

**The Missing Link for Promoting Gender Equality:
Family-Work & Antidiscrimination Policies**

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Janet Gornick and Marcia Meyers (2008) lay out a vision of a “real” utopian future to bring us closer to the ideal of a dual earner-dual carer society. I agree with much of their analysis and like the main thrust of their vision. The combination of these three main policies--family leave provisions, working time reduction, and childcare--would be a step forward in attacking the problems for children and working parents for many countries.

Without legal and policy measures aimed at reducing gender inequality in the workplace, however, the GM proposal will not be enough. It introduces policy solutions in the face of persistent forms of sex discrimination and discrimination of care workers as well as unequal gender division of labor in the home, but it is silent on how to achieve more gender equality at work. I am less optimistic than they that encouraging men’s leave-taking and shortening full-time work hours will achieve more equal division of labor at home in practice. My concern is that gender inequalities at work and cultural norms of gendered work will continue to perpetuate the unequal gender division of labor at home. In turn, the unequal division of labor at home will reinforce inequalities at work. Therefore, I suggest adding an additional policy dimension to the GM proposal, aimed at gender equality at work in the form of effective affirmative action and antidiscrimination policies with strong enforcement mechanisms.

A key feminist concern with policies to help parents juggle family and work responsibilities is that they risk reproducing rather than changing the unequal gender division of labor. Gornick and Meyers state that the proposal “requires the dissolution of remaining gender division of labor in employment and at home” (2007: 21). The model certainly provides the possibility for fathers to be more involved in care work. But couples still must negotiate the division of labor in the home and income differentials within couples play a major role in this process. Women are still more likely to take the leaves and reduce their working hours, reinforcing their primary caregiver

role and risking the disadvantages of with leaves and limiting hours. As a result, the leaves and working time reduction most likely will reproduce the persistent gender division of labor in the home rather than challenging these.

A second key concern is the discrimination women encounter as women and as caregivers.

Workplaces are gendered organizations that still use the male worker as the norm (Acker 1990; Martin 2003). Despite important improvements, women are still less represented horizontally in male-dominated jobs, vertically in higher positions in organizations, and in higher status, better paying jobs within occupations (Charles and Grusky 2004). Their secondary status is measurable in participation and employment rates, hours worked, pay, and promotional opportunities. Women in male-dominated occupations still encounter hostile environments steeped in gender and sexual harassment and discriminatory practices in hiring, training, and promotion (Zippel 2006). Women still report not being taken seriously or given the status and respect of male colleagues. Culturally normative gendered expectations and organizational practices severely limit employment and advancement opportunities for women.

Unequal gender division of labor in the home and lack of gender equality in the workplace are clearly intimately intertwined. Women's primary responsibility for care work in the home prevents them from full participation in the workplace. Caregivers may have to stay home to care for a sick child. They may have difficulty in jobs that demand overtime work, frequent relocation, or extensive travel (Williams 2001). Employers have responded by creating mommy-track jobs that are more flexible, but have less status, pay, and advancement potential. Hence the argument that eliminating gender differences in the home results in more gender equality in the workplace.

But gendered inequalities in the workplace also reinforce gender inequalities at home. Cultural

norms of gender differences and inequalities at work spill over to gender norms at home that reproduce cultural stereotypes and reinforce the unequal gendered division of labor in the home. Gendered income inequalities result in unequal earnings among couples that limit women's bargaining position. Families rely more on fathers' wages, so when families must decide between time with the children and money for the household, mothers typically stay home (or take the home care allowance). They have little power to negotiate shares of domestic work and child care including routine activities and responsibilities. If mothers continue to contribute less household income than fathers, then couples' decisions about time versus income will continue to be gendered.

The GM policy bundle addresses specific time management needs of women and men with care responsibilities by flexible leave policies and reduction in working hours, but it does not challenge gender inequalities resulting from organizational discriminatory practices that use the male fulltime worker without care responsibilities as the norm. Fathers who took leaves or reduced working hours might encounter similar limited hiring and promotion opportunities if employers responded by transforming male breadwinner jobs into daddy- or "parent"-track jobs that are less attractive, more flexible, and without opportunities. The transformation the model envisions is more likely to reinforce gendered inequalities at work or perhaps create more gender neutral discrimination of caregivers than to lead to substantive gender equality in workplace arrangements.

