

Introduction

Well into the twenty-first century, the scale and impacts of gender inequality in the economy remain staggering. Globally, women's wages amount to just a fraction of men's: on average, women earn 80 cents on the dollar, which falls to less than 60 cents in some countries.¹ Women's share of the global labor force has held steady at around 39 percent for the past thirty years,² even as most women report wanting to work for pay.³ In the public and private sectors, women are overrepresented in low-wage jobs and underrepresented in decision-making roles, creating vast gender gaps in access to resources and in positions of leadership. According to the World Economic Forum, at the current rate of progress, it will take over 267 years to reach gender parity in the economy.⁴ And across workplaces, experiences of gender discrimination, harassment, and gender-based violence remain widespread. In the European Union, for instance, 55 percent of women in the workforce report having experienced sexual harassment.⁵

Meanwhile, women perform the vast majority of unpaid labor in countries worldwide: on average, women spend 265 minutes in unpaid care work per day, compared to men's 83 minutes.⁶ And in part due to demands for their own household labor, millions of girls face exclusion from education, creating a substantial barrier to long-term economic opportunities: girls account for three-quarters of children globally who never even begin primary school, and across sub-Saharan Africa, just 41 percent of girls finish lower secondary school.⁷

These gaps aren't simply the result of historic discrimination, cultural bias, or individual choices—they're driven directly by the decisions governments make. Laws and policies that fail to address discrimination, that reinforce unequal gender roles, and that devalue caregiving fundamentally shape each of our experiences at work and at home. Addressing these legal and structural inequalities is critical for creating gender equality not only in national

economies but also in our lives: our workplaces, our communities, our families, and our relationships.^a

HOW GOVERNMENTS STRUCTURE GENDER INEQUALITY INTO THE ECONOMY

Many conversations about gender equality in the economy emphasize the consequences of individual decisions—whether to complete school, whether to ask for a raise, whether to return to work after having a baby. Yet these decisions take place not in a vacuum but in a legal and policy environment that shapes what paths are possible, for whom, and with what consequences. For many women, pursuing a particular career may not even be an option under the law—and this type of overt legal discrimination remains far more common than many people realize. For example:

- In Azerbaijan, women are banned from working in 674 different jobs, from bus driver to dough maker to helicopter technician.⁸
- In Brazil, companies can require women to retire five years earlier than men, increasing their risks of poverty in old age.⁹
- In Cameroon, men can prohibit their wives from working.¹⁰

Indeed, according to the World Bank’s *Women, Business, and the Law* project, these examples are but a few of many: as of 2021, eighty-nine economies had laws in place that created explicit barriers to women’s employment, including sixty-nine that prohibited women from working in certain industries, twenty-one that prevented women but not men from working at night, and fifty-three that prohibited women from working in jobs deemed “dangerous.” In eighteen economies, a woman may be required to get her husband’s permission in order to work.¹¹

a. Throughout this book, we use the term “gender equality” to refer to “the enjoyment of equal rights, opportunities, and treatment” by all, regardless of sex or gender, and the guarantee that “rights, responsibilities, social status, and access to resources do not depend on” sex or gender, consistent with definitions used by United Nations (UN) bodies including the International Labour Organization (ILO). Given its unique role as the largest global organization bringing together workers, employers, and governments to advance labor standards, including equal rights at work, the ILO’s approach to gender equality is especially pertinent to this book. The ILO goes on to clarify that: “Gender equality implies that all men and women are free to develop their personal abilities and make life choices without the limitations set by stereotypes or prejudices about gender roles or the characteristics of men and women. In the context of decent work, gender equality embraces equality of opportunity and treatment, equality of remuneration and access to safe and healthy working environments, equality in association and collective bargaining, equality in obtaining meaningful career development . . . and a balance between work and home life that is fair. . . . The ILO understands gender equality as a matter of human rights, social justice and sustainable development.” ILO, “ABC of women workers’ rights and gender equality,” 2nd ed., 2007, www.ilo.org.

