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The Gender Wage Gap: Searching for Equality in a Global Economy

LUCY B. BEDNAREK*

"Will it suffice to change the laws, the institutions and the customs, public opinion and the entire social context before men and women become truly equal?"1

INTRODUCTION

The number of women who work for the sake of economic gain in the United States has increased dramatically since the 1960s. However, these American "working women" do not labor in an isolated economy—the American labor market has been globalized just as it has been feminized. Globalization integrates labor markets around the world and creates a growing mutual dependence of national economies through: advanced telecommunications and international transportation systems; government policies that promote trade liberalization; and corporate strategies of buying and selling around the world through exports and relocation of production to low-cost production sites.2

Not only has the number of American working women grown, but women's participation in the global workforce has also risen.3 If current trends persist, "by the turn of the century more than one billion women, one-third of the world's female population, will be part of the traditionally defined labor force."4 Despite the growing presence of women in the labor force, women tend to earn less, on average, than men. Although recent figures suggest an improvement in the relative earnings of women during the 1980s and mid-1990s, in 1995,

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1. Simone de Beauvoir
4. Id. at 139 n.2.
women in the United States nonetheless still earned only three-quarters of what men earned.¹ No matter how women’s earnings are calculated in comparison to men’s earnings, women’s wages continually remain below those received by men. The phrase “gender wage gap” refers to this disparity between women’s and men’s earnings on a global basis.

This Note will address the wage differences between women and men in the United States in light of the emergence of a global economy and argue that because globalization has linked the economic dilemma of women in America with that of women in every nation, solutions to the gender wage gap in the United States need to reconceptualize domestic labor laws with regard to global implications. The inequality between women and men emerges as a “global phenomenon”—a commonality eluding differences between women of various nations.⁶ No matter the nation, women remain the least unionized and the lowest paid of all workers. Globalization leaves women indefensible against the processes of global economic restructuring and global market policies.

Like women in the United States, women all over the world are earning less than men for comparable work. In general, women tend to work longer hours, constitute a disproportionate number of informal sector-workers and are forced into low-paying jobs.⁸ Furthermore, women’s efforts to gain financial independence are often “thwarted” by inadequate wages, lack of access to capital, insufficient educational opportunities, and the added encumbrance of family responsibilities.⁹

Part I of this Note illustrates how globalization ultimately increases the disparity between the rich and the poor. Part II examines the effect of globalization on women’s labor and the resulting wage gap. Part III discusses the failure of previous remedial programs, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, and comparable worth programs.

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¹ See Sandra J. Libeson, Reviving the Comparable Worth Debate in the United States: A Look Toward the European Community, 16 COMP. LAB. L.J. 358, 358 (1995). “Even more startling, this figure represents only a $0.12 gain in the past 30 years, a period that included a passage of two major equality statutes”. Id.


⁷ See id. For example, in Central and Eastern Europe and the former Soviet Union, women are losing employment as “the region ‘adjusts’ to the rigours of the global market-place.” Id. at 227. Furthermore, economic policies influenced by international processes advance the gender division within countries in the Caribbean and Latin America. Additionally, the negative impact of structural adjustment in the Asian-Pacific region increases tourist prostitution and sex tourism. Id.

⁸ Id.

⁹ Id.
Part IV demonstrates how American solutions to the gender wage gap need to address global implications.

I. GLOBALIZATION'S NEGATIVE IMPACT ON POVERTY

"Come away; poverty's catching."10

A. Defining Globalization

Globalization, as an extension of modernization, is viewed positively by many. Yet, as the term "globalization" smoothly rolls off "modern" persons' tongues, many fail to recognize the negative impact globalization may have on the United States—in particular, on the American labor force. As globalization reconstructs social space and transcends territoriality, it also renders traditional notions of sovereignty unworkable, upsets capitalism and confuses identity construction.11

Globalization refers to the "multiplicity of linkages and interconnections between the states and societies which make up the modern world system," being in essence a phenomenon by which events, decisions and activities in one part of the world can significantly impact on individuals and communities in quite distant parts of the globe.12 Visualized in this way, globalization is seen to have two distinct dimensions: scope (stretching) and intensity (deepening).13 Globalization not only suggests processes by which political and societal proceedings are "stretched" across the globe, but also implies an "intensification in the levels of interaction, interconnectedness or interdependence" between the actors in a globalized world, including nations, states, and societies.14

Globalization stretches and intensifies political, economical and societal processes across the globe, consequently stretching and intensifying humanity as a whole. By transforming the world into a global economy, globalization simultaneously transforms humanity into a global labor force. For example, through the processes of globalization, companies and businesses are able to

10. Aphra Behn.
13. Id.
14. Id. at 276-77.
expand production globally, taking advantage of labor markets all over the world. Yet, as the global economy and subsequent global labor force influences and modifies demand and supply in individual nations, such as the United States, conditions of citizenship, including employment and sufficient income to meet subsistence needs, begin to erode. As companies expand into the world market, globalization gradually destroys employment guarantees of adequate wages and working conditions in the United States.