The six "best practice" countries Gornick and Meyers analyze are useful for considering what could be done. Note, however, that Denmark, Finland, Norway, Sweden, Belgium, and France are not *the* "European model," indeed the five EU member states represent less than 20 percent of the EU population. In addition, while these countries have been leaders on policies to

combine work and family responsibilities, they have done less on affirmative action, antidiscrimination, and sexual harassment than the United States. U.S. affirmative action and antidiscrimination policies aim at achieving gender equality in the workplace by overcoming sex segregation. They seek to integrate women horizontally into occupations of higher status and better pay and vertically into positions with authority and responsibility. In these areas, the United States has been on the forefront of policy development, with some modest successes despite uneven enforcement.

Effective affirmative action and antidiscrimination can eliminate “demand-side” causes of gender inequality in the workplace (see figure), which in turn can bring about changes in division of labor. Nondiscriminatory hiring can desegregate workplaces and provide access to higher

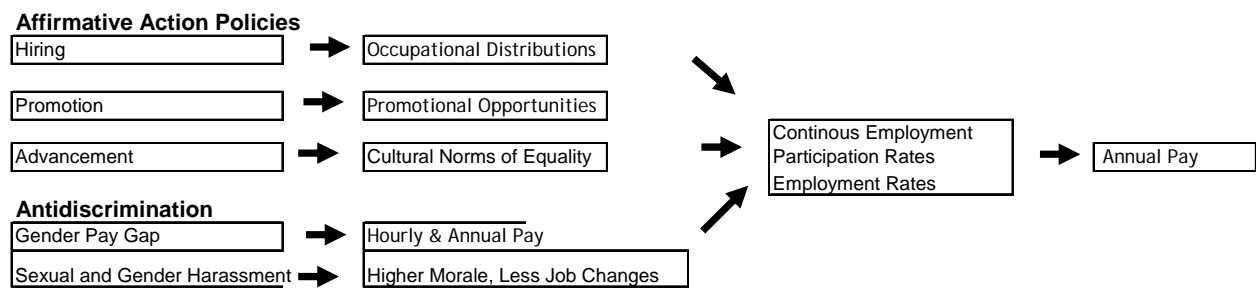


Figure: Impact of Affirmative Action and Antidiscrimination Policies

paying jobs. Enforceable pay equity laws can reduce the pay gap, and gender and sexual harassment policies can improve job stability and seniority. Gender equality policies can thus increase income equality between parents, which can equalize bargaining power when negotiating division of labor in the home. Gender equality at work also reinforces cultural norms of equality, including breaking down barriers for men in paid and unpaid caregiving roles.

Gender Division of Labor at Home and Gender Inequalities at Work

Gender inequality at work influences equality at home in several ways. Studies of domestic work reveal that macro-level factors, including national labor force participation and gender

ideologies, affect how women and men divide up the work at home. How much women work and what they earn affect how much unpaid domestic and care work they do at home, especially in comparison to the men they live with. If mothers and fathers have different earnings and earning opportunities, then women will continue to take leaves and reduce their working hours for child rearing and domestic work.

Gender differentials of income within couples result in part from the gender wage gaps and sex segregation. In addition, leave taking and working time reduction even in the best practices countries leads to highly uneven distribution of income among parents. As Gornick and Meyers (2007: 11) remind us, mothers have a larger share of parental earnings in Sweden than in many other European countries, but that share is still only one-third. (The “mommy tax” is highest in Germany and the Netherlands, where mothers’ share of parental earnings is only 18 to 19 percent; the U.S. 28 percent share is in the middle field.). The lion's share of parental leave is still taken by mothers in Sweden and elsewhere, who tend to use the maximum leave time and even space the births of children to maximize leave time (Andersson, Hoem, and Duvander 2005). The fraction of parental leave benefit days Swedish fathers took rose from 0.5 to 11.4 percent between 1974 and 1994. After the introduction of specific incentives for fathers, such as the “use it or lose it” feature, the fraction increased to 18.7 percent in 2004. In 2004, fathers accounted for 43.2 percent of leave users, but the average leave time taken by fathers, only 32 days in 2004, has not significantly increased over time; it was 32.6 days in 1974-2003 (author's calculations based on Duvander and Andersson 2005).

