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THE GENDER WAGE GAP AND WORK-FAMILY SUPPORTS: WOMEN'S CHOICES OR POLICY CHOICES?

ARIANE HEGEWISCH* AND EMMA WILLIAMS-BARON**

INTRODUCTION

In the United States, the median wage of women working full-time, year-round is only 80% of men's.¹ Though in past decades the gender gap has closed, since the beginning of the 2000s further progress has stalled. The gender earnings gap is a popular topic of discussion in the media, politics, and academic scholarship. While some focus on discrimination as a major factor, others argue that this pattern of lower earnings for women is due to women's "choices" to enter lower-paying occupations, leave the labor market or work part-time to care for family, or neglect to advocate for themselves in salary negotiations. Women do not make choices in a vacuum, however; structural factors such as the costs of child care, access to paid leave, lack of control over working hours, and gender differences in earnings in couples, influence their decisions. Policy decisions frame which choices are attractive and possible for women and their families. To evaluate the effects of different policy decisions, this article compares state-by-state data on work-family infrastructure and economic outcomes, concluding that differences in state-level work-family policies are importantly connected to the gender wage gap.

This article begins by establishing the importance of women's wages for families, and trends in the wage gap from the passage of the Equal Pay Act of 1963 to the present day. It next examines explanations for the gender wage gap, including the impacts of discrimination, occupational segregation, and differences in women's and men's contribution to unpaid family work. The final section focuses on the work-family infrastructure and sets out variations in work-family supports such as paid leave, pre-K enrollment, and child care supports between states. It finds that the states with the most extensive work-family supports also have the lowest gender wage gap; and states with the least work-family supports have the highest. The article concludes that policy

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1. Ariane Hegewisch & Asha DuMonthier, *The Gender Wage Gap: 2015, Fact Sheet*, INST. FOR WOMEN'S POL'Y RES. 7 n.4 (2016), http://www.iwpr.org/publications/pubs/the-gender-wage-gap-by-occupation-2015-and-by-race-and-ethnicity/at_download/file.

decisions constrain women's options, and can be powerful tools for closing the gender wage gap.

THE IMPORTANCE OF WOMEN'S EARNINGS

Women's earnings are essential to families' economic security. Women are now the primary or co-breadwinner in half of all families with children younger than 18 years.² In almost three in ten married couples, wives earn more than their husbands do, an increase of 11 percentage points since 1987.³ Yet women continue to earn less than men. The gender wage gap reduces women's lifetime earnings, makes it more difficult for them to put aside money for emergencies or for retirement, and leaves many women and their families in poverty.⁴ If women workers were paid equally to comparable male workers of the same age, with the same educational level, working the same number of hours, and of the same urban or rural status, poverty rates for working women would fall by half.⁵

HISTORICAL TRENDS IN THE GENDER WAGE GAP

During the five decades since the passage of the Equal Pay Act of 1963 the gender wage gap has narrowed substantially, but during the last fifteen years there has been little further progress towards equal pay. Change in the gender earnings ratio since 1963 can broadly be described in three main phases. In the initial phase from 1963 through the late 1970s, women's earnings increased as they entered and stayed in the labor force in larger numbers than prior years, and entered nontraditional occupations. Men's earnings increased by more than women's, however, leading to little change in the gender earnings ratio, which hovered around 60% (Figure 1). The 1980s through 1990s saw women improve their levels of education, increase their time in the labor market, and enter professional occupations in greater numbers, leading to increased

2. A primary breadwinner is defined as a single parent, or as a wife who earns more than half of a couple's joint earnings; a co-breadwinner earns at least 40 percent of a couple's earnings; see Cynthia Hess et al., *The Status of Women in the States: 2015*, INST. FOR WOMEN'S POL'Y RES. 83 n.1 (May 2015), <http://statusofwomendata.org/app/uploads/2015/02/Status-of-Women-in-the-States-2015-Full-National-Report.pdf>.

3. *Women in the Workforce: A Databook*, U.S. BUREAU OF LAB. STAT. 84 (May 2014), <http://www.bls.gov/cps/wlf-databook-2013.pdf>.

