

'Women's work' can no longer be taken for granted ^[1]

New Zealand is pursuing a century-old idea to close the gender pay gap: not equal pay for equal work, but equal pay for work of equal value.

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EXCERPTS

Last week, as Americans were obsessing over the results of the presidential election, a New Zealand law aimed at eliminating pay discrimination against women in female-dominated occupations went into effect. The bill, which takes an approach known as “pay equity,” provides a road map for addressing the seemingly intractable gender pay gap.

Unlike “equal pay” — the concept most often used to address gender pay disparities in the United States — the concept of “pay equity” doesn’t just demand equal pay for women doing the same work as men, in the same positions. Such efforts, while worthwhile, ignore the role of occupational segregation in keeping women’s pay down: There are some jobs done mostly by women and others that are still largely the province of men. The latter are typically better paid.

But if the coronavirus has taught us anything, it is that what has traditionally been women’s work — caring, cleaning, the provision of food — can no longer be taken for granted. “It’s not the bankers and the hedge fund managers and the highest paid people” upon whose services we’ve come to rely, said Amy Ross, former national organizer for New Zealand’s Public Service Association union. “It’s our supermarket workers, it’s our cleaners, it’s our nurses — and they’re all women!”

It has also taught us how poorly these jobs are compensated. Over half of workers designated essential in the United States are women; their jobs are typically paid well below the median hourly wage of a little over \$19 an hour. (Median hourly pay for cashiers is just \$11.37; for child care workers it’s \$11.65; health support workers such as home health aides and orderlies make \$12.68.)

Instead of “equal pay for equal work,” supporters of pay equity call for “equal pay for work of equal value,” or “comparable worth.” They ask us to consider whether a female-dominated occupation such as nursing home aide, for instance, is really so different from a male-dominated one, such as corrections officer, when both are physically exhausting, emotionally demanding, and stressful — and if not, why is the nursing home aide paid so much less? In the words of New Zealand’s law, the pay scale for women should be “determined by reference to what men would be paid to do the same work abstracting from skills, responsibility, conditions and degrees of effort.”

What is at stake is not just a simple pay raise but a societywide reckoning with the value of “women’s work.” How much do we really think this work is worth? But also: How do we decide?

The idea of pay equity is at least a century old. A 1919 draft of the International Labor Organization’s constitution, which formed part of the Treaty of Versailles, cites “the principle that men and women should receive equal remuneration for work of equal value.” The I.L.O.’s Equal Remuneration Convention, which went into force in 1953, has been ratified by 173 member countries (the United States is one of 14 holdouts). Still, the gender pay gap remains a feature of nearly every economy on earth.

The movement for pay equity gained momentum in North America in the late 1970s and 1980s, when provinces across Canada began passing pay equity laws and several U.S. states with strong labor movements, including Minnesota, Wisconsin and Hawaii, undertook pay equity evaluations for public employees. (As a result, in 1982, clerk typists in Minnesota saw their monthly pay increased by \$267, to match that of a delivery van driver, according to the National Committee on Pay Equity’s website.)

But the movement, in the United States at least, lost much of its momentum just a few years later, when a 1985 ruling in the U.S. Court of Appeals for the Ninth Circuit overturned a judgment by a Federal District Court that would have given female Washington state employees substantial raises based on a pay equity study. Judge Anthony Kennedy, who would later go onto the Supreme Court, wrote the opinion, in which he argued that the Washington state pay equity plan required the state to “eliminate an economic inequality that it did not create,” thus interfering with the free market for labor. With that ruling, alongside other legal setbacks courtesy of conservative judges appointed by President Ronald Reagan, and the broader ascendance of free-market thought, the movement lost its legal leverage. By the early 1990s, the pay equity movement was faltering.