Gender and the Bargaining Perspective

In a genderless world, we might expect parents’ paid work to affect their participation in unpaid work at home in a straightforward way. The basic argument from economic exchange theory is

that individuals translate their economic resources into bargaining power in negotiations on household labor and child care. The more money a person makes, the less the person's involvement in unpaid labor at home. If partners contribute unequal shares, the one with the lower income will end up doing more of the unpaid care work. If partners contribute equal shares, both have an interest in investing in both careers. It will not simply be that the lower-income partner – usually the woman – automatically takes leave or cuts back time. The more equal the earnings, the more equal we would expect the division of labor.

Women's work indeed makes a difference as to how women and men divide household labor. Jennifer Hook (2006) finds that women's working hours increase men's domestic work, and women's earnings are a good predictor of their share of household work. But the relationship between earning differentials and division of labor in the home is nonlinear. Michael Bittman et al. (2003) find that when wives earn less than their partners, their contribution to household income predicts their share of household labor. But women who earn more than their spouses do not decrease their housework with increasing earnings. In Australia, "[t]he approximate magnitude of the bargaining effect was that moving from the man's providing all the money to the woman's providing an equal share decreased women's housework by about 6 hours per week, while the gender display effect was that moving from equal income contribution to the women's providing all the income *added* about 5 to 6 hours per week to women's housework" (Bittman et al. 2003: 205; my emphasis). Hence, gender matters more than income in explaining shares of housework in the nontraditional situation when women earn more than their spouses.

Bittman et al. (2003) suspect that couples might compensate for women being more the breadwinner by increasing their share of the housework. This finding is in line with social construction arguments that economic power differentials alone are insufficient to explain the

pervasiveness of the gender division of household labor. This analysis suggests that women's and men's share of housework depends on their gendered identities and the gendered expectations of their partners, family, and friends. In short, women do housework because they are expected to do it, not merely because they earn less than their partners. We need policies that yield more income equality *and* challenge cultural norms supporting unequal division of labor.

National Factors

We would also expect that gender egalitarian national environments might produce more gender equality in the home. Gender analysis predicts that policy configuration shapes gendered identities, norms, expectations, interactions, and institutions. Policies oriented toward gender equality at work would diminish the gender division of labor, by setting normative expectations of equal treatment, and correspondingly diminish the salience of traditional ideologies endorsing gender difference. Egalitarian policy regimes might spill over in several ways. The more women take on male-dominated work, the less confined they might be to caregiving roles. The more men are involved in paid care work, such as child care, elementary school teaching, nursing, and working in homes for the elderly, the more we might expect them to do this work at home, too. These changes would dissolve the gender stereotyping of occupations by changing both feminine and masculine ideals, a necessary condition for challenging the unequal division of labor in the home.

Can policy regimes make a difference? The good news is yes. A recent line of research is testing whether national policies influence the gender division of labor. There is much evidence for the persistence of traditional gender divisions of labor, but men have become involved at home faster in some countries than in others. The national context of gender equality in which couples negotiate matters for who does and how much household and care work. Hook (2006) found that

as the overall national level of women's employment increased, men's participation in household work did so, too. According to Claudia Geist (2005), couples in countries in the conservative cluster were least likely to share housework compared to those in social democratic and liberal countries, pointing to macro-level differences rather than individual factors such as the couple's resources, gender ideology, or time availability. Individual women's earnings do predict the gender division of labor, but this bargaining power is stronger in more egalitarian, less traditional countries (Fuwa 2004; Fuwa and Cohen 2007). We would predict that economic differences within couples are less important in West Germany than in Sweden in explaining the gender division of labor. We might also expect that in a more egalitarian country, for example, Finland, the more women experience being treated fairly and equally at work, the less they will accept being treated unfairly at home in general, unequal division of labor in particular.

This research supports the point that gender equality at work is necessary but not sufficient for substantive changes in the division of labor in the home. As Richard Breen and Lynn Cooke (2005) argue, individual levels of relative economic autonomy are in themselves not sufficient to bring about an aggregate shift in the division of domestic labor. Cultural norms and ideologies about gendered work and gender equality must change.