4. Cynthia Costello & Ariane Hegewisch, *The Gender Wage Gap and Public Policy*, INST. FOR WOMEN'S POL'Y RES. 6-7 (2016), http://iwpr.org/publications/pubs/the-gender-wage-gap-and-public-policy/at_download/file.

5. Heidi Hartmann et al., *HOW EQUAL PAY FOR WORKING WOMEN WOULD REDUCE POVERTY AND GROW THE AMERICAN ECONOMY 1* (2014), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/C411.pdf>.

earnings.⁶ At the same time, men's wages stagnated, pushing more women into the labor force and reducing the wage gap as women's earning continued to rise while men's stayed flat.⁷ Finally, from the late 1990s through to the present day, progress in closing the wage gap has stagnated despite women surpassing men at all educational levels.⁸ Between 1980 and the present day, improvements in women's education and experience accounted for about 40% of the decrease in pay inequality, and convergence between women's and men's occupations accounted for about a quarter (26-27%) of the decrease.⁹ Yet education does not solve the wage gap; instead, the gap is largest between women and men with the highest levels of education.¹⁰ This is not to say that the wage gap has seen substantial improvement in recent years. Despite women's human capital advancements, the earnings ratio between women and men who worked full-time year-round, 79.6% in 2015, is only marginally higher than it was ten years ago (Figure 1).¹¹ If progress in closing the wage gap continues at the same rate as between 1960 and 2014, women's median earnings will not reach the same level as men's until 2059.¹² Progress towards pay equity for Black and Hispanic women will have to wait even longer if the historic rate of change persists.¹³ The rate of change and the gender wage gap

6. See, e.g., Francine D. Blau & Lawrence M. Kahn, *The US Gender Pay Gap in the 1990s: Slowing Convergence*, NAT'L BUREAU OF ECON. RES. 2 (2004), <http://www.nber.org/papers/w10853.pdf> (hereinafter referred to as "*The US Gender Pay Gap in the 1990s*"); See, e.g., Claudia Goldin & Larry Katz, *Transitions: Career and Family Lifecycles of the Educational Elite*, 98 AM. ECON. REV. 363, 363 (2008), http://scholar.harvard.edu/files/goldin/files/transitions_career_and_family_lifecycles_of_the_educational_elite_1.pdf.

7. *The US Gender Pay Gap in the 1990s*, *supra* note 6.

8. Ariane Hegewisch et al., *Looking Ahead: Chartbook on Women's Progress*, INST. FOR WOMEN'S POL'Y RES. 14 fig.3.1. (2015), <http://www.aarp.org/content/dam/aarp/ppi/2015/Chartbook-On-Women's-Progress.pdf>.

9. Francine D. Blau & Lawrence M. Kahn, *The Gender Wage Gap: Extent, Trends, and Explanations*, NAT'L BUREAU OF ECON. RESEARCH 8-9 (2016), <http://ftp.iza.org/dp9656.pdf> (hereinafter referred to as "*The Gender Wage Gap*").

10. Cynthia Costello & Ariane Hegewisch, *The Gender Wage Gap and Public Policy*, INST. FOR WOMEN'S POL'Y RES. 3 (2016), http://iwpr.org/publications/pubs/the-gender-wage-gap-and-public-policy/at_download/file.

