SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

AMERICA'S PANDEMIC WORKFORCE:

PERSISTENT STRUCTURAL INEQUITIES HARM WORKERS AND THREATEN FUTURE CRISIS RESPONSE

STAFF REPORT
OCTOBER 2022

I. EXECUTIVE SUMMARY

This staff report presents the findings from an investigation conducted by the Select Subcommittee on the Coronavirus Crisis into the impact of the coronavirus pandemic on workers at twelve large, private-sector companies: AT&T, Berkshire Hathaway, Boeing, Chevron, Cisco, Citigroup, Comcast, ExxonMobil, Oracle, Salesforce, Walmart, and the Walt Disney Company. The Select Subcommittee launched this investigation following reports that each of these companies had laid off over 1,000 workers during the pandemic-induced economic downturn and that women had experienced more job losses than men at the outset of the coronavirus pandemic in early 2020.[1] The Select Subcommittee sought to understand how the pandemic has impacted different groups of workers and to identify workplace policies that will promote a more equitable future.

The coronavirus pandemic had a sudden and devastating effect on the American economy—including 22 million jobs lost in early 2020[2] and millions of Americans suddenly working from home.[3] However, the Select Subcommittee's investigation found that—among the 12 companies reviewed—the pattern of workplace inequities that occurred during the height of the economic crisis largely predated the pandemic. In other words, the same groups of American workers who experienced worse employment outcomes during the height of the pandemic-induced economic crisis also experienced worse employment outcomes in 2019 and continued to be impacted as the economy began to recover in 2021. This suggests that inequities that have been magnified by the pandemic were largely driven by persistent structural issues that must be addressed to ensure a more equitable future. Specifically, the Select Subcommittee found:

- **Hourly workers were more likely to quit or be fired and were less likely to be promoted than salaried workers in 2019, 2020, and 2021**. Differences between the employment outcomes of hourly and salaried workers were often quite large. For example, at one company, just 1.7% of hourly workers were promoted in 2020, compared to 7.5% of salaried workers, and 3.4% of hourly workers were promoted in 2021, compared to 12.4% of salaried workers. However, these inequities were not universal, and hourly workers at some of the surveyed companies had better outcomes. While Walmart's hourly workers had worse outcomes than salaried workers 80.0% of the time (and had similar outcomes the other 20.0% of the time), Cisco's hourly workers only had worse outcomes than salaried workers 20.0% of the time (and had better outcomes 40.0% of the time).

- **The inequities experienced by hourly workers were compounded by gender inequities and racial/ethnic inequities for women and workers of color**. Female hourly workers and hourly workers of color not only often had worse outcomes than their salaried counterparts, but also often had worse outcomes than male and white hourly workers. For example, in 2020, Black hourly workers at Walmart were fired twice as frequently as white hourly workers (19.7% vs. 10.4%), three times as frequently as Black salaried workers (19.7% vs. 6.3%), and five times as frequently as white salaried workers (19.7% vs. 4.0%).

- **Workers without access to paid sick leave quit at far higher rates than workers with access to paid sick leave**. For example, at one company in 2020, 28.8% of male hourly workers and 35.5% of female hourly workers without access to paid sick leave quit, compared to just 10.2% of male hourly workers and 12.4% of female hourly workers with access to paid sick leave. This analysis affirms existing research showing that paid sick leave benefits both employers and workers, particularly by improving employee retention.

- **Workers who had access to and took family and caregiving leave did not experience an increase in adverse employment outcomes, and the use of this leave was associated with improved worker retention and performance recognition.** For example, workers who had access to and took family and caregiving leave quit at a lower rate than workers who did not 86.2% of the time. These workers also received raises at a higher rate than workers who did not take such leave 87.2% of the time. The lower quit rate speaks to the value of this leave in improving worker retention. The fact that workers who took this leave were promoted and given raises at higher rates than workers who did not may indicate that workers' performance improved as a result of taking the leave, perhaps due to reduced stress and burnout.

