



# Under Attack But Not Defeated:

How States Are Defending Women's  
Workplace Rights Against a Federal  
Dismantling



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**February 2026**

## Executive Summary

The first year of the Trump administration marked the systematic and deliberate attack against the progress of women in the American workplace. The administration's playbook has been straightforward: undermine and disregard hard-fought legal rights, eliminate the enforcers, and erase the evidence. This report documents the extraordinary actions taken by the Trump administration to dismantle longstanding workplace rights and how states must double down to defend women's progress, workplace equity, and family economic security.

If the Trump administration announced it was gutting Title VII the Civil Rights Act, there would be outrage. And yet that's exactly what's happened, but quietly, piece by piece, buried in executive orders and agency memos. Nothing flashy. Nothing that dominates the news cycles. Just complicated bureaucratic moves that most people won't notice until something happens at work and they discover there's no one left to call.

The administration's assault on women's workplace rights has centered on Title VII of the Civil Rights Act of 1964, a law that has been the bedrock of workplace fairness in America. This law prohibits employers with 15 or more employees from harassing or discriminating against an employee based on race, religion, sex (or other protected status factors) in hiring, firing, pay, promotions, or other working conditions. Notably, Title VII's definition of sex, as interpreted by the Supreme Court and enforced by the Equal Employment Opportunity Commission (EEOC), includes pregnancy, sexual orientation, and transgender status.

In the past 12 months, the Trump administration has attacked every mechanism that makes this law work—the agency that investigates complaints,<sup>1</sup> the rules that hold employers accountable,<sup>2</sup> the offices that monitor for discrimination,<sup>3</sup> the programs that put nondiscrimination mandates into practice,<sup>4</sup> the organizations that help workers exercise their rights, even the data collection<sup>5</sup> that proves discrimination exists.

The consequence of this assault on women workers has been no less devastating because it was predictable. The average national gender wage gap widened for two consecutive years in a row the first time since the 1960s. In 2025, the pushout and exodus of women from the American workforce has been startling. The number of women in the workforce fell by 455,000 between January and August 2025. Black women's unemployment nearly doubled the rate of white women in 2025, surging from 5.4% in January to 7.3% by December,<sup>6</sup> a level comparable to white women's unemployment during the worst of the Great Recession.<sup>7</sup> At the very moment

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<sup>1</sup> Economic Policy Institute, "[Trump is making it easier for federal contractors to discriminate—and it will be underwritten by your tax dollars.](#)" (Aug. 5, 2025)

<sup>2</sup> Economic Policy Institute, "[Trump is making it easier for employers to discriminate. This stifles equity and hurts economic growth.](#)" (May 27, 2025)

<sup>3</sup> Bloomberg Law, "[Gutting Civil Rights Offices Leaves Federal Workers Few Options](#)" (Sept. 18, 2025)

<sup>4</sup> EO 14173, "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)" (Jan. 21, 2025)

<sup>5</sup> Marketplace, "[Federal data has been disappearing under Trump](#)" (July 28, 2025)

<sup>6</sup> Economic Policy Institute, "[Black women suffered large employment losses in 2025](#)" (2026)

<sup>7</sup> The 19th News, "[Black women's unemployment has skyrocketed. Here's what happened.](#)" (Jan. 26, 2026)

that mothers with young children are experiencing the steepest workforce participation decline in over 40 years, the Trump administration attempted to freeze \$10 billion in childcare and family assistance funding to five Democrat-controlled states.<sup>8</sup> A federal court blocked the move,<sup>9</sup> but the message was clear: this administration will deprive women of what they need to remain in the workforce.

This is not what Americans want. Polls consistently show bipartisan support for workplace protections, pay equity, and policies that help working families.<sup>10</sup> Yet this administration has ignored what people actually need and pursued an ideological agenda that pushes women out of the workforce.

But there is some good news: the conservative war on working women can be stopped. States are already stepping into the void,<sup>11</sup> and the solutions outlined in this report provide a roadmap for fighting back and pushing progress forward.

With federal enforcement collapsing, states are a critical line of defense — and state action is working. Through hundreds of legal actions,<sup>12</sup> state attorneys general are coordinating<sup>13</sup> to defend the rule of law in the courts. State legislatures — longstanding partners with advocates pushing the nation's strongest workplace protections — are stepping up. They are not just responding to the rollback of workplace rights at the federal level; they are building the case that good government is possible. Elected officials can pass and implement core policies supporting working women, including with business<sup>14</sup> and bipartisan support.<sup>15</sup>

The policy solutions in this report provide a concrete roadmap for resistance *and* progress. States can and must act now to:

- Continue to collect, defend, and learn from government data to develop public policy solutions responsive to the needs of women and other workers.
- Protect workers from discrimination by codifying federal contractor protections into state law, strengthening state civil rights enforcement, and shielding state agencies from federal defunding pressure.
- Close wage gaps by requiring pay transparency, banning salary history inquiries, and expanding state-level pay data collection to replace federal data being destroyed.

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<sup>8</sup> CNN, "[Trump administration freezes billions in social services funding to five Democratic states](#)," (Jan. 6, 2026)

<sup>9</sup> Capitol News Illinois, "[Judge blocks Trump's \\$10B child care funding freeze that targeted blue states, including Illinois](#)," (Feb. 6, 2026)

<sup>10</sup> Bipartisan Policy Center, "[Beyond the Base: Why Child Care Matters to Republican Voters Too](#)" (July 2025)

<sup>11</sup> CalMatters, "[Resistance state: Tracking California's lawsuits against the new Trump administration](#)" (updated 2026)

<sup>12</sup> The Fulcrum, "[Just the Facts: Courts' Actions Against the Trump Administration](#)" (Apr. 22, 2025)

<sup>13</sup> American Immigration Council, "[State Attorneys General On Track to File Record Number of Lawsuits Against Trump Administration](#)" (Aug. 20, 2025)

<sup>14</sup> SHRM, "[New SHRM Research Shows Pay Transparency Makes Organizations More Competitive, Leads to Increase in Qualified Applicants](#)" (2023)

<sup>15</sup> Bipartisan Policy Center, "[The Broad Impact of Caregiving: Survey Highlights Voter Experiences and Support Solutions](#)" (June 2024)

- Support working families by passing paid family and medical leave, establishing paid sick days, raising minimum wages, and eliminating the subminimum wage for tipped workers.
- Stop workplace harassment by strengthening anti-harassment laws, extending filing deadlines, and ending the use of forced arbitration and non-disclosure agreements that silence survivors.

