

Special Report

# Desegregating Opportunity:

## Why Uprooting Occupational Segregation Is Critical to Building a Good-Jobs Economy

Rebecca Dixon and Amy M. Traub  
May 2024



## **About NELP**

About the National Employment Law Project: Founded in 1969, the National Employment Law Project (NELP) is a nonprofit advocacy organization dedicated to building a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Together with local, state, and national partners, NELP advances its mission through transformative legal and policy solutions, research, capacity-building, and communications. NELP is the leading national nonprofit working at the federal, state, and local levels to create a good-jobs economy. Learn more at [www.nelp.org](http://www.nelp.org).

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# Desegregating Opportunity: Why Uprooting Occupational Segregation Is Critical to Building a Good-Jobs Economy

By Rebecca Dixon and Amy M. Traub

All workers deserve economic security—the ability to count on just working conditions, benefits, and wages. No one's race, ethnicity, or gender should determine their opportunities at work or economic life chances. That's a belief held by the vast majority of U.S. adults—that all people should have equal opportunity.<sup>1</sup> Yet the nation's economy, founded on slave labor, continues to reflect structural racism built into the labor market and the workplace.

Occupational segregation is defined as the overrepresentation or underrepresentation of a demographic group in a certain occupation or field. As a result of occupational segregation, Black and Latinx workers are overrepresented in dangerous jobs,<sup>2</sup> underpaying jobs,<sup>3</sup> and jobs with few benefits.<sup>4</sup> Workers of color face higher unemployment rates<sup>5</sup> and receive less support from unemployment insurance.<sup>6</sup> They are more likely to experience workplace violations such as

**Occupational segregation is defined as the overrepresentation or underrepresentation of a demographic group in a certain occupation or field. As a result of occupational segregation, Black and Latinx workers are overrepresented in dangerous jobs, underpaying jobs, and jobs with few benefits.**

wage theft<sup>7</sup> and to be employed in nonstandard work arrangements that lack workplace protections.<sup>8</sup> In nearly every case, women of color disproportionately face the worst work situations. There's not a single cause of occu-





pational segregation—a range of factors such as discrimination, societal norms, economic forces, and education compound and reinforce it.

Crowding workers of color into the worst jobs and impeding equal opportunity comes at a tremendous cost. A recent study published by the Brookings Institution finds that U.S. gross domestic product would have been \$22.9 trillion higher from 1990 to 2019 if opportunities and outcomes were more equally distributed by race and ethnicity.<sup>9</sup> By segmenting the labor market, occupational segregation holds all workers back and depresses economic activity.

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Eliminating occupational segregation is absolutely necessary for creating a good-jobs economy, but it is not sufficient. To build an economy where everyone can thrive, policymakers must both remove structural barriers to mobility, so that all workers have equal opportunity to move into jobs, and *also* ensure that every job pays a living wage, offers robust benefits, and enables workers to play a role in shaping the rules they work under.

For example, in a good-jobs economy, work as a cashier would no longer be the most common occupation for Black women, as it was in 2019, because Black women would have an equal chance at all occupations. But cashiers would also receive far better compensation than the grossly inadequate



\$9.62 median hourly wage they were paid in 2019, and would no longer struggle with unpredictable schedules they have no say in determining, a lack of health coverage, and other concerns that make it difficult to thrive and support a family with a retail job. A good-jobs economy must include both equal opportunities for mobility and a floor that ensures every job is a good job.

### **Overcoming occupational segregation and raising job standards are not impossible goals.**

Throughout history, workers and community members successfully organized and advanced policies and practices that led to substantial progress. For example, occupational segregation for Black workers—especially Black women—dramatically declined from 1940 to 1980. In the 1960s and 1970s, wages for Black workers rose dramatically. Researchers find that the victories won by civil rights activists, including anti-discrimination laws and affirmative action programs, played a significant role in reducing occupational segregation.<sup>10</sup> Over the same period, workers and advocates won broader workplace protections, increases in unionization, and higher minimum wages, substantially boosting pay for Black workers and reducing racial wage gaps.<sup>11</sup> The civil rights and workers' rights struggles were often intertwined and reinforced each other.



However, conservative backlash to economic, racial, and gender progress contributed to a shift in policymaker priorities: Progress on reducing occupational segregation slowed after 1980 and ultimately stalled. Wage disparities between Black and white workers began to increase. Policymakers cut resources for enforcing anti-discrimination and worker protection laws, allowed the value of the federal minimum wage to erode, undermined the power of organized labor, and enabled a shift toward outsourcing and worker misclassification that eroded wages and job quality for workers of color and reinforced occupational segregation.

While it's too soon to draw definitive conclusions about the post-pandemic labor market, preliminary data suggest that substantial public investments in social infrastructure since the COVID-19 pandemic strengthened the labor market in ways that are beginning to reduce racial wage gaps and contribute to more equitable employment outcomes.<sup>12</sup> However, unless these gains are institutionalized—for example through legislation and labor contracts—advances are likely to be fleeting.

At the same time, there is also substantial cause for worry about future trends: By constraining the opportunities available to women and workers of color, recent court rulings curtailing affirmative action in higher education, limiting student debt forgiveness, and restricting reproductive rights have the potential to reinforce occupational segregation, stalling or reversing progress that has been made. Workers, community members, advocates, and policymakers must pursue transformative policies to desegregate opportunity and create an economy where everyone can thrive.

This report will take a close look at occupational segregation in the pre-pandemic labor market of 2019, including an analysis of data on pay disparities and the impacts of occupational segregation beyond pay. It will consider the mechanisms that reinforce occupational segregation today and examine the history of occupational segregation, with a look at how key policy choices made a difference. Finally, the report concludes with a broad set of policy recommendations to uproot occupational segregation and build a good-jobs economy. For a complementary look at occupational segregation that centers the experiences, perspective, and analysis of Black women, see NELP's recent report, [\*Purpose & Resistance: Black Women Workers Confronting Occupational Segregation\*](#).



*Unions around the country joined in protests for Black lives and Black workers' concerns.*

Photo: Teamsters Local 804



## Harmful outcomes of occupational segregation include:



**Low pay:** More than 20 million workers were paid less than \$15 an hour in 2022. Women, Black, and Latinx workers were disproportionately likely to be paid wages this low: 20 percent of Black workers and 19 percent of Latinx workers were paid less than \$15 an hour, compared to 13 percent of white workers.<sup>13</sup> Among women workers, 18 percent were paid less than \$15 an hour, compared to 12 percent of male workers.



**Fewer benefits:** Black and Latinx workers are less likely than their white counterparts to have access to employer-sponsored health coverage<sup>14</sup> and retirement plans,<sup>15</sup> and have less access to paid sick time or paid leave to care for a newborn or newly adopted child.<sup>16</sup>



**Unsafe working conditions:** Black and Latinx workers are more likely to be employed in dangerous jobs and have a higher fatality rate than the national average.<sup>17</sup> Permanent disabilities can result in lifetime earnings losses, with some workers losing up to 30 percent of their earnings even years after a workplace injury.<sup>18</sup>



**Violations of labor standards:** Minimum wage laws and many other labor protections cover all people working in the U.S., but workers of color experience more violations in the workplace. Foreign-born Latinx workers have the highest minimum wage violation rates of all race/ethnic groups. Among U.S.-born workers, Black workers have a violation rate triple that of their white counterparts.<sup>19</sup> Employers steal an estimated \$15 billion every year from workers and their families through just one form of wage theft—minimum wage violations.<sup>20</sup>



**More unemployment:** As a result of structural racism in the labor market, Black workers frequently confront unemployment rates twice as high as those of white workers. Sociologist Algernon Austin finds that Black workers consistently face higher unemployment rates compared to white workers with the same educational attainment, skills, or residential location, regardless of immigration, disability, or veteran status or involvement with the criminal legal system.<sup>21</sup>



**Less support from unemployment insurance:** Black workers are less likely to receive unemployment benefits than white workers, and receive lower average benefits when they do obtain support.<sup>22</sup> In total, Black workers who are eligible for unemployment benefits receive an estimated \$1,299 less than eligible white workers in the first year of unemployment.<sup>23</sup>



### **Employed in nonstandard work arrangements with fewer workplace protections:**

Black and Latinx workers are disproportionately employed as temp and gig workers and are more often misclassified as independent contractors. As a result, they have less power in the workplace and less ability to push back against retaliation, harassment, and discrimination on the job.<sup>24</sup> Workers in nonstandard arrangements also have less access to health and retirement benefits and lower wages: For example, full-time temporary help agency workers earn 41 percent less than workers in standard work arrangements, partly due to different occupational distributions.<sup>25</sup>





## The Big Picture: Impacts of the Segregated U.S. Labor Market

The United States is far from offering a good-jobs economy: Instead, the labor market is built on a long-standing hierarchy where a worker's race, gender, immigration status, and arrest or conviction record, along with other factors that have nothing to do with capacity to do a job, determine who has access to good jobs and opportunities to thrive. Occupational segregation is an indicator of the staying power of white supremacy in the U.S. economy.

Occupational segregation was created by policy: The unequal labor market is rooted in the history of slavery and Jim Crow segregation, as well as exploitative immigration laws and sexist assumptions about acceptable roles for women that contribute to the devaluation of women's labor. As recently as 1963, it was entirely legal to discriminate on the basis of race and gender in hiring, and to pay women and workers of color less than men and white workers for the same work.

**As recently as 1963, it was entirely legal to discriminate on the basis of race and gender in hiring, and to pay women and workers of color less than men and white workers for the same work.**

The history of occupational segregation in the U.S. demonstrates that when workers, community members, and advocates push for policies that desegregate opportunity and build worker power, they can succeed in making a concrete and substantial impact in reducing inequality, facilitating occupational mobility, increasing pay and benefits, and enabling workers to have a greater voice in the decisions that govern their working lives. Yet history also shows that these gains are vulnerable to corporate counterattacks and to white supremacist and patriarchal backlash. The statistics above indicate how much more progress must be made. To build a good-jobs economy, policymakers must pursue transformative policies that will both desegregate opportunity and make every job a good job.

## Occupational Segregation in the Pre-Pandemic Labor Market

Uprooting occupational segregation requires an in-depth understanding of how and where it emerges in the labor market. The analysis in this section focuses on Black, white, and Latinx workers as well as on men and women. However, it is important to recognize that occupational segregation also deeply impacts Asian and Pacific Islander workers and Indigenous workers, and that the labor market is also segregated by factors such as citizenship and immigration status, disability, sexual orientation and gender expression, and involvement with the criminal legal system.

If there were no occupational segregation, the distribution of workers across jobs and industries would mirror the table below. For example, in any given job category, roughly 6.4 percent of workers would be Asian, 12.6 percent would be Black, and 77.4 percent would be white. Roughly 18 percent of workers would be Latino (of any race) and 47 percent would be women. These percentages might be adjusted based on the region of the country, and workers' level of education, age, or work experience, although access to education and work opportunities are themselves shaped by structural racism and sexism.