Policies around gender equality at work as well as women's paid work as both an individual and national level factor explain the gender division of labor in the home. Given the persistence of gender inequalities at work, optional leave and reduction of working hours are likely to be taken by mothers, and reinforce rather than ameliorate inequality in workplace and home. For the GM Real Utopia policy bundle to avoid such unintended effects, gender equality between mothers and fathers at work is a *necessary* (though not sufficient) step. Parents would earn similar amounts of money, with comparable human capital. Women's expectations would include "good

jobs,” and be oriented toward investing in the education and qualifications for these occupations. Women would do an equal share of previously “male-dominated” work, and men an equal share of service sector and helping and caring jobs. The Real Utopia bundle must include policies that set gender equality norms and open real opportunities for all women at work that can translate into equality in the home.

Affirmative Action and Antidiscrimination Policies

I argue that policies can help challenge gender inequalities at work. Affirmative action and antidiscrimination policies can reduce the gender wage gap; reduce horizontal and vertical sex segregation, allowing women to move into jobs higher on the ladder including leadership positions; and set normative equality standards for employment settings. Antidiscrimination policies allow employees to challenge discriminatory practices; affirmative action policies eliminate the practices in the first place.

How national policies can work is difficult to assess empirically, given that no country has consistently implemented and enforced strong affirmative action and antidiscrimination policies in the workplace over time. The U.S. model of modest measures developed from a range of laws, policies, and employment practices, including the 1964 Civil Rights Act and subsequent civil rights laws, “presidential executive orders, court cases, Federal implementation efforts and human resource practices voluntarily implemented by employers”(Reskin 1998: 5), using racial segregation as a model. The Labor Department in 1972 included women as a protected group. The idea has been that these policies challenge hiring and promotion practices that lead to racial and gender segregation and hierarchy, including intentional and unintentional practices such as stereotyping.

Though enforcement of this bundle of policies and measures depends on the parties and presidents in power, we can evaluate its effectiveness (Reskin 1998; Holzer and Neumark 2000). Economists studying the impact of affirmative action and antidiscrimination policies on U.S. employment mostly agree that they have contributed to a more equal playing field. Holzer and Neumark (2000: 558) state: “Affirmative action programs redistribute employment, university admissions, and government business from white males to minorities and women.” For African Americans these effects cover the spectrum of blue and white collar occupations. Workplace studies show the effectiveness of gender-blind hiring. For example, Goldin and Rouse (2000) found that the percentage of women musicians in symphony orchestras rose dramatically from less than 5 percent in 1970 to 25 percent in 1996. Changes in organizational procedures are credited: “blind auditions can explain 30 percent of the increase in the proportion female among new hires and possibly 25 percent of the increase in the percentage female in the orchestras from 1970 to 1996” (738).

The overall impact of these policies has been limited; see Holzer and Neumark (2000). Researchers face several challenges in studying this limited effectiveness, but it has in part been attributed to uneven enforcement. All employers with federal contracts have been influenced by affirmative action mandates, so some studies have compared companies with and without federal contracts. But these are only a small minority of public and private employers in the United States, and other employers have over time voluntarily adopted affirmative action type programs. There is great variation in how these policies affect the public versus private sector, whether affirmative action is involuntary or voluntary, and how implementation works (Holzer and Neumann 2000: 485). Over time, enforcement has also changed. Finally, affirmative action and antidiscrimination policies coincided with a rapid increase in women’s employment; hence it is

difficult to decipher the effects due to policy or other factors (Reskin 1998: 47).

Nonetheless, research has demonstrated that antidiscrimination legislation and affirmative action policies have contributed to increasing gender equality at work. Women have broken into managerial ranks, and policies and litigation have created a normative legal environment of gender equality. Workplace organizations have responded to discrimination lawsuits and threats of litigation in several ways, including embracing an ideology of diversity (Edelman et al. 2001) and implementing measures supporting it, including affirmative action plans, sexual harassment procedures, and diversity and training programs.

Do Equality Policies Reduce the Gender Wage Gap?