B. Arbitrage and the Erosion of the American Labor Force

As the global economy grows stronger and bolder across the world, economic competition levels among nations increase as well. While global competition leads to a greater choice of goods and services at competitive prices, the exercise of arbitrage also increases. Arbitrage is "the practice of buying a commodity in one local market where it is cheap, then selling it in a neighboring market where the price is higher and profiting from the fractional difference." Under the demands and influences of arbitrage and global competition, companies search for the most profitable opportunities around the globe. For example, when labor rebellions in South Korea caused an increase in wage rates, American companies transferred their light-assembly or garment factories to other Asian countries. Further, when faced with import quotas and rising labor costs, many East Asian Newly Industrializing Countries (NICs) moved

16. WILLIAM GREIDER, ONE WORLD READY OR NOT: THE MANIC LOGIC OF GLOBAL CAPITALISM 57 (1997). Arbitrage is also defined as the "simultaneous purchase in one market and sale in another of a security or commodity in hope of making a profit on price differences in the different markets." BLACK'S LAW DICTIONARY 104 (6th ed. 1990).
17. See SASSEN, supra note 15, at 37. Overall there is a growing consensus that the race to the bottom . . . is a function of global competition and that disinvestment or insufficient investment in industries that offer middle-income jobs is also partly a function of hypermobile capital in search of the most profitable short-term opportunities around the globe.
18. GREIDER, supra note 16, at 70. Another example includes the country of Thailand. When the minimum wage in Thailand was raised, Thailand's textile companies moved to China, Indonesia, and Vietnam—countries with lower wage rates. See id.
their production facilities to Southeast Asian countries. Thriving large companies decentralize, diversify and expand while shaping new strategies of production and subcontracting with other companies around the world. Such strategically responsive moves to globalization also include transferring production to nations with lower tariffs and less restrictive worker health and safety and environmental protection laws.

Thus, what American companies seem to be searching for is not cheaper corn or copper, but cheaper labor. Globalization applies arbitrage not only to articles of trade or commerce, but to human labor as well—the "commodity is human labor, the price is wages... Like corn or copper, the practice of wage arbitrage drives the price of human labor downward." The dynamics of globalization ultimately create a new international labor pool into which companies delve for a cheap work force.

The significance of globalization, then, rests in the way the global economy alters the production of goods and assets around the world. The structural changes resulting from globalization usher in more flexible labor markets and, thus, a more flexible work force with reduced labor regulations and costs. In order to achieve greater competitiveness on a global scale, and in response to the need for greater mobility and spatial flexibility, the deregulation of labor markets has been a strategic mechanism.

Yet, such deregulation of labor ultimately serves to devalue labor. One example includes the devaluation of the manufacturing industry as a result of the deregulation of international finance in the 1980s:

Deregulation made finance so profitable that it took investment away from manufacturing. Finance allows superprofits by maximizing the circulation of money (e.g., securitization, multiple transactions over a short period of time, selling debts,

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24. See id. at 89.
etc.) in a way that manufacturing does not. One can bundle a large number of mortgages and sell the bundle many times, even though the number of houses involved stays the same. This option is basically not available in manufacturing, in which a product is made and sold; once it enters the realm of circulation it enters other sectors of the economy, and it is to these that the profits from subsequent sales accrue.25

Thus, the “superprofits” connected with international finance reinforce the need for increased manufacturing profitability and, in turn, justify decreasing wages.26 Ultimately, American employers’ response to the global economy’s competition demand devalues the American labor sector.

In sum, globalization induces employers to “capture savings at home and abroad by taking advantage of the gross surplus of human labor that exist[s] around the world.”27 Wage levels are not increasing as globalization increases, but rather, are decreasing painfully. Globalization has fashioned a cheap labor force.

C. Education as a Response to Globalization

In reaction to the adverse effects of globalization, education and training became the key words in the language of American laborers. According to business leaders, the working people would be able to survive global economic pressures by obtaining higher skills. For example, the notion that an “educated labour force, together with the appropriate physical and social infrastructure and political stability,” increases any country’s possibility of successfully partaking in the global market became prevalent.28 Globalization thus seems to create a competition between modernization and cheap labor—if a worker is unskilled, that worker can be replaced by new labor-saving technologies.29 Yet, as William Greider recognizes:

25. Runyan, supra note 21, at 240-41 (citing Saskia Sassen, Economic Globalization: A New Geography, Composition, and Institutional Framework, in GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER 61, 64 (Jeremy Brecher et al. eds., 1993)).
26. Id. at 241.
27. GREIDER, supra note 16, at 59.
28. Olga Memedovic et al., Introduction to GLOBALIZATION OF LABOUR MARKETS, supra note 2, at 3,4.
29. See GREIDER, supra note 16, at 72.
On the shop floor, the familiar mantra of training and productivity may have sounded like a high-tech version of "let them eat cake." If the peasants cannot afford bread, Marie Antoinette suggested, let them eat cake. If your job as a steelworker vanishes, why not become a computer engineer or chemist or stock-market analyst?

Gaining the highest education and training possible, in order to survive and bypass global pressures, may be virtually unattainable for many low-wage, low-skilled workers as such educational opportunities are difficult to procure and many times simply do not exist.

