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# The Socialization of Women and Its Effect on the Wage Gap Within the United States

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# **The Socialization of Women and Its Effect on the Wage Gap Within the United States**

By

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An undergraduate honors thesis submitted in partial fulfillment of the

requirements for the degree of

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and

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## **Abstract**

President Kennedy signed The Equal Pay Act in 1963, a time when women were making an average of 59 cents on the dollar compared to men. 49 years later, that value has only risen 17.5 cents. If the current rate of progress continues at the same pace, it is projected that the wage gap will cease to exist by the year 2057; 94 years after The Equal Pay Act was established.

Politicians, economists and women's rights activists, among others question what must be done to bridge the wage gap and how has it continued to be perpetuated for so long. I argue that it is the socialization of women, specifically women's gender roles, which account for the majority of the problem. The first section of this paper introduces the concept of social construction in regards to gender, following the path from early childhood development into adulthood. The second section explores the breakdown of the long term economic loss for women as well as the stereotypes that continue to undercut their worth. Finally, I demonstrate that, due to socialization, women continue to accept these roles and surprisingly, also accept the income disparity that comes along with them, rather than fighting for what they deserve. In order for income equality to be reached, there must be a drastic change in gender norms as well as the socialization of both women and men.

## **Introduction**

This paper is a pursuit to address the implications surrounding the socialization of women in regards to the current wage gap within the United States. The primary components of the paper include a brief introduction to the concept of social construction in regards to gender, a thorough look into the long term economic costs associated with the wage gap, an analysis of the Lilly Ledbetter Fair Pay Act and its impact on wage gap eradication. It also includes a breakdown of my assumptions in regards to the perpetuation of a wage gap within the United States and finally, a conclusive overview of the aforementioned components and their equal effects on one another.

There is no question that, within our society, men and women are socialized in such a way to accept and expect various behaviors, decisions and opportunities based on their gender roles. This social construction of gender is a key factor in long term economic circumstances amongst men and women. Therefore, I pose the question: what are the implications of the socialization of women in regards to the economic wage gap within the United States? My assumptions, which I will explore in depth later on, are that the socialization of women has fostered the increased inability of women to negotiate for their own economic needs, to strive for and accept predominantly service-oriented trades, to undermine their own needs and worth while waiting for opportunities to be offered to them, rather than to asking for and seizing what they want and most importantly, what they deserve. Because of this, the wage gap between men and women continues, and will continue to be an overriding economic force within the United States.

## **Social Construction in Regards to Gender**

According to Kramer (2011), gender is socially constructed in that, the differences between males and females are not biologically linked but instead, molded by social forces. Social construction is defined as the creation and shaping of differences by social forces (p. 3). From the perspective of social construction, the shared reality one lives in only exists due to the communication and assignment of meaning that generates it. The process by which reality is created stems through the interpretation of assignment and meaning to characteristics. For example, an infant that is dressed in a blue outfit with baseballs on it is generally assumed to be a baby boy. Although its biological sex is not defining it, the assignment of male gender is associated with the color blue and the game of baseball. Gender is defined as the totality of meanings attached to the sexes within a particular social system (p. 2). In other words, gender is viewed through a binary lens of differentiation, excluding or including individuals based on social norms. According to Foss, Dimencio and Foss (2013), within many Western cultures, including the United States, binary systems are the default models for organizing and structuring societal elements (p. 55). With the binary perspective in mind, two frameworks of categorization are available – one typically residing over the other. Examples of these frameworks are as follows: civilized/savage, East/West, rich/poor, oppressed/liberated, dependent/independent and male/female (p. 55). Because binary systems exist to value one category over the other, in regards to the gendered categories of male and female within a Patriarchal society, women are inevitably given the weaker and less valued position. Kramer (2011) defines patriarchy as the social domination by males over females (p. 15). Although the evolution of women's social roles has given women the ability to claim further agency over their lives, it has been done in response to specific societal needs. Since the nineteenth century, women in the United States were given

very little respect and power outside of the home due to what was considered a lack of physical and mental ability and strength. It was not until what was known as the first wave of feminism that women truly advocated for and received more power outside of the home. With the passing of the 19<sup>th</sup> amendment in 1920, as well as the need of women to work outside of the home during World War II, it seemed for many women that equality was in sight. Although these were seemingly substantial victories, history over the decades has proved that women are still discriminated against at work and often are left devoid of the power that the other 50% of the United States' population enjoys. This lack of value, power and worth extends to all aspects of their lives but is most obvious within the workplace.