The federal government may have abandoned enforcement, but workers' rights have not been repealed. Discrimination can still be named, fought, and defeated. Sixty years ago, women fought for these protections. Now it's our turn to defend them.

## Part I: The Dismantling of Federal Infrastructure Making Federal Workplace Rights Real

### The Strategy

The administration has not repealed Title VII of the Civil Rights Act, which would require Congressional action. Instead, it has achieved a similar result by systematically eliminating the mechanisms that make Title VII enforceable. Title VII is enforced by the EEOC and through private litigation, but effective enforcement depends on a broader infrastructure: guidance that clarifies legal standards, data that reveals discrimination patterns, legal doctrines that capture how discrimination actually operates, and state agencies that extend enforcement capacity. The administration has weakened Title VII enforcement and deprioritized those most impacted by discrimination. It has attacked guidance and liability theories workers and their attorneys rely on to identify, prove, and win discrimination cases.

The administration has also attacked Title VII from the outside in. Through a series of executive orders, it banned diversity, equity, and inclusion programs across the federal government and among federally funded contractors, dismantling the very initiatives that put Title VII's nondiscrimination mandates into practice.<sup>16</sup> It ended federal recognition of nonbinary gender identities and workplace equity initiatives, including those required by federal law, as “gender ideology.”<sup>17</sup> It has unlawfully terminated or moved to withhold billions in federal funding from gender justice and community organizations that help workers understand and exercise their civil rights.<sup>18</sup> The reach has been sweeping: the National Institutes of Health terminated a grant studying domestic violence against pregnant women because it was categorized as a “DEI” study,<sup>19</sup> the Department of Education cut more than \$600 million in grants to institutions and

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<sup>16</sup> Executive Order 14151, "[Ending Radical and Wasteful Government DEI Programs and Preferencing](#)" (Jan. 20, 2025); Executive Order 14173, "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)" (Jan. 21, 2025)

<sup>17</sup> The Leadership Conference on Civil and Human Rights, "[Trump's Executive Orders on Diversity, Equity, and Inclusion, Explained](#)" (Feb. 12, 2025)

<sup>18</sup> The 19th News, "[Trump federal funding freeze worries domestic violence nonprofits](#)" (Feb. 6, 2025)

<sup>19</sup> HuffPost, "[Trump Pulls Research Funding To Protect Pregnant Women From Domestic Violence, Citing 'DEI'](#)" (March 27, 2025)

nonprofits,<sup>20</sup> and federal courts have had to intervene to block the defunding of LGBTQ-serving health organizations.

These actions do not amend Title VII. They do not need to. They eliminate the programs, partnerships, and institutional commitments that translated the law into workplace reality.

## The Enforcement Infrastructure

Workplace civil rights protections depend on a layered enforcement system. The EEOC investigates discrimination charges, issues guidance, and brings systemic case under Title VII and other federal anti-discrimination laws. The Office of Federal Contract Compliance Programs (OFCCP) proactively monitors federal contractors for discrimination and pay equity. The disparate impact doctrine allows workers to challenge facially neutral policies that disproportionately exclude women and people of color. EEO-1 data collection requires large employers to report workforce demographics, helping to identify patterns of possible discrimination. And state civil rights agencies handle local enforcement, often with federal funding. Each layer has been attacked.

## The Six-Pronged Attack on Title VII's Enforcement Infrastructure

Title VII of the Civil Rights Act remains the law. But a law without enforcement is just words on paper. Without the infrastructure to identify, investigate, and remedy systemic discrimination, these rights become much harder to exercise. The Trump administration is systematically dismantling the agencies, guidance, data systems, and legal doctrines that give Title VII meaning, while leaving the statute itself untouched. This makes the rollback less visible but no less devastating.

### 1. Crippling the Equal Employment Opportunity Commission

**UNPRECEDENTED:** For the first time in the EEOC's 60-year history, a president fired commissioners mid-term,<sup>21</sup> violating Title VII's express provisions requiring a bipartisan commission insulated from political interference.

- **January 2025:** Trump replaced EEOC Chair Charlotte A. Burrows with Andrea Lucas, as an acting Chair, who said in a Congressional hearing that she'd make the EEOC an arm of the executive branch, despite the agency's bipartisan stated purpose and history.<sup>22</sup>
- **Late January 2025:** Trump fired Commissioners Burrows and Samuels, leaving the agency without a quorum.
- Without a quorum, the EEOC cannot bring systemic discrimination cases, cases challenging legal precedent, or cases involving novel legal questions.

<sup>20</sup> The Leadership Conference on Civil and Human Rights, "[Trump Administration Civil and Human Rights Rollbacks](#) (2025)

<sup>21</sup> NPR, "[Trump fires EEOC and labor board officials, setting up legal fight.](#)" Jan. 28, 2025.

<sup>22</sup> HR Dive, "[EEOC acting chair says agency is not independent and may follow White House directives.](#)" June 18, 2025.

- Under Lucas, at least seven lawsuits on behalf of transgender workers have been dismissed,<sup>23</sup> staff have been directed to deprioritize all gender identity claims, and technical assistance documents have been removed from the website.
- Lucas sent intimidating letters to 20 law firms demanding information about diversity, equity, and inclusion programs without legal authority.<sup>24</sup>
- **July 2025:** Senate confirmed Lucas to a second term as commissioner in a 52-45 vote,<sup>25</sup> despite her record of politicizing the agency.
- **October, 2025:** The Senate confirmed Brittany Panuccio as a third commissioner, restoring the EEOC's quorum and establishing a Republican majority. Trump then elevated Lucas from Acting Chair to Chair in November, empowering the agency to formally rescind guidance and regulations.<sup>26</sup>

With a Republican majority now in place, the EEOC has the votes needed to further weaken Title VII and other workplace civil rights laws.