However, this unsegregated division of labor is far from workers' experience in the labor force today. Instead, white men continue to dominate many of the best-paying fields and occupations, even as

**Table 1. Demographics of the U.S. Civilian Labor Force, 2019  
(numbers in thousands)**

	Total	Percent of labor force
<b>Total U.S. labor force</b>	<b>163,539</b>	<b>100%</b>
Men	86,687	53.0%
Women	76,852	47.0%
White	126,600	77.4%
Black	20,632	12.6%
Asian	10,460	6.4%
American Indian and Alaskan Native	1,721	1.1%
Native Hawaiian and other Pacific Islander	659	0.4%
Two or more races	3,467	2.1%
Hispanic/Latino (may be of any race)	29,053	17.8%

Source: Labor Force Characteristics by Race and Ethnicity, 2019, U.S. Bureau of Labor Statistics.

Black and Latinx men and women of all races predominate in lower-paying and more precarious jobs with less access to benefits and workplace protections.

Occupational segregation impacts nearly every aspect of a job, from access to health coverage, to safe working conditions, to agency and a voice on the job. However, because pay differentials are particularly easy to quantify and compare, they reveal the U.S.'s blatant job disparities along lines of race and gender in an especially clear-cut way.

The most common occupation for white workers in 2019 was in management, a clear sign of occupational hierarchy since just 20 percent of workers overall worked in any type of management job.<sup>26</sup> The specific subset of management jobs that was the most common occupation for white workers paid a median hourly wage of \$32.69 in 2019.<sup>27</sup> This is a much higher wage than the most common occupation for Black workers nationally, which was cashier, with a median hourly wage of \$9.62. Pay in the top occupation for white workers also far exceeded the median wage of \$13.90 per hour paid in the most common occupation for Latinx workers, which was construction laborer.

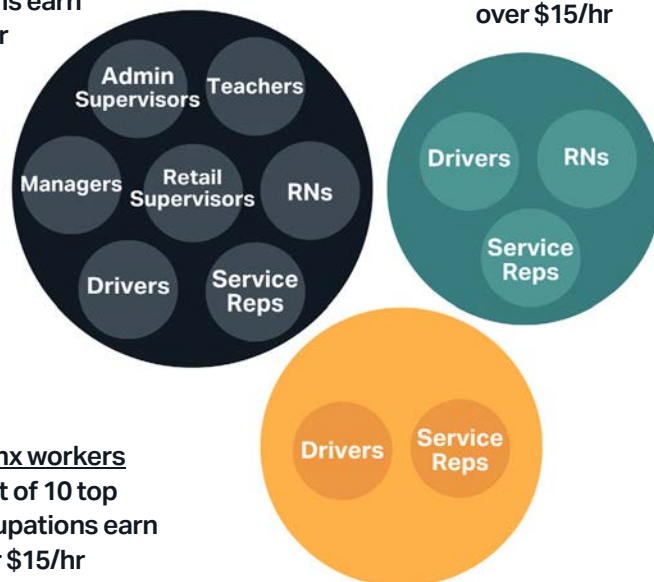
Looking at the top 10 most common occupations for each of these demographic groups reveals that white workers commonly worked in 7 occupations that paid a median wage greater than \$15 an hour, while just 3 of the top 10 most common occupations for Black workers and 2 occupations for Latinx workers typically paid more than \$15 an hour.

## Figure 1. Top 10 Occupations by Race and Ethnicity with Median Wages Over \$15/Hour

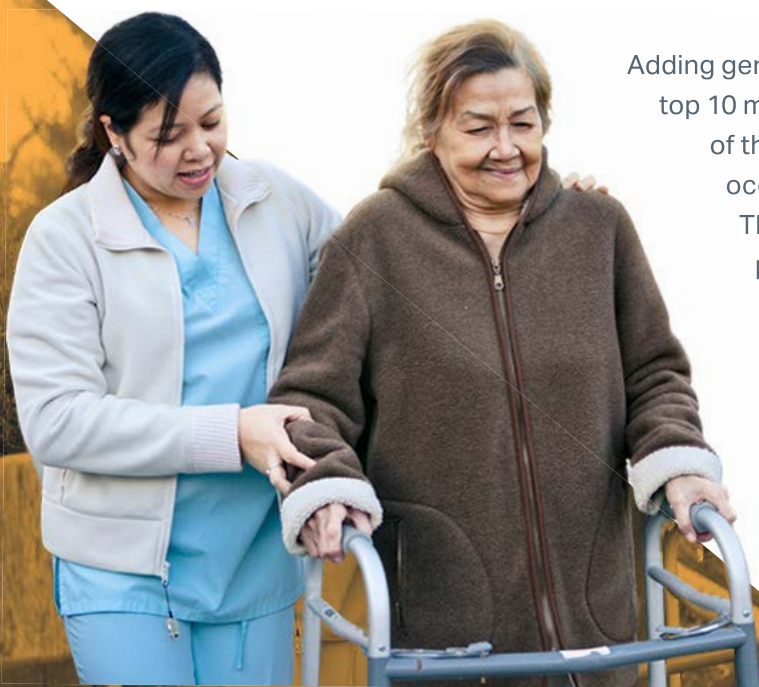
**White workers**  
7 out of 10 top occupations earn over \$15/hr

**Black workers**  
3 out of 10 top occupations earn over \$15/hr

**Latinx workers**  
2 out of 10 top occupations earn over \$15/hr



Adding gender provides additional perspective: Among the top 10 most common occupations for white women, 6 of them paid more than \$15 an hour, compared to 4 occupations for Black women and 2 for Latina women. The top 10 occupations for Latina women were predominantly low-paying service jobs including cleaning, retail, and food service—three of these jobs paid very low wages, with median pay below \$10 an hour. Also included in these top 10 jobs were 2 caregiving jobs—childcare workers and personal care aides.





Occupational segregation impacts nearly every aspect of a job, from access to health coverage, to safe working conditions, to agency and a voice on the job.

**Table 2. Top 10 Most Common Occupations by Race and Ethnicity, 2019**

Rank	White Workers	Median Hourly Wage	Black Workers	Median Hourly Wage	Latinx Workers	Median Hourly Wage
1.	Managers, all other	\$32.69	Cashiers	\$9.62	Construction laborers	\$13.90
2.	Driver/sales workers and truck drivers	\$16.83	Driver/sales workers and truck drivers	\$16.83	Janitors and building cleaners	\$12.50
3.	Retail salespersons	\$12.50	Customer service representatives	\$15.22	Cashiers	\$9.62
4.	Elementary and middle school teachers	\$23.32	Laborers and freight, stock, and material movers, hand	\$13.46	Driver/sales workers and truck drivers	\$16.83
5.	Registered nurses	\$32.89	Janitors and building cleaners	\$12.50	Cooks	\$10.20
6.	First-line supervisors of retail sales workers	\$17.07	Nursing assistants	\$12.98	Maids and house-keeping cleaners	\$9.34
7.	Cashiers	\$9.62	Cooks	\$10.20	Retail salespersons	\$12.50
8.	Secretaries and administrative assistants (except legal, medical, and executive)	\$17.36	Retail salespersons	\$12.50	Laborers and freight, stock, and material movers, hand	\$13.46
9.	Customer service representatives	\$15.22	Personal care aides	\$10.94	Customer service representatives	\$15.22
10.	Janitors and building cleaners	\$12.50	Registered nurses	\$32.89	Landscaping and groundskeeping workers	\$10.10

Source: NELP calculations based on American Community Survey data, U.S. Census Bureau, 2019



A look at women in the health care industry clearly reveals the impact of occupational segregation on pay. In 2019, the most common occupation for white women overall was registered nurse, a job with a median hourly wage of \$32.89. This was the only health care occupation that made this top 10 list for white women. Black women, who were more heavily employed in the health care industry, had 4 health care occupations in the top 10, most of which paid low wages—nursing assistant (with a median wage of \$12.98 per hour) was the 2nd most common occupation for Black women;

**Table 3. Top 10 Most Common Occupations for Women by Race and Ethnicity, 2019**

Rank	White Women	Median Hourly Wage	Black Women	Median Hourly Wage	Latinx Women	Median Hourly Wage
1.	Registered nurses	\$32.89	Cashiers	\$9.62	Maids and house-keeping cleaners	\$9.34
2.	Elementary and middle school teachers	\$23.32	Nursing assistants	\$12.98	Cashiers	\$9.62
3.	Secretaries and administrative assistants (except legal, medical, and executive)	\$17.36	Customer service representatives	\$15.22	Janitors and building cleaners	\$12.50
4.	Cashiers	\$9.62	Registered nurses	\$32.89	Customer service representatives	\$15.22
5.	Retail salespersons	\$12.50	Personal care aides	\$10.94	Retail salespersons	\$12.50
6.	Customer service representatives	\$15.22	Elementary and middle school teachers	\$23.32	Cooks	\$10.20
7.	Managers, all other	\$32.69	Retail salespersons	\$12.50	Waiters and wait-resses	\$11.11
8.	Waiters and wait-resses	\$11.11	Maids and housekeep-ing cleaners	\$9.34	Secretaries and administrative as-sistants (except legal, medical, and executive)	\$17.36
9.	First-line supervi-sors of retail sales workers	\$17.07	Secretaries and ad-ministrative assistants (except legal, medical, and executive)	\$17.36	Childcare workers	\$7.50
10.	Receptionists and information clerks	\$13.46	Home health aides	\$11.43	Personal care aides	\$10.94

Source: NELP calculations based on American Community Survey data, U.S. Census Bureau, 2019

**Black workers have long sought economic security and opportunity in public sector work, largely because in the public sector civil service rules, stronger protections against discrimination, and union agreements have reduced the impact of racial discrimination in the workplace.**

registered nurse (\$32.89 per hour) was the 4th most common; personal care aide (\$10.94) was 5th most common; and home health aide (\$11.43 per hour) was the 10th most common occupation for Black women.

Occupational segregation persists regardless of educational attainment. Researchers find that to have an equitable distribution of occupations between Black and white workers, 22 percent of Black workers with a college degree would have to switch occupations with white college graduates.<sup>28</sup> The disparity is even greater for high school graduates who did not attend college: Nearly 28 percent of either Black or white workers would have to switch jobs to equalize the distribution.

### **Jobs where Black workers predominate**

Another way to understand the dynamics of occupational segregation is to consider the occupations in which Black workers make up a much greater share than their 12.6 percent of the overall labor force. For example, consider the 38 occupations where Black workers represented more than 20 percent of the workforce in 2019. More than 55 percent (21 out of 38) of these occupations paid a median wage of less than \$15 per hour.

Occupations with a particularly high concentration of Black workers included low-paying jobs in security, transportation, a variety of cleaning roles, food service, and hospitality. Black workers were especially concentrated in home health care jobs—34 percent of nursing, psychiatric, and home health aides are Black and 25 percent of personal care aides are Black.

Many of the better-paying jobs that have a high concentration of Black workers are in the public sector, particularly the postal service. The occupation with the second greatest share of Black workers in 2019 was postal service mail sorters and processors—34 percent of those employed in this position were Black. The occupation with the fifth largest share of Black workers (30 percent) was postal service clerks. Both of these positions pay an hourly wage of more than \$20 an hour and most workers are represented by unions.

