



Celebrating Women's History Month: Ending Gender Bias

In the next installment of my Women's History Month blog series, I discuss equality in the workplace, equal pay for equal work, and ending gender bias.

After decades of demanding equality, and the passage of laws designed to close the gender pay gap, the fact is, wage disparity still exists, the distribution of high-paying jobs is not equal, and progress has slowed despite gains in women's education. Moreover, women's rights are under attack at the same time women are underrepresented by state and federal legislatures.

The Gender Pay Gap

The gender pay gap can be calculated in two ways. The controlled gender pay gap measures equal pay for equal work and indicates what women earn compared to men when all compensable factors are considered, such as job title, education, and experience. Currently, the controlled gender pay gap is 99 cents for each dollar men make. And, while the controlled gender pay gap is narrow, it is not zero and it is not equal. The difference, while it appears small, could be significant over the length of a lifetime career in terms of earnings and pension funds.

The uncontrolled gender pay gap measures how women are paid compared to men holistically and it is often referred to as the opportunity gap, which is an indication of what types of jobs are held by women versus men and how wealth and power are gendered. Currently, the uncontrolled gender pay gap is 83 cents for each dollar men make. The presence of the uncontrolled gender pay gap reveals the disparity in wages and the distribution of high-earning jobs. Both the controlled and the uncontrolled gender pay gaps are important for understanding the way society values women.

The Equal Pay Act of 1963 (EPA) was signed into law by President John Kennedy, with the purpose of abolishing wage disparity based on sex. Over the next four decades, the gender pay gap started to narrow. In 1982, women earned 65 cents to each dollar earned by a man. By 2002, the gap had closed to 80 cents on the dollar. However, in the last 20 years, the gap has barely closed. More than 60 years after the EPA, on average, women make only 83 cents on the dollar compared to men. And while the pay gap narrowed for all women from 1982 to 2002, the progress was not racially balanced. According to the Pew Research Center, the gender pay gap varies by race and ethnicity due to differences in education, experience, and other factors that drive the gender wage gap for women overall.[\[1\]](#)

March 14 was this year's Equal Pay Day because it marked the day a woman has to work through in 2023 to receive the same pay as a man did in 2022.[\[2\]](#) In the United States, the average woman has to work 14.5 months to earn the same pay an average man earns in just 12 months. Women of color do not observe Equal Pay Day until late September 2023 – for Black women – and through November 2023 for Latina and Native American women. According to the U.S. Census Bureau, on average, men earned \$10,381 more in 2022 than women.[\[3\]](#)

Changing Perceptions

One school of thought for ending workplace gender imbalance was to increase the women in the workforce, or the “add women and stir” approach. The belief was having more women present was all that was needed to promote change. But simply adding women into the workforce does not change organizational structures and system that benefit men more than women.[\[4\]](#) Gender equality is about more than representation. Gender equality is about making changes in organizations that encourage inclusivity, flexibility, and equitability for everyone.

There is no single reason for the existence of the gender pay gap. There are, however, a myriad of systemic perceptions, or gender biases, that shape career paths for women and limit earning potential. The most obvious of these gender biases is parenthood. Whether by choice, by necessity, or by societal expectations, some women hit the pause button on their careers when they have children. Mothers returning to work following maternity leave experience a setback and a temporary decline in earnings. In some instances, women who chose to have

children are not viewed as dedicated professionals but rather employees who are distracted or disengaged.

Gender bias is baked into our society. When I was a young mother, I was annoyed when a well-intentioned professional asked me, "How do you do it? How do you work full-time, raise your children, and take care of your husband and your home?" I promise you no one ever asked my husband this question. The assumption is that women are either incapable of multi-tasking or they are superhuman. Either way, the assumption is not only offensive, but it is exhausting to live up to.

Recently, I read [theSkimm's State of Women Report 2023](#), a report based on two studies conducted by the Harris Poll in 2022 among women ages 18-57. Not surprisingly, the results indicate women believe progress is not at the level it needs to be. "These sentiments arise out of cumulative anger and exasperation—a recognition that prevailing systems were not built for women and, more critically, have yet to be redesigned to include women in the myriad roles they play today." The report indicates women are putting their anger into action by getting involved in politics and government, creating change and opportunities.

Women's participation in politics is critical to advancing women's rights. In the 118th Congress, women make up 28% of all members while men make up 72% – the highest number of women legislators in U.S. history. Colorado is the first state where women make up more than 51% of the state's legislators. The number of women legislators at the state and federal level are trending up but, similar to the gender pay gap, the increase has been slow...glacially slow. Especially given that women outnumber men in the U.S. 166 million to 162 million. The reality is women need more women to run for office.

I remain hopeful the gender pay gap will continue to narrow and women will achieve parity in the workforce. There are many ways to be an advocate for equality and use your voice for good. We can go to a women's rights march, write your legislator regarding women's issues, run for public office, or get involved at the local level. Gender bias will not end until we change perceptions. I hope more employers follow my firm's lead and promote DEI as essential to foster innovation, engagement, and performance. I am so fortunate to work for a firm that values women and promotes gender equality.

This blog was drafted by Diane Minear, an attorney in the Spencer Fane Overland Park, Kansas office. For more information, visit www.spencerfane.com.

[1] Pew Research Center, The Enduring Grip of the Gender Pay Gap, Rakesh Kochhar, March 1, 2023.

[2] *Forbes*, It's Time for Equal Pay For Equal Work, March 14, 2023, by Jeff Raikes.

[3] U.S. Census Bureau, American Community Survey, S2001, Earnings in the Past 12 Months (in 2019 Inflation-Adjusted Dollars).

[4] *The Hill*, 'Just Add Women and Stir' – A perfect recipe for dashed hopes and disappointment, Katelyn Jones, January 24, 2019