Yet while explicit legal prohibitions on women's work or access to resources are particularly striking examples, governments' roles in supporting or undermining gender equality in national economies go far beyond these types of blatant restrictions. Indeed, many seemingly "gender-neutral" laws and policy choices disproportionately limit opportunities for women and girls. For example, policy makers' failure to prioritize adequate funding for rural water systems in lower-income countries, while not explicitly discriminating on the basis of gender, has acute consequences for women and girls, who bear the primary responsibility in many countries for securing water for their households. When running water is unavailable, the hours spent traveling long distances to fetch water, often on foot, create a significant barrier to paid work for women and to school attendance for girls. Many countries allocate far fewer resources to areas that impact women's economic opportunities than men's.

Around the world, countries also maintain laws and policies that derive from and reinforce gender stereotypes—to the detriment of men as well as women, but typically with greater material consequences for women. For example, when countries provide paid leave only to new mothers, rather than all parents of infants, employers may discriminate against women of child-bearing age based on the presumption that they will require time away from work that their male counterparts will not. At the same time, when only women can take parental leave, they inevitably do take on greater care responsibilities during the newborn phase. In this way, structural inequality in the law creates a vicious cycle: policies based on gender stereotypes push women into taking on the majority of caregiving responsibilities, and employers then cite these responsibilities to justify further discrimination against all women.

Finally, just as discrimination built into the law can worsen gender inequalities in the economy, so too can a lack of laws in areas where they are necessary. For example, when countries fail to comprehensively prohibit sexual harassment in the workplace, women are disproportionately affected. Similarly, when countries fail to ensure that existing labor protections and antidiscrimination laws cover people in all forms of employment—including the world's sixty-seven million domestic workers, 80 percent of whom are female¹²—they fall short of establishing protections capable of advancing gender equality writ large.

Many of these gaps and inequalities are rooted in the systematic devaluing of labor that's seen as "women's work." Around the world, female-dominated industries are consistently characterized by lower pay. Moreover, trends in wages over time illustrate how average pay in a given occupation often increases or decreases depending on women's representation in the field.¹³ When more men were secretaries, clerical work enjoyed higher compensation and greater prestige.¹⁴ When more women entered manufacturing, average pay declined.¹⁵

Governments' approaches to care work offer some of the most powerful and consequential illustrations of these dynamics. Most fundamentally, the choice to regard caregiving and other labor performed in the home as intrinsically different from other kinds of labor—and also intrinsically female—ignores care's vast economic value, erases the wide diversity of family structures, and has helped create economies that remain hostile to all women's full participation, regardless of actual caregiving responsibilities. According to the International Labour Organization, over sixteen billion hours of unpaid care work are performed daily—an amount of work that would account for 9 percent of global GDP, or around \$11 trillion per year, if paid at the minimum wage.¹⁶ Yet care is consistently treated differently from other kinds of work. It is often expected to be done without pay. When paid, care work is undervalued and often excluded from basic labor and social protections that cover other fields and occupations. Governments also deprioritize care when making investments, tacitly presuming that unpaid women or women working informally for meager wages will fill in the gaps when affordable, quality care services—fulfilled through quality care jobs—are unavailable. For example, though the vast majority of every country's population will require support of some kind in old age, most countries devote less than 1 percent of GDP to long-term care—and many budget nothing at all, relying largely on women to pick up the slack.¹⁷

The reasons behind this differential treatment of care are many. Among them are the presumption that women are the “natural” caregivers in their families and in society—even as evidence from around the world makes plain that people of all genders can and do fulfill critical care needs in their communities. A second explanation is structural racism and classism. Across countries, people from marginalized racial and ethnic groups are often overrepresented in the care workforce, reflecting the historic origins of domestic and other care work in many countries as well as the persisting low wages that help perpetuate occupational segregation of all kinds. There is also the simple convenience of free female labor to those who benefit from it as well as the perceived advantages to male workers of treating “work” and “care” as separate, gendered spheres.