The political and legal campaign for equal pay had preceded the pay equity movement. Pushed by the college-educated women who dominated mainstream feminist groups, and who sought to work alongside men in corporations, universities, and law firms, the equal pay

movement was initially less attentive to the concerns of low-wage workers in pink-collar jobs, argues Michael McCann, a University of Washington professor who wrote a 1994 book on pay equity. But after the judicial rulings of the 1980s undercut the comparable worth legal framework, equal pay became the dominant standard for addressing the gender gap in the United States

In 1972, New Zealand passed an equal pay law that could have, in theory, required a pay-equity type of approach: The law included a provision calling for equal compensation for work “exclusively or predominantly performed by female employees” with “the same, or substantially similar, skills, responsibility and service ... under the same, or substantially similar, conditions and with the same, or substantially similar, degrees of effort” as work performed by men. But courts, until recently, interpreted the provision narrowly: to mean equal pay for identical work.

Then, in 2012, Kristine Bartlett, a caregiver who had worked for more than 20 years in a home for the aged making barely above minimum wage, filed a claim with the Employment Relations Authority against her employer, TerraNova Homes and Care. TerraNova relied on traditional equal pay logic in its defense, arguing that it paid its four male caregivers the same as its 106 female caregivers.

The claimants asked the court to take a pay equity approach instead and to look more closely at the actual nature of the work. They argued that caring for elderly people was just as demanding and dangerous as better-paid jobs mostly performed by men, including, notably, prison guards. One filing by Ms. Bartlett’s union noted that both jobs require “dealing with challenging behaviors including sexual behaviors and/or aggression.” Arguably, care home workers could be even more at risk, since while corrections facilities are specifically designed to promote maximum security for workers, care homes are not. Before the claim was settled, Ms. Bartlett was earning \$15.75 (U.S. \$11.20) an hour, 50 cents above the New Zealand minimum wage, for work her union estimated was worth \$26 (U.S. \$18.50) an hour.

Ms. Bartlett’s claim was settled out of court through a three-way negotiation between union officials, employers and the government in 2017, resulting in pay increases of 15 to 49 percent for 55,000 workers (paid for by the government, which funds elder care in New Zealand through contracts with private firms and NGOs). The outcome sparked a wave of new claims throughout the public sector from other female-dominated occupations, including midwives, social workers and school support staff. The same year, the newly elected Labour government, led by Prime Minister Jacinda Ardern, set to work: The government would follow through on her party’s campaign promise to amend the 1972 law to finally deliver true pay equity.

In 2015, a 15-member joint working group, made up of union leaders, employer representatives and government officials, had begun meeting to agree on a set of principles for resolving pay equity claims. A 2018 settlement on behalf of around 1,300 state-employed social workers was proof of concept, said Ms. Ross, the lead advocate for those negotiations. It was a chance to show the recommended principles — in particular, that female-dominated occupations should be evaluated in a way as free from bias as possible — could work in practice.

Economics 101 says wages are set by the intersection of a supply curve and a demand curve — if demand for say, data scientists is high, and there aren’t enough of them to fill the available roles, data scientists will have more pricing power over their wages. But in the real world (and, sometimes, in Economics 201), most people recognize that wages encapsulate a host of other factors: monopoly and monopsony (buyer’s monopoly) power, the quirks of a given firm or institution, and, most relevant to pay equity, social beliefs about the relative value of a job. These social beliefs inevitably intersect with biases like racism and sexism, which then manifest in ways both formal and informal.

The 1950s — a time when only around a third of women were in the work force and their earnings were often referred to as “pin money” — saw the rapid rise of job evaluation tools, which were developed decades earlier as a way to analyze and classify jobs within an organization so as to systematize roles and pay scales. One of the most widely used, the Hay method, attempted to capture not tasks, but rather, the various skills, competencies and responsibilities that make up a given job; each of these was then assigned a weight and graded according to a point system. These tools, which are today still commonly used in large firms and in government bureaucracies, were intended to measure and rank the work being done by different employees, from line workers to chief executives, as organizations grew and became more complex.