Black workers have long sought economic security and opportunity in public sector work, largely because in the public sector civil service rules, stronger protections against discrimination, and union agreements have reduced the impact of racial discrimination in the workplace.<sup>29</sup> The greater degree of equity in public sector employment is clearly visible in wage distributions: Economist Steven Pitts found that public sector jobs entailed less pay disparity between Black and white workers than other industries, and that Black workers were less likely to be divided into the lowest-paying jobs within the public sector.<sup>30</sup> This suggests that introducing public sector-style protections into the private sector could be a promising way to reduce discrimination across the economy.

**Table 4. Occupations in which Black workers represent more than 20 percent of the workforce, 2019**

Occupation	% Black	Median Wage
Nursing, psychiatric, and home health aides	34.46%	\$12.50
Postal service mail sorters, processors, and processing machine operators	34.06%	\$21.63
Security guards and gaming surveillance officers	31.58%	\$14.42
Barbers	30.52%	\$4.25
Postal service clerks	30.19%	\$24.04
Bus and ambulance drivers and attendants	26.92%	\$15.48
Telephone operators	26.69%	\$13.66
Licensed practical and licensed vocational nurses	25.99%	\$19.23
Baggage porters, bellhops, and concierges	25.78%	\$14.42
Taxi drivers and chauffeurs	25.09%	\$9.62
Residential advisors	25.02%	\$11.54
Tire builders	24.95%	\$22.12
Subway, streetcar, and other rail transportation workers	24.87%	\$28.85
Personal care aides	24.60%	\$10.82
Parking lot attendants	24.53%	\$10.83
Industrial truck and tractor operators	24.44%	\$15.63
Sheriffs, bailiffs, correctional officers and jailers	23.89%	\$21.63
Refuse and recyclable material collectors	23.55%	\$12.02
Bill and account collectors	23.05%	\$16.83
Social workers	22.71%	\$21.51
Mail clerks and mail machine operators, except postal service	22.49%	\$14.27
Eligibility interviewers, government programs	22.32%	\$19.81
Crossing guards	22.29%	\$13.85
Telemarketers	22.17%	\$10.68
Food processing, nec	21.79%	\$16.35
Transportation workers	21.59%	\$20.51
Reservation and transportation ticket agents and travel clerks	21.45%	\$17.78
Supervisors, protective service workers	21.32%	\$24.04
Packaging and filling machine operators and tenders	21.05%	\$13.37
Food servers, non-restaurant	21.01%	\$10.42
Motor vehicle operators, all other	20.88%	\$12.09
Packers and packagers, hand	20.84%	\$11.90
Paper goods machine setters, operators, and tenders	20.72%	\$19.23
Laundry and dry-cleaning workers	20.67%	\$10.00
Maids and housekeeping cleaners	20.60%	\$9.01
Interviewers, except eligibility and loan	20.55%	\$14.55
Health technologists and technicians	20.07%	\$19.23
Assemblers and fabricators, nec	20.07%	\$14.96

Source: NELP calculations based on American Community Survey 5-year data, U.S. Census Bureau, 2019.

## Pay disparities within occupations

Racial and gender pay disparities compound the destructive impact of occupational segregation. While occupational segregation crowds workers into certain jobs and creates barriers to others, pay disparities occur within job categories, generally when white and male workers earn more than workers of color or women performing the same job. For example, a dentist who is white earns on average more than \$38,000 a year more than a dentist who is Black (see Table 5 for more details).

The occupation with the largest monetary gap in pay between white and Black workers is “Chief executives and legislators.” White workers in this occupation were paid a median wage of \$127,844 a year, compared to Black workers, who were paid a median of \$88,650 a year. This is an annual difference of \$39,194. Other occupations with more than a \$30,000 a year gap include dentists; securities,

**Table 5. Top 10 occupations with the largest monetary difference between white and Black median annual salaries, 2019**

Occupation	White	Black	Difference
Chief executives and legislators/public	\$127,844	\$88,650	\$39,194
Dentists	\$142,537	\$104,294	\$38,243
Securities, commodities, and financial services sales agents	\$86,540	\$49,639	\$36,901
Personal financial advisors	\$92,687	\$58,000	\$34,687
Physicians and surgeons	\$200,000	\$166,870	\$33,130
Architectural and engineering managers	\$134,888	\$106,537	\$28,351
Lawyers, and judges, magistrates, and other judicial workers	\$115,059	\$89,566	\$25,493
Sales representatives, wholesale and manufacturing	\$64,746	\$41,006	\$23,740
Sales representatives, services, all other	\$61,087	\$38,353	\$22,734
Electrical power-line installers and repairers	\$75,341	\$53,955	\$21,386

Source: NELP calculations based on American Community Survey 5-year data, U.S. Census Bureau, 2019.



**No one's race, ethnicity, or gender should determine their opportunities at work or economic chances in life.**



Photo: Adobe Photostock

commodities, and financial services sales agent; personal financial advisors; and physicians and surgeons. White electric power-line installers and repairers earn more than \$21,000 a year more than Black workers in this same occupation.

Because the measure is monetary differences between jobs, these occupations include some of the higher paying occupations. Pay disparities within low-paying occupations have a smaller monetary difference but disparities can still be substantial. For example, the median white worker in a sales occupation was paid \$41,717 in 2019, while the median Black worker in the same job category was paid about half as much, \$21,307.<sup>31</sup>

Gender pay gaps are often larger than racial pay gaps, with women's median earnings lower than men's in nearly all occupations. The Institute for Women's Policy Research finds that the occupation with the largest gender wage gap in 2019 was financial managers.<sup>32</sup> Women who worked full-time as financial managers were paid just 63.6 percent of what men in this occupation were paid on a weekly basis. At the same time, gender and racial pay gaps compound each other. White men working in service occupations were paid a median of \$745 per week, compared to just \$562 for white women.<sup>33</sup> Meanwhile Black men in service jobs made \$597 per week, Black women made \$523, and Latinas in service occupations brought home \$511. Even as women and workers of color, particularly women of color, are crowded into lower-paying occupations, they also systematically receive lower pay within any given occupation.



## Black, Latinx, and Indigenous workers are...

- Less likely than white and Asian workers to have health coverage through an employer.
- Less likely to have access to an employer-sponsored retirement plan than white workers.
- Less likely than white workers to have access to paid leave for the birth or adoption of a child.



*One Fair Wage advocates demand a safe and just return to work. Joe Piette/Flickr*

### Impacts of occupational segregation beyond pay

Pay is particularly easy to quantify and compare between jobs and across industries. But wages alone do not capture all the dimensions of occupational segregation or determine what makes a good job. Race, gender, immigration status, and involvement with the criminal legal system also affect workers' access to basic workplace benefits, job stability, predictable schedules, a voice on the job, and even a reasonable assurance of coming home safely at the end of a shift.

Consider the essential benefits workers rely on: Black, Latinx, and Indigenous workers are less likely than white and Asian workers to have health coverage through an employer.<sup>34</sup> Black, Latinx, and Asian workers are also less likely to have access to an employer-sponsored retirement plan than white workers, while women are less likely than men to have access to a retirement plan through work.<sup>35</sup>

Even as the pandemic raged in 2021, just 55.5 percent of Latinx workers and 64.8 percent of Black workers reported having any paid time away from work to recover from illness or seek medical care, compared to 70.6 percent of white workers.<sup>36</sup> Even fewer had paid time to care for an ill family member or loved one. Black and Latinx workers were also less likely than white workers to have access to paid leave for the birth or adoption of a child.

Black and Latinx workers disproportionately work in the retail and food service industries, where it is common for workers to have erratic, unstable schedules that change from day-to-day and week-

to-week without workers' input.<sup>37</sup> Even within these industries, workers of color are 16 percent more likely than white workers to experience scheduling instability, contributing to unpredictable incomes, food and housing insecurity, and difficulty arranging childcare and transportation. Among food service and retail workers, women of color are the most likely to experience unstable schedules.

As a result of structurally racist obstacles to entering the formal economy, Black workers, and to a lesser extent Latinx workers, are disproportionately employed in gig work through apps like Uber, Handy, Postmates, and Amazon Flex. Even though gig workers are not in business for themselves, they are more likely to be misclassified as independent contractors, which excludes them from many core workplace protections, including workers' compensation, unemployment insurance, and employer-sponsored health insurance.<sup>38</sup>

Black and Latinx workers are also overrepresented in temporary help agency work, where they each made up about a quarter of the temp workforce in 2017.<sup>39</sup> The share of temp workers who were people of color increased 10 percent between 2005 and 2017. During this same period, temp work largely shifted from office and clerical employment to more dangerous production and transportation occupations with higher-than-average workplace injuries. Full-time temp workers earn about 40 percent less than workers doing the same tasks in standard work arrangements.<sup>40</sup> At the same time, employers are more regularly using temp workers in permanent positions to lower costs, making work more precarious for workers, with no job security and few, if any, benefits. Workers in precarious jobs such as temp work also report high rates of harassment, discrimination, and retaliation, a result of grossly uneven power differentials that leave workers with little agency or power to hold employers accountable.<sup>41</sup>

Finally, Black and Latinx workers are disproportionately employed in dangerous jobs where they are at more risk for injury and where they also face higher fatality rates.<sup>42</sup> Latinx workers consistently face the highest rates of workplace deaths: 1,130 Latinx workers were killed on the job in 2021, and 64 percent of these workers were immigrants.<sup>43</sup>

**As a result of structurally racist obstacles to entering the formal economy, Black and Latinx workers are disproportionately employed in gig work through apps like Uber, Handy, Postmates, and Amazon Flex.**



## Mechanisms that Reinforce Occupational Segregation and Pay Inequity

Occupational segregation is rooted in racist, sexist stereotypes and beliefs about which people should be doing which work and who is deserving of more compensation, better working conditions, advancement opportunities, and power in the workplace.

But beliefs don't operate on their own: They are embedded in policies and practices that can be challenged and changed.