## 2. Rescinding Workplace Harassment Guidance

**JANUARY 22, 2026:** The EEOC rescinded the 2024 Enforcement Guidance on Harassment in the Workplace at its January 22 meeting,<sup>27</sup> eliminating critical instructions without taking public comment.

- The EEOC has issued harassment guidance since to help employers understand and comply with anti-harassment laws. This was the first time the EEOC had issued guidance in 25 years, capturing the evolving law in that time, including new protections for LGBTQ employees. This guidance has helped employers understand their legal obligations to prevent and address workplace harassment. Without it, employers lose clear standards and workers lose the information they need to hold them accountable..
- Women have relied on this guidance to hold employers accountable for workplace harassment.
- Stripping away harassment guidance opens the door to more rampant harassment, eliminates employer incentives to address complaints, and forces workers out of the workforce when they have no avenue for recourse.
- Research from the Center for Employment Equity at the University of Massachusetts shows that 64% of workers who file harassment claims lose their jobs and 68% experience employer retaliation.<sup>28</sup>

<sup>23</sup> [Bloomberg Law](#) (Mar. 5, 2025). Multiple transgender lawsuits dismissed.

<sup>24</sup> [EEOC Press Release](#), "Letters to 20 Law Firms" (Mar. 17, 2025).

<sup>25</sup> ERA Statement, "[Andrea Lucas Confirmation](#)" (July 31, 2025). Senate vote 52-45.

<sup>26</sup> SHRM, "[EEOC Restores Quorum and a Chair Designated](#)" (Nov. 10, 2025).

<sup>27</sup> EEOC Press Release, "[EEOC Commission Votes to Rescind 2024 Harassment Guidance](#)." Jan. 23, 2026.

<sup>28</sup> University of Massachusetts, Amherst Center for Employment Equity, "[Employer's Responses to Sexual Harassment](#)."

### 3. The Federal Government Abandons Its Disparate Impact Enforcement

**ON THE BOOKS BUT NOT ENFORCED:** When a workplace policy doesn't mention gender but still screens out women, that's disparate impact. A height requirement that excludes most women from police work. A physical test designed around male bodies. The policy doesn't say "no women" because it doesn't have to. The effect does the work.

Disparate impact is the doctrine that opened police and fire departments to women by challenging unnecessary physical requirements. ERA itself used this doctrine to successfully challenge Greyhound's exclusion of qualified women bus drivers through minimum height and weight requirements.<sup>29</sup> Without it, employers can hide discrimination behind policies that appear neutral on paper.

Disparate impact liability is codified in statute (Civil Rights Act of 1991) and established by Supreme Court precedent (*Griggs v. Duke Power*, 1971).<sup>30</sup> It cannot be eliminated by executive order.

But without disparate impact enforcement, employers can embed discrimination into facially neutral rules and never be held accountable. That is exactly the outcome this administration is pursuing:

- **April 2025:** Executive order instructs agencies to stop enforcing disparate impact claims.<sup>31</sup>
- **June 2025:** The EEOC moved to dismiss *EEOC v. Sheetz*, its only pending Title VII disparate impact case.<sup>32</sup>

### 4. Eliminating Proactive Enforcement by OFCCP

**60 YEARS REVERSED:** Executive Order 11246, in place since 1965 under both Democratic and Republican presidents, required companies with federal contracts to take affirmative steps to ensure equal employment opportunity. It was revoked January 21, 2025.<sup>33</sup>

The Office of Federal Contract Compliance Programs (OFCCP) doesn't enforce Title VII directly, but it was a critical complement to it. While Title VII requires workers to file individual complaints, OFCCP proactively audited federal contractors to identify discrimination. OFCCP conducted compliance reviews, identified patterns of pay discrimination, and ensured taxpayer dollars did not fund workplace discrimination.

- **January 24, 2025:** Acting Secretary of Labor ordered OFCCP to immediately stop all investigations and enforcement.<sup>34</sup>

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<sup>29</sup> Equal Rights Advocates, ["Timeline: Our History"](#)

<sup>30</sup> [Griggs v. Duke Power Co.](#), 401 U.S. 424 (1971).

<sup>31</sup> [Executive Order 14281](#), "Restoring Equality of Opportunity and Meritocracy" (Apr. 23, 2025).

<sup>32</sup> EEOC Motion to Dismiss, *EEOC v. Sheetz* (June 6, 2025).

<sup>33</sup> [Executive Order 11246](#) (Sept. 24, 1965; revoked Jan. 21, 2025).

<sup>34</sup> [DOL Acting Secretary order halting OFCCP enforcement](#) (Jan. 24, 2025).

- **April 2025:** 90% of OFCCP workforce placed on administrative leave, effectively shuttering the agency.<sup>35</sup>
- Over the past 10 years, OFCCP won over \$260 million for 250,900+ workers who faced discrimination by federal contractors.<sup>36</sup>
- One-fifth of American workers are employed by federal contractors. They still have Title VII rights, but the agency that held their employers accountable without waiting for individual complaints is gone.

## 5. Suppressing Workforce Data

**YOU CAN'T FIX WHAT YOU CAN'T SEE:** By eliminating workforce data, the administration is erasing the evidence that discrimination exists.

### EEO-1 Data: The Foundation of Pattern-Based Enforcement

The EEO-1 report is a mandatory annual data collection requiring private employers with 100 or more employees, and federal contractors meeting certain thresholds, to submit workforce demographic data to the EEOC, including the race, ethnicity, and sex of employees by job category. This data allows the EEOC to identify patterns of discrimination that individual workers might never see, such as when a company consistently promotes men over equally qualified women, or when certain job categories are segregated by race. Without this data, systemic discrimination becomes invisible.