The 1963 U.S. law on equal pay for equal work made it illegal to pay different salaries to women and men for the same work. Many countries have similar laws; in fact the European Union preceded the United States in prohibiting sex-based pay discrimination in the 1957 Treaties of Rome. But enforcement mechanisms are lacking in many EU states, whereas U.S. class and individual actions based on the 1964 Civil Rights Act demonstrate that women have used litigation to hold employers accountable for wage equality.

Several factors influence the gender gap in pay, for example, overall women's employment and distribution of human capital among women. Cross-national comparisons show how industrial systems and wage setting make a difference. Because women tend to be employed in the lower job ranks, they benefit disproportionately from mechanisms that increase overall wage equality, such as minimum wages (Blau and Kahn 2007; McCall 2001). While we cannot relate the gender wage gap across countries to particular equality policies, the U.S. gender wage gap trend demonstrates that affirmative action and antidiscrimination have helped reduce pay inequity.

The U.S. gender pay gap has persisted, though decreasing over time. Blau and Kahn (2007) analyzed the PSID database, a large, nationally representative sample, and found a gender wage gap of 20.3 percent in 1998; 41 percent of the differential for full-time workers was unexplained after taking into account “educational attainment, labor force experience, race, occupation, industry and union status” (12). Other economists have consistently found a greater than 10 percent differential not explained by observable characteristics of women; they attribute it to gender discrimination (Holzer and Neumark 2000: 495).

According to Blau and Kahn (2007), the gender wage gap has decreased over the past 25 years, though not evenly. The gap was around 60 percent until the 1970s. In the 1980s women’s wages relative to men’s increased rapidly; Leonard (1996, 1989) found a decline in average wage gap by 7.6 percent in companies with federal contracts alone in 1980-90. The decrease slowed during the 1990s, but picked up in the early 2000s. Over the same time, however, overall wage inequality has been increasing, and for women at the lower end of the hierarchy catching up with men has been due to decreases in men’s wages. McCall (2001), however, finds that college-educated women have made substantive gains and decreased the pay gap in real terms.

The changes can be interpreted in several ways, including that antidiscrimination policies are working and less discrimination is occurring. The slowdown of the 1990s is difficult to explain in terms of policy impact, since the 1991 Civil Rights Act improved the situation of plaintiffs and we would expect more litigation (Blau and Kahn 2006: 60). Another trend, however, has been the influx of women with low education who were previously on welfare. Blau and Kahn argue that this development most likely changed the overall rate of decreasing the gap (Blau and

Kahn 2006). The persistence of the gap indicates that discrimination still exists.¹

There is evidence that wage discrimination policies have been effective in reducing wage gaps, in particular, within occupations. Blau and Kahn (2006) argue that discriminatory practices may still be occurring in selecting employees into particular occupations, so the effects of U.S. policies are important to look at.

Horizontal Sex Segregation

Prohibiting exclusionary practices and combating racial and gender segregation in the workplace have been key to the U.S. approach to affirmative action and antidiscrimination. Although there are several ways to measure sex segregation, researchers agree that in the U.S. workforce it has been declining since the 1960s. Overall, segregation indices dropped by 20 percent in 1970-90 (Reskin 1998: 53). Tomaskovic-Devey et al. (2006), who study private employers and control by industry and occupation, find that sex segregation has been uneven since 1964. A rapid decrease during the 1970s-80s was followed by little change during the later 1980s, and some acceleration in the 1990s. Barbara Bergmann (1996) points out that these dynamics follow changes in enforcement practices of EEOC and government.

These trends vary by occupation. Women have broken into previously male-dominated occupations, men have to a lesser extent entered female-dominated occupations, and some occupations have become more feminized. Leonard (1989) shows how Black women have benefited from federal contracting, moving into occupations previously held by men. Charles and Grusky (2004) find that the expansion of the service sector has contributed to increased sex

¹ Research shows that mothers are even more affected by the gender wage gap (Gornick and Meyers 2007).

segregation, because the sales occupations have feminized. By contrast, white women have done particularly well in some professional occupations.

Vertical Segregation: Women's Move into Management

Women among U.S. managers and administrators rose from 5.5 percent in 1960 to 27 percent in 1990, though there is some concern that employers reclassified clerical and sales jobs as “managerial” to create an appearance of promoting women (Reskin 1998: 54; Charles and Grusky 2004: 156). Analyzing EEOC data for mid-size and large private sector employers, Kalev (2005: 1) found that white men held 87 percent of management positions in 1971, but only 57 percent in 2002 (white women 28 percent, Black women 3 percent, Black men 3.7 percent). Black women saw the “largest relative gains”; “white women’s share almost tripled.”