- **Older workers quit, resigned, or retired less but were laid off more than younger workers**. Workers aged 50 and older quit, resigned, or retired at lower rates than younger workers 65.6% of the time but were laid off at higher rates than younger workers 55.0% of the time. The differences between these two groups' outcomes were often quite extreme, with older workers being laid off at double, triple, or even quintuple the rate of younger workers, and with younger workers quitting, resigning, or retiring at double or triple the rate of older workers.

- **Most surveyed companies had not collected comprehensive data on their workers' benefits, sexual orientation, or gender identity**. Only two companies tracked data for the eight benefits the Select Subcommittee requested for all three years covered by the Select Subcommittee's survey. Additionally, only one company tracked data on Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) workers for all three years. This lack of data limited the Select Subcommittee's ability to understand the full scope of inequities at the surveyed companies and to understand the impact of employment benefits other than paid leave (for which sufficient data were available for analysis). It also limits companies' ability to monitor their compliance with Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of sex (including sexual orientation and gender identity).

- **The United States lacks key data on worker demographics and employment outcomes because the Equal Employment Opportunity Commission (EEOC) does not collect it**. Some of the surveyed companies told the Select Subcommittee that they did not collect certain data because EEOC did not require them to do so. EEOC's main data collection tool only requires employers to report information on their workers' binary sex, race/ethnicity, and job category. This tool was first released in 1966 and has not been significantly updated since.

The Select Subcommittee recommends the following to improve the experience of American workers and to help the nation prepare for future health and economic crises:

- **Inequitable employment outcomes in the American workforce must be addressed.** The Select Subcommittee's analysis showed that there are underlying structural inequities at many companies—including inequities rooted in workers' pay schedule, gender, race and ethnicity, and age—that predate the coronavirus pandemic and continued to play out through the economic crisis of 2020 and the recovery of 2021. These inequities are not limited to the 12 companies reviewed and did not begin in 2019. Unless action is taken to correct these fundamental structural issues, it is likely that these inequities will continue to harm workers and manifest themselves in future crises.

- **American workers and employers will benefit from national, universal paid sick leave and paid family and caregiving leave programs.** The United States is one of the only countries in the world that does not have any form of national paid leave. The Select Subcommittee's analysis showed that workers who had access to and took paid sick leave and family and caregiving leave at the surveyed companies were more likely to stay in their jobs and had better employment outcomes all around. Ensuring that all American workers have access to these benefits would be good for both workers and employers and would enhance the nation's preparedness for future public health crises.

- **EEOC should collect data on additional federally protected characteristics and on employment outcomes so that it can enforce the full range of federal laws protecting Americans from discrimination in the workplace.** This would align with the federal government's current efforts to advance equity for marginalized groups, as initiated by President Biden on his first day in office.

II. BACKGROUND

A. The Select Subcommittee's Investigation

The Select Subcommittee surveyed 12 of the nation's largest private companies,[i] each of which had reportedly laid off over 1,000 workers during the pandemic-induced economic downturn, to understand how factors such as gender, race and ethnicity, access to benefits (*e.g.,* paid sick leave), and pay schedule (*i.e.*, hourly or salaried) impacted employment outcomes during the first two years of the coronavirus pandemic.[4] Among other items, the Select Subcommittee collected data on seven key employment outcomes—furloughs, layoffs, terminations/firings,[ii] voluntary departures,[iii] hourly wage and salary reductions, hourly wage and salary increases, and promotions—for U.S. workers at the 12 surveyed companies in each of 2019, 2020, and 2021.[iv]

Companies also provided information on various employment policies, including criteria for conducting layoffs, furloughs, and hour reductions, as well as descriptions of leave and benefits policies. The Select Subcommittee held a briefing with staff from EEOC to better understand EEOC's data collection and investigative efforts. The Select Subcommittee also held a briefing with staff from the Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) to better understand how OFCCP coordinates and collaborates with EEOC.

The Select Subcommittee obtained internal company data not typically available to investigators and researchers studying workplace equity. The unique nature of these data required the Select Subcommittee to develop its own methodology in order to make reliable comparisons between 12 companies that differ significantly from each other in a number of respects, including by size, sector, and geography. The methodology developed by the Select Subcommittee compared the employment outcomes of various groups of workers (*e.g.*, hourly workers, female workers) to determine whether certain groups fared better or worse than others.