- **Discrimination in hiring and on the job:** A recent meta-analysis of field experiments found that hiring discrimination against Black workers had not decreased between 1989 and 2015. Researchers found that during this time period, white applicants received 36 percent more call-backs than Black applicants and this level of discrimination did not change over this 25-year time period. These results endured even after accounting for gender, education, occupational grouping, study method, and local labor market conditions.<sup>44</sup> Researchers also find that compared to men, women are less likely to be hired, particularly for high-wage jobs, and are disproportionately offered lower pay.<sup>45</sup> Studies find that women who are mothers face even greater penalties in hiring, starting salaries, and perceived competence, even as there is no corresponding "fatherhood penalty" for men.<sup>46</sup>
- **Exclusionary social networks:** Most workers get jobs through personal or professional networks, yet researchers find that these networks remain highly segregated by race.<sup>47</sup> When white workers, who are overrepresented in professional and managerial positions, assist others in their personal networks in finding jobs, they advantage white job-seekers at the expense of Black job-seekers and other workers of color, contributing to occupational segregation.<sup>48</sup> Research suggests that old boy networks also continue to disadvantage women in pay and promotions.<sup>49</sup>
- **Involvement with the criminal legal system:** Systemic racism manifests at every stage of the criminal legal system, so that Black, Latinx, and Indigenous people are far more likely than white people to have an arrest or conviction record, a trend that cannot be explained away by greater offense rates.<sup>50</sup> As of 2010, nearly one in three Black men had felony convictions.<sup>51</sup> As a result, public policies and employer decisions that exclude workers with arrest and conviction records from good jobs contribute to occupational segregation. Studies find that an estimated 60 percent of people who have been incarcerated remain jobless a year after release.<sup>52</sup> Because workers



struggle to find jobs after release from incarceration, they often accept sporadic, precarious, and low-paid work, including unstable work with temp and staffing companies, locking them into cycles of bad work and reincarceration.<sup>53</sup> Incarceration—and even a conviction for a misdemeanor offense—can have a life-long negative impact on wages, cutting earnings by as much as half.<sup>54</sup>

- **Harassment:** Sexist, racist, and homophobic harassment are widespread across occupations, but are especially prevalent in male-dominated industries including manufacturing, law enforcement, and construction, which often provide better pay and benefits than predominantly female industries that require an equivalent amount of education and training.<sup>55</sup> Research finds that women who faced harassment are significantly more likely to change jobs than those who did not experience harassment, and they continued to report more financial stress two years later.<sup>56</sup> Harassment may also reinforce power differentials, fueling occupational segregation by preventing women workers, workers of color, and LGBTQ+ workers from advancing in their industries.
- **Unequal educational opportunities:** U.S. K–12 education remains highly segregated. More than a third of students attended a predominantly same-race/ethnicity school during the 2020–21 school year.<sup>57</sup> Students who are poor, Black, and Latinx are more likely to attend schools with fewer resources and worse educational outcomes, constraining job options and opportunities for higher education.<sup>58</sup> Even as unequal educational opportunity contributes to occupational segregation, economist Valerie Wilson emphasizes that “Black workers can’t simply educate their way out of the wage gap.”<sup>59</sup> Occupational segregation persists regardless of educational attainment, with Black workers paid less than white workers at every level of education.<sup>60</sup> Gender pay gaps also endure at all levels of education: In general, women must complete one additional degree in order to be paid the same wages as a man with less education.<sup>61</sup>
- **Failure to support workers with caregiving responsibilities:** Women continue to take greater responsibility for housework, childcare, and elder care than men. Women are more likely than men to temporarily leave the labor force to care for children and other loved ones, leaving them with employment gaps and less work experience. Women are also more likely to seek part-time work to accommodate caregiving, even as part-time jobs tend to pay less and offer fewer benefits relative to full-time positions. The lack of national paid family leave, paid sick time, and affordable childcare policies contributes to pay gaps and occupational segregation for women. At the same time, as a result of occupational segregation women of color are more likely to be employed in jobs that don’t provide paid leave, paid sick time, or employer contributions toward childcare.

Many of the mechanisms driving occupational segregation stem from a lack of worker power to demand better pay, benefits, working conditions, and opportunities for advancement and mobility. For that reason, strengthening worker power is critical to desegregating work and building a good-jobs economy.



*The New York laundry workers strike of June 16, 1937, was largely led by Black women. Photo: New York Public Library*

## A History of Occupational Segregation

Understanding the history of occupational segregation—from its origins, to the eras when workers and advocates won policy changes that helped to desegregate employment opportunity, to the backlash that stalled desegregation—helps to illuminate the policies and practices that will be effective in uprooting it. A full historical accounting is beyond the scope of this report; instead this section will highlight some significant trends.

From its early days, the growth of the U.S. economy was fueled by chattel slavery—the wealth generated from the labor, primarily agricultural labor, of enslaved African people and their descendants. This was the origin of occupational segregation in the U.S.

### Occupational segregation from the end of the Civil War through the Great Depression

As the South became more industrialized in the decades following the Civil War, manufacturers implemented segregationist practices on the factory floor. Factory owners gave poor white workers access to more desirable positions and slotted Black workers into the least desirable jobs.<sup>62</sup> Outside of manufacturing, Black workers were often funneled into positions in the service industry, including



*Domestic worker.* Photo: New York Public Library

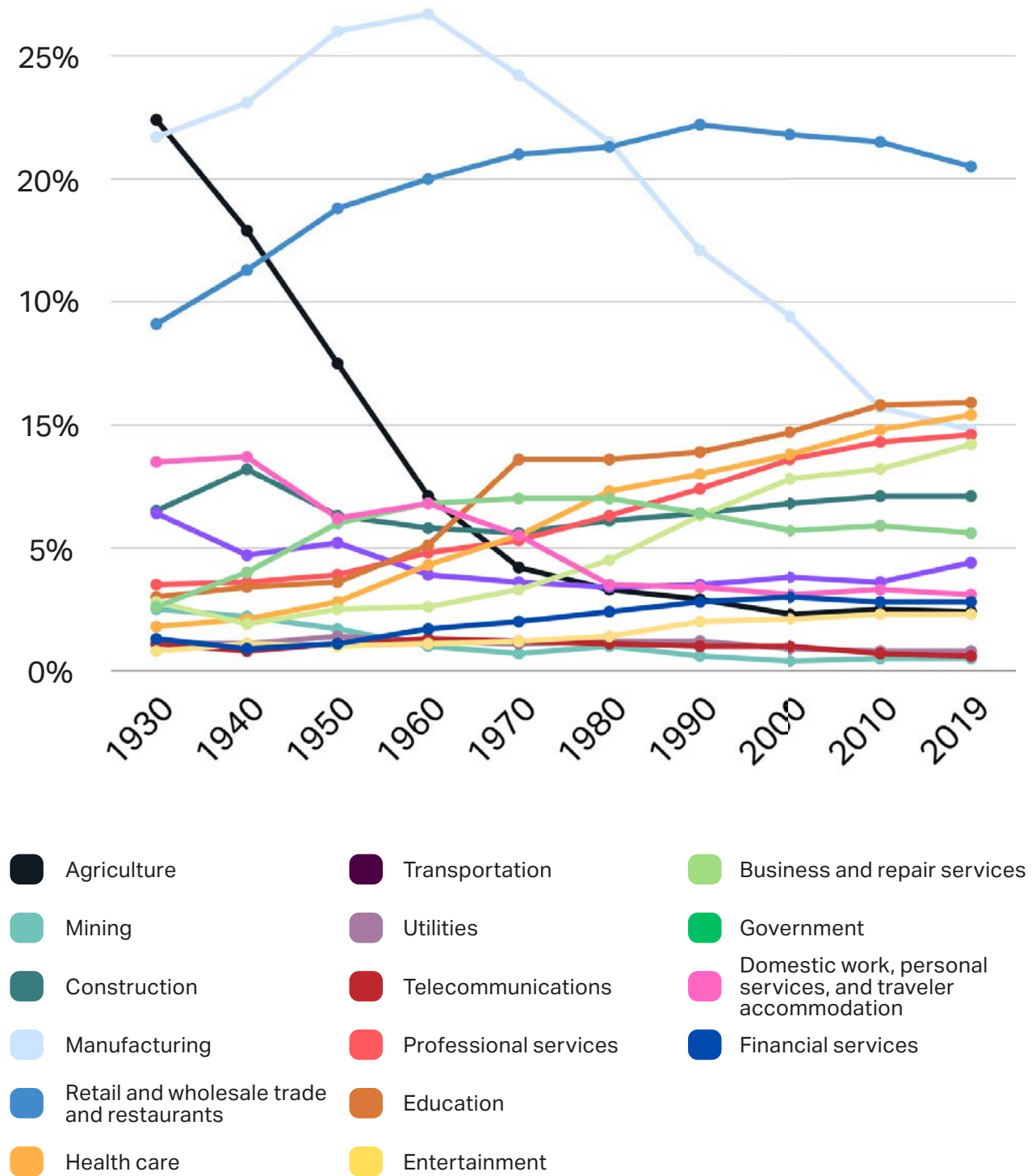
domestic work for Black women, or into more dangerous jobs involving heavy manual labor. Black workers remained concentrated in the South, where white bosses treated them as more expendable and capable of harder labor than white workers.

Employers deliberately used a racialized hierarchy in the workplace to divide workers and keep wages low.<sup>63</sup> By reserving the worst jobs for Black workers, employers were able to cut wages below what was acceptable for white workers at the time. By keeping Black and white workers separate, with white workers in slightly better jobs, factory owners and employers created an environment that maximized profit and maintained white supremacy, where cooperation between racial groups was unlikely and worker power was difficult to achieve.

During the late 19th and early 20th centuries, successive waves of immigrants from Europe (and in the western U.S., from China) provided another source of desperate and vulnerable workers who could be paid less and obliged to accept worse working conditions than their U.S.-born counterparts.

In 1900, only 20 percent of women—and just 5 percent of married women—were employed outside the home.<sup>64</sup> Women's work was seen as secondary to men's employment and was paid dramatically less. Black women were almost twice as likely to participate in the labor force as white women. According to racist and sexist norms, white women were expected to focus primarily on their homes and families, while Black women were expected to work, including poorly paid jobs providing child-care and domestic labor in the homes of wealthier white women.

**Figure 2. Change in industry shares of jobs for all U.S. workers, 1930 to 2019**



Source: NELP calculations based on American Community Survey data, U.S. Census Bureau



## Labor market shifts from the Great Depression through 2019

To understand shifts in occupational segregation, it's important to consider the most significant ways that the overall labor market has changed over the past 90 years. In 1930, jobs in agriculture and domestic work represented a much larger segment of the U.S. labor market than these jobs do today. In the 1950s, manufacturing jobs expanded dramatically as a share of the economy. By 1960 and

1970, government employment also grew and the share of jobs in agriculture and domestic work decreased. Deindustrialization began in the 1960s and accelerated in the 1980s, with the share of workers employed in manufacturing falling from 22 percent in 1980 to just 9.8 percent in 2019. By 2019, the U.S. economy was increasingly dominated by retail and wholesale trade and restaurant employment, as well as jobs in education and health care. Manufacturing continued to account for about 10 percent of employment, a major decline from the 1960 census, when more than one in four workers was employed in manufacturing.

### Major workforce shifts: The Great Migration, immigration, and more women in the labor force

As the U.S. labor market shifted over time, the workforce also underwent significant changes. Among the biggest transformations were the Great Migration of Black people away from the South, rising immigration from Latin American and Asia, and the increased number of women entering the paid workforce starting in the 1960s.