- **April 2025:** The EEOC announced plans to eliminate nonbinary reporting in the EEO-1 data collection system.<sup>[8]</sup>
- **September 2025:** The EEOC announced it will dissolve the Office of Enterprise Data and Analytics, the office that administers EEO-1 reports and supports systemic litigation.<sup>37</sup>
- Project 2025 proposed eliminating EEO-1 data collection entirely, and the current federal authorization for the collection expires in November, 2026. Without this data, patterns of discrimination become invisible.<sup>38</sup>
- Other EEOC data collections, including reports on state and local government workforces (EEO-4) and public school employees (EEO-5), have already been delayed.

If EEO-1 data collection ends, the EEOC loses its primary tool for proactively identifying patterns of discrimination across employers. Workers can still obtain company data through litigation, but only after they've already filed a case and have the resources to pursue discovery.

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<sup>35</sup> ["DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom"](#) (Apr. 16, 2025)

<sup>36</sup> Equal Rights Advocates, ["How Trump's Federal Contractor Executive Order Will Strip Workplace Protections from Millions of Women Workers."](#) Jan. 30, 2025.

<sup>37</sup> Bloomberg Law, ["EEOC Plans Office Reorganization in Latest Trump-Era Shift"](#) (Sept. 16, 2025).

<sup>38</sup> National Partnership for Women & Families, ["The Trump Administration is Weaponizing the EEOC to Attack Civil Rights."](#) Jan. 7, 2026.

Discrimination that workers don't know about—like company-wide pay gaps or promotion disparities—becomes far less likely to be detected or challenged indefinitely.<sup>39</sup>

### **The Women's Bureau: 105 Years of Data on Working Women**

- **May 2025:** The Trump administration's FY2026 budget proposed eliminating the Women's Bureau, the only federal agency dedicated to collecting and analyzing data on women in the workforce. The budget described this 105-year-old agency as "an ineffective policy office that is a relic of the past."<sup>40</sup>
- Two-thirds of the Bureau's staff have already left through early retirements and resignations, and the administration terminated all WANTO grants supporting women entering apprenticeships and nontraditional occupations.<sup>41</sup>

The Women's Bureau maintains the most comprehensive federal database of childcare prices by county, reports on state paid leave programs, and tracks occupational segregation that concentrates women in lower-paying jobs. This research has informed landmark legislation including the Fair Labor Standards Act, the Equal Pay Act, the Pregnancy Discrimination Act, and the Family and Medical Leave Act. Eliminating the Bureau means eliminating the only federal agency mandated to collect data specifically on how workplace policies affect women.

### **Threatening the Independence of the Bureau of Labor Statistics**

The Bureau of Labor Statistics (BLS) produces the employment, earnings, and labor force participation data that underpin virtually every gender wage gap calculation and workforce trend analysis in the country. In August 2025, [Trump fired the BLS Commissioner](#) and has yet to fill the role. The administration has also publicly attacked, without basis, BLS data reflecting women's workforce participation trends, undermining public confidence in the very statistics that civil rights enforcers, researchers, and policymakers rely on to identify and address discrimination. An independent, fully staffed BLS is essential to evidence-based enforcement of workplace protections. Leaving the agency leaderless while discrediting its findings serves the same purpose as eliminating data collection outright: it makes discrimination harder to see and harder to prove.

### **Erasing Transgender Workers from Federal Data**

- EEOC intake forms have been modified to allow only binary sex options, eliminating the ability for non-binary workers to accurately self-identify when filing discrimination charges.<sup>42</sup>

The data suppression extends beyond any single agency. The Trump administration has removed vast amounts of government data relevant to women and workers from federal

<sup>39</sup> EEOC, "[EEO Data Collections](#)" (noting EEO-4 and EEO-5 collections "delayed").

<sup>40</sup> "[A Direct Attack on Women:](#)" Lawmakers Demand Labor Secretary Preserve the Women's Bureau (June 16, 20205)

<sup>41</sup> NW Labor Press, "[White House targets Women's Bureau for elimination](#)" (June 5, 2025).

<sup>42</sup> [EEOC "Removing Gender Ideology"](#) (Jan. 28, 2025). Intake forms modified.

websites, including research, reports, and technical assistance documents that workers, employers, and attorneys relied on to understand workplace rights and identify patterns of discrimination. Taken together, these actions represent a coordinated effort to erase the evidentiary foundation of civil rights enforcement. When the data disappears, so does the ability to prove what is happening to women in the American workplace.

## 6. Defunding State Enforcement

- **May 2025:** The EEOC informed state civil rights agencies they will no longer receive credit for investigating disparate impact or gender identity discrimination charges.<sup>43</sup>
- In some states, the EEOC provides nearly a third of the state enforcement agency's budget through work-sharing agreements.
- This coerces states into conforming with the administration's non-enforcement agenda, even though disparate impact and gender identity discrimination remain illegal under federal law.

## What This Means for Women and Trans Workers

BEFORE	NOW
The EEOC prioritized enforcement on behalf of historically marginalized workers	Chair Lucas has flipped the agency's priorities, actively soliciting complaints from white men while deprioritizing cases for women and people of color, dismissing transgender lawsuits, and abandoning disparate impact enforcement. <sup>44</sup>
EEOC harassment guidance helped employers understand obligations and gave workers clear standards	Harassment guidance rescinded. Employers and employees alike have less clarity on what constitutes illegal harassment and how to address it.
Neutral policies that excluded women could be challenged under disparate impact	The EEOC has abandoned disparate impact enforcement. The law remains, but for workers without lawyers, challenging exclusionary policies just got much harder.
OFCCP proactively monitored federal contractors to identify pay discrimination	OFCCP hobbled. Without proactive monitoring, pay discrimination that workers may never see—like company-wide pay

<sup>43</sup> New York Times, "[Trump Administration Tells State Regulators It Won't Back Some Discrimination Claims.](#)" May 27, 2025

<sup>44</sup> NBC News, "[Equal Employment Opportunity Commission head asks white men to report discrimination.](#)" Dec. 19, 2025.

	gaps—is far less likely to be identified or addressed.
EEO-1 data provided evidence for discrimination claims	Data collection undermined. Evidence of discrimination being erased.
Federal funding supported gender justice organizations and programs that helped workers exercise their Title VII rights	The administration has banned DEI programs, recast gender equity initiatives as "ideology," and terminated or threatened to withhold billions in funding from organizations that help workers fight discrimination

## Part II: Women Are Losing Ground

### Women Are Leaving the Workforce

In the face of the enforcement collapse documented above, and without progress on core policies supporting their workforce participation, women are leaving the workplace in droves.