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[i] Chevron informed the Select Subcommittee that it keeps employment records for one component of its organization—Chevron Stations, Inc.—separately from the rest of the organization, and data submitted to the Select Subcommittee reflected this division. Therefore, the analysis in this report treats the two components of this company as if they were separate employers, which in some cases raises the total number of companies to 13. In addition, Berkshire Hathaway only provided data for one of its many subsidiary companies—Precision Castparts Corp.—which, according to company counsel, accounted for nearly all of the company's pandemic layoffs. Therefore, the analysis in this report only accounts for the subsidiary, not Berkshire Hathaway as a whole.

[ii] "Terminations" and "firing" refer to all involuntary separations other than furloughs and layoffs. Some companies provided terminations data as all separations from the company, but in these cases Select Subcommittee staff subtracted the number of furloughs, layoffs, and voluntary departures from this total, resulting in a number of terminations that was comparable to the other surveyed companies.

[iii] "Voluntary departures" refers to quits, resignations, and retirements. Two companies also included voluntary layoffs (*e.g.*, when a worker is offered a buyout) in the voluntary departures category.

[iv] There may be some variance in the definitions companies used for responding to the Select Subcommittee's employment data survey. For example, although the Select Subcommittee requested data on hourly wage increases other than those required by law, one company noted that their method of data maintenance required them to provide data on all wage increases regardless of reason.

This analysis controlled for and assessed the impact of a range of factors (*e.g.*, differences between the companies were controlled by aggregating intra-company comparisons rather than making inter-company comparisons). For details on the methodology used in the Select Subcommittee's analysis of the surveyed companies' data and described in these findings, please see Appendix I.

III. FINDINGS

A. Hourly Workers at Surveyed Companies Experienced Worse Employment Outcomes Than Their Salaried Counterparts in 2019, 2020, and 2021

1. Hourly Workers Were Fired at Higher Rates, Were Less Likely to be Promoted, and Were More Likely to Quit Than Their Salaried Counterparts

The Select Subcommittee's analysis showed that hourly workers experienced measurably worse employment outcomes than their salaried counterparts in 2019, 2020, and 2021. Specifically, employers included in the Select Subcommittee's survey terminated hourly workers at higher rates than salaried workers 38.7% of the time (with lower rates only 6.5% of the time) and promoted hourly workers at lower rates than salaried workers 57.1% of the time (with higher rates only 25.0% of the time). Hourly workers also quit at higher rates than their salaried counterparts 65.5% of the time (with lower rates only 20.7% of the time).[5] Taken together, these data provide further evidence of what has already been demonstrated through other research on work schedule predictability: hourly positions are less stable than salaried positions from the perspectives of both workers and employers.[6]

Disparities in terminations, voluntary departures, and promotions between hourly workers and salaried workers were often quite large. For example, at one company, 13.9% of hourly workers quit in 2020, compared to just 5.1% of salaried workers.[7] At another company, just 1.7% of hourly workers were promoted in 2020, compared to 7.5% of salaried workers, while 3.4% of hourly workers were promoted in 2021, compared to 12.4% of salaried workers.[8] These data indicate that hourly workers have had measurably worse experiences working for many of the surveyed employers than their salaried counterparts. The magnitude of the differences between these two groups of workers also suggests that it is extremely unlikely that the differences are due to chance or individual circumstances.