Global economic restructuring and technological advances increase the importance of educational attainment and skill training. Yet, because global restructuring produces deskilling and downgrading of jobs, education and training is an important, but not a complete solution. As globalization demands highly skilled labor, the wage rate of skilled workers increases. However, as the demand for low-skilled or unskilled labor falls, the wage rate for these workers also falls.

D. The Negative Impact of Globalization on Labor

As American companies seek out low-cost labor around the world, the United States' labor force becomes devalued. Globalization restructures economic, political, and social processes in order to expedite the movement of transnational capital, resources, and corporations. As a result of this restructuring, global pressures threaten low-wage workers and facilitate the disparity between low-wage and high-wage labor. "(F)or the working population as a whole, wage levels are being lowered rather than raised," and higher skills have not necessarily led to higher wages.33

30. Id. at 73.
33. GREIDER, supra note 16, at 74. "In industry after industry, average educational attainment rose while wages fell. Indeed, wages fell more rapidly for younger workers, despite their higher educational attainment." Id.
The globalizing economy, therefore, creates an increased disparity between the rich and the poor by perpetuating poverty and widening material inequalities. Medium to high-skilled workers have been replaced by cheap, unskilled labor, and the educationally and skilled elite drift farther and farther away. As globalization depresses wages in the United States, it forms an internationalized labor market for low-wage manual and service workers. Due to lack of education, skills, and employment opportunities, this low-wage sector of workers cannot escape from the poverty to which the globalizing economy relegates them. Globalization creates either high-wage or low-wage workers and destroys America's middle ground of laborers.

II. THE EFFECT OF GLOBALIZATION ON WOMEN'S LABOR AND THE RESULTING WAGE GAP

"Don't shut yourself up in a bandbox because you are a woman, but understand what is going on, and educate yourself to take part in the world's work for it all affects you and yours."  

A. The Wage Gap Reality

Globalization and the changes in economic and political structures seriously affect women in the labor force. For the most part, the social progress of women has not kept pace with economic progress, even in nations where economic development has expanded. While the forces of globalization impress upon all American workers, they strike women the hardest. For example, the trends of globalization damage women by: driving wages and worker protections downward in the United States and Canadian economies; forcing immigrant women from Mexico and other areas in the South to urban sweatshops in the North; compelling rural women throughout North America into a "'triple day' of harder farm work, additional wage work, and

34. Scholte, supra note 11, at 53.  
36. See John Foster-Bey, Bridging Communities: Making the Link Between Regional Economies and Local Community Development, STAN. L. & POL'Y REV., Summer 1997, at 25, 26 (explaining that due to a lack of experience, education and skills, low-income workers are "structurally relegated" to the low-wage labor force).  
37. Louisa May Alcott  
38. Krause, supra note 6, at 226.
reproductive work in the home;" and intensifying the "casualization" and "flexibilization" of women's labor. Women are thus relegated to part-time, home-based, low-wage, and low-protection work.39

Global economic restructuring and the ensuing international labor force are vital components of globalization that increase competition levels in the United States and cheapen American labor. By taking advantage of this cheap feminized labor force, firms responding to global pressures can carry on operations without pushing up wage rates too far. For example, in Asia and other developing nations, foreign-owned electronics or textile factories employ eighty to ninety percent women laborers.40 Not only do local and national economies demonstrate the historical pattern of "shunting women" into lower paid positions, but the global economy designates women as cheap labor.41 Thus, while more women are entering the labor force, they are entering as low-wage workers.

It is significant, therefore, that an inherent conflict arises from the pressures of global capitalism and development and workers' rights—especially female workers' rights. Because global restructuring leads local and transnational employers to view women as "compliant, dexterous and easily exploited labourers working for pin money,"42 globalized sectors of the economy become just as patriarchal as independent states or nations.43 The tension between globalization and labor thus increases.

Women in the United States labor market work in a globalized employment system in which they earn comparably less than men.44 For example, "[i]n the early 1960s, women earned about fifty-nine cents for every dollar earned by men."45 In 1992, "women earned about seventy-one cents for every dollar earned by men."46 College-educated women in 1993 "earned only roughly $2000 more than high-school educated white men."47 As women begin entering the labor market in increasing numbers and gaining work experience, the wage

39. Runyan, supra note 21, at 245.
40. GREIDER, supra note 16, at 98.
42. Runyan, supra note 21, at 239.
43. See Scholte, supra note 11, at 53-54.
44. B. Tobias Isbell, Gender Inequality and Wage Differentials Between the Sexes: Is it Inevitable or Is There an Answer?, 50 WASH U.J. URB. & CONTEMP. L. 369, 369 (1996).
45. Id.
46. Id.
47. Id.
differential between men and women does not narrow, but rather grows larger. 48

Even after systematically comparing women’s and men’s wages, a “residual gap” between the sexes remains. 49 In other words, “women earn lower wages because they are women.” 50