The Great Migration—the relocation of more than six million Black people from the South to cities in the West, North, and Midwest from 1916 to 1970—contributed to dramatic changes in Black employment. In 1900, 9 out of 10 Black people lived in the South, but by 1970 only 5 out of 10 Black people did.<sup>65</sup> During World War I, many white men left their



*Helen Ann Smith at Harlem House diner on Beale Street in Memphis, Tennessee, circa 1950.*

Photo: Ernest C. Withers



*A group of Bracero workers at the Monterrey, Mexico, processing center in 1956. Photo: Leonard Nadel/National Museum of American History*

industrial jobs to fight the war in Europe, opening up jobs in the industrial North. This, combined with a decline in immigration from Europe during this time and the continuing oppression of the Jim Crow South, led many Black people and families to move to cities including Chicago, Pittsburgh, Detroit, and New York in search of better jobs. As a result of the Great Migration and the residential shift from rural areas to cities, occupational segregation for Black women declined dramatically from 1940 to 1960, largely due to falling farm employment and rising clerical employment.<sup>66</sup>

The United States was also becoming a more diverse country through immigration, and policymakers erected numerous racist barriers that exploited immigrant labor while blocking immigrant workers from building power. For example, tens of thousands of Chinese workers were brought to the U.S. in the 1860s to build the transcontinental railroad, where they were underpaid and forced to work in very poor conditions.<sup>67</sup> It was not until 1952 that anti-Asian exclusion laws were fully eliminated and Asian U.S. residents could obtain citizenship.<sup>68</sup> A similar history of employment abuses characterized the Bracero Program, which existed from 1942 to 1964, bringing millions of Mexican agricultural guest workers to the U.S. with low pay and few rights.<sup>69</sup> Employers took advantage of migrant workers to drive down pay for all farmworkers.

Another major workforce shift was the changing gender composition of the labor force, as a growing number of women began to take jobs outside the home beginning in the 1960s. Increases in high school education and graduation rates, rising demand for clerical labor, and changing social norms propelled more women to seek paid employment. Research also suggests that improved access to contraception contributed to women's ability to pursue education and better-paying jobs.<sup>70</sup> By 1970, 50 percent of single women and 40 percent of married women worked outside the home, however women workers were still concentrated in just a few occupations, predominantly working as secretaries, domestic workers, bookkeepers, teachers, and waitresses.<sup>71</sup>

## New Deal policies bolstered white workers, but maintained occupational segregation

As unemployment skyrocketed during the Great Depression, workers built power through unions, fighting for and winning the Fair Labor Standards Act (FLSA), passed in 1938, as well as other critical laws that protected workers. The FLSA established basic protections and standards in the workplace, including mandating a minimum wage and overtime pay, limiting the use of child labor, and protecting workers against unfair labor practices.

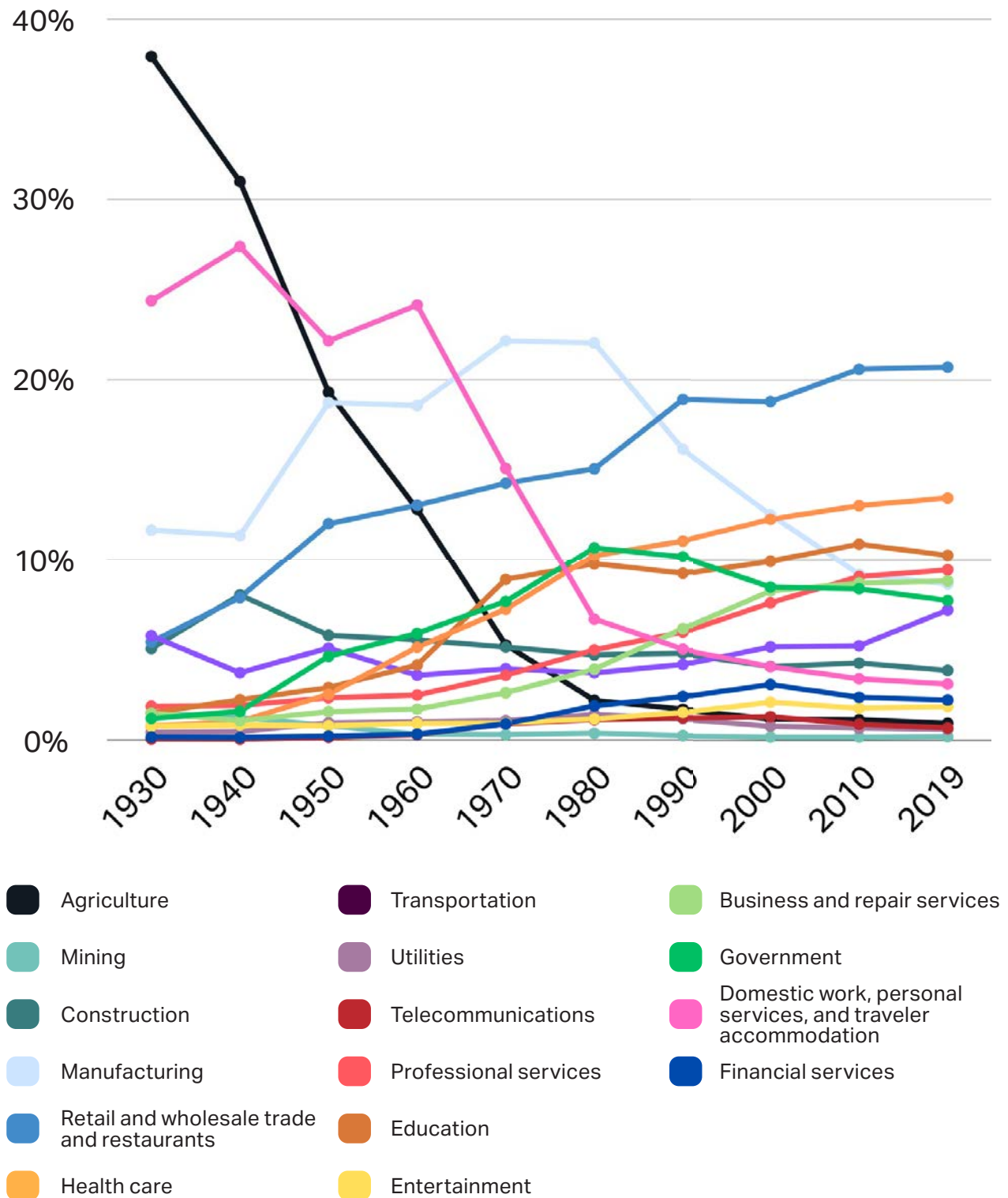
Establishing an equalized wage floor through the minimum wage threatened the racially segregated Jim Crow South that employers and politicians had built. Pro-segregation Southern Democrats held substantial power in Congress and had an interest in maintaining the status quo. President Roosevelt did not want to alienate this group of legislators, since he needed them to pass New Deal legislation, including the FLSA.<sup>72</sup> As a result of Roosevelt's negotiations with Southern Democrats, tipped workers, agricultural workers, and domestic workers were excluded from these labor standards and protections.

**The racist and sexist policy exclusions in the New Deal impacted Black wages and wealth for decades into the future. During the 1940s, '50s, and '60s, many white families were able to benefit and build wealth from the protections of the FLSA, in addition to other federal programs such as Federal Housing Administration mortgage loans and GI Bill educational benefits. Black workers and other workers of color were largely excluded from opportunities to build wealth in the same way, contributing to deep racial wealth inequality that persists to this day.**

The exclusions appeased segregationist policymakers because a large majority of Black workers nationally worked in agriculture and domestic work. In 1930, 62 percent of Black workers were employed in either agriculture or domestic work, and by 1940 the proportion of Black workers in these sectors remained at 58 percent. The exclusions were even more stark for Black women: In 1930, 86 percent of Black women workers were employed in either domestic work and agriculture—in 1940, 82 percent were. Through the whittling down of the legislation at the insistence of Southern elites, jobs primarily held by Black workers were intentionally excluded from FLSA protection in order to preserve a system that profited from racist exploitation.

Similar political dynamics led to exclusions that prevented many Black workers from accessing Social Security benefits, unemployment insurance, and other forms of social insurance implemented as part of the New Deal. This was also the case with the National Labor Relations Act (NLRA), which protected workers' right to organize, enabling workers at private-sector establishments to seek better working conditions and collective representation without fear of being retaliated against. Like the FLSA, the NLRA reinforced racial and gendered hierarchies of the time by excluding agricultural and domestic workers from coverage.<sup>73</sup>

**Figure 3. Change in industry shares of jobs for Black workers, 1930 to 2019**



Source: NELP calculations based on American Community Survey data, U.S. Census Bureau



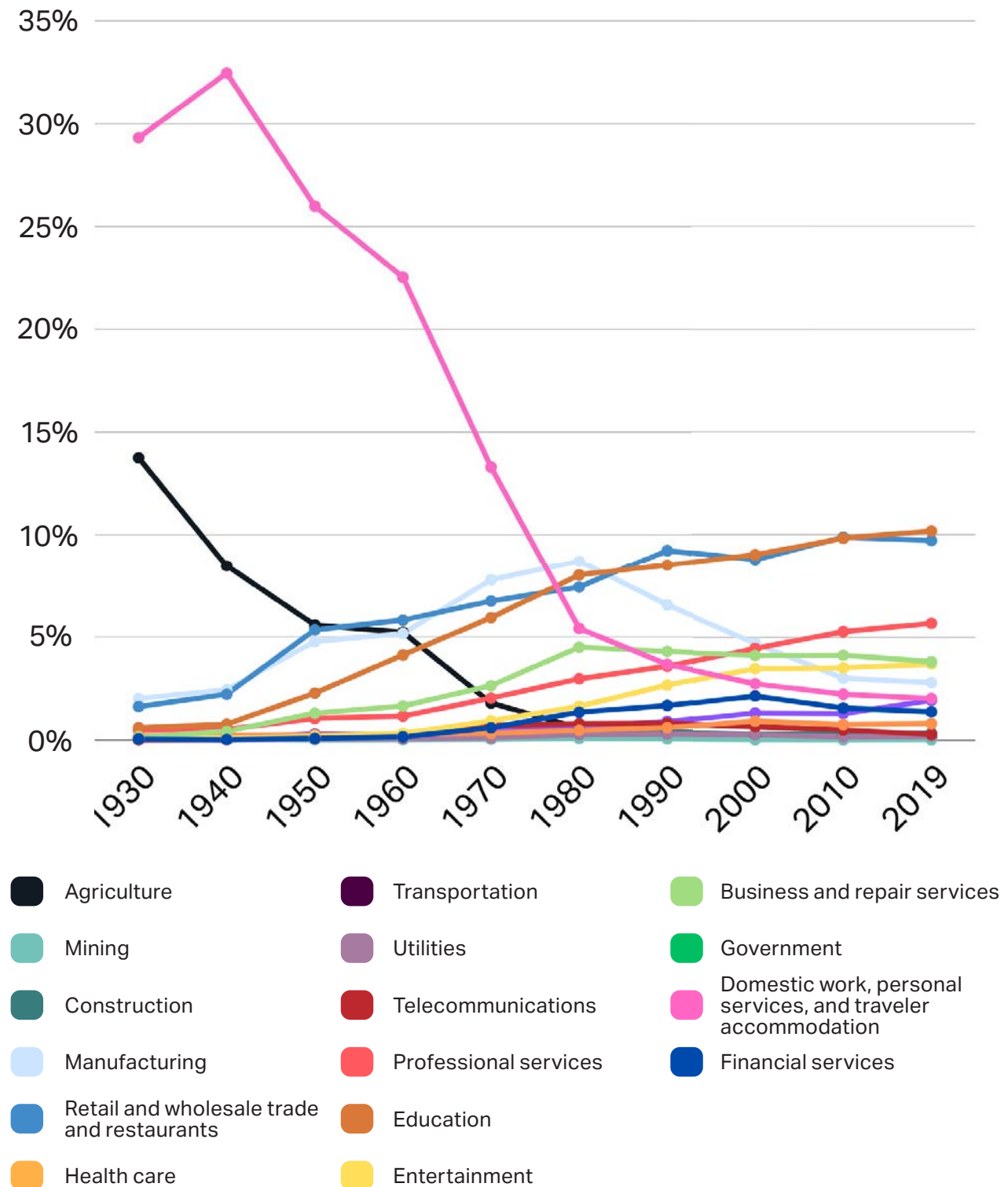
The racist and sexist policy exclusions in the New Deal impacted Black wages and wealth for decades into the future. During the 1940s, '50s, and '60s, many white families were able to benefit and build wealth from the protections of the FLSA (as well as the growing union movement), in addition to other federal programs such as Federal Housing Administration mortgage loans and GI Bill educational benefits that were predominantly available to white families.<sup>74</sup> Black workers and other workers of color were largely excluded from opportunities to build wealth in the same way, contributing to deep racial wealth inequality that persists to this day.<sup>75</sup>