Employers have responded to affirmative action and antidiscrimination mandates with policies, procedures, and an ideology of “diversity” (Edelman et al. 2001). These employer practices have resulted in changes in the workplace composition. Kalev, Dobbin, and Kelly (2007) used 1971-2002 federal data on 708 private sector companies to compare approaches by employers. They find that affirmative action plans, “diversity committees and taskforces, and introduced diversity managers and departments” have resulted in changes in employee composition (611). Mentoring programs enhanced Black women’s access to management positions; diversity training programs were less effective. They conclude that “accountability, authority and expertise are effective means of increasing the proportions of white women, black women and black men in private sector management.”

Enforcement practices matter in the effectiveness of policies in helping women and minorities break through barriers to managerial job ladders: “Title VII lawsuits and affirmative action

compliance reviews led to increases in women's and minorities' share of management jobs, especially in periods and jurisdictions wherein civil rights enforcement was strong" (Kalev, Dobbin, and Kelly 2007: 611). There are differences in effectiveness for specific groups. For example, federal contractors under affirmative action guidelines were more likely to hire African American women and men than white women (Leonard 1986).

Ransom and Oaxaca (2005) show how a "regional grocery chain changed practices of hiring and promotion, and job segregation dramatically decreased after the company lost a discrimination law suit, settled the suit, and introduced affirmative action policies" (cited in Blau and Kahn 2007: 15). Women's and men's wages were similar, but the court found that the employer had discriminated by offering different jobs to women and men. Lawsuits had important impacts on representation of women and minorities in the retail supermarket industry more generally.

Skaggs (2001) showed that companies involved in lawsuits increased the percentage of women *and* minority men in management; those not so involved increased the percentage of white women but not minorities. Kalev and Dobbin (2006) argue that compliance reviews had stronger, longer lasting effects than lawsuits.

Gender and Sexual Harassment

Women's continuing complaints demonstrate that workplace sexism and sexual harassment are still widespread, but the revolution in case law has enabled them to hold employers accountable in the courts. Employers covered by Title VII of the 1964 Civil Rights Act have adopted internal complaint procedures and some training programs to challenge sexism and abuses of power, including unwanted sexual behavior in the workplace (Zippel 2006; Kelly and Dobbin 2007).

Like other protected groups, victims can file complaints with the EEOC, and numerous complaints and several high-profile class action lawsuits demonstrate that women no longer

believe they must accept unwanted sexual behavior at work as “normal.” These important changes in awareness of women, men, and employers are crucial in challenging understandings of women as second class employees, and contribute to gender equality in the workplace.

Critique of Affirmative Action

Changes in gender inequalities in the workplace measured by wage gaps, sex segregation, and complaints about sexual and gender harassment clearly have multiple causes. Persistent gender inequalities demonstrate that affirmative action and antidiscrimination policies have not eradicated all discriminatory practices, though they seem to have helped desegregate workplaces and decrease the pay gap, and introduced a workplace climate in which formal gender equality has replaced normative understandings of women as subordinated workers.

The U.S. model certainly has limitations, because elimination of sex segregation is likely not to be an overall cure. Yet, there is an important link between sex segregation and the U.S. gender gap in pay. Cross-national comparisons reveal that sex segregation does not have to produce gender gaps in wages. Blau and Kahn (2006) argue that wage-setting systems explain cross-national variation of gender pay gaps. Because of the overall lower wage inequality in Sweden, higher sex segregation of occupations does not have the same effect of increasing the pay gap as in the United States. Leslie McCall (2001) points out that it is a poor standard to think about gender equality only in terms of women catching up with men, when men especially at the lower end of the earnings scales have seen a decline in wages. She argues forcefully that low-income women are more helped by general union bargain and wage policies than by affirmative action policies giving them the same meager salaries as comparable men.

