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# policy matters

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OFFICE OF RESEARCH

## GENDER AND EQUITY IN CALIFORNIA AT THE CLOSE OF THE 20TH CENTURY

*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.*

—Amendment XIX, U.S. Constitution

*Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.*

—Equal Rights Amendment

Passed by Congress on March 22, 1972

Ratified by 37 of 38 required states  
as the 27th Amendment to the Constitution

June 4, 2019, marked the 100th anniversary of Congress passing and sending to the states for ratification the 19th Amendment giving women the right to vote. The amendment was ratified by the states over the following year, and women's suffrage became a constitutionally protected right on August 18, 1920.

At the close of the 20<sup>th</sup> century, the Senate Office of Research released a report examining Women and Equality in California, focusing particularly on equity in the areas of civil rights, education, and the workplace.<sup>1</sup> Following are some of the significant findings of that report.





## Evolution of Civil Rights for Girls and Women in California

- > Women achieved the right to vote in California in 1911.
- > The federal Equal Pay Act of 1963 and the Civil Rights Act of 1964 barred employment discrimination on the basis of race, color, religion, sex, or national origin.
- > In 1974, the Legislature passed and the governor signed legislation—SB 569 and SB 570 (Dymally)—giving both spouses in a marriage equal management and control of community property in marriage, divorce, and death.
- > In 1974, sex was added as a protected class to California’s Unruh Civil Rights Act (1954), which now bars discrimination based on sex, race, color, religion, ancestry, national origin, age, disability, and personal characteristics in all business establishments providing services, goods, or accommodations to the public.

- > In 1975, sex and marital status were added as a protected class to the Fair Employment and Housing Act: SB 844 (Petris), Chapter 1189, Statutes of 1975.
- > In 1977, the Housing Financial Discrimination Act (or Holden Act) was enacted prohibiting financial institutions from providing or denying financial assistance based on factors such as race, religion, sex, or marital status: SB 7 (Holden), Chapter 1140, Statutes of 1977.
- > In 1995, Assembly Member Jackie Speier authored AB 1100, Chapter 866, Statutes of 1995, which prohibits business establishments from discriminating based on a person’s gender in the prices charged for services of a similar or like kind.
- > Throughout the 1990s, various legislation included gender as a protected classification in hate crime statutes.

## Education Equity for Girls and Women

- > In 1972, Title IX of the federal Education Amendments Act was enacted barring discrimination in education, including academic, extracurricular, research, occupational training programs, athletics, and employment.
- > In 1982, California passed a state measure similar to federal Title IX law—AB 3133 (Roos), Chapter 1117, Statutes of 1982, commonly referred to as the California Sex Equity in Education Act. The act bars sex discrimination in all educational institutions that receive or benefit from state financial assistance or enroll students who receive state financial aid. The act covers preschools through universities, both private and public.
- > In 1999, the four-year dropout rate for grades ninth through 12th was higher for males than females, with 14 percent of boys dropping out, compared with 12 percent of girls.
- > At the time of the original report, a higher percentage of California high school girls than boys were taking intermediate algebra, advanced math, and chemistry. Physics was the only advanced math or science course with more young men enrolled than young women. Among all ethnic groups, girls participated at a higher rate than boys.

- > In 1996, 33 percent of young women graduating from high school were eligible for the California State University (CSU) system and 13 percent were eligible for the University of California (UC) system. Among young men, 26 percent were eligible for CSUs and 10 percent for UCs.
- > At the end of the 20<sup>th</sup> century, young men outperformed young women on both the verbal and math portions of the SAT college entrance exams.
- > Over the second half of the 20<sup>th</sup> century, women's attendance at universities and colleges surged. In 1996, UCs were 52 percent female and 48 percent male, and CSUs were 55 percent female and 45 percent male. In addition, the U.S. census at the time found more women were graduating from college than men.
- > While more women were participating in advanced science and math classes in high school and attending and graduating from college at a higher rate, men still outpaced women in earning degrees in related subject areas such as computers, engineering, and math.
- > In 1997, the U.S. Supreme Court upheld an appeals court ruling that Brown University had violated Title IX because women composed 51 percent of the student body but represented only 38 percent of the college's athletes. The same violation could be found at every UC and CSU campus and other major university in California in 1995–96.
- > In 1984, sexual harassment was explicitly added to the state law prohibiting sex discrimination in education: SB 2252 (Marks), Chapter 1371, Statutes of 1984. In 1992, California law gave a school district the authority to suspend students in fourth through 12 grades for sexual harassment: SB 1930 (Hart), Chapter 908, Statutes of 1992.
- > At the time of the report, sexual harassment in education and the potential liability of school

districts and teachers was still a developing policy and legal issue.