B. Poverty and Women

As the feminization of the global work force accompanies global restructuring, the feminization of poverty becomes an integral factor in the global economy. In order to understand the broad disparity between the rich and the poor in the global economy, gender inequalities become central to the issue of poverty abatement. The gender wage gap becomes of greater concern as the number of women entering the work force increases and those same women remain responsible for households and families. In the United States today, more than one-third of the poverty population consists of single mothers and their children. 51 As millions of mothers enter the work force, women raise children single-handedly, with only low wages or welfare checks to serve as financial aid. The United Nations estimated that “[i]n 1980 . . . although women did two-thirds of the world’s work, they earned only one-tenth of the world’s income and owned only one-hundredth of the world’s property.” 52 As a result of women’s low incomes, more women than men are in poverty. Thus,

48. See id. Estimates by the United States Department of Labor showed that in 1960, women who worked full-time, year-round, earned on an average only 60.8% the median annual earnings of men. Margaret Hallock, Unions and the Gender Wage Gap, in WOMEN AND UNIONS 27, 27 (Dorothy Sue Cobble ed., 1993). This gap remained steady for two decades, but during the 1980s, women’s annual earnings rose to 68% percent of men’s. Id. Yet, a significant wage gap still exists. The increase of women’s wages in the 1980s and 1990s may be attributed to recessionary dips. WOMEN'S BUREAU, U.S. DEP’T OF LABOR, NO. 93-5, EARNINGS DIFFERENCES BETWEEN WOMEN AND MEN 2 (Dec. 1993). More low-wage earning men lost their jobs in the recession, leaving a larger percentage of men with higher earnings. Id. The estimate of men’s earnings increased as employment of men decreased because there were now fewer male low-wage workers. Id. Because women did not experience such types of unemployment, the estimates of annual earnings for women remained the same during the recessionary period. Id. Furthermore, the following observations have also been made:

The narrowing of the pay gap that has occurred has been attributed not to an increase in women’s wages, but to a decrease in men’s wages since 1982, and to the entrance of educated and professional women into traditionally male-dominated occupations. Nevertheless, in 1992, women in the United States earned only seventy-one cents for every dollar earned by men.

Libeson, supra note 5, at 358-59.

49. Hallock, supra note 48, at 28.

50. Id. (emphasis added).

51. Id. at 27.

52. Dau-Schmidt, supra note 41, at 53.
poverty has been feminized.53

Women entering the low-wage labor market remain trapped by the stagnation of wages in the low-wage labor force—stagnation that is caused by globalization. Because women are increasingly poor, the existence of the wage gap “reflects a basic unfairness in the distribution of economic rewards”54 throughout the world. Women will not be able to escape from poverty’s confinement as long as they earn low wages.

C. Occupational Segregation

The structural underpinnings of the wage gap can be attributed to a number of social, economic, and cultural factors. Although more women are entering the labor force, they are entering the low-wage labor market—the labor market most affected by globalization. However, although there has been a growth in the educated female labor force, the increasing number of new female competitors in the labor market reduces the average education and experience level of female workers.55 Thus, the wage gap widens.

An inquiry into women’s disadvantage and subordination in the labor market leads to an examination of occupational segregation.56 Occupational segregation, on a basic level, occurs when women and men tend to hold different jobs in the labor market.57 In application, occupational segregation creates an oversupply of women in a limited number of occupations. Occupational segregation pressures force women into a “pink ghetto”—feminine occupations that are poorly paid and require less skill.58 For example, six out of ten women occupy the traditional female employment fields of service, technical, sales and

53. But see CLAUDIA GOLDIN, UNDERSTANDING THE GENDER GAP 212 (1990) (asserting that more women are left under a fixed poverty line as all incomes rise, thus poverty has probably not become “feminized” over the past decade, as many have thought, but rather, it may be more likely that poverty has always been feminized).
54. Hallock, supra note 48, at 27.
56. See James Albrecht & Susan Vroman, Evaluating Policies to Reduce the Gender Gap: An Economic Approach, 82 GEO. L.J. 69, 69 (1993). “Recent empirical work suggests that a large part of the gender gap is the result of occupational segregation, rather than the result of lower pay for women than for men doing the same job.” Id.
58. Id.
administrative support.  In sum, females are paid less because they work in different occupations. The differences in the occupational distribution of men and women thus accounts for a substantial fraction of the earnings gap.

Further, global competitiveness forces women out of some occupations and into others. For example, as the manufacturing industry globalized, many female factory workers in the United States lost jobs between 1979 and 1983 because of plant closings and global production expansion. Many laid-off female factory workers use the service industry in post-industrial urban economies and clerical services in the international finance industries as alternative employment.

While professional and clerical occupations have become the fastest growing jobs in the global economy, clerical jobs tend to pay increasingly lower salaries while professional jobs tend to pay increasingly higher salaries. Thus, for many displaced factory workers, finding other work may mean finding lower-paying employment. Women, as the least skilled and the least educated, are entering the lower-paying clerical jobs.