As O’Connor, Orloff, and Shaver (1999) argue, the United States has been oriented toward

gender equality as sameness, the predominant standard that has made it difficult to argue for specific measures for mothers. On the positive side, the U.S. approach has created a legal consciousness of gender equality, in which employees are increasingly aware of their individual rights. Certainly not everyone will challenge an employer in court, but the laws have created an expectation that women are to be treated equally and fairly.

Overall, this review of evidence of affirmative action and antidiscrimination policies shows their potential, if implemented and enforced, to increase gender equality in the workplace.

Europe vs. United States

Women have not reached equality with men in the workplace in either Europe or the United States. There are important national variations in pay and horizontal and vertical sex segregation, but overall the unequal gender division of labor at work and in the home is still alive and well. The EU has been on the forefront of pushing member states to embrace encompassing laws for equal treatment of women and men (since 1976) and against discrimination based on race ethnicity, religion, etc. (since 2000). But many European countries struggle with policies that promote women as individuals rather than as mothers. These countries have only recently begun to tackle the difficult questions of effective antidiscrimination legislation and implementation and enforcement in the workplace.

As noted above the countries that serve Gornick and Meyers for "best practice" in combining family and work are not at the forefront of these efforts. The UK and Northern Ireland in the "liberal" cluster have more encompassing antidiscrimination laws. As Carol Bacchi (1996) argues, in Sweden affirmative action has been circumscribed as unions, institutional arrangements of union bargaining, and strong social democratic parties have prioritized certain

issues over others. Enhancing individual rights of women as workers did not fit this agenda. Nor did measures against violence against women or sexual harassment at work (Elman 1996). In Sweden and other mother- or parent-friendly countries, affirmative action and antidiscrimination have been depicted as unnecessary; they do not “fit” the policy logic of decreasing class inequality or aiding mothers. Yet women unionists worry about problems arising from the one-way, dead-end mommy-track jobs for women (Morgan 2006).

In policy areas enabling women's “access to work,” as Ann Orloff (1993) puts it, or the “right to be commodified,” the liberal model is not served by looking to European countries, which have lagged in policies that prohibit discriminatory hiring and promotion and sexual harassment. In the conservative cluster countries, policy packages, including taxation, have long been oriented toward the traditional male breadwinner model and helped cement an unequal gender division of labor. In many of these countries, the lenses through which women are seen are primarily those of wives and mothers (Ferree 1995). For example, West Germany, law until the 1970s stated that wives were responsible for the household and husbands had to agree to wives taking a job.

Inequalities arising from the intersections of race, class, and gender have been addressed even less than in the United States. EU member states are only now introducing policies preventing discrimination on the basis of disability, age, sexual orientation, race, and ethnicity. Employers still write job advertisements for women or men, foreigners or non-foreigners. Only in 2000 did the EU adopt more encompassing antidiscrimination tools, including the framework directive of equal treatment and the Directive on Equal Treatment of Race/Ethnic Minorities. In 2002 the EU revised the 1976 Directive on Equal Treatment of Women and Men. These directives now serve as a basis for member states to build legislation and enforcement mechanisms with which the United States has more than 40 years of history.

The EU and its member states have also lagged behind the United States in how to address workplace sexual harassment by law, and how to ensure that employers take complaints seriously and proactively create workplace cultures in which harassment does not occur. The 2002 EU Directive modified and improved some of the limits of U.S. policies. Interestingly, workplace organizations in practice have incorporated gender-specific sexual harassment laws into broader policies on gender-neutral forms of bullying, “mobbing,” and moral harassment, for which they found more support among unions and political parties than for sexual harassment policies alone (Zippel 2006).

Conclusion

Because Gornick and Meyers’ proposal does not mention the dimension of women experiencing discrimination at work *as women*, it seems to assume that policies in this area already exist or are doing their job. When envisioning major transformations of work based on accommodating mothers and fathers, we should not lose sight of the fact that women as women are still being discriminated against, and that measures need to ensure that all women as well as men have increasing access to good quality jobs. As women increasingly delay childbirth and have fewer children, they usually enter the job market not as mothers but as women, and spend more and more years in the labor market without caring for children.