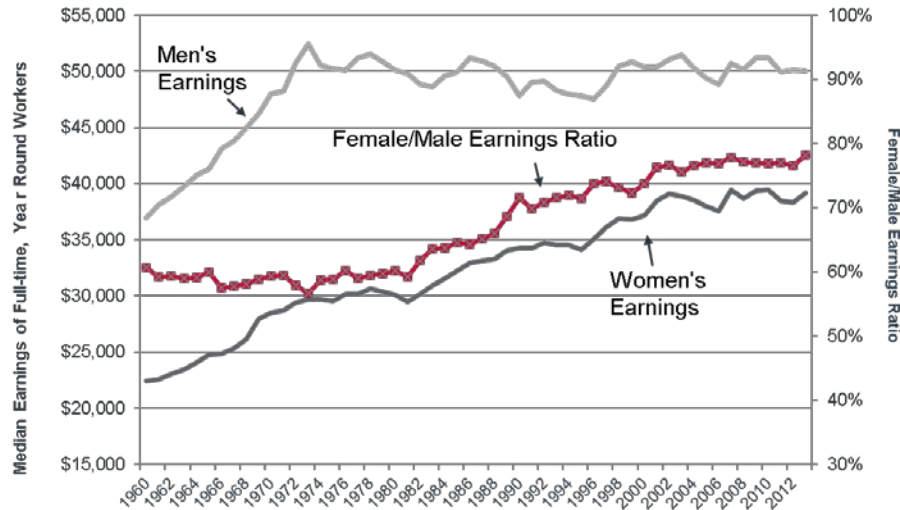
11. In 2014 the U.S. Census Bureau introduced a slightly revised method for measuring incomes and earnings; while the differences between the old and new measure in 2013 were not statistically significant, the changed data somewhat limits comparisons of the earnings ratio pre and post 2014; see Carmen DeNavas-Walt & Bernadette D. Proctor, U.S. CENSUS BUREAU, *Income and Poverty in the United States: 2014*, at 10 fig. 2 (2015), <https://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf>.

12. *Women's Median Earnings as a Percent of Men's Median Earnings, 1960-2014 (Full-time, Year-round Workers) with Projection for Pay Equity in 2059*, INST. FOR WOMEN'S POL'Y RES. 1 (2015), http://www.iwpr.org/publications/pubs/equal-pay-projection-2059/at_download/file.

13. *If Current Trends Continue, Hispanic Women Will Wait 232 Years for Equal Pay; Black Women Will Wait 108 Years*, INST. FOR WOMEN'S POL'Y RES. 1 (2016), http://iwpr.org/publications/pubs/equal-pay-projection-2059/at_download/file.

varies substantially between states; the worst state, Wyoming, is not projected to reach pay equity until 2159.¹⁴ Analyzing the gender wage ratio state-by-state shows large variations both in progress towards equity and in the overall level of the wage gap.

Figure 1. Women’s and Men’s Median Annual Earnings and the Gender Earnings Ratio, 1960-2013¹⁵



EXPLAINING THE GENDER WAGE GAP

There is little dispute over the size of the earnings difference between women and men, nor about the main factors accounting for the wage gap, such differences in women’s and men’s distribution across occupations and sectors of employment, differences in women’s and men’s likelihood to reduce paid employment to perform unpaid family work, and discrimination. What is at dispute is how far differences in earnings are due to women’s choices—to have children and take time out of work to care for them, or to choose certain jobs with lower earnings—or to structural factors that constrain these choices. Some observers of the gender wage gap suggest that women select lower-paying

tions/pubs/if-current-trends-continue-hispanic-women-will-wait-232-years-for-equal-pay-black-women-will-wait-108-years/at_download/file.

14. Cynthia Hess et al., *The Status of Women in the States: 2015*, INST. FOR WOMEN’S POL’Y RES. 44 (May 2015), <http://statusofwomendata.org/app/uploads/2015/02/Status-of-Women-in-the-States-2015-Full-National-Report.pdf>.

15. Full-time, year-round workers in the civilian labor force, aged 15 years and older. From 2014 onwards, CPS ASEC applied redesigned income questions; the 2013 estimate of the gender earnings ratio under the old survey design was 78.3—shown here, not significantly different from the measure estimated on the new design (77.6). Compilation by the Institute for Women’s Policy Research, based on DeNavas-Walt & Proctor, *supra* note 11.

occupations, choose part-time work or exit the labor force to care for children, and make other choices that lead to lower pay, and thus employer discrimination is not the primary culprit.¹⁶ This argument sees women themselves as the reason for the gap, and concludes that public policy has no role in either perpetuating or disrupting the pattern. The argument fails to recognize the structural features of society constraining women's options. Occupational and sector segregation, discrimination, and the unequal division of care work are the driving forces of the gender wage gap, and out of individual women's control.