There are many conflicting views surrounding gender, specifically around the changing nature of gender. Prescriptions for gender and life experiences that evolve through conversations around gender do so in a myriad of ways (Foss et al., 2013). According to Foss et al. (2013), there are three common conceptualizations of gender. They are as follows: gender as equivalent to sex (biological), gender as separate from sex and gender as the assignment of meaning to bodies (p. 6). Throughout this project, the conceptualization of gender as separate from sex and as an assignment of meaning to bodies is the lens that will be used. Meaning, sex is referring to one's biological body, including the physical attributes, hormonal characteristics and reproductive ability. Gender, as defined above, includes the roles, behaviors and personality traits that are acquired through the socialization of gender norms (p. 8). As Susan Stanford Friedman so poetically states, a gender system "is not writ in the stars, the primordial soup, the collective unconscious or our genes. It is an artifice, a delusion, an ideology – a social construction (as cited in Foss et al., 2013, p. 38-39). One of the main issues with the socialization of women as a gender, specifically in the workplace, is the idea that one must practice the same

gender roles wherever they are, be it with an intimate partner, a boss or a close friend. By treating gender roles as static and enduring, women are set up to fail in a multi-gender workplace. And, as can be seen from the current wage gap, this seems to be the ongoing trend.

Within a patriarchal society like the United States, Connell's (1987) coined terms of *hegemonic masculinity* and *emphasized femininity* in regards to the gendering of men and women come into place. According to Connell (1987), within a patriarchal society, hegemonic masculinity is the idealized pattern of practice which allows men's dominance over women to continue, while emphasized femininity is held up as the model of womanhood revolving around subordination and the acceptance of marriage and child care as an overriding fate (p. 6).

I have chosen to parallel the social construction of gender to Frie's (2013) concept of the social construction of self in order to emphasize the overwhelming importance that gender plays in each individual's life on a daily routine basis. According to Frie (2013), the notion of the human self, similar to the notion of gender, is based on an implicit set of cultural values that are adhered to and used to guide an individual's life on a daily basis (p. 1). The values that individuals associate with self (and gender) are reflections of specific socio-cultural practices in which we all exist and are consistently molded into, beginning from the age of infancy (p. 1). Similar to the concept of self, the concept of gender is not based on physical or biological terms but is an interpretation of female and male cultivated within a culture's social construction of those terms.

Returning to Kramer, within a society, the social practice of perceiving and defining aspects of individuals, their situations and their abilities is most frequently completed within a gendered lens. For example, before the women's movement in the 1960s, vocational tests taken



by students to determine a future career varied in that, two answer keys were used – one for men and one for women. Even if two students of different genders had identical answers on the test, their vocational outcome was different based solely on their gender (p. 3). Although this a somewhat archaic example, the concept of socialization based on gender is still apparent today. The most obvious current day example is opportunity structures defined by Kramer (2011) as patterns of access to career positions more readily available to men or women based on gender, rather than skill, which are defined before an individual has even entered the job market (p. 4). Therefore, due to preexisting opportunity structures, because women are gendered to be caregivers while men are gendered to be providers and to do so through strength and manual labor, the majority of nurses within the United States continue to be women while the majority of construction workers continue to be men. (p. 4). With these concepts in mind, it is grossly apparent within the modern day workforce that the social construction of gender and the opportunities, goals and perceived abilities associated with each one, produce a staggering gap between the wages of able-bodied professionals divided solely along the lines of male and female.

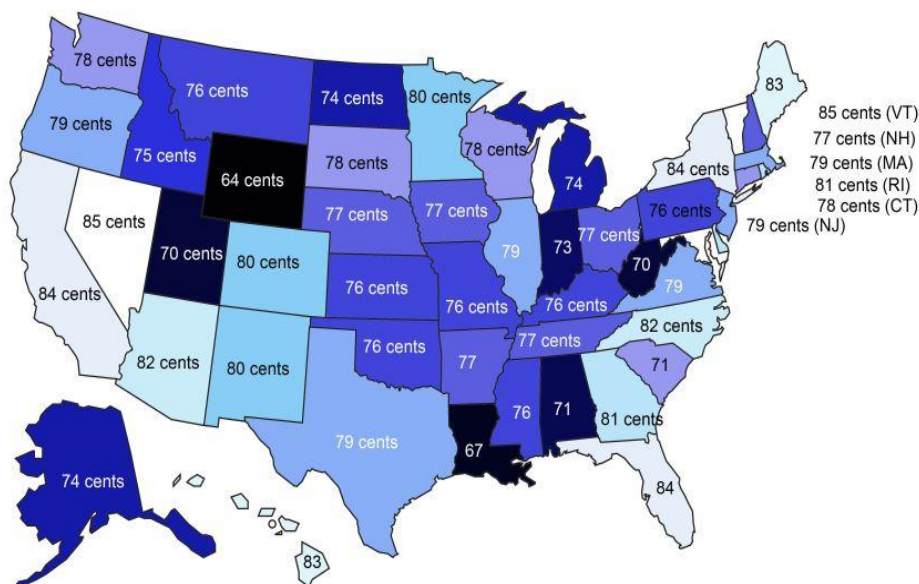
The issue with redefining gender is that gender schema is formed at such an early age and it becomes much more difficult for individuals to reevaluate and redefine their views around gender as time progresses. According to Babcock and Laschever (2007), research has shown that by the age of two, children can distinguish the gender of adults (p. 31). At this time they are also learning that boys and girls play with different toys, play in different ways, and wear different clothing (p. 31). Similarly, children learn that adult men and women hold different job positions and use different gendered household items. By the age of six, a child's gender schema is fully formed and the child has the ability to recognize multiple gendered cues around them. Therefore,

although children do not physically begin to show biological differences until many years later, they have already fully developed a mental checklist of what must be done in order to fit within their designated gender (Babcock & Laschever, 2007, p. 31). This internal checklist adapts and grows with each individual throughout his or her lifetime.