Data obtained by the Select Subcommittee show that many of these problems were present in 2019 and have persisted throughout the coronavirus pandemic, indicating that they stem from structural issues and not solely from the pandemic-induced economic crisis. Hourly workers had worse outcomes than salaried workers more frequently than they had better outcomes in all three years covered by the Select Subcommittee's survey.[9]

Additional analysis showed that the association between poorer employment outcomes and working for an hourly wage was independent of workers' gender and race/ethnicity. Hourly workers consistently had worse outcomes than their salaried counterparts more frequently than they had better outcomes, even when controlling for those factors.[10] Extensive research has

established that gender and racial inequities have a significant impact in employment settings.[11] However, data obtained by the Select Subcommittee suggest that the differences in outcomes between hourly and salaried workers cannot simply be written off as an extension or byproduct of gender and racial inequities. Rather, the differences appear to be more fundamentally rooted in the different natures of hourly and salaried work arrangements. The negative consequences of these differences impact hourly workers of all races, ethnicities, and genders, with one notable exception: the trend of hourly workers being terminated at higher rates than salaried workers of the same race was much stronger among Black hourly workers. Black hourly workers were terminated at higher rates than Black salaried workers 75.9% of the time, while for other groups this figure ranged from 38.5% to 45.2%. For example, Hispanic/Latino hourly workers were terminated at higher rates than Hispanic/Latino salaried workers 44.8% of the time.[12] So, while something about the nature of hourly work at the surveyed companies resulted in worse outcomes for hourly workers in general, this problem was apparently compounded by race for Black workers in particular.

While hourly workers had worse outcomes than their salaried counterparts more than half the time at five of the surveyed companies, such results were not universal. For example, while Walmart's hourly workers had worse outcomes than salaried workers 80.0% of the time (and had similar outcomes the other 20.0% of the time), Cisco's hourly workers only had worse outcomes than salaried workers 20.0% of the time (and had better outcomes 40.0% of the time). Similarly, Chevron's hourly workers had worse outcomes than salaried workers just 6.7% of the time (and had better outcomes 53.3% of the time),[v] and Exxon's hourly workers had worse outcomes than salaried workers 20.0% of the time (and had better outcomes 40.0% of the time).[13]

Company policies, including paid leave policies, may have played a role in creating—or preventing—these inequitable outcomes. For example, some of the differences between outcomes at Walmart, Chevron, Cisco, and Exxon may be due to how their leave policies differentiated between hourly and salaried workers.[vi] Between 2019 and 2021, Walmart generally did not allow hourly workers to use paid time off benefits (such as sick leave) until they had completed 90 days of employment. Hourly workers at Walmart also could not access other leave benefits (such as maternity or parental leave) until they had completed 12 months of employment. Yet, no such eligibility restrictions were placed on salaried workers.[14] By contrast, the leave policies of Chevron, Cisco, and Exxon made no distinction between hourly and salaried workers. They either did not impose any eligibility waiting period on any of their workers (as in the case of Cisco's Child Bonding Leave and Exxon's Parental Paid Time Off) or applied the same eligibility waiting period to all workers (as in the case of Chevron's Family Care Benefit and Cisco's Family/Medical Leave).[15] Additional differences may also have contributed to the difference in outcomes for hourly workers at these four companies. The companies operate in different industries and there were important differences between the data sets. For example, Chevron's retail gas station workers, who would likely be the most directly

[v] References to Chevron do not include the company's retail gas stations. The Select Subcommittee could not analyze differences between hourly and salaried workers at Chevron Stations, Inc. (the company's retail gas stations segment, for which the company provided data separately) because it employed less than 100 salaried workers total each year.

[vi] As explained in Section III.B, the Select Subcommittee found that access to and use of paid leave were associated with better employment outcomes.

comparable to Walmart's hourly workers, were not included in the Select Subcommittee's pay schedule analysis.

2. During the First Year of the Pandemic, Female Hourly Workers' Challenges Were Compounded by Gender Inequities

As initially reported in May 2022,[16] the Select Subcommittee's analysis showed that gender inequities—cases where women had worse employment outcomes than men—were far more common among female hourly workers than among female salaried workers, particularly in 2020.[vii] While female salaried workers' outcomes were worse than male salaried workers' less than 10% of the time between 2019 and 2021, female hourly workers' outcomes were worse than male hourly workers' about 30% of the time—three times as often—during the same period. This gap was at its largest in 2020, when female hourly workers had worse outcomes than men 39.7% of the time, four times as often as female salaried workers (who had worse outcomes 9.5% of the time), which indicates that the pandemic may have uniquely and negatively impacted female hourly workers.[17]