Economists define wage "discrimination" as the difference between women's and men's earnings that remains unaccounted for once the impact of measurable factors—such as differences in education, age and experience, and type of jobs—have been accounted for. This unexplained part, or best proxy for discrimination, accounts for 38% of the difference in earnings between women and men.¹⁷ The biggest known contributing factor to the gender wage gap is occupational segregation, or the fact that women and men tend to work in different occupations. The labor market in the United States is very gender segregated: four of ten (39.6%) women work in female-dominated occupations where women are at least 75% of the workforce, and five in ten men (49.7%) work in male-dominated occupations.¹⁸ For example, the large majority of teachers and nursing care assistants are women, and the large majority of engineers and laborers are men.¹⁹ At the same level of education and training, jobs that are done predominantly by women pay significantly less than those done predominantly by men; in middle-skill jobs, the gap in the earnings of a typical worker in a female-dominated and male-dominated occupation is 34% (a gender earnings ratio of 66%), considerably higher than the wage gap for all workers.²⁰ Occupational segregation accounts for 31% of the differences in women's and men's earnings.²¹ Sector segregation, such as the fact that women are more likely than men to work in the service sector, adds another 17% to the explanation of the wage gap.²² A secretary working in retail tends to have lower earnings than a secretary working in manufacturing or utilities.

16. See, e.g., CONSAD Research Corporation, *An Analysis of Reasons for the Disparity in Wages Between Men and Women*, U.S. DEP'T OF LABOR 1-2 (2009), http://commons.wikimannia.org/File:Gender_Wage_Gap_Final_Report_2009.pdf; see, e.g., DIANA FURCHTGOTT-ROTH, *WOMEN'S FIGURES: AN ILLUSTRATED GUIDE TO THE ECONOMIC PROGRESS OF WOMEN IN AMERICA* (2nd ed. 2012); see, e.g., Natalia A. Kolesnikova & Yang Wang, *Gender Wage Gap May Be Much Smaller Than Most Think*, *THE REGIONAL ECONOMIST* 14 (October 2011).

17. *The Gender Wage Gap*, *supra* note 9, at 73 tbl. 4.

18. Hegewisch & DuMonthier, *supra* note 1, at 1.

19. Hegewisch & DuMonthier, *supra* note 1, at 3-4 tbls. 1 & 2.

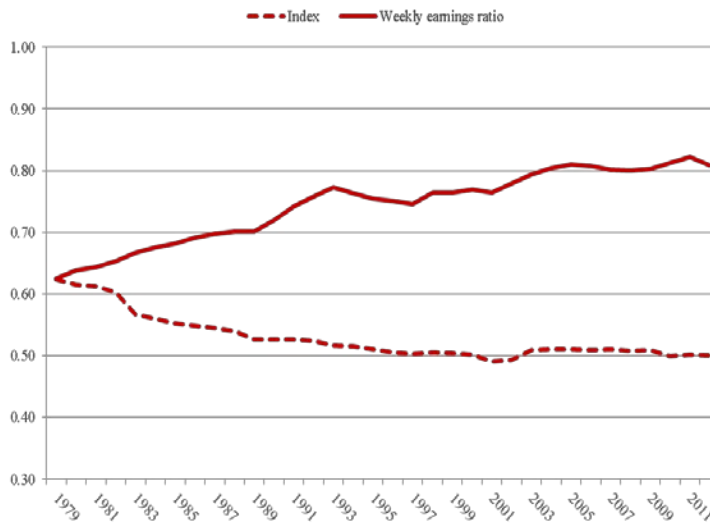
20. Hegewisch & DuMonthier, *supra* note 1, at 2.

21. *The Gender Wage Gap*, *supra* note 9, at 73 tbl. 1.

22. *The Gender Wage Gap*, *supra* note 9, at 73 tbl. 1.

As shown in Figure 2, there is a clear correlation over time between the change in the gender earnings ratio and in the level of gender integration of occupations—the gender earnings ratio improved as the level of segregation fell, and both measures have shown little further change during the last decade.²³ Occupational integration has been a major factor in the increase of women’s earnings during the last 50 years²⁴, but there has been little further progress in the integration of occupations since the late 1990s.²⁵ In fact, occupational segregation contributes more to the gender pay gap now than it did in 1980.²⁶

Figure 2. Change in the Index of Occupational Segregation and the Gender Earnings Ratio, 1979 to 2012²⁷



Yet, while it is clear that differences in women’s and men’s occupations contribute to the gender wage gap, what causes this segregation is less clear.