## **Long Term Economic Costs of the Wage Gap**

According to Cronin's (2013) article in *The Wall Street Journal*, women nationwide earned 76.5 cents per dollar than men did in 2012. This is a noticeable decrease to the 77 cents that were earned in 2011. Looking at the breakdown of the wage gap along individual state lines, the outlook for women in certain states is even more daunting with wage gaps ranging from 64 to 85 cents on the dollar. Although the wage gap between men and women steadily decreased between the 1980s and 1990s, the gap has slowly increased throughout the 2000s. With the number of women pursuing college degrees surmounting the number of men, not to mention the continued influx of women within the labor force, one would foresee the wage gap as being practically nonexistent in today's modern society. Unfortunately, this is simply not the case. At the time that President John F. Kennedy signed the Equal Pay Act in 1963, women were making, on average, 59 cents on the dollar compared to men (<http://www.dol.gov/equalpay/>). 49 years later, that value has only risen 18 cents. According to the Institute for Women's Policy Research, if the current pace of progress continues at the same rate, the projected year at which the wage gap is expected to close is the year 2057 (DeNavas-Walt, Carmen, Bernadette D. Proctor, and Jessica C. Smith, 2012). In other words, 94 years later, the Equal Pay Act will finally be in full effect.

Portrayed below are the 2012 wage gaps broken down along state lines for active

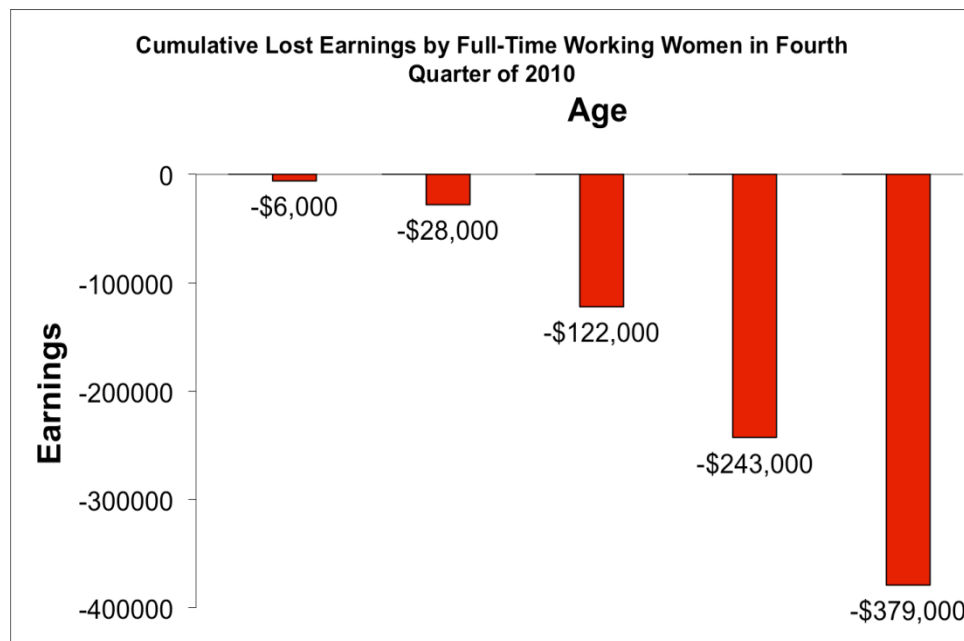


**Gender Pay Gap: How Do Women's Earnings Stack Up?**

For every dollar men earn, women take home cents. It's worst in Wyoming, best (surprise!) in the City of Sin. Here, by cents on the dollar, the gender pay gap of the 50 states in 2012.

members of the labor force within the United States. Kramer (2011) defines an active member of the labor force as an individual who is either employed or actively seeking employment (p. 131). In 1948, only one-third of all women within the U.S. between the ages of 25 and 64 were active members of the labor force. By 2008, that percentage rose to 75.8%. (U.S. Department of Labor, 2009). In the 2012 White House Council on Women and Girl's report, "The Key to an Economy Built to Last," the barriers women face in regards to equal wages is defined as not just a "women's issue" but an issue that is debilitating our national economy (p. 1). Not only do women account for the majority of college students in the U.S., they make up nearly 50% of our nation's workforce and own 30% of our nation's small businesses which subsequently, generates 1.2 trillion dollars' worth of profit in sales a year (p. 1). According to a study completed by Linda Babcock, Hannah Riley and Kathleen McGinn (2007), research shows that women's

starting salaries for their first jobs after graduation were 6 percent lower on average than men's - keeping in mind industry standards, demographics, etc. Similarly, the guaranteed yearly bonuses negotiated by the women within the study were 19 percent smaller than those by the men (p. 67). With these statistics in mind, over the course of their lifetime, if women were given the same wages as their male counterparts, the increase in salary would account for tens to hundreds of thousands of dollars in additional wages. Considering that women make up nearly 50% of the U.S. workforce, it is obvious that the equal success of the American woman is succinctly tied to the success of our national economy.