These results suggest that gender inequities impact female hourly workers much more significantly than female salaried workers. For example, while research has shown that female workers generally are less likely to receive raises than men,[18] the Select Subcommittee's analysis indicates that this phenomenon is far more commonly experienced by female hourly workers than female salaried workers. Female hourly workers at the surveyed companies received wage increases at a lower rate than male hourly workers 50.0% of the time between 2019 and 2021, but female salaried workers received raises at a lower rate than male salaried workers only 14.8% of the time.[19] These differences were not just common but often quite large. For example, while 90.0% of male hourly workers at one surveyed company received a raise in 2020, only 83.6% of female hourly workers at the same company did (a difference of 6.4 percentage points); by contrast, 91.7% of male salaried workers and 91.2% of female salaried workers at that company received a raise that year (a difference of just 0.5 percentage points).[20] Over time, differences such as these contribute to the persistence of the gender pay gap, with women being paid less than men for equivalent work.[21]

Crucially, these gender inequities often compounded pay schedule inequities for hourly workers. For example, at another company, hourly workers were laid off more frequently than salaried workers: 32.7% of hourly workers were laid off in 2020, compared to 13.3% of salaried workers. Yet, female hourly workers had it even worse than male hourly workers: 38.1% of female hourly workers were laid off in 2020, compared to 31.4% of male hourly workers.[22] This means that female hourly workers often experienced a double whammy of inequity—and, as will be discussed next, this was often compounded further if they were women of color.

[vii] The numbers presented in the Select Subcommittee's May memorandum have changed slightly due to certain surveyed companies providing updated data; however, the finding that female hourly workers fared worse than their male colleagues on an unusually high number of employment outcomes in 2020 remains unchanged.

3. Black Hourly Workers Were Frequently Fired at Higher Rates Than White Workers, and Black and Asian Hourly Workers Were Frequently Promoted at Lower Rates Than White Workers

As with gender inequities, hourly workers experienced racial and ethnic inequities more often than salaried workers.[viii] The Select Subcommittee's analysis showed that hourly workers of color experienced worse outcomes than their white colleagues twice as often as salaried workers of color, and this pattern was largely unchanged by the pandemic.[23] Between 2019 and 2021, 30.1% of Black hourly workers' outcomes were worse than their white hourly counterparts. By comparison, 15.4% of Black salaried workers' outcomes were worse than white salaried workers' outcomes.[24] Similarly, 18.5% of Asian hourly workers' outcomes were worse than their white hourly counterparts, compared to just 8.9% among Asian salaried workers.[25] Finally, 16.3% of Hispanic/Latino hourly workers' outcomes were worse than their white counterparts, compared to just 9.5% among Hispanic/Latino salaried workers.[26]

The difference in the number of racial inequities experienced by hourly and salaried workers was particularly large when looking at terminations and promotions—two of the same outcomes on which hourly workers did far worse than salaried workers in general, as described previously. Black and Asian hourly workers were promoted at lower rates than their white hourly counterparts 35.7% and 28.6% of the time, respectively. Additionally, Black hourly workers were fired at higher rates than their white hourly counterparts 40.6% of the time. While Black and Asian salaried workers also faced inequities, these were much less common than for hourly workers: Black and Asian salaried workers were promoted at lower rates than white salaried workers 9.4% and 3.1% of the time, respectively. Black salaried workers were fired at higher rates than white salaried workers 9.4% of the time.[27]

The pay schedule inequities already impacting hourly workers were at times compounded for hourly workers of color by racial and ethnic inequities (and could have been compounded again by gender inequities for female workers). Among the surveyed companies, the confluence of these two trends—pay schedule inequities and racial and ethnic inequities—is most clearly illustrated by Walmart, as shown in Figure 1 and Figure 2. For example, Black hourly workers at Walmart were not only fired twice as frequently as white hourly workers in 2020 (19.7% vs. 10.4%) but were fired three times as frequently as Black salaried workers (19.7% vs. 6.3%) and five times as frequently as white salaried workers (19.7% vs. 4.0%). Although Black salaried workers were promoted at a higher rate than white salaried workers at Walmart in 2020 (36.2% vs. 28.0%), Black hourly workers were promoted at a lower rate than white hourly workers (8.7% vs. 11.1%). These inequities are particularly significant since Walmart had about 22.5 times as many hourly workers as salaried workers in 2020.[28]

