality.[162]

EXAMPLE LEGISLATION: An Oregon Paycheck Fairness Act

In keeping with the goals of eliminating discrimination and retaliation, earlier this year, U.S. Senator Barbara Mikulski (D-Maryland) introduced the Paycheck Fairness Act (S.B. 84), which contains provisions geared toward closing loopholes of the Equal Pay Act of 1963, and outlines important provisions for ensuring true equal pay.[163] Oregon could adopt a number of these elements, listed below, in crafting state legislation:

- Enhancing enforcement of existing pay equality requirements;
- Training employees and affected individuals;
- Focusing on negotiation skills training for girls and women;
- Directing resources for continued research, education and outreach;
- Rewarding employers leading the way through establishment of a national award for pay equality in the workplace;[164]
- Requiring the collection of pay information by the Equal Employment Opportunity Commission (EEOC);
- Adequately training and/or funding the EEOC to respond to claims and technical assistance requests;
- Reinstating pay equality programs and pay equality data collection;
- Narrowing sex discrimination exemptions under certain conditions;
- Prohibiting retaliation against employees who disclose or discuss wage information; and
- Providing technical assistance to small businesses.

Monitoring discrimination complaints and pay data

One directive of the Paycheck Fairness Act (S.B. 84) is for the EEOC to "collect pay information data regarding the sex, race, and national origin of employees for use in the enforcement of federal laws prohibiting pay discrimination."[165] Accurate, thorough tracking of discrimination claims as well as comprehensive wage data is essential to understanding the nature of pay disparities, and can be leveraged to demonstrate progress and success, as well as areas for improvement or increased attention. On the local level, Oregon could require the same tracking mechanisms for state-based data.

Equal pay for comparable work: An Oregon Fair Pay Act

Current proposed federal legislation, the Fair Pay Act (S. 168/H.R. 438),[166] would require employers to provide equal pay for jobs that are comparable in skill, education, responsibilities, and working conditions, but not identical—a critical step toward addressing gender-based job segregation that lowers women's wages.[167] As detailed in previous sections, work traditionally performed by women has been undervalued historically and perseveres at present.[168] Much of the devaluation may be due to a persistent characterization of women's work as supplemental to a primary earner, or as a "natural" part of women's work—views which are not consistent with the reality of today's dual-earner or single female parent breadwinner families. Pay equity approaches[169] help to neutralize the effects of historical and institutionalized devaluation of 'women's work' by securing equal pay for comparable work—irrespective of gender—based on assessments of job requirements. Oregon can adopt practices from other nations, as well as provisions from

proposed U.S. federal legislation in shaping policy to eliminate pay inequality in Oregon via fair pay standards.

EXAMPLE LEGISLATION:

Ontario's Pay Equity Act

In 1990, the Canadian province Ontario passed the Pay Equity Act.[170] Key provisions of the act are provided below, and could be used in shaping state-based legislation in Oregon. The law covers all public sector employees, and those in the private sector with more than 10 employees.[171] It requires that different jobs be evaluated and compared in terms of required skill, effort, responsibilities, and working conditions, as well as duties, service, education, and experience (optional), and requires that comparisons of positions need not be made within the same company or organization—proxy comparators from other sectors may be substituted (amended in 1993).[172] The law also requires that, once evaluations are complete, jobs with equivalent point values must be paid similarly, unless disparities are due to seniority, merit pay, or other admissible reasons.[173] One key feature of the law is that it is proactive, not complaint driven. Employers must have strategies in place whether a complaint is filed or not, and employers with more than 100 employees must post their pay equity plan publicly.[174] To support the law, the Ontario Government created the Pay Equity Commission (PEC) to serve as facilitator and mediator of complaints, with two sub-offices, the Pay Equity Office (PEO) and Pay Equity Hearings Tribunal (PEHT).[175] The PEO investigates, mediates, resolves, and reports on complaints, and also provides information and training, including manuals, case studies, fact sheets, and other technical assistance.[176] The PEHT has jurisdiction to adjudicate Pay Equity Act disputes, and to interpret the essence of the law.[177]