Another issue in the occupational segregation debate is children. Many women may accommodate their roles as mothers by holding different labor expectations than men. For example, once a woman drops out of the labor market for marriage and child bearing, it may be very difficult to return to full-time employment—especially for women with low-skill training and education. Researchers argue that women choose traditional female occupations because there is less “skill obsolescence” for workers who must leave the labor force for child-care responsibilities and then later reenter. Because of their role as mothers, many “women anticipate that they will move in and out of the labor market often during their lifetimes, and thus seek positions for which the costs of this intermittent employment are minimized.” In other words, many women make different trade-offs than men—they may crowd into traditional “female”

60. Oster, supra note 55, at 113.
61. Runyan, supra note 21, at 241.
62. Id. (citing SASKIA SASSEN, THE GLOBAL CITY 244 (1991) [hereinafter GLOBAL Cty]).
63. GOLDIN, supra note 53, at 216. See, e.g., Foster-Bey, supra note 37, at 31 (explaining that single head of household females cannot enter the labor market without affordable child care); Jane Friesen, Alternative Economic Perspectives on the Use of Labor Market Policies to Redress the Gender Gap in Compensation, 82 GEO. L.J. 31 (1993).
64. Tonguthai, supra note 19, at 169.
65. WOMEN’S BUREAU, supra note 48, at 7.
jobs because those jobs require a lower depreciation rate than other jobs. Women who plan on leaving the labor force periodically to bear and raise children seem to value the relatively low-cost ability to move in and out of the labor force.\(^6\)

The role as mother creates the need to look for other occupational attributes as well. For example:

Some working women may prefer jobs with flexible leave policies, so they can take care of family business during work hours. Women doctors with small children may prefer to work in a group practice, or an HMO, so that they can schedule their hours, rather than being on call twenty-four hours a day. Some working mothers may value day care services on the premises of their jobs; others prefer a job close enough to home that they can go home for lunch or pick up their kids from school.\(^6\)

Differences in earnings between women and men may reflect the different rate at which women substitute higher income for specific job attributes.\(^6\)

Thus, two employment sectors in the American labor market exist: "one with high-paying jobs with attractive prospects for promotion, and one with low-paying jobs such that career interruptions have a low cost."\(^7\)

Conclusively, the gender wage gap partially stems from women working in different occupations than men. Due to competition caused by globalization, labor markets value full-time work and careers and thus, ultimately segregate women and men into different occupations, with jobs dominated by men offering higher wages than jobs dominated by women.

D. Devaluation

A globalized systematic series of actions in the labor market not only form a low-wage labor sector, occupied by a majority of women, but also devalorize that low-wage sector. The "central dynamic of overvaluation [sic] and

\(^6\) Id.
\(^6\) Id.
\(^7\) Albrecht & Vroman, *supra* note 56, at 70.
Globalization over-valorizes specialized services by increasing their complexity, expanding their strategic attributes, and amplifying their glamour. By demanding increasingly complex and specialized services in all industries, globalization pressures valorize and over-valorize these services.

The process of over-valuation can be illustrated through the abnormally high increase in the starting salaries of corporate-sector employees, including lawyers and those with MBAs. The professionals who are considered the “cosmopolitan male experts [in the] fast-paced glamorized world of global finance” compose only about fifteen percent of all workers in global industries. Because globalization pressures stretch the gap between high income and low income jobs by over-valorizing specialized work, “high-income gentrification” occurs. Thus, globalization affects gender by over-valorizing the higher-paying, higher-technical specialized services occupied mainly by men and devalorizing the lower-paying, lower-skilled supply and manufacturing jobs occupied mainly by women.

The growing presence of women in the labor force expedites the devalorization process precisely because women's work is devalorized anyway. The majority of working women are still employed in occupations in which seventy-five percent of the vocation are women. Usually, such “feminized” occupations are undervalued and underpaid. Women’s work may be undervalued because women tend to hold occupations that the labor market deems less valuable; the labor market may undervalue occupations in which women predominate because such occupations barely seem to some like “work” at all.

In contrast to the institutionalized recognition of the demands of predominantly male jobs, many skills associated with the types of jobs held by women, such as nursing, teaching, and the like, seem to go unrecognized precisely because they mirror the traditional duties within the home.

73. Id. at 23.
74. Id. at 20 n.28. The over-valorization of specialized services can also be illustrated through the unusually high salary increases beginning in the 1980s for top-level professionals and CEOs. See id. at 23.
75. Runyan, supra note 21, at 241 (citing GLOBAL CITY, supra note 62, at 244).
77. Dau-Schmidt, supra note 41, at 51 n.2.
78. Libeson, supra note 5, at 359.
79. Isbell, supra note 44, at 392 n.150.
80. Id. (quoting Jennifer M. Quinn, Note, Visibility and Value: The Role of Job Evaluation in Assuring
labor market may view women's work as inherently less valuable either because women's occupations are "associated with women's traditional duties in the home or because they reflect the historically lower status of women in society," and because women have fewer conventional signals of their productivity, such as educational degrees. Thus, men gain employment associated with prestige and high wages while women's work tends to be undervalued and underpaid.

