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*Gender Issue and Affirmative Action*

**Keywords:** Gender, Affirmative Action, Equality, public sphere, Race vs. Gender

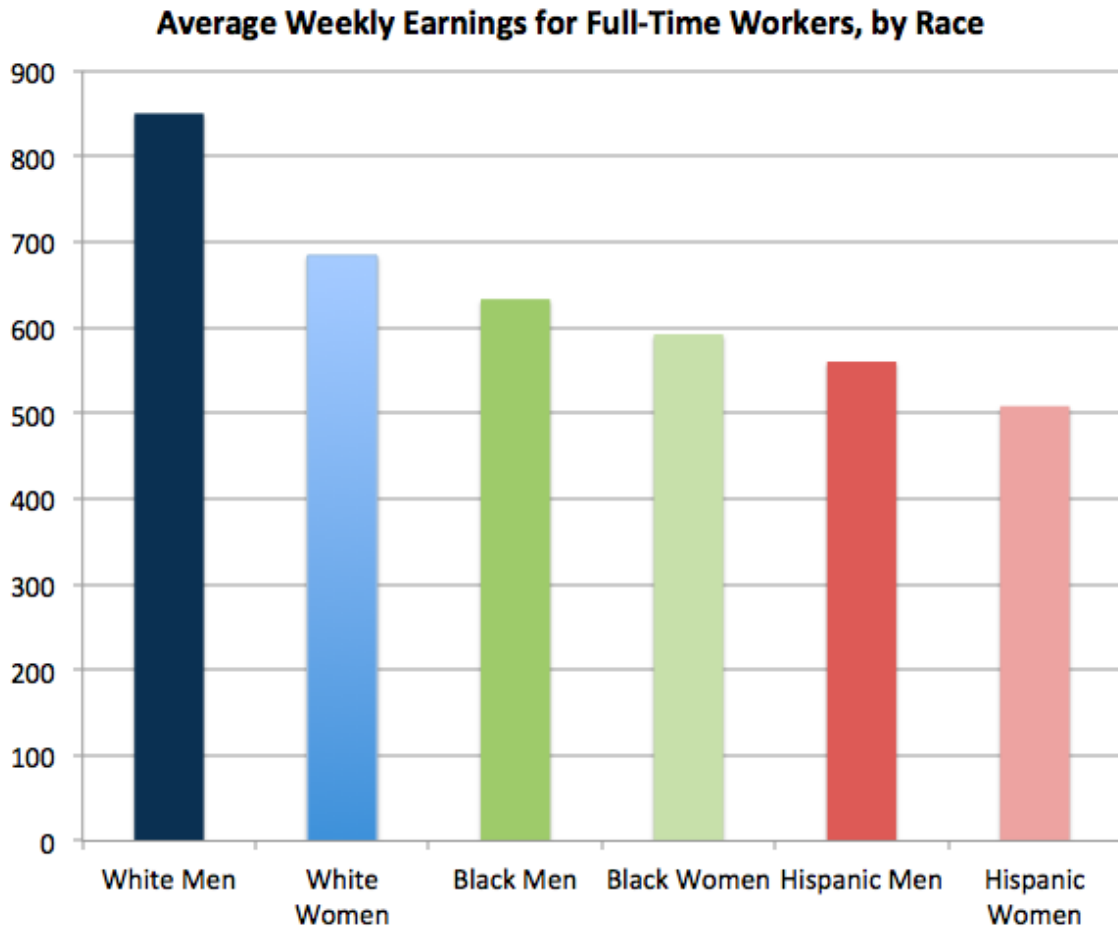
**Description:** This issue brief will get into the details of how the sphere of affirmative action has influenced women and the gender study in general. More importantly it was also get into how affirmative action has not necessarily been as great an aid to gender as it has been to race.

**Key Points:**

- In 1908 the Supreme Court upholds state statute prohibiting a 10-hour work day for women—the Brandeis brief.
- Kennedy Executive order 10925 in 1961 the first to require contractors to take affirmative action.
- Civil Rights Act of 1964 bars employment discrimination based on race, ethnicity, sex, gender, national origin. (Specifically Title VII)

- Since the Early 1970's the United States has had a controversial policy on affirmative action for women.
- Affirmative action has had a insignificant impact on the progress of females in the workplace.
- Executive Order 11375 is the first time women are mentioned in regards to affirmative action (1967).
- Equal Employment Act of 1972- all federal contractors and first-tier subcontractors with 50 or more employees (or a contract worth \$50,000 more) were required were required to maintain written affirmative action plans for women, basically to maintain that employees weren't treated in any certain way because of race, gender, ethnicity, etc..
- Title VII, civil rights, and the lack of an address of women/gender discrimination at that time.
- The Sixth Circuit and the Federal Circuit adopt the strict scrutiny test for both gender and race affirmative action programs.