Another factor of loss wages not represented in the chart above is what Ann Crittenden(2001), economics journalist, calls the “mommy tax”. According to Crittenden in her book, *The Price of Motherhood*, two-thirds of all wealth is created by human skills, creativity,

and enterprise – also known as human capital (p. 2). Although the term “women’s work” is practically taboo in our modern society, homemaking amongst women is still the largest single occupation in the United States (Babcock & Laschever, 2007). Furthermore, although women account for over 50% of college students, the United States has one of the lowest labor force participation rates for college-educated women in the developed world (Babcock & Laschever, 2007). This is not surprising considering that the United States also ranks incredibly low in regards to gender equality across a nation state; falling 23<sup>rd</sup> behind Burundi (Luscombe, 2013). Conversely, for five years running, Iceland has ranked as one of the leading nations with the most gender equality, in not only wage parity but also political empowerment and participation, health and survival and educational attainment (Luscombe, 2013). It is no wonder that in the United States, with such a large number of college-educated women not participating in the labor force that they have been formally educated to be a part of, those women who do pursue careers within the business world struggle to obtain the same economic success as their male counterparts. With no support system to back them it should come as no surprise that many women would choose to forfeit their career goals rather than struggle through the inequality practices that surround them. With the recent debate over the last few years in regards to Title VII and the Lilly Ledbetter Fair Pay Act which will be explored later on, it is obvious that equal pay and equal rights are on the forefront of the United States’ social agenda. It is the difficulty of navigating through preexisting social norms that we as a corporate-driven country continue to struggle with. If the United States, as a government, cannot come to terms with proper legislation enforcing wage equality in the workplace, how must the United States’ people come to terms with gender equality from a social forefront?

## **Assumptions in Regards to the Wage Gap**

As can be seen from the aforementioned economic trends and statistics, as well as the breakdown of how gender is socially constructed, there is an obvious and overwhelming cause that has perpetuated wage inconsistency and will continue to do so until gender norms are reevaluated. This cause is socialization. According to Babcock and Lashever (2007), ideas about gender roles and the pressures that surround them, vary drastically between men and women. It is society's constructed message that tells men and women to behave differently from one another, exhibit gender specific traits and accept specific opportunity structures based on gender rather than individual ability (p. 68). It is society's message that tells women that they cannot be in positions of power and continue to be "proper" women following their specific gender roles. It is society that tells women that they must expect less than what they truly deserve and if they do expect more, they are an anomaly. Sarah Silverman, a world-renowned comedian, addresses this issue in a 2013 HBO special: "Stop telling girls they can be anything they want when they grow up...Not because they can't, but because it would have never occurred to them that they couldn't." Although her statement is simple and to the point, it acknowledges a common misconception within our society that girls must be told to strive for more because it is not within their "genetics" to do so naturally.

It is generally accepted that men are assertive, dominant, decisive, ambitious and self-oriented. Conversely, women are thought to be communal, expressive, nurturing, emotional and warm. With these descriptors in mind, when a woman who is communal and therefore, more focused on the welfare and well-being of others is compared and contrasted against a man who is self-oriented and completely independent of other's needs, it is obvious within a competitive work environment which individual will progress faster and be more valued for their worth.

Women who are raised to believe that the only proper way to be a woman is to be communal and nurturing are placed in a difficult position, both internally and socially, when they choose to act outside of their gender norm. Sheryl Sandberg (2013) in her book *Lean In*, describes the feelings that accompany a woman acting outside of her gender norm as feelings of inferiority and otherness; otherness being viewed from a solitary position where no other woman or man could relate (p. 24). Because stereotypes of working women are rarely attractive, Sandberg (2013) states that women must redefine their own gender role through what she calls stepping out (stepping outside of the gender norm) and leaning in (embracing one's redefined gender role and demanding to be heard and valued rather than waiting for recognition to be given) (p. 25). For most women there is an over-whelming fear that often accompanies strong statements of self. For women in the workplace, redefining their gender role is often viewed as "butch" behavior or bitchiness when, in actuality women are simply following the same self-oriented mindset that men are socialized from birth to have (p.70). In the same vein, the socialization of women has placed invisible barriers around service-oriented fields and college majors that men, whether they consciously do so or not, tend to avoid. According to Philip Cohen's (2013) opinion piece in *The New York Times*, there is a substantial lack of movement of men into, what have always been considered "feminine" careers, such as nursing, early-childhood education, and home-making (p. SR9). Cohen (2013) believes this stagnation in progress towards gender equality is directly correlated to the glaring pay decrease those who take service-oriented positions must face. In other words, "women's work" does not pay the bills. Cohen (2013) raises an interesting concept when suggesting that businesses' distinct lack of development in regards to work-family policies is a major, perhaps premeditated, obstacle for women who must try to properly and effectively manage their careers along with their familial responsibilities. According to Cohen