As global restructuring devalues women's work, the gender wage gap increasingly widens. In appraising labor inputs, the over-valuation of specialized services and professional workers has branded many other economic activities and workers, specifically women and women's occupations, as unnecessary or irrelevant in today's globalized economy. In other words, "[t]he corporate work culture is overvalued while other kinds of work cultures are devalued." Because of the competition that globalization of production and marketing creates, "women are being retrenched," and women's wages are being driven down. In sum, women's struggle against the powerful influences of a global economy and the larger processes of global restructuring need to be addressed.

III. UNSUCCESSFUL REMEDIES

As the global economy increases, more women are rapidly drawn into the globalized labor market. Yet, as the demand for women has increased, women's status in the labor force has not. Occupational segregation and devaluation still confine women to a limited number of comparatively poorly paid occupations with short promotional ladders and limited training opportunities. The United States Congress attempted to eradicate the problem of the wage gap through various statutory schemes, such as the Equal Pay Act of 1963, Title VII, and

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*Equal Pay for Women, 25* Law & Pol'y Int'l Bus. 1403, 1411 (1994)). Other predominantly female occupations include elementary school teachers, librarians, social workers, and secretaries. "Over eighty percent of full-time working women in America earn less than twenty thousand dollars per year, almost twice the number of males who earn the same amount of money." Giampetro-Meyer, *supra* note 57, at 242.

81. Isbell, *supra* note 44, at 393 n.151; See also Quinn, *supra* note 80, at 1407.


84. *Id.*


other affirmative action programs. Yet, despite these statutory schemes, the earnings of women still trail behind those of men.

A. The Equal Pay Act of 1963

The Equal Pay Act of 1963 (EPA) demonstrates Congress' initial effort to address the wage disparity between women and men. The EPA requires employers to pay men and women performing equal work an equal salary. However, because of the extreme variety of occupations across the entire global economy and the expansion of occupations into the global economy, promises of "equal pay for equal work" do little to curb the differences in occupations and earnings between women and men. In other words, unless women and men are performing exactly similar work, the EPA's equal work provisions hinder the ability to challenge discriminatory wage disparity between women and men.

B. Title VII of the Civil Rights Act of 1964

Due to the ineffectiveness of the EPA, many women have attempted to address wage disparity through Title VII of the Civil Rights Act of 1964. On
a basic level, Title VII prohibits discrimination on the basis of race, color, religion, sex, or national origin in hiring, promotion, and other conditions of employment. Although a Title VII wage discrimination claim does not require an equal work showing like the Equal Pay Act, the plaintiff challenging an employment practice bears the burden of proving that the employer intentionally discriminated on the basis of sex. Due to the difficulty surrounding such a burden, wage discrimination claims cannot easily be resolved under Title VII.

C. Comparable Worth

As discussed above, neither the EPA nor Title VII of the Civil Rights Act of 1964 has done much to narrow the wage disparity between women and men. The EPA has not abolished wage disparities arising from job differences because it applies only to payment variations between men and women in the same occupation. Title VII has also failed to address pay inequities that arise from differences in jobs. Thus, the “battle cry” of women combating wage discrimination became not “equal pay for equal work,” but “equal pay for jobs of comparable worth.”

Comparable worth as a remedy for wage disparity assumes women and men warrant comparable pay by working in jobs of comparable skill, effort, responsibility, and conditions. A comparable worth evaluation entails classifying jobs on objective factors and paying comparable salaries for comparable jobs. In an ideal comparative evaluation, employers make “equity

way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.

92. See id. In its initial draft, Title VII did not include the word “sex.” Some researchers claim that including the word “sex” was a strategy used to defeat the Civil Rights Act while others argue that inclusion of “sex” was intended as a joke. Regardless of whether the word “sex” had strategic significance or not, the fact that inclusion of “sex” may have been an accident or a joke demonstrates how difficult the struggle was to bring about legislation promoting equality by sex. GOLDIN, supra note 53, at 201-02; Isbell, supra note 44, at 371.

93. Isbell, supra note 44, at 371-72.
94. See id. Another negative aspect of the Equal Pay Act is its narrow scope. The Equal Pay Act made no provision for administrative enforcement and covered only jobs under the jurisdiction of the Fair Employment Standards Act. GOLDIN, supra note 53, at 201.


96. Id. at 99. Comparable worth is a “[t]erm used to describe a class of wage discrimination claims based on the employer’s use of different criteria in establishing the wage rates for male- and female-dominated jobs. Several states have enacted laws establishing comparable worth policies and processes for implementing pay adjustments for state employees.” BLACK’S LAW DICTIONARY 282 (6th ed. 1990).
adjustments” when women occupy valued jobs but are not paid according to their value.

Comparable worth evaluation programs, however, are hard to implement due to the difficulty in assessing the actual value of work. Because globalization transforms and modifies definitions of value and equity, evaluative procedures lack effectiveness in a global economy. As global structural changes drive women into low-paying labor fields, comparable worth programs fail to address the value of specific attributes of women’s jobs in the low-paying employment sector, including “care-giving, information management [and] administrative tasks.” For example, many male job evaluators “struggle with concepts such as coordinating workflow and schedules and the problems of frequent interruptions of complicated clerical work.” Because traditional job evaluations tend to be appraised objectively, comparable worth programs reaffirm the idea that skill should determine wages.