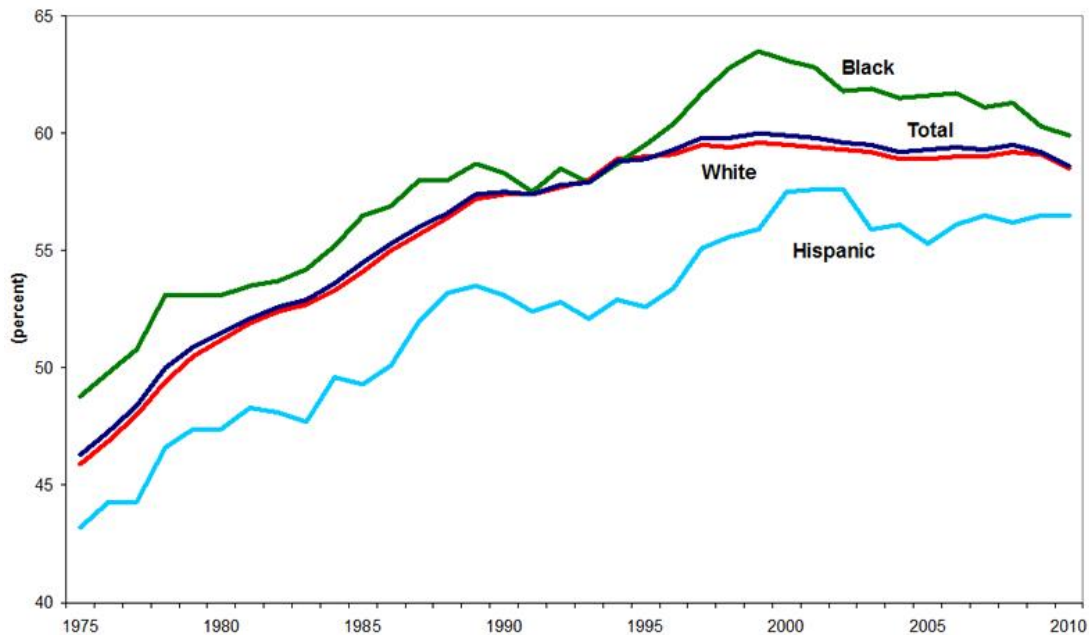
## Some Figures



<http://cdn.theatlantic.com/newsroom/img/posts/Screen%20Shot%202013-11-05%20at%204.04.18%20PM.png>

This graph provides a visual aid to the fact that Black women are at a disadvantage when it comes to salary. This scale happens to be on a weekly earnings basis.

**Chart 5: Labor Force Participation rate of Women, by race and ethnicity (Annual averages, 1975-2010, ages 16 and older)**



[http://www.dol.gov/\\_sec/media/reports/femalelaborforce/images/5.jpg](http://www.dol.gov/_sec/media/reports/femalelaborforce/images/5.jpg)

The Department of Labor utilizes this graph to show that a greater percentage of black females on average participate in the workforce more so than White or Hispanic females from 1975-today with the greatest disparity coming between the 3 races coming at the turn of the century where around 63% of black females were in the workforce as opposed to about 58% of white females and 55% of Hispanic females.

The topic of putting women in the American workforce has been a relevant issue since the industrial revolution. Back in 1908 the Brandeis Brief limited the hours, type of work, and prohibition from night work in the female workday because of the “unique vulnerability” of the female sex. Many, including Justice Ruth Balder Ginsburg found this to be “protecting” women by preventing them solely in a way that would keep them from being able to compete with men for better paying jobs in the workforce.

Sure there is much to be said about women in the workforce during the time of World War II, but it would not be until the early 1960's when the Civil Rights Act is passed that we see affirmative action programs that are put into place which even mention standards for women in the work place. Because the Civil Rights movement was so strongly rooted in racial issues the context of women and affirmative action seemingly took a back seat originally to the more prominent issues of the day. This type of action seemingly sets the standard for the negligible impact affirmative action had on women in the workplace. It is only recently that we have seen affirmative action begin to help women.

A 1995 study showed that 6 million women (majority white) had jobs they would not have held if it were not for affirmative action. The success of white women continues in the private section. Especially after IBM created its own affirmative action program, the number of women in management positions more than tripled in less than 10 years. What in particular has caused this recent surge of benefits for white women under affirmative action programs? It is not necessarily to say that African-Americans are still not benefitting from affirmative action programs, but the status of white women in the workforce has changed drastically from the start of affirmative action programs versus today.

### **Websites**

- <http://ideas.time.com/2013/06/17/affirmative-action-has-helped-white-women-more-than-anyone/>
- <http://www.law.harvard.edu/students/orgs/jlg/vol341/1-36.pdf>

- <http://www-personal.umich.edu/~eandersn/biblio.htm#Pro>
- <http://www.civilrights.org/resources/civilrights101/affirmaction.html>
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### **General Citations**

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