Indeed, policy makers have historically voiced opposition to laws enabling women to work on the same terms as men because of the perceived threats to the gender-segregated roles of caregivers and breadwinners. For example, some of the earliest laws restricting women's work were premised on protecting women due to their potential to become mothers—but the broader context reveals that often this justification was simply pretext for discrimination. In Switzerland, for instance, legislation adopted in the 1870s that limited women's working hours, banned women from cleaning machinery, and established a list of jobs that were off limits to pregnant women found support from the “Working Man's Association,” a group that sought to eliminate women's work in factories altogether and urged that women should prioritize their roles as housewives and mothers.¹⁸ Likewise, in the United States, the Supreme Court held in 1908 that women's “physical

structure and a proper discharge of [their] maternal functions” justified restrictions on their working hours that were found unconstitutional for men;¹⁹ during the same era, male labor unions commonly advocated for “protective” laws that would prevent women from competing for jobs.²⁰

These same rationales persist in the present day. For example, in Russia, the Constitutional Court upheld a prohibition on women working as subway drivers in 2016 due to the “widely recognized social role of women in procreation.”²¹ In the United States, a state lawmaker voted down a proposal to expand access to childcare in 2021 since it would “make it easier or more convenient for mothers to come out of the home.”²² In Kazakhstan, the government claims that its ongoing ban on women holding over 200 different jobs “protects maternity and promotes the health of women.”²³ While safe and healthy work conditions are critical for everyone—not just women or pregnant women—the evidence as a whole reveals that legislators have often unjustifiably singled women out for restrictions on types of allowed work in order to reinforce sex-segregated roles.

Policy choices that exclude women from full economic engagement harm us all. The overall failure of governments to address discrimination and care keeps millions of women out of the labor force, which increases risks of household poverty and undermines countries’ economic development. Indeed, families with only a single male earner are far more vulnerable to economic hardship following a job loss than dual-earner households—particularly amid periods of mass unemployment like that triggered by the COVID-19 pandemic and other large-scale crises. Meanwhile, countries as a whole substantially limit their productive capacity by creating barriers to women’s full engagement. The impacts are profound across low- and high-income countries alike. For example, in the United States, the lack of “family-friendly” labor policies—such as paid parental leave—explains nearly a third of the disparity in female labor force participation over two decades compared to other high-income countries.²⁴ Meanwhile, eliminating the gender gap in labor force participation in the United States would boost annual GDP by \$4.3 trillion.²⁵

In low- and middle-income countries (LMICs), women perform an even higher share of the unpaid labor than in high-income countries, creating a greater barrier to their participation in paid work. Across India, Pakistan, and Cambodia, for example, women spend ten times as much time on unpaid work as men; in rural Mali, it’s fourteen times as much.²⁶ Yet if women’s labor force participation in every country in Asia and the Pacific increased to match that of the highest-performing country in the region, collective GDP would rise by \$4.5 trillion—or 12 percent—by 2025.²⁷ In Africa, equivalent increases would boost GDP by \$316 billion, or 10 percent.²⁸

Indeed, just as laws that reinforce structural inequalities can have wide-ranging harms, undoing this inequality in the law can have—and has had—wide-ranging benefits. For example, in Denmark, a 2006 law requiring that

companies provide sex-disaggregated statistics on wages decreased the gender pay gap by 13 percent.²⁹ In Malawi and Uganda, the introduction of tuition-free education led to higher enrollment among girls, in part by changing expectations about who gets to go to school,³⁰ and evidence from across African countries shows that higher educational attainment helps reduce the gender gap in employment.³¹ And in Norway, a 1993 reform that introduced four weeks of paid parental leave reserved for fathers increased the share of new dads taking leave and improved their children's school performance, especially in families where the father had at least the same level of education as the mother.³²