*Fast-food workers in New York City went on strike for higher wages in July 2013.*

Photo: Annette Bernhardt, CC-BY-SA 2.0

**Figure 4. Change in industry shares of jobs for Black women, 1930 to 2019**



Source: NELP calculations based on American Community Survey data, U.S. Census Bureau



Photo: Adobe Photostock

## **Policy gains of the Civil Rights, labor, and women's movements reduced occupational segregation**

Building on the achievements of the New Deal and fighting against its exclusions, workers and community members pushed for more expansive freedoms and protections through the Civil Rights, labor, and women's movements, among other mobilizations. Advocates and activists made particularly important legislative gains in the 1960s and '70s, demonstrating how grassroots movements can change policy, and how policy can move the U.S. in the direction of a good-jobs economy.

While it can be difficult to draw direct connections between specific policies and complex outcomes in the labor market, researchers looking at occupational segregation by both race and gender find that segregation declined sharply in the 1960s and continued falling until 2000.<sup>76</sup> For example, between 1960 and 1980, growing numbers of Black women succeeded in finding employment outside of domestic work.<sup>77</sup> Similarly, studies find that racial pay gaps sharply declined between 1960 and 1980, with earnings of Black workers increasing at a particularly rapid pace in the 1970s.<sup>78</sup>

The era's significant policy advances included major investments in health care, education, housing, and economic development through President Johnson's Great Society programs, which broadly supported workers, families, and communities. In addition, vital new laws and policies—such as the

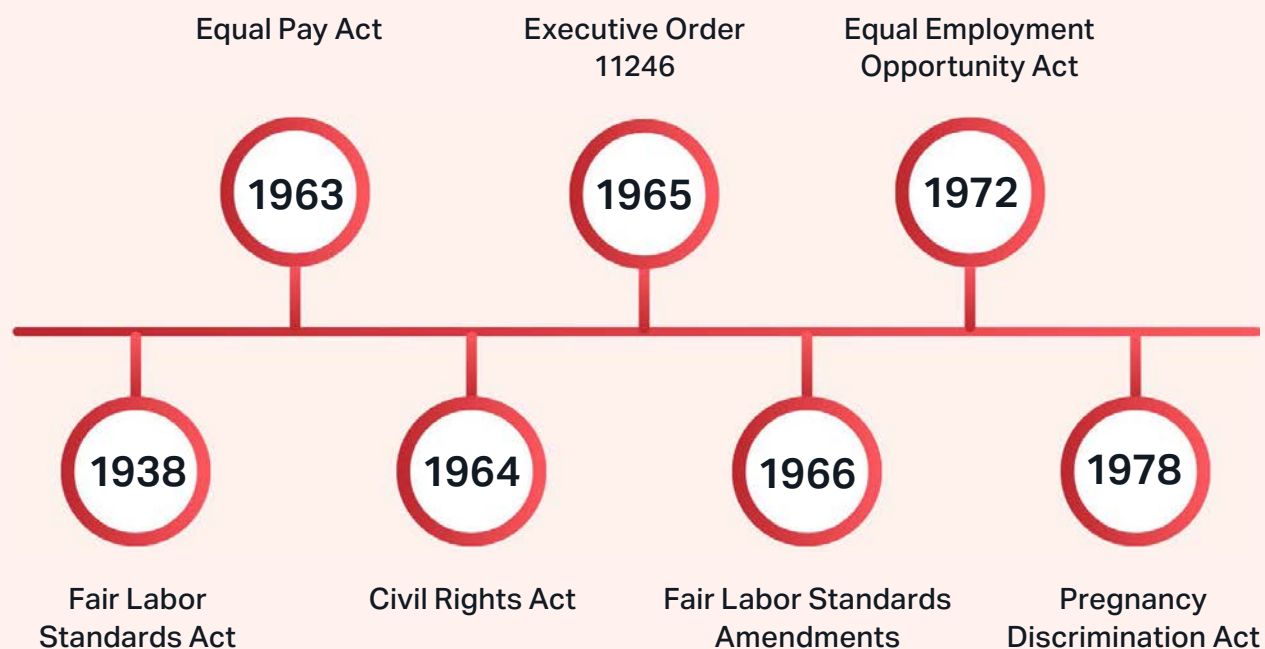


Equal Pay Act of 1963, which prohibited employers from paying different wages on the basis of sex, and Executive Order 11246, which banned discrimination by federal contractors and required them to develop affirmative action plans to remedy the underrepresentation of women and people of color in their workforces—improved equity in the labor market. Increasing unionization also contributed to greater pay equity across gender and racial lines, particularly for Black women.<sup>79</sup>

This section will take a closer look at two pieces of legislation that helped to reduce economic inequality by race and gender: the Civil Rights Act of 1964 and the 1966 Fair Labor Standards Act. These two landmark laws show how policies to prevent discrimination work together with policies that lift the floor for all workers to advance toward a good-jobs economy.

Title VII of the Civil Rights Act of 1964 prohibited employment discrimination based on color, race, national origin, religion, and sex and applied to private employers, labor unions, and employment agencies. The Act also created the Equal Employment Opportunity Commission (EEOC) to investigate employment discrimination complaints and resolve issues related to these complaints. Researchers credit Title VII with a reduction in occupational segregation and significantly increased earnings for Black workers, especially in the South, where a majority of Black workers continued to live and work.<sup>80</sup>

**Figure 5. Key legislative gains in occupational desegregation in the United States, 1930 to 1980**





Crucially, the law also paved the way for further policies that removed race and gender barriers and reduced pay gaps.<sup>81</sup> For example, in 1972 Congress expanded the powers of the EEOC, granting it the ability to file lawsuits against employers to enforce anti-discrimination laws. This additional power made the EEOC more effective. Also in 1972, Title VII protections against employment discrimination were expanded to include the entire federal government and all state and local governments with at least 15 employees.<sup>82</sup> The 1972 expansion of the EEOC contributed to an increase in the share of Black men in well-paying jobs, and a reduction in the earnings gap between Black male workers and their white counterparts.<sup>83</sup>

In the years that followed, additional federal anti-discrimination laws built on the Civil Rights Act, including the Pregnancy Discrimination Act of 1978, which prohibited employment discrimination on the basis of pregnancy, childbirth, or related medical conditions, and the Americans with Disabilities Act of 1990, which, among other vital provisions, banned employment discrimination on the basis of disability and mandated that employers make reasonable accommodations for disabled workers.

The 1966 Fair Labor Standards Amendments were another major policy victory that succeeded in reducing occupational segregation, pay inequity, and racial wealth gaps. The law extended coverage of the federal minimum wage to an additional 9.1 million workers in sectors of the economy that had previously been excluded, such as agriculture, restaurants, nursing homes, hotels, schools, hospitals,



**The 1966 FLSA increased the national minimum wage to its highest level in U.S. history (adjusted for inflation)...and raised pay for the lowest-paid workers (who were disproportionately likely to be Black) within industries, narrowing the Black-white earnings gap by over 20 percent.**

entertainment, and other services—industries where a third of all Black workers were employed at the time.<sup>84</sup> The 1966 FLSA also increased the national minimum wage to its highest level in U.S. history (adjusted for inflation).

Economists Ellora Derenoncourt and Claire Montialoux found that because the 1966 FLSA both expanded the minimum wage to industries where Black workers were overrepresented and raised pay for the lowest-paid workers within industries (who were disproportionately likely to be Black), the effects of the wage hike were more than twice as large for Black workers as for white workers. Overall, more than 20 percent of the narrowing in the Black-white earnings gap can be attributed to the 1966 FLSA.<sup>85</sup> Economist Bill Spriggs noted that, following the passage of the Act, the poverty rate for Black children fell from a staggering 65.6 percent in 1965 to 39.6 percent in 1969.<sup>86</sup>

However, the 1966 FLSA did not eliminate all exclusions. Most farmworkers were still excluded from overtime protections, including maximum hours and overtime pay at time and a half.<sup>87</sup> Domestic workers were excluded from the FLSA until 1974, at which time 1.5 million domestic workers were covered. But two categories of domestic workers remained unprotected, namely “casual” babysitters and those providing “companionship services for individuals who (because of age or infirmity) are unable to care for themselves.”<sup>88</sup> This definition was narrowed in 2015 so that home care and staffing agencies could no longer take advantage of this exclusion, although some individual household employers may still be exempt.

Workers in most tipped positions were covered under the 1966 FLSA, including workers in hotels and restaurants. But the minimum wage for tipped workers was set at 50 percent of the full minimum wage and a tip credit was established, which is the amount from employee tips that an employer may count against the requirement to pay the full minimum wage.