23. Francine D. Blau & Wallace E. Hendricks, *Occupational Segregation by Sex: Trends and Prospects*, 14 J. HUM. RES. 197, 197, 199 (1979). The Index of Occupation Segregation measures the change in the gender integration of occupation by measuring how many women and men would have to change occupations to the point where the share of women in each occupation is equal to women’s share of total employment. See also Ariane Hegewisch & Heidi Hartmann, *Occupational Segregation and the Gender Wage Gap: A Job Half Done*, INST. FOR WOMEN’S POL’Y RES. (2014).

24. Hsieh, et al., *The Allocation of Talent and U.S. Economic Growth*, NAT’L BUREAU OF ECON. RESEARCH 1, 4 (2016).

25. Hegewisch & Hartmann, *supra* note 23, at 6.

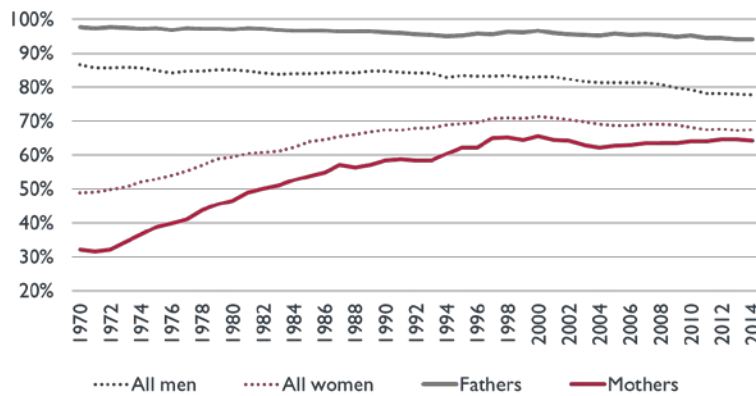
26. *The Gender Wage Gap*, *supra* note 9, at 8.

27. The Index of Occupational Segregation is calculated for all workers aged 16 and older; the Gender Earnings Ratio is calculated for full-time workers aged 15 and older. Hegewisch & Hartmann, *supra* note 23, at 12.

Take the construction trades, for example, where women are fewer than 5% of all workers (though it should be noted that these 5% translate into a larger number of women than women working in such more traditional occupations for women as dental hygienists or veterinarians).²⁸ Women working in construction often report to have received little encouragement when they were young, and to have stumbled on construction as a career only by accident. They also report high levels of sexual and racial harassment. In the face of such common and substantial barriers to work in these better paying occupations, it seems unlikely that women’s underrepresentation is primarily due to choice.²⁹

Another persistent factor of gender inequality is unpaid family work. Women are much more likely than men to take time out of paid work when they have children, particularly when children are young. While during the last forty years the gap in labor force participation rates for all women and men has fallen substantially, there has been much less change in the labor force participation rates of mothers and fathers of young children (Figure 3). The labor participation of mothers increased substantially before stagnating in the late 1990s; the labor participation rate of fathers, however, has hardly fallen at all.

Figure 3. Labor Force Participation Rates of Parents with Children under 6, 1970 to 2014³⁰



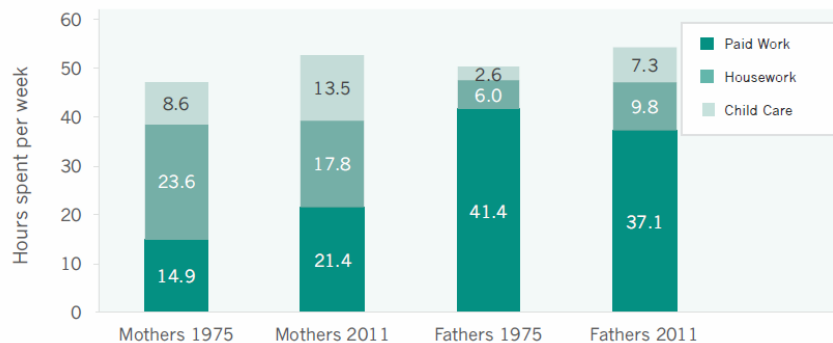
28. See generally Ariane Hegewisch & Brigid O’Farrell, *Women in the Construction Trades: Earnings, Workplace Discrimination, and the Promise of Green Jobs*, INST. FOR WOMEN’S POL’Y RES. (2015).