In the first 20 years after its inception, the wage gap in Ontario had shrunk 9 percentage points.[178] Some critical elements Oregon can take from Ontario's experience in implementing pay equality legislation are:

- The state must be active and consistent, at least initially, in supporting or subsidizing the pay increases mandated by the law. In Ontario, the provincial government helped to fund pay equity wage and salary increases, though irregularly through time.[179] Employers may not be able to comply with elevating wages to the appropriate, equitable rates without financial support to do so;
- Proactive measures are necessary. If legislation relies entirely on workers taking the initiative to complain about pay inequality, measures are likely to fail;
- Utilization of comparator or proxy positions is necessary, such that women in female-dominated sectors and workplaces are not subject to only in-group comparisons, which are likely to reflect 'normalcy' of low wages;[180]
- Single measures are insufficient, and non-compliance often arises out of lack of education, training, and information.[181] Multiple strategies in concert with pay equity legislation are most likely to yield successful results in reducing pay inequality; and

- Enforcement and technical assistance bodies must be adequately funded.[182] In Oregon, BOLI would likely take up the equivalent roles as the PEC in Ontario, fielding requests for enforcement, training, education, and other technical assistance. BOLI would need to be adequately resourced to support implementation, training, enforcement (including BOLI-initiated audits), education/outreach, and employee support through the complaint lodging process.

Oregon has structures in place that could lend themselves well to adoption of a similar pay equity strategy as outlined here. Taking up such legislation could substantially advance efforts to reduce pay inequality in Oregon.

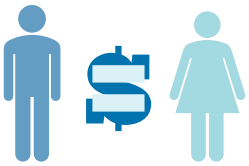
More than 60 percent of minimum wage workers are women, disproportionately women of color.

Increased Minimum Wage

More than 60 percent of minimum wage workers are women, disproportionately women of color.[183,184] Increasing the wage floor would have enormous positive benefit for this large pool of workers, and would be one key area to impact pay inequality. Though Oregon's minimum wage, at $9.10/hour,[185] is the second highest in the U.S., minimum wage workers in Oregon earn an annual pay of $18,928[186]—which is only about $500 below the federal poverty level for a family of three in 2013.[187] Oregon should continue to monitor and adjust the minimum wage as it measures up against annual inflation (as currently mandated by a 2002 ballot measure), and consider other strategies to provide a living wage for families that do not sustain them only on the brink of poverty. Raising the state minimum wage is a necessary step towards fair pay for women, particularly women of color.[188]

CONCLUSION

Despite Oregon's leadership on pay equality, women in Oregon still earn just 79 cents for every dollar that male workers are paid in the state. The disparity is more acute when comparing average incomes of white males with minorities, especially minority women, affecting short-term earnings, long-term savings, retirement benefits, housing security and educational opportunities.



Oregon can and should be a leader nationwide in efforts to reduce pay inequality by identifying and committing to a multi-faceted agenda of policies and programs aimed at closing the gender pay gap.

Oregon can and should be a leader nationwide in efforts to reduce pay inequality by identifying and committing to a multi-faceted agenda of policies and programs aimed at closing gender and race-based pay gaps. Many recommendations provided here have been introduced on the national stage,[189] but Oregon should not wait for Congress to act. Our state can pioneer meaningful reform and implementation at the state level—taking the lead and issuing a call to action to others to follow suit. Taking cues from other states and nations who have made it possible for parents to combine work and family, with a comprehensive approach, Oregon could expect to see high returns in increased female employment across sectors, more equitable distribution of labor at home, better work-life balance for entire family systems, improved child health and well-being outcomes, and a narrowing of gendered pay inequality in the immediate and long-term trajectory for women.

Short- and long-term steps can help expand opportunity and fairness to more Oregon workers and reduce the persistent disparity in wages and access to economic security. Targeted, measurable outreach to key sectors can help foster partnership and adoption of best practices among leading Oregon companies and organizations. In addition, public policy tools, customized for our state's unique character, can help further transform Oregon's workforce for an economy that's strong, equitable and fair. No one public policy recommendation represents a panacea, but with concerted, focused and ongoing attention, Oregon can lead the nation in ensuring equal economic opportunity, the option to prioritize family, and the ability of every Oregonian to earn fair wages.