For the first time in decades, women's workforce participation is declining while men's remains stable.

In 2025, 455,000+ women were forced out of the US labor force between January-August.<sup>45</sup> Federal layoffs compounded these losses. The Trump administration's DOGE-led cuts disproportionately targeted agencies where women make up the majority of workers, including Veterans Affairs, Education, Health and Human Services, Treasury, and Housing and Urban Development.<sup>46</sup> The impact fell hardest on Black women: In just three months, nearly 300,000 Black women left the labor force, as federal downsizing hit jobs in education, health, and community-facing roles where Black women are concentrated.<sup>47</sup>

Meanwhile, the childcare infrastructure working mothers depend on came under direct attack. At the very moment that mothers with young children are experiencing the steepest workforce participation decline in over 40 years,<sup>48</sup> the Trump administration attempted to freeze \$10 billion in childcare and family assistance funding to five Democrat-controlled states.<sup>49</sup> A federal court blocked the move,<sup>50</sup> but the message was clear: this administration has no interest in keeping working mothers in the workforce.

The trend of women leaving the workforce persisted throughout 2025: in December alone, 91,000 women left the labor force while 10,000 men joined, meaning the net loss of 81,000 workers was driven by women.<sup>51</sup> This is not a one-month anomaly. It is the predictable result of coordinated policy changes.

Metric	Data
Total women leaving	455,000+ left workforce, Jan-Aug 2025 <sup>52</sup>

<sup>45</sup> ["Caregiving pressures top factor pushing women out of the workforce, Catalyst finds"](#) Catalyst, Jan. 29, 2026

<sup>46</sup> The 19th News, ["DOGE-led layoffs have disproportionately hit agencies with more women staffers."](#) May 12, 2025.

<sup>47</sup> Katica Roy, MSNBC Know Your Value, ["300,000 Black women have left the labor force in 3 months. It's not a coincidence."](#) July 17, 2025.

<sup>48</sup> ["Why so many women are leaving the workforce."](#) TIME, Aug. 4, 2025. Mothers participation 69.7% to 66.9%.

<sup>49</sup> CNN, ["Trump administration freezes billions in social services funding to five Democratic states,"](#) (Jan. 6, 2026)

<sup>50</sup> Capitol News Illinois, ["Judge blocks Trump's \\$10B child care funding freeze that targeted blue states, including Illinois."](#) (Feb. 6, 2026)

<sup>51</sup> National Women's Law Center, [Analysis of Bureau of Labor Statistics December 2025 Jobs Report.](#) Jan. 9, 2026.

<sup>52</sup> ["Caregiving pressures top factor pushing women out of the workforce, Catalyst finds"](#) Catalyst, Jan. 29, 2026

Mothers with young children	69.7% to 66.9% participation, Jan-June 2025, steepest decline in 40+ years <sup>53</sup>
College-educated mothers	80% to 77%, 2023-2025, largest decline of any group <sup>54</sup>
Black women unemployment	7.3%, 2025, highest in 4 years <sup>55</sup>

## The Wage Gap Is Widening

For the first time since the 1960s, the national gender wage gap has widened for two consecutive years.<sup>56</sup> In 2024, women earned just 81 cents for every dollar earned by men, the lowest ratio since 2016. After decades of slow but steady progress, the trend has reversed, erasing nearly a decade of gains.<sup>57</sup>

The drivers of this reversal are both structural and immediate. Discrimination in hiring, pay, and promotion persists across industries. Occupational segregation continues to concentrate women in lower-paying jobs, while work traditionally performed by women remains systematically undervalued.<sup>58</sup> Even when women have the same education and experience as men, they earn less in virtually every occupation.

Women of color face even wider gaps: Black women earn 65 cents, Latinas earn 58 cents, and Native women earn 59 cents for every dollar paid to white, non-Hispanic men. These disparities reflect the compounded effects of racial and gender discrimination, with women of color disproportionately concentrated in the lowest-paying occupations.<sup>59</sup>

At the same time, an affordability crisis is compounding these barriers. When employers pushed return-to-office mandates, women were expected to show up, but the childcare infrastructure they depended on never fully came back. The pandemic shuttered childcare providers across the country, and even after federal stabilization funding helped some programs reopen, that money expired in late 2023. Today, 45 states have fewer early educators than before the pandemic,<sup>60</sup> and a growing number of states have reinstated waitlists and enrollment freezes.<sup>61</sup> Childcare prices, meanwhile, are rising at more than twice the rate of overall inflation, and in

<sup>53</sup> ["Why so many women are leaving the workforce."](#) TIME, Aug. 4, 2025. Mothers participation 69.7% to 66.9%.

<sup>54</sup> KPMG analysis of Bureau of Labor Statistics, ["KPMG Economics, The Great Exit."](#) Oct. 1, 2025.

<sup>55</sup> The 19th News, ["Black women's unemployment has skyrocketed. Here's what happened."](#) (Jan. 26, 2026)

<sup>56</sup> [U.S. Census Bureau](#), "Income and Poverty in the United States" (Sept. 2025).

<sup>57</sup> IWPR, ["Equal Pay in 2025: Gender Gaps Increased, Forecast for Achieving Pay Equity Bleaker"](#) (Dec. 18, 2025)

<sup>58</sup> National Partnership for Women & Families, ["Occupational segregation—a legacy of racism, sexism and ableism—is a major contributor to the wage gap."](#) March 14, 2023.