At the time, given the nature of the economy, these tools largely applied to jobs held by male workers in manufacturing firms, said Ronnie J. Steinberg, a longtime pay equity advocate and professor of sociology emerita at Vanderbilt University. They eventually came to encompass managerial, executive and administrative roles, but the built-in male bias held strong.

Most job evaluation methodologies ignored what the sociologist Arlie Hochschild called “emotional labor” — adjusting one’s feelings in order to competently perform a job — while others, if they measured some aspect of it, often treated it as a proxy for the femaleness of a job, so that jobs with high levels of emotional labor wound up with lower pay.

As a result, an evaluation tool might rate dog pound attendants and parking lot attendants as more highly skilled than nursery schoolteachers, Dr. Steinberg noted. She and others have since developed gender-neutral job evaluation systems, but their implementation still hinges on who is doing the evaluation and what aspects of the work they’re able to recognize and document.

In effect, New Zealand is engaged in a countrywide effort to use these tools to fundamentally rethink the value of the work typically done by women. But where equal pay processes are relatively straightforward, pay equity, when done properly, challenges us to think deeply and objectively about a job and its components. This can be a messy process, one that requires unlearning decades of bias about gender and work, as well as political good will and a spirit of collaboration.

To negotiate the New Zealand social workers’ settlement, for instance, a working group composed of union officials, delegates from the Ministry of Children, social workers and employer representatives undertook a comprehensive assessment process to build a richer

understanding of the social worker's role. In dwelling on parts of the job that are often overlooked — the emotional demands, the problem-solving, the physical danger — many at the table were surprised at its difficulty and complexity. Even articulating the role's various demands and skills posed a challenge.

"People struggled with the language to describe it, and that speaks to the undervaluation in itself, because we don't often have the language to really talk about the skills we're using," Ms. Ross said. What skills are being deployed to, say, deal with someone who is angry and doesn't want to be there, and several hours later, with someone who is needy and crying, all while maintaining meaningful boundaries? To describe this capacity to navigate "these emotionally complex situations — how to be both emotionally present but not emotionally enmeshed," as Ms. Ross put it, the group eventually came up with the term "emotional dexterity."

Although everyone at the table sought consensus, disagreements arose. The employer advocates, for example, hesitated to classify "listening" as a skill, arguing that anyone can listen; Ms. Ross, herself a former social worker, tried to explain how active listening entails not just hearing, but also picking up on what goes unsaid, the way things are said and what that means in context. When employers were skeptical that the job's cumulative stresses were severe enough to result in post-traumatic stress disorder, social worker delegates at the table testified about their experience of hearing stories every day about physical or sexual abuse and the treatment they needed for their own emotional distress.

Based on what they had learned about social work, each side came to the table with proposals for comparable male-dominated occupations, but quickly realized they were better off identifying a set of agreed-upon criteria (that these jobs should be at least 66 percent male, have a collective bargaining agreement and also be public sector jobs) to create an initial longlist. This list included several outliers, such as surgeons (who undergo highly specialized training) and park rangers (who face no barrier to entry into the profession), that were quickly tossed out.

What remained were four occupations that all parties agreed were potentially comparable with social workers in different aspects of the work: detectives and family violence constables in the New Zealand Police, engineers employed by the Auckland City Council and air traffic controllers for Airways New Zealand. All of these roles require alertness and focus and therefore rate highly on sensory demands. On the other hand, they vary widely in the degree of physical effort or emotional skills involved (a published analysis of the occupations noted that air traffic controllers, for example, "operate within a highly codified environment," which reduces the need for interpersonal skills.)

The next step was administering a questionnaire to workers in these occupations. (The questionnaire included sections on problem-solving skills, physical demands, interpersonal skills and emotional demands.) Based on the answers, as well as a range of data, such as health and safety records and professional body requirements, each component of the job was given a point rating, which formed the basis for understanding the skills and responsibilities involved in each role. These, in turn, formed the basis for negotiating the social workers' pay.