## **Occupational desegregation stalls in the 1980s**

After decades of gains in desegregating the labor market, progress on racial equity began to reverse after Ronald Reagan assumed the presidency in the 1980s, initiating a series of policy choices that reinforced white supremacy in the ensuing decades. Researchers find that occupational segregation by race and ethnicity stagnated after 1980.<sup>89</sup> Meanwhile, progress on occupational segregation by gender continued as more highly educated women entered the labor force.<sup>90</sup> Gains made by Black women slowed during this period, although they continued entering managerial and professional occupations in growing numbers, and Black women’s share of employment as administrative support, cashiers, hairdressers, and bus drivers increased.<sup>91</sup>



**In a good-jobs economy,  
everyone can thrive.**

Nevertheless, white women were the primary beneficiaries of occupational mobility after 1980, as they continued to advance in diversifying occupations between 1983 and 2002, while progress for people of color largely lagged.<sup>92</sup> In fact, the growing labor force participation and occupational mobility of white middle-class women depended on underpaid domestic work largely performed by women of color.<sup>93</sup>

Analysis of racial pay gaps shows a similar trajectory of diminishing progress: Pay gaps had sharply declined between 1960 and 1980, but the decline slowed substantially in the 1980s and 1990s.<sup>94</sup>

Policymakers' choices continued to play a key role: For example, the Reagan-era backlash against workers' rights and racial equity was expressed in policies that cut income, capital gains, and estate taxes, with the greatest gains for corporations and already wealthy white households; slashed federal funding for housing, social services, and an array of other public goods that provided substantial benefits to communities of color; and allowed the value of the minimum wage, which disproportionately benefitted low-paid workers of color, to erode. Real wages for non-supervisory employees fell, income inequality began to rise dramatically, and racial wealth disparities grew.<sup>95</sup> Policymakers' failure to raise the minimum wage sufficiently to keep up with inflation after 1979 accounts for almost half of the increase in inequality between women at the middle and bottom of the wage distribution.<sup>96</sup>

At the same time, President Reagan's public firing of more than 11,000 striking air traffic control workers in 1981 signaled a turning point for the U.S. labor movement, emboldening corporations to engage in more aggressive—and often illegal—union-busting tactics, accelerating the decline in

union membership.<sup>97</sup> Because of the critical role unions play in protecting Black workers from discrimination, researchers find that the decline in unionization after 1980 contributed substantially to racial pay disparities, particularly for Black women.<sup>98</sup>

**When workers with arrest or conviction records returned to the job market, they faced substantial hiring discrimination and other barriers to employment, setting off cycles of bad work and reincarceration that further reinforced occupational segregation and racial inequity.**

Research suggests that policymakers' defunding of the Equal Employment Opportunity Commission (EEOC) also contributed to maintaining and reinforcing occupational segregation.<sup>99</sup> Starting in the 1980s, the budgets and enforcement capacities of the EEOC were drastically reduced, decimating its capacity to investigate and address cases of workplace discrimination. In 1980 there were 3,390 EEOC employees, but by 2018 the number of employees had been reduced to 1,968. Meanwhile, the U.S. population grew by 44 percent over the same time period, and the work of the agency had expanded to include cases of discrimination on the basis of age and disability status.

In 1986, policymakers passed the Immigration Reform and Control Act, providing permanent legal status for certain undocumented immigrants and leading to pay increases for workers who gained the right to live and work legally in the United States.<sup>100</sup> At the same time, the law made it illegal for employers to knowingly hire undocumented workers. By bringing immigration enforcement into the workplace, the Immigration Reform and Control Act made immigration law into a tool unscrupulous employers could use to exploit and retaliate against undocumented workers.<sup>101</sup>

As the deindustrialization of U.S. cities accelerated in the 1980s, Black workers disproportionately lost well-paying, often unionized manufacturing jobs, even as discrimination, a lack of educational opportunity, and geographic limitations restricted their ability to find other well-paying employment.<sup>102</sup> The unemployment rate of Black workers skyrocketed, with more than one in five Black men unemployed in December 1982.<sup>103</sup> As urban manufacturing jobs were disappearing, Reagan launched the "War on Drugs," initiating a new era of mass incarceration predominantly targeting Black, Indigenous, and Latinx men. In her groundbreaking book, *The New Jim Crow*, civil rights advocate Michelle Alexander describes how "joblessness and crack swept inner cities precisely at the moment that a fierce backlash against the Civil Rights Movement was manifesting itself through the War on Drugs."<sup>104</sup>

As the War on Drugs picked up steam, the budgets of law enforcement agencies soared and the nation's prison population increased by 134 percent between 1980 and 1990.<sup>105</sup> As a result of systemic racism in policing, charging, and sentencing, Black, Latinx, and Indigenous people were and continue to be dramatically more likely to be incarcerated than their white counterparts.<sup>106</sup> When workers with arrest or conviction records returned to the job market, they faced substantial hiring discrimination and other barriers to employment, setting off cycles of bad work and reincarceration that further reinforced occupational segregation and racial inequity.<sup>107</sup>





*McDonald's workers on strike for a higher minimum wage and a safe workplace.*

Photo: Fight for 15

## Occupational segregation from the 1990s to the COVID-19 pandemic

Researchers find that progress in desegregating the labor market slowed in the 1990s and came to a halt after 2000.<sup>108</sup> For example, between 2000 and 2016, there was little progress in reducing occupational segregation between Black women and white men.<sup>109</sup> In 2000, on average 59 percent of Black women would need to change occupations in order to achieve occupational equity. By 2016, this reduced only slightly to 56 percent.<sup>110</sup> Some studies even suggest that occupational segregation for workers of color moved backward, with occupations becoming more segregated by race after 2000.<sup>111</sup>

At the same time, the pay gap between Black and white workers began to increase, even after controlling for racial differences in education, experience, and the fact that Black workers were more likely to live in lower-wage Southern states.<sup>112</sup> After 1990, Black and white women saw little additional progress in closing hourly wage gaps with white men.<sup>113</sup>

The labor market became less equitable as a result of harmful trends unleashed in the 1980s that continued and accelerated in the 1990s and 2000s, facilitated by the decisions of policymakers. President Clinton's 1994 crime bill reinforced mass incarceration even as the 1992 North American Free Trade Agreement and other globalizing trade deals accelerated the loss of well-paying, often

unionized manufacturing jobs, disproportionately harming Black and Latinx workers.<sup>114</sup> The 1996 Personal Responsibility and Work Opportunity Act, known as welfare reform, imposed strict work requirements that pushed poor Black mothers off public assistance and into low-paying work, while also excluding many immigrants who had previously been eligible for public benefits from accessing support.<sup>115</sup>

**Increases in the federal minimum wage in 1996 and 2007 were insufficient to restore the value of a wage not indexed to inflation. The purchasing power of the minimum wage has continuously eroded since 2009, contributing to gender and racial pay gaps.**

While policymakers increased the federal minimum wage in 1996 and again in 2007, these increases were never large enough to restore the purchasing power the minimum wage had in 1968.<sup>116</sup> Moreover, because the minimum wage was not indexed to inflation, its value has eroded since 2009, contributing to gender and racial pay gaps. The value of the minimum wage for tipped workers was delinked from the regular minimum wage; today, the tipped minimum wage is set at only 29 percent of the grossly inadequate and outdated federal minimum wage of \$7.25 an hour.

Federal policymakers' refusal or inability to update labor standards and enforcement to keep up with a changing economy and growing workforce also contributed to growing racial and gender pay gaps and stagnating occupational segregation.

Financialization was another significant force reshaping labor markets during the 1990s and 2000s. Policymakers weakened financial regulations in the 1980s, contributing to a greater corporate focus on maximizing financial returns for shareholders.<sup>117</sup> Facing intense pressure to drive up their stock prices, companies sought new ways to cut employment costs, often reinforcing racial and gender inequity in the process.

In a development David Weil describes as "the fissured workplace," corporations increasingly sought to reduce labor costs by outsourcing functions from accounting to human resources to janitorial work and security.<sup>118</sup> Ultimately, outsourcing spread "into employment activities that could be regarded as core to the company: housekeeping in hotels; cooking in restaurants; loading and unloading in retail distribution centers; even basic legal research in law firms."<sup>119</sup> Corporations enhanced their own profitability by outsourcing work to multiple layers of contractors with slim profit margins and powerful incentives to lower wages, reduce access to benefits, and cut corners on basic employment standards. At the same time, it was far more difficult for workers employed by a subcontractor or franchisee to hold the company that ultimately controlled many of their working conditions accountable. Researchers estimate that by 2021, as much as a third of the economy was characterized by fissuring as a dominant force.<sup>120</sup>

Outsourcing impacted public sector work as well: In the 1990s, federal, state, and local governments increasingly began to privatize previously public functions, contracting out the delivery of public services such as water treatment, trash collection, and corrections to private companies. In contrast to the public jobs they replaced, many contracted positions paid lower wages, provided fewer benefits, and offered little or no retirement security.<sup>121</sup> Due to their prevalence in public sector jobs, Black workers were more likely to be affected when public jobs were outsourced. Studies suggest that efforts to manage public sector employment more like businesses (for example, reducing bureaucratic rules that provided protections to workers of color and shifting toward an at-will employment model) also pushed down wages for Black workers, increasing racial income gaps.<sup>122</sup>

Outsourcing was one of several emerging employment trends that made work more contingent and precarious at the turn of the 21st century. Hiring temp workers was another: The temporary help services industry more than doubled in size, from 1.1 million to 2.3 million workers, between 1990 and 2008.<sup>123</sup> By 1999, Manpower, a temporary staffing company, was the largest private employer in the U.S.<sup>124</sup> As noted above, full-time temp workers were paid about 40 percent less than permanent workers doing the same tasks.<sup>125</sup> Over the years, employers began to regularly use temp workers in permanent positions to lower costs further, making work more precarious for workers, with no job security and few, if any, benefits. Black and Latinx workers were increasingly overrepresented in temp jobs.<sup>126</sup>







## Harmful workplace trends of the 1990s and beyond...

- Increased reliance on temporary workers in permanent positions.
- Misclassification by employers of workers as independent contractors.
- Outsourcing work to contractors with slim profit margins.
- Mass incarceration and discrimination against workers with arrest and conviction records.

The Great Recession of 2008 led to a slow recovery that left millions of workers facing long-term unemployment at roughly the same time that smartphones began to proliferate. A wave of digital labor platform companies such as Uber, Lyft, Handy, DoorDash, and Instacart emerged to take advantage of both the new technology and the widespread economic desperation. Although companies touted the novelty of the so-called “gig economy,” tech-mediated gig work was the latest iteration of workplace fissuring—another way for employers to take advantage of nonstandard or contingent work.<sup>127</sup> Insisting that the workers they employed should be considered independent contractors, gig companies extensively lobbied state governments to exempt themselves from many or all laws protecting workers.<sup>128</sup> Once again, Black, and Latinx workers were disproportionately engaged in gig work that provided low and fluctuating pay, few benefits, risks of income loss, and few protections from discrimination, harassment, or unfair treatment, in addition to being shut out of access to unemployment insurance or workers’ compensation in most states.<sup>129</sup> At the same time, researchers find that both gender and racial patterns of occupational segregation are replicated within the gig economy itself.<sup>130</sup>





### **Pandemic and post-pandemic trends**


When COVID-19 hit the United States in March 2020, major sectors of the economy shut down. By April, 23 million U.S. workers were out of a job, the largest loss of employment since the Great Depression.<sup>131</sup> Black, Indigenous, and other communities of color suffered the most severe financial and health impacts because of the compounding effects of long-standing structural racism across health care, labor, housing, and education, and the opportunity to accumulate generational wealth.<sup>132</sup> Occupational segregation contributed to the disparate impact of the pandemic: Black, Latinx, Indigenous, and Asian workers, as well as women of all races, disproportionately worked in occupations and locations hit hardest by pandemic shutdowns and faced the highest rates of unemployment.<sup>133</sup> In addition, as many day cares and schools closed and group elder care became less safe, women were disproportionately pushed out of the workforce by increased caregiving responsibilities.<sup>134</sup>