<sup>59</sup> NYS DOL, ["2025 Update: The Gender Wage Gap."](#) March 2025.

<sup>60</sup> The Century Foundation, ["Still Unaffordable: Child Care's Rising Prices, Stretched Supply, and Staffing Shortages,"](#) Dec. 10, 2025.

<sup>61</sup> Child Care Aware of America, ["No Time to Wait: How Child Care Funding Uncertainty and the Reemergence of Waitlists Are Shaping Families' Futures,"](#) 2025.

most major metros, daycare for two children now costs more than rent.<sup>62</sup> Research shows women are about three times as likely as men to leave their jobs after RTO mandates take effect. But many don't leave the workforce entirely. Instead, they take demotions or switch to lower-paying roles that offer the flexibility their families need.<sup>63</sup> Women, who still shoulder the majority of caregiving responsibilities, are the ones who step back or step down.

ERA's Family Voices Amplified research<sup>64</sup> documented how the pandemic's childcare disruptions created immediate economic strain for Black and Latinx women, who were already navigating poverty-level wages and employment discrimination. That strain did not disappear when offices reopened, because childcare support never bounced back to pre-pandemic levels.

And now, the crisis is deepening further. Aggressive immigration enforcement has driven an estimated 39,000 foreign-born childcare workers out of the workforce since January 2025, according to a New America analysis. One in five childcare workers nationally is an immigrant, and ICE's decision to rescind "sensitive location" protections for daycare centers has created a chilling effect that is shrinking an already understaffed sector. The result: 77,000 fewer American mothers of preschool-aged children in the workforce, forced out not by choice but by the collapse of the care infrastructure they depend on.

Instead of addressing the contributors to pressures on women in the workplace, the Trump administration's rollback of workplace protections will only accelerate this trend. By dismantling the enforcement infrastructure that held employers accountable for discrimination, the administration is removing the guardrails that helped women fight for equal pay and access to higher-paying jobs.

Year	Women's Earnings	Change
2022	84 cents on the dollar	–
2023	83 cents on the dollar	<b>Down</b>
2024	81 cents on the dollar	<b>Down to 2016 Levels</b>

The Trump administration is not just failing to address the crisis pushing women out of the workforce. It is engineering it. With wages falling and women leaving the labor force in record numbers, every protection this administration strips away accelerates the damage.

## Part III: States Are the Firewall and Progress Leaders

<sup>62</sup> Redfin, "[Sending 2 Kids to Daycare Costs More Than Rent in Most Major U.S. Metros.](#)" May 7, 2025.

<sup>63</sup> Allwork.space, "[Return-to-Office Mandates May Be Reversing Progress On The Gender Pay Gap.](#)" Oct. 14, 2025.

<sup>64</sup> Equal Rights Advocates [Family Voices Amplified](#), Nov. 2024

With federal enforcement agencies gutted and civil rights protections stripped of their teeth, the question becomes: what stands between working women and a total loss of workplace protections? The answer, increasingly, is state law.

California provides the clearest evidence that strong state protections work, and that the gains they deliver can hold even as federal progress reverses.

## California vs. the Nation

NATIONAL (getting worse)	CALIFORNIA (holding steady)
2023: Women earned 83 cents on the dollar	2023: Women earned 90 cents on the dollar
2024: Dropped to 81 cents	Ranked #1 in the nation for pay equity
First back-to-back decline since the 1960s <sup>65</sup>	Strong state laws = stable progress

Nationally, women's earnings relative to men's are going backward. The female-to-male earnings ratio dropped from 83% in 2023 to 81% in 2024, the second consecutive annual decline and the worst ratio since 2016.<sup>66</sup> This marks the first back-to-back decline since the Census Bureau began tracking the data in the 1960s, and the single largest annual widening of the wage gap since 1966.<sup>67</sup>

California tells a different story. The state's gender wage gap has narrowed to 13%, significantly outperforming the national average of 18%.<sup>68</sup> California ranks first in the nation for pay equity. That gap did not close on its own. It closed because the state built an infrastructure of accountability, one law at a time.

## How California's Leadership on Policies Supporting Women Workers Has Become the Firewall: A Blueprint for Other States

### *From the Stronger California Policy Agenda 2015-2025*

In 2015, Equal Rights Advocates drafted and championed the California Fair Pay Act, the strongest equal pay law in the nation. The law's broader definition of "substantially similar work" closed loopholes that had allowed employers to justify pay disparities, while stronger anti-retaliation protections empowered workers to uncover discriminatory pay. Between 2016 and 2025, with the help of Equal Rights Advocates' Stronger California Advocates Network, six additional pay equity laws were enacted, expanding protections for workers of all races and genders, banning salary history inquiries, requiring pay data reporting, mandating pay

<sup>65</sup> U.S. Census Bureau, "[Income in the United States: 2024](#)," Current Population Reports, P60-286 (September 2025)

<sup>66</sup> U.S. Census Bureau, "[Income in the United States: 2024](#)," Table A-7 (September 2025).

<sup>67</sup> IWPR, "[Gender Wage Gap Worsens for Second Year in a Row](#)" (September 2025).

<sup>68</sup> UC Berkeley D-Lab, "[Minding the Gaps: Pay Equity in California](#)," CA 13% vs. national 18%.

transparency in job postings, and strengthening enforcement and recovery for victims of wage discrimination.

The results are concrete. Major companies have paid more than half a billion dollars in settlements for gender pay discrimination under these laws, including Disney,<sup>69</sup> Google,<sup>70</sup> Oracle,<sup>71</sup> Goldman Sachs,<sup>72</sup> and others. More than 25 states have followed California's lead with stronger pay equity laws of their own. Fourteen states plus Washington, D.C. now require pay transparency in job postings, covering more than one in four working women in America.<sup>73</sup> What started as one state law has become a national movement, and that state-level infrastructure is now the primary defense against federal rollbacks.