(2013), if more businesses offered women (and men) a more welcoming family-policy environment, more college-educated women within the United States would participate in the professional labor force and greater strides could be made towards minimizing and finally, eradicating the wage gap. Sheryl Sandberg (2013) provides a personal example paralleling Cohen's idea that a friendlier family-policy environment is essential in today's workforce. Sandberg (2013) was running the online sales and operations groups at Google during her first pregnancy in 2004. During this time Google was growing and parking was a difficult commodity to find. Sandberg, on her way to an important client meeting, was forced to park quite far away from her destination and because of this, struggled in not only arriving on time but in also resisting the nausea that often accompanies the first trimester of pregnancy (p. 4). After discovering that Yahoo had designated parking for expectant mothers, Sandberg took it upon herself to demand to Google's founders, Larry Page and Sergey Brian, that pregnancy parking be implemented immediately. When confronted with the idea, Brian agreed and admitted that the concept of pregnancy parking was never something he had thought about (p. 4). Sandberg (2013) also admits in *Lean In* that before her own pregnancy the difficulties pregnant women faced in everyday work situations had never occurred to her. Because of her position of power within the company she felt comfortable enough to ask for what she needed but for many women, this ability to demand is far more daunting than nine months of enduring in silence. By creating a friendlier environment for professional expectant mothers, Google eliminated one of the many obstacles that women who choose to balance a growing family and a professional career face on a daily basis. Although it was something as simple as pregnancy parking it was a step in the right direction for treating women's needs as equal and relevant within the workforce.



There is no denying that the fate of women within the United States has improved drastically since the early 1900s. It is also quite clear that the fate of women within the United States is exponentially better than those experienced in many countries around the world. As Sheryl Sandberg (2013) points out, women in the United States are not trapped in the sex trade like 4.4 million others around the world; they are not lacking in civil rights or arrested for being victims of rape; neither are they bound to their husbands as property and for that, women are grateful (p. 5). But, just because things are not at their absolute worst does not mean that they cannot be better. Knowing that, as women, they are socialized to resort to fear when striving to be anything less than communal and nurturing, they are faced with the responsibility to fight to be more than an underrepresented gender. The early equality struggles that so many strong women fought for were not battled for future women to go to college and hang up their degree as soon as a man sweeps them off their feet. As Judith Ronin stated, “My generation fought so hard to give all of you choices. We believe in choices. But choosing to leave the workforce was not the choice we thought so many of you would make (as cited in Sandberg, 2013, p. 14). Although many of the obstacles women in the workforce face and often choose to leave behind are forced upon them by institutional standards, the archaic “good ol’ boy” system, and the ever looming umbrella of gender stereotypes, there are paths that should be followed in which women can empower themselves and look forward to a future where hard work and success are measured on the same wage scale as their male cohorts. In the next section, Sheryl Sandberg and her Lean In campaign which is aimed towards encouraging women to pursue their ambitions and empower themselves through the breakdown of internal barriers will be explored.

## Sheryl Sandberg and Leaning In

Sheryl Sandberg, chief operating officer of Facebook and one of the world's youngest self-made women billionaires (Kroll, 2014) began the Lean In campaign in 2013 as an effort to, "[encourage] women to pursue their ambitions and [change] the conversation from what we can't do to what we can do" (<http://leanin.org/about/>). Sandberg (2013), using personal experiences along with examples of real women's personal struggles wrote the book *Lean In* as a source of inspiration for women who are held back by both external and internal barriers (p. 9). The leanin.org website is a community based webpage which offers support and encouragement through its three platforms of community, education and circles (small groups that meet monthly and provide support). Instead of focusing on the external barriers in which many women (and men) feel they have no control, Sandberg focuses on the internal barriers caused by socialization which must be broken down to succeed in whatever one's goals may be. These barriers include, but are not limited to, societal pressures to marry and raise children, biased opportunity structures broken down by trade, unequal sharing of household responsibilities by male partners and finally, fear (p. 15). According to Sandberg (2013) there is a fear amongst women to be ambitious. Gayle Tzemach Lennon, deputy director of the Council on Foreign Relations' Women and Foreign Policy Program, describes this fear forced upon her by societal standards in regards to her opportunity to travel to Germany in her late 20's for a fellowship study (as cited in Sandberg, 201, p. 18). Lennon, after being offered an opportunity to travel abroad and further prepare herself for graduate school was reminded by both friends and family that if she chose to pursue the fellowship rather than stay home she would be risking losing her boyfriend and potentially, forever losing the opportunity of getting married and settling down. Like Lennon, Sandberg (2013) argues that women throughout the United States are faced with similar

dilemmas every day. It is because of the internalized societal cues that women are taught to obey from birth that causes them to remain in silence and retreat from positions of assertiveness and power (p. 19). Sandberg continues by advising women (and men) that the key to succeeding past these obstacles is to lean in. Sandberg (2013) self-defines leaning in as taking the reins in one's own life and learning to love ambition, standing up in a workplace where many women choose to sit down and placing enough stock in one's own self-worth and accomplishments to seize opportunity rather than wait for it to be offered (p. 34).