## Pursuing Fair Treatment in the Workplace

- > The dramatic increase in working women since the 1960s was one of the most important labor market developments in the 20<sup>th</sup> century. At the close of the century, upward of 70 percent of women between the ages of 25 and 54 were in the workforce, whereas in 1965, only 39 percent of women ages 25 to 34, 46 percent of women ages 35 to 44, and 51 percent of women ages 45 to 54 were working outside the home.
- > In 1949, the state's equal wage-rate law was enacted.
- > In 1970, the Legislature added sex to the list of groups protected from employment discrimination in the California Fair Employment Practices Act (FEPA).
- > In 1976, SB 1642 (Roberti), Chapter 1195, Statutes of 1976, added marital status as a protected category to the California FEPA.<sup>2</sup>
- > In 1978, a ban on pregnancy discrimination and the guarantee of pregnancy disability leave became law: AB 1960 (Berman), Chapter 1321, Statutes of 1978.



- > In 1982, sexual harassment became an explicitly prohibited activity in the workplace: AB 1985 (Johnston), Chapter 1193, Statutes of 1982. Sexual harassment claims increased exponentially after the 1991 watershed confirmation hearings for Clarence Thomas in which Anita Hill alleged she had been sexually harassed by the U.S. Supreme Court nominee. In 1998, 4,892 sexual harassment complaints were lodged with the California Department of Fair Employment and Housing. The number was a record for the time and constituted more than 25 percent of all employment discrimination complaints filed that year.
- > In 1991, family leave provisions were added to the Fair Employment and Housing Act through AB 77 (Moore), Chapter 463, Statutes of 1991.
- > In 1994, it became illegal for employers to prohibit women from wearing pants to work unless the employer had a good reason to require uniforms or some other “no pants” policy: SB 1288 (Calderon), Chapter 535, Statutes of 1994.
- > Both state and federal law required women be paid as much as men for equal work. However, despite the law, a significant wage gap remained at the close of the 20<sup>th</sup> century. In 1997, the earnings of full-time working women were 74 percent of men’s earnings. The wage gap was worse among older women and women of color.
- > The report lamented that at the end of the 20<sup>th</sup> century, comparable worth initiatives attempting to eliminate the compensation differences between traditionally female and traditionally male jobs that were at the forefront in the late 1970s and 1980s had disappeared from policy conversations.
- > In 1997, 65 percent of women with children younger than age 6 and 78 percent of women with children between the ages of 6 and 17 were



in the workforce. According to the U.S. Census Bureau, 55 percent of women between the ages of 15 and 44 were in the workforce within one year of giving birth.

- > In 1997, the Legislature passed AB 157 (Villaraigosa), Chapter 59, Statutes of 1997, which affirmed a woman’s right to nurse her child in most private or public locations where mother and child were otherwise authorized to be present. At the end of the 20<sup>th</sup> century, however, while employers were encouraged to support workplace lactation programs, there were no requirements to do so.
- > Family leave laws were an important development for working women in the 1980s and 1990s. California’s first family leave laws were passed in 1991 with the California Family Rights Act of 1991 — AB 77 (More), Chapter 463, Statutes of 1991. The law required employers with 50 or more employees to provide up to four months of unpaid leave for eligible workers. The federal Family and Medical Leave Act of 1993 required the same size businesses to allow up to 12 weeks a year of unpaid leave. In 1993, California updated its laws to conform to federal law, reducing unpaid leave from 16 weeks to 12 weeks.

## Moving Into the 21st Century

At the close of the last century, women had made significant strides in achieving equity; however, as the report revealed, there was still much work to do. Over the next year, in commemoration of women obtaining the right to vote, the Senate Office of Research will look at gender and equity in the first two decades of the 21<sup>st</sup> century. This report will not only examine women's status in regard to civil rights, education, and the workplace, it also will reflect the expanded way we have come to understand gender and women and examine disparities in the progress made by groups of women based on their color, immigration status, and sexuality. As part of that effort, we will review the status of women's health, women's safety in society, women's interactions with the social safety net, and women's treatment in the criminal justice system.



## Endnotes

- 1 Kate Sproul, "Women and Equality in California: A California Review of Women's Equity Issues in Civil Rights, Education, and the Workplace," February 1999, Senate Office of Research, <https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Women%20and%20Equality.pdf>.
- 2 The California Fair Employment Practices act was repealed in 1980 and reenacted as part of the Fair Employment and Housing Act.

**Written by Julie Salley**, The California Senate Office of Research is a nonpartisan office charged with serving the research needs of the California State Senate and assisting Senate members and committees with the development of effective public policy. The office was established by the Senate Rules Committee in 1969. For more information, please visit <http://sor.senate.ca.gov> or call (916) 651-1500.