The final settlement included an average 30.6 percent pay increase, phased in over two years. It was, to Ms. Ross's surprise, a higher figure than the union had historically promoted — and a powerful argument for going through the job evaluation process with the goal of eliminating gender-based undervaluation, rather than targeting a specific pay hike.

The job evaluation process yielded another unexpected benefit. Ms. Ross said many social workers found the analysis of their work "more valuable" than the pay raise itself. Some, on seeing the many skills and competencies they brought to work every day spelled out in a detailed assessment, were moved to tears.

Many, she said, were "seeing themselves as skilled professionals for the first time."

Unions in New Zealand are currently pursuing over a dozen public sector claims, covering, among others, library assistants, clerical workers and customer-facing roles, which were all prioritized because of their high shares of Maori and Pasifika women and especially low pay.

New Zealand is not the only country taking serious steps toward pay equity. The World Bank's most recent Women, Business and the Law report notes that since 2017, seven economies have introduced legislation requiring employers to grant equal pay for work of equal value, though they vary in scope and ambition. In December 2018, Canada passed a federal pay equity act, which covers federal public agencies and state-regulated private firms such as banks, airlines and telecommunication firms, and requires firms to proactively implement pay equity plans. In 2017, Iceland passed a law requiring organizations with more than 25 employees to evaluate workers' pay based on their comparative responsibilities; the results were to be certified by third-party auditors.

Unlike New Zealand's law, however, which allows claimants to look across nearly the whole of the labor market for male comparators, Canada and Iceland's laws only require companies to undertake pay equity efforts at the organization or firm level; as a result, they're inherently limited, since some firms will still be focused primarily on professions dominated by women or those dominated by men.

New Zealand's more ambitious law is also notable for the buy-in it garnered at the legislative level. Several New Zealanders pointed to the unanimous vote on the pay equity law as an important sign of where the public had moved on the issue. "It wasn't seen to be politically tenable to oppose equal pay, because that's just wrong," said Kerry Davies, national secretary of the New Zealand Public Service Association.

Even so, New Zealand has, so far, been able to take the steps it has because the government pays for these wages. It's not yet clear when, or whether, these efforts will work their way into the private sector. The vast majority of New Zealand's businesses are small, with some 95 percent of firms employing fewer than 20 people. Not all of these employers are wealthy, nor are these small firms universally profitable, said Paul Mackay, manager for employment relations policy at BusinessNZ, an advocacy group for New Zealand companies.

But proponents of pay equity say arguments about affordability miss the point. “Employers are not entitled to make even small profits on the backs of underpaid women,” said Linda Hill, a member of the Coalition for Equal Value, Equal Pay, a group of feminists who have worked in different fields on this issue for years. “Businesses that can’t pay fair wages aren’t viable businesses.” Still, especially in the private sector, this money will have to come from somewhere, raising uncomfortable questions about our expectations of cost, value, and worth.

In the United States and elsewhere, it has taken extreme levels of injustice and deprivation, and a once-in-a-lifetime crisis, to expose the emptiness of how different types of work are valued. We are finally beginning to grapple with fundamental questions about what makes a worker truly “essential” — but how far will this grappling actually go?

There are important efforts now underway — the push for a higher minimum wage, say, or more visibility for domestic workers — but they fail to address a deeper problem: The thing that so many of today’s most underpaid and essential workers have in common is simply that they are women. In America, where state support for gender equality has never been less robust, pay equity’s financial obligation will likely fall on individuals. Are we willing to pay more, say, at the grocery store, or to the home health aides who look after our elderly? Are we willing to re-examine the assumptions embedded in what we have been told are “free markets” for labor?

New Zealand’s experience in the coming years will serve as an experiment in what happens when an entire society, led by a feminist prime minister, decides, in effect, to say yes.

Anna Louie Sussman is a journalist who writes on gender and economics. She is working on her first book, about the relationship between capitalism and reproduction. This article was supported by the Economic Hardship Reporting Project.

Region: [United States](#) ^[3]

Tags: [Women](#) ^[4]

[pay](#) ^[5]

[equity](#) ^[6]

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