Sandberg (2013), in an effort to change society's portrayal of women and families announced in early 2014 that her non-profit organization, Lean In, and Getty Images would be teaming together to represent women and families in more empowering ways. The stereotypical image of a businesswoman wearing a suit and holding a briefcase, the mother pouring milk into her child's cereal bowl and the multi-tasker holding a laptop in one hand and a baby in another are images that are portrayed in every advertisement, magazine article and TV show within the United States (Cain Miller, 2014). Sandberg (2013) states that their ubiquity is hurting young girls and women by feeding into old fashioned, stereotypical and gendered views of what women should be rather than what they can be. Sandberg and Getty Images will release a library of photos portraying men and women outside of their old fashioned gender norms in an effort to show young girls and women a more realistic portrayal of their true potential. As Sandberg (2013) states, "When we see images of women and girls and men, they often fall into the stereotypes that we're trying to overcome, and you can't be what you can't see" (as cited in Cain Miller, 2014).

Jonathan Klein, co-founder and chief executive of Getty Images, further supports Sandberg's statements by pointing out how vital imaging has become within the communication

medium of this generation, further translating into the idea that how people are portrayed visually will also determine how they are perceived and treated within society (Cain Miller, 2014). Although frequently criticized for her ideas of women breaking down the internal barriers that cause wage discrepancy rather than focusing on the external barriers of patriarchy, Sandberg stands behind her belief that both forms of barriers are just as limiting and deserve an equal amount of attention. The biggest difference between these barriers is that internal barriers are rarely discussed and often underplayed while external barriers are never not discussed (p. 9). Babcock and Laschever (2007) provide a supporting example to Sandberg's thoughts surrounding internal barriers. According to Babcock and Laschever (2007), in a 1984 study in which individuals were asked to review application folders and predict the success of incoming college freshmen, researchers produced two bogus lists of participant names and what they had been paid for their participation. One list showed that the men paid themselves more on average than the women participants. The second list showed that women paid themselves more on average than the male participants. In both cases, the researchers found that because the going rates for given jobs were easily accessible no gender discrepancies in pay were found amongst the male and female participants (p. 65). This study supports the idea that in unambiguous situations in which women are provided with appropriate comparison information and knowledge of what they can truly get paid for their skills, women are more likely to act outside of their gendered internal barriers and attribute their work and compensation to be equal to men's. Sandberg (2013) and Getty Image's empowerment campaign is seeking to accomplish the same results as Babcock and Laschever's 1984 study by presenting images displaying appropriate comparisons between women and men in an attempt to further the breakdown of gendered internal barriers and the household advertisements that support them. In the following

section, the controversy surrounding gender discrepancies in pay and the legislation which has been put into place to eradicate said discrepancies will be discussed.

## **Title VII and the Lilly Ledbetter Act**

Title VII of the Civil Rights Act of 1964 was signed into law by President Lyndon Johnson on July 2, 1964 (Society for Human Resource Management, 2014). The law was put into place to protect individuals against employment discrimination on the bases of race, color, national origin, sex and religion. It applies to all employers of 15 employees or more. Under Title VII, discrimination of any kind that restricts an individual from a promotion or a wage increase is prohibited. Furthermore, Title VII protects employees from hostile and unfriendly work environments created through offensive conduct, both verbal and physical (U.S. Equal Employment Opportunity Commission, n.d.). One of the many other jobs of Title VII is to protect individuals and give them the ability to challenge pay inequality within the workplace. In order for a plaintiff to challenge compensation discrepancies through Title VII, they must prove that the pay discrepancy was a blatant discrimination against them, or that the pay discrepancy was a direct result of a neutral policy that adversely affected a protected class (Lyons, 2013, p. 366). In order for a plaintiff to prevail under Title VII, they must prove that their employer committed intentional discrimination through pay due to the plaintiff's race, sex, national origin or religion. This kind of complaint is known under Title VII as a *Gunther* claim after the Supreme Court case of *Washington v. Gunther* in which four female prison guards employed by Oregon's Washington County alleged that they were paid lower wages than male prison guards for equally substantial work (Lyons, 2013, p. 366). Because of the difficult three-prong burden-shifting framework that a Title VII claim consists of and the challenge the plaintiff faces of proving discriminatory intent or blatant discriminatory workplace policies within Title VII's