Yet, wages originate from deeply-rooted historical, cultural, and social constructions relating to class and gender and are therefore difficult to measure objectively, especially in a global economy. Accordingly, job evaluation programs relying on strictly objective factors or modified by mere technical alterations will not effectively address the varied social, cultural, and political affiliations mirrored in a globalized wage system. Therefore, the problems surrounding traditional job evaluations stem from inaccurately designating wage rates as objective earnings devices.

In sum, “internal contradictions and some very real political problems” limit the effectiveness of pay equity:

In their understandable zeal to raise women’s wages, practitioners adopted a technical approach in a management-controlled environment. Pay equity reformers sought legitimacy by compromising on technical issues, from job evaluation systems to compensation analysis. These technical compromises combined with political issues of budgets,

98. Hallock, supra note 48, at 36.
99. Id.
100. See id. For example, “women clerical workers often say they deserve as much [pay] as warehouse workers whose jobs require less skill.” Id. at 37. Yet, because warehouse work is a predominately male occupation and clerical work is a predominately female occupation, social constructions of male and female work clash with objective job evaluations. See id.
101. Id.
collective bargaining, and gender divisions to limit the extent and impact of pay equity.102

Thus, comparable worth programs will only succeed if they examine technical and objective factors in light of female workers' characteristics in a global economy.

Further, comparable worth programs may inherently interfere with what employers deem as market-set values of work. Some comparable worth opponents argue that employers determine appropriate wages for their employees according to the equilibrium price determined by the laws of supply and demand.103 Accordingly, because the supply of available workers and the market demand are said to be nondiscriminatory, such opponents assume comparable worth programs cannot work. Courts in the United States justify their hesitance to apply comparable worth by adopting this nondiscriminatory market presumption.104 Yet, as this Note has illustrated, the global market is anything but nondiscriminatory. Women suffer from globalization's competitiveness and from the consequences of global restructuring by being forced into low-paying positions.

IV. REMEDIES IN A GLOBAL PERSPECTIVE

A. The Inadequacy of Prior Pay Equity Strategies

As this Note has demonstrated, prior pay equity strategies have been unsuccessful in combating wage disparity. First, technical issues have hindered pay equity because proponents have analyzed the wage gap by comparing female-dominated jobs to all jobs, rather than to male-dominated jobs. This approach has miscalculated the wage gap by comparing jobs that have discriminatory wages with themselves.105 Second, political considerations impeded wage adjustments when management responded to pay equity issues by proposing limitations in men's wage increases. Because of such action, males fought to maintain their relative position, thus lowering wage adjustments for women.106

102. Id.
103. MEZEY, supra note 95, at 100.
104. Id.
105. Hallock, supra note 48, at 35.
106. Id.
A third reason pay equity strategies have been ineffective is due to the limitation of pay equity to the public sector. With an increase of public sector unions and an increase in female labor participation, the number of women in public sector unions has increased significantly. While many public sector unions have implemented pay equity policies, private sector labor and management have not followed the example of public sector unions and officials.

Fourth, executed pay equity strategies have been ineffective in resolving the gender wage gap because such programs generally affected only women in professional or managerial jobs. Because a majority of the female work force engages in low-wage labor, including clerical and service occupations, such pay equity programs have little effect on wage disparity. Pay equity programs that continue affecting only females in professional or managerial work send "a message to those who remain in traditionally female jobs that reinforces the message of the capitalist market—that these jobs are less important and valuable than other jobs and that women who work in these jobs are inferior to those who can move into "nontraditional" and male-dominated jobs."

Finally, one of the most significant reasons that pay equity statutes and policies have done little to compensate wage disparity between women and men is that wage disparity has been examined in a domestic shade—a closed box analysis with the United States as the box. In drafting such statutes and executing such policies, Congress failed to consider the global implications on wage disparity.

As illustrated in this Note's discussion of globalization, laws responding to the gender wage gap will not succeed if they address only domestic problems; globalization has changed and transformed domesticity. For example, if Congress passes protective labor laws that increase American labor costs, American companies can "go global" and expand production in other nations to find lower labor costs. Globalization promotes economic activities that will be competitive in international markets, including "union-busting and forced concessions." Thus, the only successful solution for wage disparity will be

107. Goldin, supra note 53, at 210. Private sector unions represent primarily male, white, and often blue-collar workers while public sector unions represent more often female, black, and white-collar workers. In 1984, women comprised almost half of all public sector union members. Id.

108. Cook, supra note 86, at 166. Public sector unions that have implemented pay equity policies include unions in telecommunications, newspaper publishing, hotel administration, and clerical services. Id.


110. Id. at 31-32.

111. Runyan, supra note 21, at 241.
one that addresses gender inequality and the wage gap between women and men in a globalized perspective. Labor laws must be reconceptualized in order to address the negative implications globalization has on the female labor force.