### **Stronger protections against harassment, discrimination, and sexual violence**

Workplace harassment remains one of the most persistent barriers to women's economic security and advancement. According to the McKinsey and LeanIn.Org "Women in the Workplace" report<sup>74</sup>, 37% of women reported experiencing harassment at work in 2024, a rate unchanged from five years earlier, despite the #MeToo movement and widespread adoption of corporate anti-harassment policies. Only half of women express confidence their employer would handle a harassment complaint effectively. Research has found that 72% of workers who experienced sexual harassment faced some form of retaliation when they came forward, and retaliatory defamation lawsuits have become the third most common form of retaliation survivors face in the workplace.<sup>75</sup>

These dynamics push women out of careers and cost the economy billions. In 2023 alone, the EEOC recovered \$665 million for workers who were victims of workplace discrimination, a 30% increase over the prior year.<sup>76</sup> Yet that figure represents only the fraction of cases that are formally reported and resolved. The EEOC's own Select Task Force concluded that harassment's true costs, including decreased productivity, increased turnover, and reputational harm, far exceed direct legal recoveries.<sup>77</sup>

California has responded with 13 new laws enacted between 2017 and 2025 that close legal loopholes and support survivors' ability to seek justice.<sup>78</sup> These laws address silencing mechanisms like NDAs and forced arbitration that had allowed abusers to escape accountability. They give survivors more time to file claims. They protect workers from retaliatory defamation lawsuits, a growing tactic in which harassers sue their own victims to

<sup>69</sup> HR Dive, "[Court approves \\$43M settlement in Disney gender pay discrimination case.](#)" Sept. 16, 2025

<sup>70</sup> Miller Shaw Attorneys at Law, "[Google Gender Discrimination Settlement: \\$118M Class Action Payout.](#)" June 28, 2022

<sup>71</sup> Reuters, "[Oracle to settle female employees' equal pay case for \\$25 mln.](#)" Feb. 14, 2024

<sup>72</sup> Associated Press, "[Goldman Sachs settles gender discrimination suit for \\$215 million.](#)" May 9, 2023

<sup>73</sup> Trusaic, "Class Action Pay Transparency Lawsuits On The Rise," Nov. 7, 2023

<sup>74</sup> McKinsey & Company and LeanIn.Org, "[Women in the Workplace 2024](#)" (September 2024)

<sup>75</sup> National Women's Law Center, "[Coming Forward](#)" (analyzing TIME'S UP Legal Defense Fund data, 2020). Feb. 1, 2022

<sup>76</sup> EEOC, "[EEOC Releases Annual Performance Report for Fiscal Year 2023](#)" March 11, 2024

<sup>77</sup> EEOC Select Task Force on the [Study of Harassment in the Workplace](#), Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic (June 2016)

<sup>78</sup> SB 1137 (Smallwood-Cuevas), 2024; [Stronger California Advocates Network](#)

silence them. They strengthen civil rape shield protections. And California became the first state in the nation to codify intersectionality into its anti-discrimination laws, recognizing that workers who face discrimination based on the combination of race and gender, for example, deserve full legal protection.

Without these state-level protections, the rescission of federal harassment guidance and the dismantling of EEOC enforcement capacity would leave millions of workers with no meaningful recourse.

But these laws are producing results. The California Civil Rights Department, now the largest state civil rights agency in the country, secured \$154 million in landmark settlements against Riot Games and Activision Blizzard alone, with both companies required to submit to independent workplace monitoring.<sup>79</sup> The state's mandatory harassment training law now covers 92 percent of California's workforce.<sup>80</sup> Its ban on secret settlements has been replicated in at least a dozen other states and inspired two federal laws.<sup>81</sup> These are not aspirational policies. They are working.

## A Blueprint Other States Are Already Following

California is not alone. States across the country are building the same kind of infrastructure.

Minnesota launched one of the nation's most comprehensive paid family and medical leave programs in January 2026, providing up to 20 weeks of paid leave with job protection.<sup>82</sup> Michigan restored strong paid sick leave protections in 2025 after voters fought back against legislative efforts to gut them.<sup>83</sup> Massachusetts enacted pay transparency requirements in 2025.<sup>84</sup> In total, 16 states and Washington, D.C. now guarantee paid family leave,<sup>85</sup> and 14 states plus D.C. require pay transparency in job postings.<sup>86</sup>

What California pioneered, other states are proving is replicable.

## Policy Solutions: What States Can Do

*From the Equal Pay Today Policy Agenda 2025-2026:*<sup>87</sup>

The Equal Pay Today campaign has supported the introduction and/or passage of wage justice legislation in 44 states since 2013 and led advocacy in support of several successful federal

<sup>79</sup> California Civil Rights Department, "[Court Grants Preliminary Approval of Landmark \\$100 Million Settlement of California Civil Rights Department Case Against Riot Games, Inc.](#)," July 25, 2022

<sup>80</sup> Vector Solutions (formerly EverFi), "[What You Need to Know About SB 1343: California's Sexual Harassment Training Mandate](#)"

<sup>81</sup> Venable LLP, "[The List of States Regulating Non-Disclosure Provisions Continues to Grow](#)," June 2024

<sup>82</sup> Minnesota Department of Employment and Economic Development, "[Minnesota Paid Leave](#)"

<sup>83</sup> Michigan Advance, "[Supreme Court order complicates conversation as paid family leave bills move to Senate floor](#)" (Dec. 11, 2024)

<sup>84</sup> Epstein Becker Green, "[On Trend: New Pay Equity Laws Coming to Massachusetts, Minnesota, and Vermont in 2025](#)" (2024)

<sup>85</sup> McGillivray Steele Elkin LLP, "[Paid Family Leave Is Expanding — What Workers Need to Know Now](#)" (2026)

<sup>86</sup> Paycor, "[2026 Pay Transparency Laws by State](#)" (2026)

<sup>87</sup> [Equal Pay Today Policy Agenda 2025-2026](#), Equal Rights Advocates.

executive actions. The following policy solutions address the key drivers of wage gaps and can help states build a firewall against the federal rollback.