time-barred 300 day period, it is incredibly difficult for pay inequality to be challenged in the court of law under Title VII. The Lilly Ledbetter Fair Pay Act of 2009 is an amendment to Title VII signed into action by President Barack Obama in his first official act of presidency (Baltodano & Martinez, 2010). The Lilly Ledbetter Fair Pay Act (LLFPA) extends the time period in which employees may sue employers for discriminatory compensation practices. Prior to the LLFPA, a claim for a discriminatory non-promotion that occurred before the charge-filing period was time-barred, similar to the aforementioned 300 day limit for Title VII claims (Baltodano & Martinez, 2010). According to Baltodano & Martinez (2010), the LLFPA was a response by Congress to the highly controversial Supreme Court decision in *Ledbetter v. Goodyear Tire and Rubber Company, Inc.* Ledbetter, an employee of Goodyear from 1979 until 1998 filed a claim for wage discrimination under Title VII. The wage discrimination she referred to resulted from discriminatory performance evaluations that she had received early on in her career with Goodyear. She argued that during her beginning years at Goodyear she was the victim of unwanted sexual advances from her supervisor. According to Ledbetter, her supervisor, in retaliation, completed a formal and unfavorable evaluation of Ledbetter which resulted in smaller paychecks due to a lack of promotion. Although she received many favorable evaluations moving forward in her career, the early negative evaluation kept her being paid significantly less than her male peers (Lyons, 2013, p. 371). It was not until after her retirement that Ledbetter became aware of the wage discrepancy. Although she failed to file timely discrimination charges with the Equal Employment Opportunity Commission challenging her discriminatory performance evaluations, Ledbetter argued that the paychecks she received would have been larger had she been evaluated in a nondiscriminatory manner (Baltodano & Martinez, 2010). Ledbetter's claim was time-barred and the court, under Title VII, rejected the paycheck-accrual

rule which resets the clock on the statute of limitations period for every time the plaintiff receives a new paycheck. In response to the court's decision, Justice Ginsberg called for Congress to intervene (Baltodano & Martinez, 2010).

When Ledbetter's claim was escalated to the Supreme Court, the paycheck-accrual rule was again rejected. It was then the decision of the Supreme Court to disallow Ledbetter to sue Goodyear for discrimination because of Title VII. Justice Ginsburg then rallied for Ledbetter by reminding the Supreme Court of the social reality that pay disparities often occur over a long period of time, the employee is often not privy early on (or at all) to salary information regarding other employees, and if they are, many employees are concerned that by making waves in regards to wages they will be fired. Although the jury found that Ledbetter's pay discrepancy was in fact due to intentional discrimination, she was still denied salary recovery (Lyons, 2013, pp. 371 – 374). Responding to the call for legislative action following Ledbetter's case, Congress passed the Lilly Ledbetter Fair Pay Act in 2009, which amends Title VII, codifies the paycheck accrual rule, and expands worker's rights to sue in cases similar to Lilly Ledbetter's. The LLFPA also remedies wage discrimination as different from other forms of employer/employee discrimination. According to Stolberg (2009), President Obama stated that the LLFPA was to "send a clear message that making our economy work means making sure it works for everybody." Unfortunately, it is not that simple.

The LLFPA is shrouded in controversy and for good reason from both sides. According to Konopka (2012), representing one side of the controversy, the LLFPA has the potential to detrimentally affect private-sector employees in a number of ways. Under the LLFPA, companies across the nation must go to incredible lengths and spend copious amounts of money to prevent similar lawsuits. Not only do they have to be nondiscriminatory they must also prove

their innocence with extensive records on every employee, their evaluations, and their salary raises. Konopka (2012) and those who stand with him, such as *The Washington Post*, suggest that the funds being used to promote preemptive record keeping would be better spent allocated towards employee raises, 401(k) plans and better healthcare benefits. Furthermore, according to *The Wall Street Journal* (2009), the LLFPA has single-handedly created a new legal business in bringing forth ancient workplace grievances. Its new definition of discrimination includes not only outright discrimination but also unintentional acts that result in pay disparities.

*The Wall Street Journal's* statement is as follows:

Since these [discriminations] could be compounded over decades, the potential awards would be huge. Most companies would feel compelled to settle such claims rather than endure the expense and difficulty of defending allegations about long-ago behavior. The recipe here is file a suit, get a payday. And the losers would be current and future employees, whose raises would be smaller as companies allocate more earnings to settle claims that might pop up years after litigating employees had departed.

In another article written for the *U.S. News World Report* (Dealy, 2009), the LLFPA is called a “darling of the left” and is similarly ridiculed for its seemingly limitless allowance of discrimination lawsuits. But, it also points out that discrimination is a societal evil which must be squashed, perhaps not through excessive governmental legislation but through a society’s will to treat everyone as equals, both in their successes and in their failures.

As stated by Erbe (2009) in a *US News World Report* article directed at Dealy’s (2009) article, any woman placed in the position of fighting through discrimination that occurred years ago and is now in a respectable position within her career would be “insane” to file a