ENDNOTES

1 DeNavas-Walt, Proctor, & Smith, 2013

2 American Association of University Women, 2013a

3 U.S. Census Bureau, 2013

4 Id. Among health diagnosing and treating practitioners, women account for 69.5% of job holders, male median earnings: $98,104, female median earnings: $62,603.

5 Hegewisch, Deitch, & Murphy, 2011

6 Ryu, 2010

7 Office of Institutional Research, 2012

8 The White House Office of the Press Secretary, 2012; Equal Rights Advocates, 2013

9 Haveman & Beresford, 2012

10 U.S. Congress Joint Economic Committee, 2010.

11 Lovell, 2007

12 Correll, Benard, & Paik, 2007

13 Glynn, 2012b

14 Oregon Center for Public Policy, 2013

15 Silverstein & Sayre, 2009

16 Work of "comparable value" is typically defined as work that requires the same level of skill, effort, responsibilities, working conditions, duties, service, education, and/or experience. U.S. Equal Employment Opportunity Commission, 2002; Singh & Peng, 2010.

17 ORS 652.220

18 ORS 659A.030 et seq.

19 Oregon Commission for Women, 2013

20 452 U.S. 161 (1981)

21 Oregon protections include The Oregon Equal Pay Act, ORS 652.220 and The Oregon Unlawful Discrimination in Employment Act, Public Accommodations and Real Property Transactions Act, ORS 659A.030 et seq. Federal protections include the Equal Pay Act of 1963, 29 U.S.C. §206(d); the Lily Ledbetter Act of 2009, P.L. 111-2, 123 Stat. 5; and Title VII of The Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

22 American Association of University Women, 2013a

23 Id.

24 DeNavas-Walt, Proctor, & Smith, 2013

25 U.S. Census Bureau, 2011a

26 American Association of University Women, 2013a

27 Bertrand & Hallock, 2001

28 World Economic Forum, 2013

29 Catalyst, 2013

30 Boushey & Farrell, 2013

31 Glynn, 2012b

32 Wang, Parker, & Taylor, 2013

33 Oregon Center for Public Policy, 2013

34 American Association of University Women, 2013a

35 American Association of University Women, 2013b

36 Hegewisch, Deitch, & Murphy, 2011

37 Ryu, 2010

38 Id.; American Association of University Women, 2013a

39 Haveman & Beresford, 2012

40 U.S. Equal Employment Opportunity Commission, 2013

41 Id.; Boushey & Farrell, 2013

42 Boushey & Farrell, 2013; American Association of University Women, 2013a

43 U.S. Census Bureau, 2013.

44 Id. Male median earnings in this category of occupations were $98,104, while females' earnings were only 63.8% of this, or $62,603.

45 Id.

46 Id.

47 Id. Within building and grounds cleanup and maintenance occupations, the male median income is $20,228, while female median income is $11,049 (54% of males' income); farming, Within fishing and forestry occupations, male median income is $20,556, while female median income is $11,773 (57% of males' income).

48 American Association of University Women, 2013a

49 Haveman & Beresford, 2012

50 Smith, Choueti, Prescott, & Pieper, 2013

51 Office of Institutional Research, 2012

52 Office of Institutional Research, 2013

53 Id. (of total bachelor's, master's, and doctoral degrees conferred in 2012-13)

54 Carnevale, Strohl, & Melton, 2011

55 Women hold only 24.4 percent of all computer, engineering and science occupations in Oregon and 25.7 percent nationwide. U.S. Census Bureau, 2013