B. The Inequality of Female Poverty

The underlying issues of wage disparity that need to be addressed first are poverty and inequality. In response to global competitiveness, the United States attempts to lower labor costs and increase labor flexibility by reducing social protections like unemployment benefits and weakening labor laws. The corporate global agenda ignores women's difficulties by forcing women into poorly paid, insecure work. Thus, women entering the low-wage labor sector remain there due to the forces of globalization. Successful eradication of the gender wage gap depends on a plan responding not only to global pressures, but one that "represent[s] the contingent work force that is disproportionately female and the adoption of policies addressing the work and family dilemma." Thus, policymakers addressing globalization issues should not ignore the welfare and well being of women.

Current globalization policies ignore women's significant worldwide contribution to human development. For example, more than half of the first level teachers in the world are women. As one expert states, "there is now much evidence that women worldwide make major contributions to the wealth of nations, and that the use and expansion of women's productive capacities is a necessary condition for social and economic progress." Thus, solutions to the negative impact of globalization must incorporate a woman's role not only in the labor market but in human development as well.

Accordingly, possible solutions to the negative impact of globalization upon women must entail greater access to means of production and to social and

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114. Hallock, supra note 48, at 41-42.
116. Id. In 1988, women made up 75% of the first level teaching staff in the developed countries and 77% in Latin America. Id. They made up 49% of the first level teaching staff in North Africa and 43% in the Middle East and Asia. Id.
117. Id.
118. Solutions addressing globalization and gender issues can be applied to women worldwide.
economic services. This includes increases in training and educational attainment. Education and training policies should target women's lower educational opportunities in order to increase their competitiveness in the labor market. By expanding women's participation and competitiveness in the labor markets, employment opportunities expand as a result.\footnote{Id. at 124.}

Additionally, women in informal sectors, including part-time work and home work, should receive the same social protection as those in the formal sector.\footnote{Id.} Further, due to women's increased level of economic activity and their increasing responsibility for households, more credit schemes must be directed to women in general and women entrepreneurs in particular.\footnote{Id. at 125.} Finally, discrimination in labor markets should be identified and targeted.\footnote{Id. at 128.}

In sum, policies addressing globalization must also address women's contributions to social and economic development. Globalization policies must "acknowledge, value and facilitate" women's participation in a global labor market—both productive and reproductive.\footnote{Id. at 132.} Recognition of their value in the labor market should incite governments, international organizations and global policymakers to invest further in the "human resource development of women."\footnote{Id.}

C. Cultural Distinctions

One of the similarities women hold with almost all other women in the world is that they are viewed by patriarchally-dominated nations as unequal to men. Gender inequality can no longer be viewed only in the context of specific local customs or cultural practices—gender inequality has "gone global" as well. Yet, as gender inequality "goes global," it becomes intricately intertwined with other major social, cultural, and economic divisions, such as class, race, or ethnicity.\footnote{Krause, supra note 6, at 232.}

In order to address gender inequality in the United States, Congress needs to address wage disparity in terms of class, race, ethnicity, and gender in a globalized world. While globalization erodes many cultural norms that restrain
women from participating fully in the work force, globalization consigns women
to the low-wage labor sector, thus restraining women from participating fully
in the work force. In order to posit solutions to the global dimensions of
gender inequality, the problem must be addressed by linking gender inequality
to knowledge, power, and interests that cut across gender lines. In sum,
Attempts to eradicate wage disparity between women and men must not only
reflect the importance of particular local customs and cultural patterns, but also
“magnify” gender equality across divisions of class, race and ethnicity.

D. Resisting the Negative Impact of Globalization on Women

Resistance to the negative impacts of globalization must build upon
women’s varying and multiple class, race, national, sexual, age, occupational,
and community characteristics. Construction of alternatives to “non-existent,
insufficient, or exclusionary ‘universalist’ social charters to mitigate the effects
of and reorient regional and ‘global integration’ arises from such a
‘heterogeneous consciousness.” Thus far, women’s resistance to global
pressures and global restructuring includes: greater transnational union
representation in terms of factory and home-based work; placement of global
restructuring on the agenda of national women’s organizations; and cross-
border organizing among women workers on the borders of the United States
and Mexico. Such internationalized practices are developing in response to
globalization and “yield greater awareness of rapidly shifting patterns in the
gendered nature of places and spaces and movements between and through them
that require swift reorganization of gender identities and relations, thereby
providing continuous remappings of new deployments of power as they
unfold.”

CONCLUSION

Globalization impresses upon many aspects of life in the United States,
including employment, business opportunities, market costs, and educational
opportunities. American labor, specifically, suffers from global economic processes. The main focus of globalization stresses competition in the international markets. Yet, the global growth of internationalized markets harms the American labor force by decreasing the wages of the lowest paid workers in the United States. Because women constitute a large proportion of this low-wage sector, the globalized labor market adversely affects the female labor force. Globalization does not create a sense of "oneness" but rather, "displaces women into the established gender hierarchies of the North and West which continue to place the needs of women at the bottom of the global marketplace." Globalization has linked the economic difficulties of American women with that of women in every nation. Thus, while more women are entering the labor force, they are entering a globalized labor force as low-wage workers.

In order to eradicate the gender wage gap in the United States, American solutions need to incorporate a global perspective and reconceptualize domestic labor laws in light of global implications. Gender inequalities must be addressed by looking at global ramifications on culture, race, ethnicity and gender.