lawsuit against her employer. Not only are discrimination lawsuits incredibly expensive, they typically take many years to produce results. Gutman and Dunleavy (2013) argue that perhaps the LLFPA is a step in the right direction in regards to companies being more transparent about their anti-discrimination practices. Furthermore, anti-harassment and anti-discrimination policies should be clearly defined and elaborated upon for each employee to feel comfortable and protected by their employer in regards to their rights (p. 498). Although some steps have been made to eradicate wage discrepancies through the LLFPA, challenges are still posed for employees who are being discriminated against in compensation, simply because it is often unknown what other employees make and if a discrimination even exists (Lyons, 2013, p. 377). Looking at the LLFPA from afar, it would seem that the United States government is in full support of eradicating gender discrimination, specifically in regards to wages and career advancements. But, as one looks closer at the details of the Act and the controversy surrounding it, it is apparent progress is still being barred and the LLFPA leaves much to be desired. As Erbe (2009) points out, it is difficult enough for a woman who is comfortable in her career to stand up for wage discrimination. Therefore, it can be assumed that a woman who is uncomfortable and is facing discrimination would struggle much more severely with filing a claim under the LLFPA. Not only must she face scrutiny in her demand for a better salary, the potential in facing severe retaliation for acting outside of her gender norm and challenging male authority is huge. Hypothetically, if a woman was to find out that she was the victim of wage discrimination due to her gender and pursued a Title VII claim against her employer, she would not only be risking her career and any future career opportunities but also her reputation as a woman. Conversely, if a man was to choose to file a Title VII claim against his employer for wage discrimination due to his race, religion etc., he might be risking his career at that company but future career

opportunities and his reputation would stay intact. Why? By standing up for his rights he would be acting within his self-promoting gender norms. He would be showing strength, power and individuality which are often prided in a man but scorned upon in a woman. One of the major reasons the wage gap still exists, decades after the foundation was laid to eradicate it, is because legislation that can, in some cases be effective, is viewed with the mentality that it will be effective 100% of the time. Although laws are in place to protect those who are discriminated against, they do not take into account the personal, financial and social challenges that await them.

## Conclusions

Equal pay within the United States has been on the forefront of the political agenda for over forty years. The foundation laid down by President John F. Kennedy in 1963 with the Equal Pay Act was the first of many steps towards eradicating wage discrepancies based on gender but, despite the legislation's best efforts has left much to be desired. According to Cronin's (2013) article in *The Wall Street Journal*, women nationwide earned 76.5 cents per dollar than men did in 2012 – a meager 17.5 cents more than the national average in 1963. If the current rate of progress continues at the same pace, it is projected that the wage gap will cease to exist by the year 2057; 94 years after The Equal Pay Act was established. The wage gap has been a long debated issue by politicians, women's rights activists and economists amongst others in regards to its longstanding perpetuation. I have argued that it is the socialization of women, specifically women's gender roles, which account for the wage gap's longstanding perpetuation. The current binary system of socialization within the United States creates both external and internal barriers that working women must consistently struggle through, which, as demonstrated in the aforementioned statistics, often results in their failure to attain positions of power or even stay in

the labor force they were educated to be a part of.

This paper has been a pursuit to address the implications surrounding the socialization of women in regards to the current wage gap within the United States. According to Kramer (2011) gender is socially constructed in that, the differences between males and females are not biologically linked but instead molded by social forces (p. 3). Within a patriarchal society like the United States', a male's gender is defined by strength, power and dominance. Conversely, a women's gender is defined by subservience, subordination and caregiving. Because of these carefully defined gender schema which are formed for each individual in their early childhood development, boys and girls will grow into men and women who will head into higher education or the workforce already carrying invisible barriers within themselves of what jobs they can seek and what jobs are below them. Men will continue to dominate the sciences and women will continue to accept caregiving positions where the pay is meager but the fear of stepping out of one's socialized place is null. Therefore, the archaic patterns of patriarchy will continue to stand, not because they are unanimously agreed upon but because so many individuals feel they have no other choice than to follow what they are socialized to know.

According to the 2012 White House Council on Women and Girl's Report, "The Key to an Economy Built to Last" women account for the majority of college students within the United States, make up nearly 50% of our nation's workforce and own 30% of our nation's small businesses, generating 1.2 trillion dollars' worth of profit in sales a year (p.1). Keeping these statistics in mind, over the course of their lifetime, if women were given the same wages as their male counterparts, the increase in salary would account for tens to hundreds of thousands of dollars in additional wages. With these statistics in mind, it is obvious that it is not the unwillingness of women to strive for economic and professional success but rather the socialization of men and women's gender roles that have continued to perpetuate wage inconsistency. Because of the socialization of women as weak and subservient, both external and

internal barriers have formed causing women to accept and expect less than their male counterparts. By accepting that men are assertive, dominant, ambitious and self-oriented we, as a society, are also accepting that women are weak and communal, meant to be caregivers at home rather than power players within the labor force.

Individuals like Sheryl Sandberg (2013), who has been consistently criticized within the media for her emphasis on women breaking down their own internal barriers rather than focusing on the external, has made great strides in opening up the conversation for women to take control of their own careers and demand to be heard and respected within a male-dominated workforce rather than waiting for acknowledgement to be given to them. Similarly, the Lilly Ledbetter Fair Pay Act of 2009, which although riddled with controversy, has opened up space for further debate on what must be done from a national standpoint to eradicate wage discrepancy within the United States. Women, as a culture, do not have the forty plus years it will take for the wage gap to be closed if current trends progress as expected. It is through the urgent and concentrated efforts of our society as a whole that the language surrounding the socialization of men and women must be changed in order for barriers to be broken down and equal pay to become a quickly approaching reality.

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