29. Hegewisch & O’Farrell, *supra* note 28, at 16.

30. For individuals aged 16 and older. Institute for Women’s Policy Research analysis of American Community Survey microdata. Steven Ruggles, Katie Genadek, Ronald Goeken, Josiah Grover, and Matthew Sobek, Integrated Public Use Microdata Series: Version 6.0 [dataset], MINNEAPOLIS: UNIVERSITY OF MINNESOTA, 2015, <http://doi.org/10.18128/D010.V6.0>.

Time use survey data show that married fathers are spending much more time on child care and housework than they did thirty years ago, but they have only partly compensated for the additional unpaid work by reducing paid work. Likewise, married mothers are spending substantially more time in paid work than they did four decades ago and have only partly compensated for increases in paid work with reductions in unpaid work. As a result both married mothers and fathers have increased the number of hours they spent on paid and unpaid work combined (Figure 4), and many families are stressed. These data average over many families; the large majority of mothers return to work, and work full-time.³¹ Yet, the age when women have children often coincides with the age when young professionals are expected to make big advances in their careers, and their pay, and thus reducing paid time at those stages of their careers can have a lasting impact on future pay progression.³²

Figure 4. Time Spent on Paid Work, Housework, and Child Care, Mothers and Fathers, 1975 and 2011³³



WORK-FAMILY INFRASTRUCTURE

As with occupational segregation, the question is whether this unequal gender distribution of labor primarily represents choice or is due to other factors such as the lack of comprehensive work family supports. Unlike in almost any other country in the world, women and families in the United States

31. U.S. BUREAU OF LABOR STATISTICS, *supra* note 3.

32. See generally Marianne Bertrand, et al., *Dynamics of the Gender Gap for Young Professionals in the Financial and Corporate Sectors*, AM. ECON. J. 228 (2010); See also Ariane Hegewisch, et al., *Looking Back, Looking Ahead: Chartbook on Women's Progress*, AARP PUB. POL'Y INST., INST. FOR WOMEN'S POL'Y RES. (2015), <http://www.aarp.org/content/dam/aarp/ppi/2015/Chartbook-On-Women%27s-Progress.pdf>.

33. Resident parents of children under 18. Compilation of data by the Institute for Women's Policy Research, based on data from the Pew Research Center 2015. *Parental Time Use*, PEW RESEARCH CENTER, <http://www.pewresearch.org/data-trend/society-and-demographics/parental-time-use/> (last visited Apr. 28, 2017).

lack even basic supports such as access to statutory paid maternity leave.³⁴ Even the statutory right to job protected unpaid maternity leave granted through the Federal Medical Leave Act of 1993 only covers approximately 60% of workers because it only applies to employers with at least 50 workers and includes minimum tenure and working hour requirements.³⁵ While some employers are voluntarily providing maternity leave benefits, access is highly unequal and skewed towards better paid employees, and in any case covers fewer than half of new mothers.³⁶ While fathers are entitled to take 12 weeks of leave in relation to the birth of a new child, it is rare for employers to provide pay for such a period of parental leave. Paid sick leave is a complement to paid family leave and allows parents to take time off should their children be too sick to attend school or nursery. There is not federal statutory right to paid sick time and close to four in ten women workers, rising to five in ten Hispanic women workers, are estimated to lack access to any paid leave for their own, let alone their children's, illness.³⁷

Parents in the United States receive few public supports for child care for preschool children and have to rely on private provision.³⁸ Given the high costs of child care—the annual costs of center care for an infant exceeds the costs of a year at a public university in many states³⁹—parents may feel that it makes as much sense to provide child care at home, especially if there is more than one child, as it does to work in a job that barely covers the costs of care. Given gender differences in earnings and that in most married couples the husband is likely to earn more than the wife, it makes economic sense, at least in the short-term, for the spouse who has the lower earnings to cut back paid work. Recent international comparisons suggests that the comparative lack of work-family supports such as paid leave and child care has contributed significantly to the slowdown in women's labor force participation rate.⁴⁰ A substantial

34. See generally Laura Addati, et al., *Maternity and Paternity at Work: Law and Practice Across the World*, INT'L LAB. OFF. (2014).