WHY ADDRESSING INEQUALITIES IN THE LAW MATTERS TO EVERYONE

Significant research shows that restrictive gender norms hurt everyone, with consequences that begin even before we're born and that shape our experiences of education, health care, and work throughout the life course.³³ Women can experience backlash for exhibiting the same leadership qualities often valued in men, and men who prioritize caregiving or deviate from masculine stereotypes often face consequences at work.³⁴ Moreover, survey evidence shows that men across countries want to spend more time with their children but often face barriers to doing so due to workplace stigma and unsupportive policies.³⁵

The solutions yield benefits across genders. Specific policies and laws are illustrative: tuition-free education, for example, not only increases girls' school attendance but also boosts access by all children from low-income families as well as children with disabilities. High-quality, universal childcare supports more women in working for pay and supports the early development of children of all genders, while giving families greater choice about how to divide paid work and care responsibilities. Prohibiting employment discrimination in both the public and private sectors, and ensuring mechanisms are in place to support discrimination laws' enforcement, can go far in fostering workplaces that are fair to everyone.

More broadly, country action to increase gender equality in work, education, and economic opportunity has broad benefits not only for women but also for households, communities, men, and children. Increasing gender parity in education by 10 percent is associated with a two-year increase in female life expectancy as well as a one-year increase in male life expectancy.³⁶ Increasing women's educational attainment and income also has substantial benefits for children of all genders, including lower mortality rates, reduced risks of malnutrition, higher immunization rates, and better educational outcomes.³⁷

Closing gender gaps in employment and earnings can also make a powerful difference for economies. Leveling up women's employment can yield vast returns to GDP. Though the potential for impact is especially transformative in LMICs, every

country could realize substantial economic gains by making it possible for more women to enter and remain in the workforce. Indeed, according to the McKinsey Institute, achieving gender parity in labor force participation worldwide would add \$28 trillion to annual global GDP.³⁸

To be clear, however, equalizing men's and women's employment is possible only if the unpaid care and household work currently shouldered largely by women is not only reduced where possible but also redistributed—both within families and within countries. Moreover, by designing policies that make it easier for men and women to share unpaid care, while simultaneously making clear that families and the state must assume co-responsibility for meeting societal care needs, countries can support a more equitable division of care tasks without reducing care quality.³⁹

Here, too, the solutions yield dividends for all. Investing in care services, one prerequisite to enabling women to take on more paid work, would create millions of new jobs at a time when care needs are rising worldwide as the global population ages. Indeed, according to estimates from the International Labour Organization, if all countries invested sufficiently in care service provision to realize countries' global commitments under the United Nations (UN) Sustainable Development Goals (SDGs), they would collectively create as many as 269 million new jobs.⁴⁰ Regional estimates further underscore this potential. For example, one study focusing on seven high-income countries estimated that investing 2 percent of GDP in care would create over twenty-one million jobs in those economies alone.⁴¹ Another simulation focused on the Eurozone and United Kingdom found that expanding public childcare could create five million jobs over five years while increasing GDP growth by 2.4 percent.⁴² Similar impacts are expected in LMICs.⁴³ At the same time that greater investments in care would support equality in caregiving, these investments would also increase equality in care receiving by making it possible to ensure universal access to quality care services.

SECTION OVERVIEW

The book proceeds in three sections. In section 1, we examine how the laws in every country address discrimination in the workplace—not only on the basis of sex and gender but also based on pregnancy, family status, race/ethnicity, religion, disability, migration status, socioeconomic status, sexual orientation, and gender identity. We examine what steps countries are taking to prevent and address sexual harassment and sex-based harassment in employment—which surveys demonstrate remain commonplace in all types of workplaces, from farms to factories to the halls of parliament.

These baseline protections establish whether everyone is playing by the same rules and whether everyone can expect dignity and equal treatment at work. Their