56 Drury, Siy, & Cheryan, 2011

57 Asgari, Dasgupta, & Stout, 2012

58 Id.; Smith, Choueti, Prescott, & Pieper, 2013

59 Id.; Haveman & Beresford, 2012

60 Haveman & Beresford, 2012

61 Blau & Kahn, 2007

62 Id.

63 U.S. Congress Joint Economic Committee, 2010

64 Lovell, 2007

65 Ray, Gornick, & Schmitt, 2010

66 Dupuy & Fernandez-Kranz, 2011

67 Id.; Correll, Benard, & Paik, 2007

68 Correll, Benard, & Paik, 2007

69 Nelson, 2013

70 Id.

71 Id.

72 Id.

73 Asgari, Dasgupta, & Stout, 2012

74 National Public Radio, 2013

75 U.S. Census Bureau, 2013

76 Portland Public Schools, 2012

77 Dungca, 2012

78 Kaufman, 2013

79 Oregon Tradeswomen, Inc., 2013

80 Babcock & Laschever, 2003

81 Id.

82 Correll, Benard, & Paik, 2007

83 Bowles, 2012

84 Bohnet & Bowles, 2008

85 Salary negotiation training programs for women should informed by, and firmly rooted in, the extant research literature detailing the risks, benefits, and context of negotiation for women entering or already in the workplace. Several sources (cited above) are available to guide the process of developing programs.

86 Ganguli, Hausmann, & Viarengo, 2013

87 See, e.g., S.B. 84 ("Paycheck Fairness Act: Establishment of the National Award for Pay Equity in the Workplace")

88 A number of hiring and pay equality guides, handbooks, and toolkits for employers are widely available, including the resources below (see Bibliography for full citation): Equality Human Rights Commission, 2013; Maine Department of Labor, 2013; National Committee on Pay Equity, 2013; Thomas, 2013

89 Sydell, 2013

90 Id.; American Association of University Women, 2013c

91 Saari, 2013

92 It is recommended that salary adjustments be made in the form of equalizing increases to the undervalued positions, not wage decreases for higher earning positions.

93 Minnesota Management and Budget, 2013

94 Ryu, 2010

95 American Association of University Women, 2013a

96 U.S. Census Bureau, 2013; Bertrand & Hallock, 2001; World Economic Forum, 2013

97 Bohnet, van Geen, & Bazerman, 2012

98 Id.

99 The Families and Work Institute, 2013a

100 The Families and Work Institute, 2013b

101 Id., The Families and Work Institute, 2013a

102 Children First for Oregon, 2013

103 Id.

104 Centers for Disease Control and Prevention, 2008

105 Centers for Disease Control and Prevention, 2003

106 Workplaces Respond to Domestic & Sexual Violence, 2013b

107 Bureau of Labor Statistics, 2006

108 Workplaces Respond to Domestic & Sexual Violence, 2013b

109 Ryu, 2010

110 Id.

111 World Economic Forum, 2013

112 Id.; Ganguli, Hausmann, & Viarengo, 2013

113 Id.

114 Oregon Bureau of Labor and Industries, 2011

115 Correll, Benard, & Paik, 2007

116 Boushey & Glynn, 2012

117 Id.

118 Id; see also Han, Ruhm, & Waldfogel, 2009

119 Houser & Vartanian, 2012

120 Id.

121 Id.

122 Id.; Boushey & Farrell, 2013

123 Boushey & Glynn, 2012

124 Id.

125 Id.

126 Id.

127 Id.

128 California Employment Development Department, 2010

129 Id.

130 Id.

131 Appelbaum & Milkman, 2011

132 Id.

133 Gornick, Hausmann, & Viarengo, 1998

134 Id.

135 Id.

136 Id.

137 This data excludes the City of Portland, which implemented a sick days ordinance on January 1, 2014. More information at: http://www.portlandonline.com/fritz/index.cfm?c=55242

138 Institute for Women's Policy Research, 2013

139 Id.

140 Legal Resource Group, 2008

141 D.C. Code § 36-1314 (1981)

142 Cal. Lab. Code § 230.8(a)(1) (West 2011).

143 Legal Resource Group, 2008

144 Forum on Family and Child Statistics, 2013

145 Id.

146 Id.

147 The Families and Work Institute, 2013a

148 H.R. 4106, 2013 ("Working Families and Flexibility Act")

149 Id.; Boushey & Farrell, 2013

150 Id.

151 Id.

152 Boushey & Farrell, 2013

153 Organisation for Economic Co-operation and Development, 2011

154 Children First for Oregon, 2013

155 Child Care Aware, 2013

156 Id.; Children First for Oregon, 2013

157 Oregon Department of Human Services, 2013

158 Id.; Children First for Oregon, 2013

159 Id.

160 Id.

161 Dupuy & Fernandez-Kranz, 2011

162 Id.; American Association of University Women, 2013c

163 S.B. 84 ("Paycheck Fairness Act: Establishment of the National Award for Pay Equity in the Workplace")

164 This effort could be developed in concert with recommendations in Section II of this report, related to the creation of Oregon state awards for exemplary workplaces.