35. See Jacob Klerman, et al., *Family and Medical Leave in 2012: Technical Report*, ABT ASSOC. 1 (2012).

36. Lynda Laughlin, *Maternity Leave and Employment Patterns of First-Time Mothers: 1961-2008*, U.S. DEPT. OF COM., ECON. AND STAT. ADMIN., U.S. CENSUS BUREAU 1, 10 (2011).

37. Rachel O'Connor, et al., *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics Fact Sheet*, INST. FOR WOMEN'S POL'Y RES. (2014).

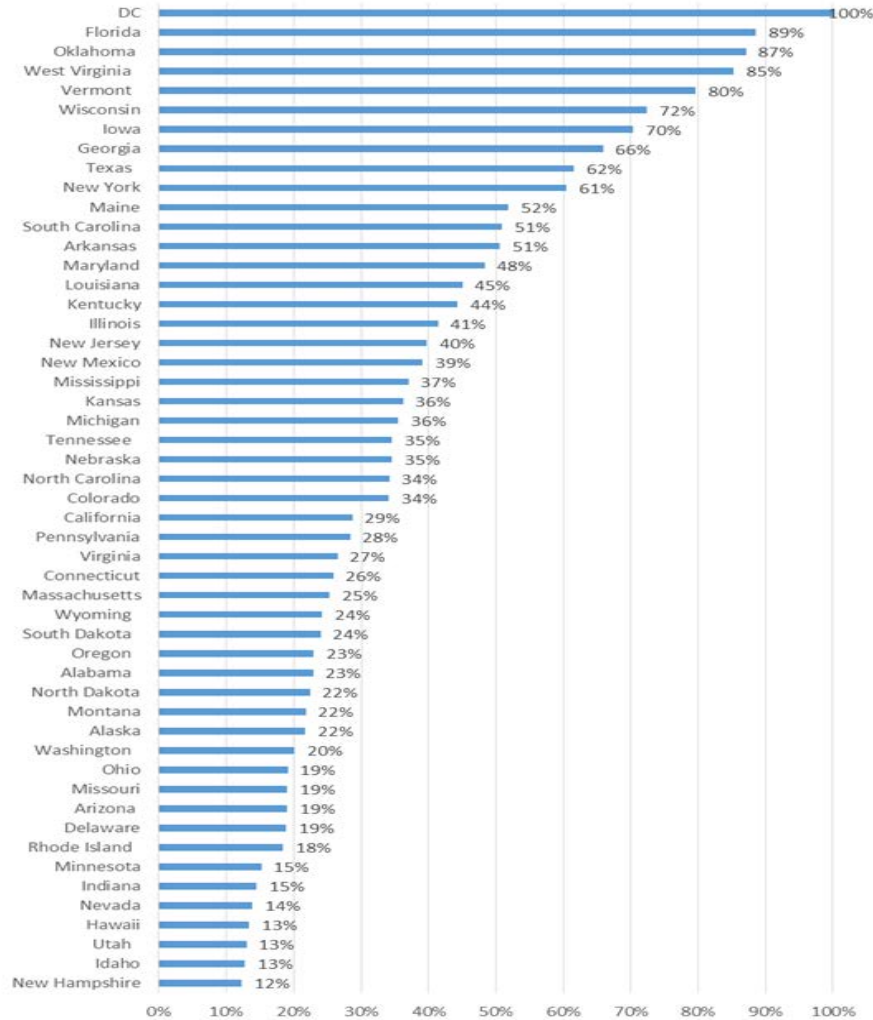
38. Janet C. Gornick & Ariane Hegewisch, *Gender, Employment, and Parenthood: The Consequences of Work-Family Policies*, in LESSONS FROM EUROPE? WHAT AMERICANS CAN LEARN FROM EUROPEAN PUBLIC POLICIES 17, 27-32 (R. Daniel Kelemen ed., 2015).