Even as millions lost their jobs, workers of color, particularly women of color, were also more likely to be “essential workers,” working in positions that required them to show up in person, with greater risk of exposure to COVID-19 before vaccines were available. Black workers were especially over-

represented in frontline industries and among essential workers.<sup>135</sup> For example, Black women were particularly likely to work as licensed practical and licensed vocational nurses<sup>136</sup>—some of the workers providing the most direct, hands-on care to COVID-19 patients, even as they were not provided with the personal protective equipment they needed to keep themselves safe from infection.<sup>137</sup> Across industries, employers often failed to respond to the public health emergency in ways that protected workers, refusing to invest in the gear, supplies, and basic procedures necessary to safeguard workers' lives and health.<sup>138</sup> During the pandemic, Black workers were also more likely than white workers to experience wage theft and be denied access to unemployment supports and paid sick and family leave.<sup>139</sup> Black and Latinx workers experienced the highest death tolls of the pandemic, yet feared employer retaliation for speaking up about unsafe workplace conditions.<sup>140</sup>

Workers and advocates demanded relief and protection, and Congress acted in unprecedented ways to expand unemployment insurance, enhance the child tax credit, improve food assistance, deliver survival checks, provide emergency rental assistance, and guarantee much-needed paid sick leave and paid family and caregiving leave to millions of workers, among other relief measures. Altogether, legislators enacted five relief bills in 2020 that delivered an estimated \$3.3 trillion in support for workers, families, and the economy, as well as the American Rescue Plan Act (ARPA) in early 2021, which provided an additional \$1.8 trillion.<sup>141</sup>

Although disease and hardship persisted—and some policies, such as expanded unemployment insurance, experienced severe obstacles to implementation<sup>142</sup>—relief policies substantially alleviated poverty and suffering, enabling millions of families to afford rent and food, to stay safe from the



**Signs suggest the post-pandemic tight labor market may be helping to promote more racially equitable outcomes.**

virus, to care for loved ones, and to seek new employment, accelerating overall economic recovery. Policies enacted during the pandemic helped to produce the lowest U.S. poverty rate on record and reduced the number of poor children by nearly half.<sup>143</sup> Declines in poverty were particularly dramatic for Black and Latinx families.<sup>143</sup> The robust policy response helped make the COVID-19 recession the shortest on record<sup>144</sup> and contributed to an economic recovery that brought the unemployment rate, which skyrocketed to 14.7 percent in April 2020, down to 3.5 percent by July 2022.<sup>145</sup> As Moody's Analytics observed, "The economy would have succumbed to a double-dip recession" if COVID relief measures had not been in place.<sup>146</sup> As the pandemic eased, President Biden's Inflation Reduction Act, signed in August 2022, further invested in workers, families, and well-paying jobs.

Driven by these investments, the labor market recovered at a historically fast rate, bringing women back into the workforce and sending unemployment to near record lows. Preliminary signs suggest the tight labor market may also be helping to promote more racially equitable outcomes. For example, although Black workers have long faced unemployment rates twice as high as those of white workers, the gap between Black and white unemployment rates narrowed in 2023.<sup>147</sup> Pay disparities between Black and white workers also began to shrink.<sup>148</sup> Overall, the lowest-paid workers—disproportionately women and workers of color—have seen historically fast wage growth since the pandemic, outpacing inflation.<sup>149</sup> Economists find that this rapid wage growth, driven by low-paid workers who quit their jobs and found better-paying ones, reversed about 25 percent of the increased inequality between the top 10 percent and bottom 10 percent of earners since 1980.<sup>150</sup> One positive policy trend contributing to pay increases was the Fight for 15 movement, which since 2012 has worked to drive minimum wage increases in states and localities across the country.<sup>151</sup>

The tight labor market also gave workers greater leverage to organize and stand together to demand better wages and working conditions. Frustrated by employers' disregard for their health during the COVID-19 pandemic and fed up with wages that had barely increased for decades despite rising productivity and skyrocketing corporate profit, workers increasingly felt emboldened to go on strike, and to win record contracts.<sup>152</sup> In August 2023, workers were on strike for more days than any other month in the past two decades.<sup>153</sup> Contract victories by the United Auto Workers with Ford, General Motors, and Stellantis may prove to be particularly important for Black workers, who are overrepresented in auto manufacturing and saw strong union contracts contribute to building the Black middle class in past decades.<sup>154</sup>

However, these early signs of equity are fragile. If the Federal Reserve fails to lower interest rates, it could threaten the strength of the labor market, disproportionately harming Black and Latinx workers.<sup>155</sup> Meanwhile, many states are pursuing policy agendas designed to undermine worker power, for example by loosening child labor laws and slashing unemployment insurance.<sup>156</sup> Policies that curtail reproductive freedom and reduce access to higher education for students of color could further reinforce racial and gender inequity in the economy and bolster occupational segregation. Disasters and extreme heat caused by climate change will be increasingly important workplace safety issues with implications for racial and gender equity.<sup>157</sup> Employers' growing use of artificial intelligence, automated surveillance, and algorithmic management also poses potential challenges for occupational mobility and workplace equity.<sup>158</sup>



As noted at the outset, the history of occupational segregation in the U.S. demonstrates that when workers, community members, and advocates push for policies that desegregate opportunity and build worker power, they can succeed in making a concrete and substantial impact in reducing inequality, facilitating occupational mobility, increasing pay and benefits, and enabling workers to have a greater voice in the decisions that govern their working lives. Yet history also shows that these gains are vulnerable to corporate counterattacks and to white supremacist and patriarchal backlash. To build a good-jobs economy, policymakers must pursue transformative policies that will both desegregate opportunity and make every job a good job. The following section outlines policy recommendations to advance these goals.

## **Transformative Policy Can Uproot Occupational Segregation and Build a Good-Jobs Economy**

To build a good-jobs economy where everyone can thrive, policymakers must both remove structural barriers to mobility so that all workers have equal opportunity to move into jobs and also ensure that every job pays a living wage, offers robust benefits, and enables workers to play a role in shaping the rules they work under. Federal, state, and local policymakers must advance the following policies.







**In a good-jobs economy, race, gender, immigration, and justice-involved status don't determine workers' fate.**

- Increase funding and staff at the Equal Employment Opportunity Commission and Office of Federal Contractor Compliance Programs, as well as state and local fair employment practices agencies.
- Prohibit employers from paying workers differently based on gender, race, or ethnicity when they perform substantially the same work; mandate pay transparency; and ban employers from asking about salary history.
- Revisit the use of audit testing (also known as matched-pair testing) by federal, state, and local fair employment practices agencies to identify hiring discrimination, promote employment opportunities, and advance racial equity.<sup>159</sup> [See NELP's publication on audit testing.](#)
- Curtail the use of arrest and conviction records and personal credit histories in hiring, firing, and promotions. [See NELP's work on fair chance hiring and employment.](#)
- Adopt "clean slate" policies that automatically seal arrest and conviction records under certain circumstances, preventing discrimination based on justice-involved status and ensuring pathways for people with records to enter licensed professions. [See NELP's work on fair chance licensing.](#)
- Expand fundamental worker protections, including the Fair Labor Standards Act and Occupational Health and Safety Act, to include incarcerated workers and workers re-entering communities.<sup>160</sup> [See NELP's work on building power for criminalized workers.](#)
- Ensure immigrant workers benefit from full worker protections and are shielded from retaliation. [See NELP's work on immigrant workers.](#)

**In a good-jobs economy, all jobs pay a living wage and one job is enough to pay the bills.**

- Raise the federal and state minimum wages, index them to inflation, and provide resources to adequately investigate and enforce all wage laws. Phase out subminimum wages for tipped workers, young workers, and workers with disabilities.<sup>161</sup> See [NELP's work on the minimum wage](#) and [NELP's work on enforcement](#).
- Prevent employers from misclassifying workers as independent contractors, an illegal practice that is rampant in underpaid, labor-intensive industries. Adopt broad and clear tests for determining who is an employee and who is an independent contractor, and provide resources to increase enforcement of misclassification and raise penalties. [See NELP's work on stopping misclassification](#).
- Ensure that workplace protections, including minimum wages, whistleblower protections, and nondiscrimination laws, fully apply to contract workers as well as employees. [See NELP's work on contracting](#).
- Pass and enforce policies that ensure that companies that outsource labor to contractors while maintaining the right to control the work are held responsible as joint employers. [See NELP's work on joint employment](#).
- Strengthen the rights of temporary workers, including requiring that temporary workers receive the same pay and benefits as permanent employees. [See NELP's work on accountability in temp work](#).
- Guarantee that workers on the job for more than 40 hours per week receive overtime pay. [See NELP's work on overtime](#).
- Use the procurement authority of federal, state, and local governments to require minimum labor standards for companies that receive government contracts, including a higher minimum wage, minimum benefits, and requirements that workers are hired by the contractor or subcontractor as employees. [See NELP's work on public procurement](#).



**In a good-jobs economy, all jobs include robust benefits.**

- Guarantee paid family and medical leave to all workers. [See NELP's work on family and medical leave.](#)
- Require all employers to provide workers with paid sick and safe leave. [See NELP's work on paid sick and safe leave.](#)
- Ensure workers have a say in their work schedules. [See NELP's work on scheduling flexibility.](#)
- Assure that all workers have access to health coverage, retirement benefits, childcare, education and training opportunities, and workers' compensation, either through their employers or through universal social infrastructure.



**In a good-jobs economy, anyone out of work can sustain themselves while they find a new job.**

- Overhaul unemployment insurance to better support jobless workers at all times. [See NELP's work on unemployment insurance.](#)
- Ensure that extended benefits and other emergency unemployment programs have effective and automatic triggers during periods of high unemployment. [See NELP's work on preparing unemployment insurance for recessions.](#)
- Establish benefits to support jobless workers who aren't eligible for unemployment insurance, including immigrant workers without authorization, people leaving incarceration, caregivers and other workers who recently reentered the workforce, students, and self-employed workers. [See NELP's work on excluded worker programs](#) and on proposals for [a job seekers' allowance.](#)



**In a good-jobs economy, workers are not expendable or commodities, but rather are actively shaping the rules of the game.**

- Promote stability and security for workers by ending unjust and arbitrary firings. [See NELP's work on just-cause job protections.](#)
- Strengthen workers' ability to form unions and collectively bargain a contract. [See NELP's work on union organizing.](#)
- Eliminate the use of forced arbitration and class action waivers in employment and civil rights disputes, restoring workers' right to have their day in court. [See NELP's work on forced arbitration.](#)
- Ban or severely limit the use of noncompete agreements and training-repayment-agreement provisions that companies use to block workers from changing jobs. [See NELP's work on how noncompetes limit economic mobility.](#)
- Guarantee robust health and safety protections for workers, including a real and substantive right to refuse dangerous work. Provide resources to adequately investigate and enforce occupational health and safety laws. [See NELP's work on workplace health and safety](#) and [what a meaningful right to refuse dangerous work](#) should include.
- Ensure workers have an avenue to meaningfully enforce their workplace rights by building and supporting collaborations between worker centers, worker advocacy organizations, and state and federal labor officials. [See NELP's work on strategic enforcement partnerships.](#)
- Protect workers from retaliation when they speak up about wage theft, harassment, discrimination, and other workplace abuses. [See NELP's work on protecting whistleblowers.](#)
- Regulate employers' growing use of electronic surveillance and algorithmic management of workers to require greater transparency and worker input. [See NELP's work on automated worker surveillance and management practices.](#)



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