165 Id.

166 H.R. 438 ("Fair Pay Act")

167 Id.

168 Id.; Singh & Peng, 2010

169 Also see Section Three: Employer incentives and workplace best practices. Legislation would expand upon public sector only approaches detailed in that section.

170 R.S.O. Ch.P.7, 1990

171 Id.

172 Id.

173 Id.

174 Id.

175 Id.

176 Id.; Singh & Peng, 2010

177 Id.

178 Id.

179 Id.

180 Id.

181 Id.

182 Id.

183 Id., Boushey & Farrell, 2013

184 National Women's Law Center (NWLC). 2013. Higher State Minimum Wages Promote Fair Pay for Women. Retrieved from http://www.nwlc.org/resource/higher-state-minimum-wages-promote-fair-pay-women

185 United States Department of Labor, 2013. Minimum Wage Laws in the States - January 1, 2013. Wage and Hour Division. Retrieved from http://www.dol.gov/whd/minwage/america.htm#Oregon

186 Calculated based on 52-week work year, at 40 hours/week, for a total of 2080 hours worked annually.

187 U.S. Department of Health and Human Services, 2013. Poverty guidelines for the 48 contiguous states and the District of Columbia. Retrieved from http://aspe.hhs.gov/poverty/13poverty.cfm.

188 Id., NWLC, 2013

189 The White House Office of the Press Secretary, 2012

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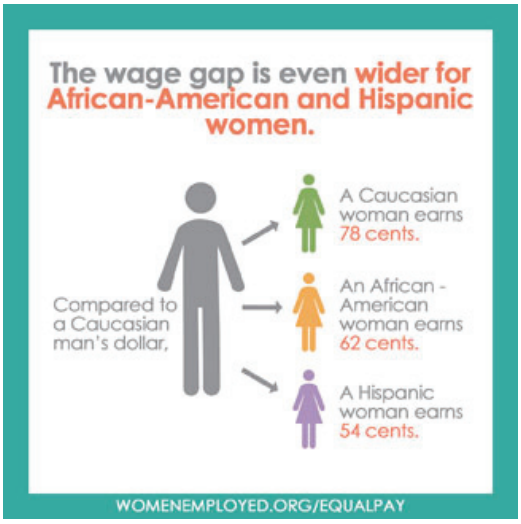
APPENDIX



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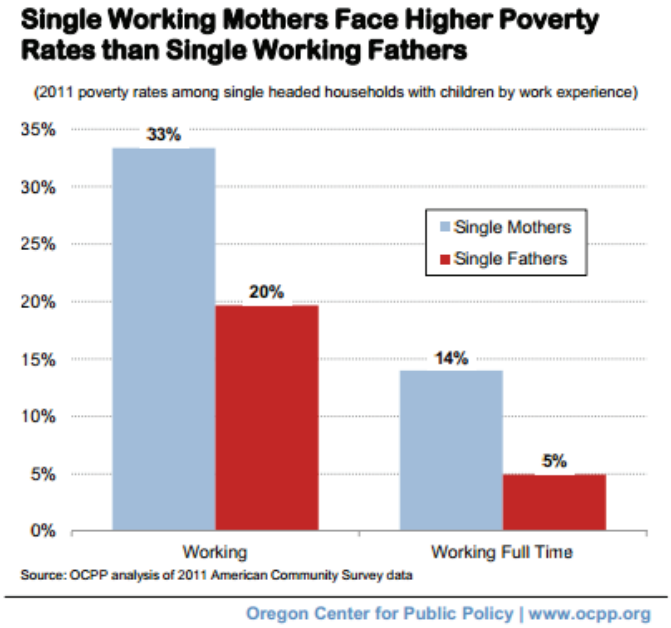

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