The kinds of jobs and careers parents were able to achieve before having children, however, will be the foundation for the decisions couples make as to who stays home and how long. If women tend to be concentrated in low-pay, low-status jobs, the overall gender gap in pay will continue to create strong economic differences for heterosexual couples. If women are disproportionately in dead-end jobs without expecting to increase their wages over time by promotion, couples will continue to make “economic” decisions that women, not men, should take leaves and reduce

working time. If caregivers face barriers in the workplace, then choosing to take leaves and reduce working hours will likely continue to be mothers' and not fathers' choices.

U.S. antidiscrimination legislation has certainly been limited and has left much room for improvement, but European countries have lagged in gender equality at work. Legally enforceable U.S. policies that prohibit discrimination in hiring and promotion based on sex, age, and race/ethnicity have, at least on paper, opened white male-dominated, better paying jobs to white women and minority women and men. They have helped women break into male-dominated work environments and managerial ranks. Instead of jeopardizing these modest successes, the GM model needs to address gender and caregiver discrimination. These policies need to be strengthened rather than eliminated to ensure gender equality in the workplace, a precondition for the GM proposal to work without reproducing gender inequalities.

One important question is whether observed gender inequalities are a legacy of *past* discrimination that has disadvantaged older cohorts. In this view, if discrimination lessens over time, we would expect younger women entering the job market or coming up for promotion to be doing as well as men, and hence over time an overall increase of gender equality. This quasi-“natural” progression without effective policy interventions is questionable, however. Persistent sex segregation, especially among blue color workers, demonstrates that women have not achieved equal opportunities and access to better paying male-dominated jobs. Promotion rates of women top managers, senior law partners, and senior scientists demonstrate that the “pipeline” leaks at every step, and that the metaphor itself might be deceptive because it seems to be harder for women to enter at every career step (Xie and Shauman 2003). Women have made inroads into U.S. law schools, but are not a critical mass among senior partners, as the American Bar Association (2007) reports: “Since the mid-1980s, the number of women law school

graduates has been roughly equal to men, and yet the percentage of women at the top of firms has seen only a marginal increase. Women represent only 16 percent of equity partners in the nation's largest firms but 45 percent of associates, according to NAWL's 2006 National Survey on Retention and Promotion of Women in Law Firms.”

Similarly, despite the fact that pools of qualified women scientists exist in many fields, women still hold solo-status in several U.S. science and engineering departments (Committee 2007). There is evidence to support the view that gender inequalities from discriminatory practices embedded in organizations will continue. Valian (1998) argues that pervasive (unintentional) use of gender schemata leads to systematic devaluation of women scientists, and that these small discriminations are significant over time. In this view, discriminatory practices persist even though some women have made it through the door.

Recent challenges to Title VII of the 1964 Civil Right Act have cast doubt that the U.S. will maintain its leadership in affirmative action and antidiscrimination policies without further legislative action. The 2007 Supreme Court decision weakened the pay equity law significantly. Plaintiffs now have recourse only to discrimination that occurred within 180 days before the lawsuit was filed. But wage discrimination is significant when it accumulates over the years rather than as a one-time minor differential in a raise.

On the other side of the Atlantic, a new law on corporate gender equality demonstrates how effective legal measures with effective sanctions can be. The Norwegian parliament responded to the low numbers of women on corporate boards and in executive positions with a law that imposed quotas to close this corporate gender gap for publicly traded companies in 2003. As a result, the percentage of women on these boards increased from 7 percent in 2002 to 35 percent

in 2007. The companies risked being shut down, if they did not reach a certain number of women on their board by January 1, 2008. Hence, legal regulations can make a difference in integrating women into the workplace on equal footing with men.

The proposal Gornick and Meyers suggest is the right step toward improving the situation for working parents and their children. For a Real Utopia vision, however, the package needs to include stronger provisions and enforcement tools for gender inequality in the workplace including antidiscrimination laws that also address the intersections of sex, pregnancy, parenthood, age, disability, race/ethnicity, sexual orientation, and citizenship. This is a necessary step for both the United States and Europe to improve policies and implementation to assure gender equality in paid work. We cannot approach the goal of gender equality in the home, if measures for gender equality in the workplace are lacking. Equality in the workplace is a necessary condition for the egalitarian dual earner-dual carer vision of women and men equally “sharing” child care and domestic work. Without equal gender division of labor, the result will remain the status quo – not a real utopia by any stretch of the imagination, at least not for mothers and children!

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