### Pay Equity and Enforcement

- **Codify Executive Order 11246 protections** into state law for state contractors. President Trump rescinded this decades-old executive order requiring heightened anti-discrimination protections and equal employment opportunity requirements in federal contracting. States can fill this gap by requiring state contractors to ensure equal employment opportunity.
- **Strengthen pay transparency requirements** including salary ranges in job postings. Sixteen states now require pay transparency, and more should follow. Job applicants are seeing more jobs posted with salary ranges which supports workers' ability to negotiate higher pay.
- **Ban salary history inquiries** to break the cycle of pay discrimination. When employers rely on prior salary to set wages, they perpetuate historical pay gaps that follow women from job to job.
- **Expand pay data collection** at the state level to fill federal data gaps. You cannot fix what you cannot see. As the federal government destroys workforce data collection, states must step in to track discrimination patterns.
- **Extend statutes of limitations and recovery periods** for pay discrimination claims, allowing workers to recover lost wages for all discriminatory paychecks and giving them more time to file.

### Harassment and Workplace Protections

- **Strengthen state anti-harassment laws** to cover all workers regardless of employer size. Many workers, particularly in small businesses, lack harassment protections.
- **Extend filing deadlines** for discrimination and harassment claims. Workers often need more time to understand their rights and seek legal help.
- **Require harassment disclosure** from employers, including the number of settlements and average resolution time.
- **Stop Silencing Survivors** through non-disclosure agreements (NDAs), non-disparagement agreements, and forced arbitration which reinforce a culture of silence, enabling abuses to continue

### Higher Wages

- **Raise state minimum wages** to lift women out of poverty. Women—disproportionately women of color—are overrepresented in minimum wage jobs.
- **Eliminate the subminimum wage** for tipped workers. The subminimum wage contributes to wage theft and harassment, and exacerbates wage gaps. Tipped workers, disproportionately women, should receive at least the full minimum wage with tips on top.

## **Paid Leave and Caregiver Protections**

- **Pass paid family and medical leave** to provide workers with partial income when they take time off for their own health, a family member's health, or the birth or adoption of a child.
- **Establish paid sick and safe days** to allow workers to earn job-protected paid time off for illness or to address domestic violence and safety concerns.
- **Expand family definitions** in leave laws to include chosen and extended family members.

## **Protect State Enforcement Infrastructure**

- **Shield state civil rights agencies** from federal defunding pressure. The EEOC is coercing states into abandoning enforcement by cutting funding for agencies that investigate disparate impact or gender identity claims.
- **Increase state funding** for civil rights enforcement to replace lost federal dollars.
- **Maintain enforcement** of disparate impact and gender identity protections regardless of federal policy changes. These protections remain the law.

### **STATE BILLS TO WATCH:**

California AB 2155 (ensuring survivors' access to the courtroom), Illinois SB 2413/HB 3483 (paid family leave), Illinois SB 3777/HB 5386 (codification of disparate impact to safeguard civil rights protections), New York A5906B/S5990 (requiring inclusion of pay ranges and benefits in job postings), Pennsylvania HB 200 (paid family leave), Virginia HB 5 (earned sick and safe leave) and Virginia SB 2/HB 1207 (paid family leave), Virginia SB 215/HB 636 (prohibiting employer reliance on prior salary and requiring inclusion of pay ranges in job postings).

## Conclusion

The federal government has abandoned its role as the promoter and enforcer of women's workplace rights. But it has not succeeded in abolishing those rights, and it will not succeed in silencing the movement to defend them.

Federal civil rights laws such as Title VII, Supreme Court's precedents on disparate impact, and *Bostock v. Clayton County*'s protections for LGBTQIA+ workers all still stand. These legal foundations cannot be erased by executive order or agency action. A right you cannot exercise is a right you do not have. The administration understands this. That is why it has attacked every enforcement mechanism available, and there is no reason to think it will stop there.

Workers must understand that their rights have not been repealed. What has changed is that the federal agencies charged with enforcing those rights have been gutted. And that's by design.

But state legislatures and agencies can still act. Private attorneys can still pursue claims. Discrimination should still be documented and reported. Legal tools remain available to those who know how to use them.

And state laws are proving they work. California has demonstrated that strong state protections deliver results: its gender wage gap of 13% significantly outperforms the national average of 18%, and it leads the nation in pay equity while the national gap widens. Twenty-five states have followed California's lead with stronger pay equity laws. Fourteen states now require pay transparency. These are not half measures. They are proof that when states act with purpose, progress holds.

The policy solutions in this report provide a concrete roadmap for every state ready to step up. Codifying contractor protections, strengthening pay transparency, banning salary history inquiries, expanding harassment protections, raising wages, passing paid leave, and shielding state enforcement agencies from federal coercion are all achievable. Legislators who care about working women and families must act now.

Sixty years ago, women fought for the protections we are now defending. They marched, they organized, they litigated, and they won. They did not do that so we could watch it all be dismantled in silence. We will not sit idly by while this administration strips away the rights that generations of women fought for. We will fight in statehouses, in courtrooms, in workplaces, and in every community where women's economic security is under threat. The rollback is real, but so is the resistance, and so is our bold vision for women's continued progress.

## About Equal Rights Advocates

Equal Rights Advocates fights for gender justice in workplaces and schools across the country. Since 1974, ERA has been fighting on the front lines of social justice to protect and advance rights and opportunities for women, girls, and people of all gender identities through groundbreaking legal cases and bold legislation that sets the stage for the rest of the nation.

[www.equalrights.org](http://www.equalrights.org)

Founded in 2013, the Equal Pay Today campaign is a national coalition of over 50 nonprofit and advocacy organizations that advocate for pay equity for women and LGBTQIA+ people, especially women of color. Equal Pay Today is a project led by Equal Rights Advocates.

[www.equalpay2day.org](http://www.equalpay2day.org)



# EQUAL RIGHTS

## A D V O C A T E S

Citation: Equal Rights Advocates. (2026, February). \*Under attack but not defeated: How states are defending women's workplace rights against a federal dismantling.\*