39. Lynette Fraga, Ph.D., *2016 State Fact Sheets: Highlighting the Challenge to Implement Quality, Affordable Child Care Nationwide*, CHILD CARE AWARE OF AMERICA (July 11, 2016), <http://usa.childcareaware.org/2016/07/2016-state-fact-sheets-highlighting-the-challenge-to-implement-quality-affordable-child-care-nationwide/>.

40. Francine D. Blau & Lawrence M. Kahn, *Female Labor Supply: Why is the United States Falling Behind?*, 103 AM. ECON. REV. 251-52 (2013).

the spectrum are New Hampshire, Idaho, Utah, Nevada and Hawaii where fewer than 15% of four-year olds are enrolled in publicly funded prekindergarten classes (Figure 6).⁴³ States further differ in the regulation of quality of prekindergarten education and in the numbers of weeks and hours per week that are offered.

Figure 6: Enrollment in Publicly Funded Preschool Education of Four Year Olds by State, 2014⁴⁴



43. Hess, *supra* note 2, at 101.

44. Hess, *supra* note 2, at 101, compiled by IWPR based on Steven W. Barnett, Megan E. Carolan, James H. Squires, and Kirsty Clarke Brown, *The State of Preschool 2013: State Preschool Yearbook*, NEW BRUNSWICK, NJ: NATIONAL INSTITUTE FOR EARLY EDUCATION RESEARCH, <http://nieer.org/wp-content/uploads/2016/08/yearbook2013.pdf> (accessed March 26, 2017).

To assess and compare work-family provisions across the United States, the Institute for Women's Policy Research has developed a Work-Family Index, part of its Status of Women in the States initiative.⁴⁵ The Index measures three aspects of the work-family infrastructure: access to paid leave for sickness and for family and medical (including parental) leave; supports for elder and dependent care providers; and supports for child care. A fourth indicator, to assess progress towards gender equality in child care, is the differences in labor force participation rates between mothers and fathers of children under six years.⁴⁶ Based on their performance under each indicator, states receive a value on the index which is then converted into a letter grade ranging from A to F.⁴⁷ The five states that score highest on the Work-Family Index—New York, California, the District of Columbia, New Jersey and Rhode Island—are among the states with the lowest gender wage gap.⁴⁸ The five states with the worst score on the Work-Family Index—Indiana, Utah, Montana, Mississippi, and Wyoming⁴⁹—are all in the bottom ten states when it comes to the gender wage gap.

CONCLUSION

Progress towards closing the gender wage gap has slowed markedly since the early 2000s, at approximately the same time that increases in the labor force participation of mothers also stalled. While some commentators suggest that the gender wage gap reflects women's choices to have children and reduce their time in paid work to provide care for them, state-by-state comparisons suggests that public policies play a considerable role in influencing families' decisions. States with better work-family provisions, such as paid family leave and publicly provided prekindergarten classes, are likely to have a lower gender wage gap than states with few supports for working families. Policies such as paid leave and quality affordable childcare make it possible for women to stay and prosper at work when they are mothers, and for men to play a more active role in family work when they are fathers. The lack of such supports reinforces the unequal division of care work between women and men and can force women to make difficult choices between staying employed and providing economically for their families, and leaving work to ensure that

45. See Hess, *supra* note 2, at 84.

46. Hess, *supra* note 2, at 84.

47. Hess, *supra* note 2, at 84.

48. Hess, *supra* note 2, at 83. In 2014, New York had the lowest gender wage gap, the District of Columbia ranked third, California ranked sixth; Rhode Island ranked eleventh, and New Jersey ranked nineteenth. Hess, *supra* note 2, at 39.

49. Hess, *supra* note 2, at 86. In 2014, Indiana ranked forty-second in terms of the size of the gender wage gap, Utah forty-eighth, Montana forty-third, Mississippi forty-fourth, and Wyoming forty-ninth. Hess, *supra* note 2, at 39.

children are well cared for. Rather than focusing on women's choices as a causation of the gender wage gap, the issue of choice concerns public policies. Without a significantly expanded work-family infrastructure it is unlikely that the gender wage gap will close.