[viii] The Select Subcommittee's analysis of racial and ethnic disparities was limited to the three largest racial and ethnic minority groups: Black workers, Asian workers, and Hispanic/Latino workers. Because other groups of workers identified in the Select Subcommittee's survey—such as Native American or multiracial workers—were typically very small, the Select Subcommittee could not reliably determine whether they experienced racial and ethnic disparities since groups smaller than 100 workers were excluded from the analysis.

Figure 1

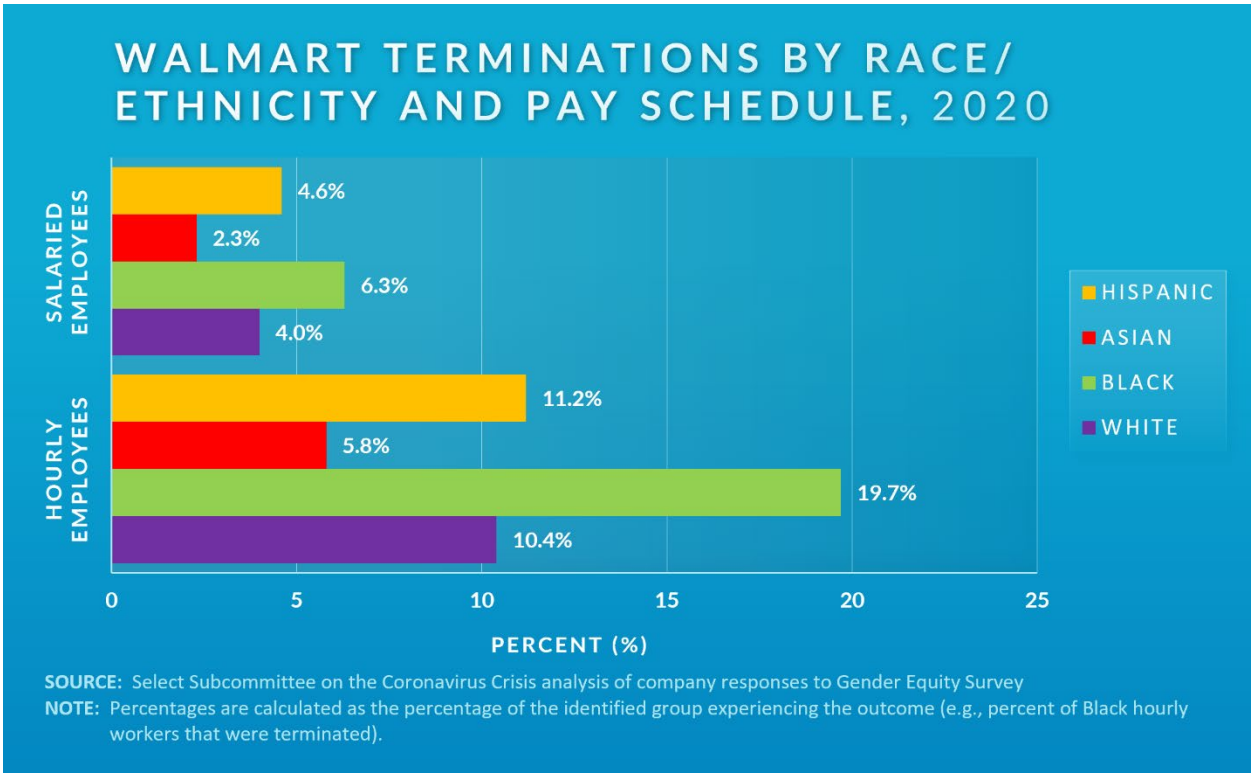
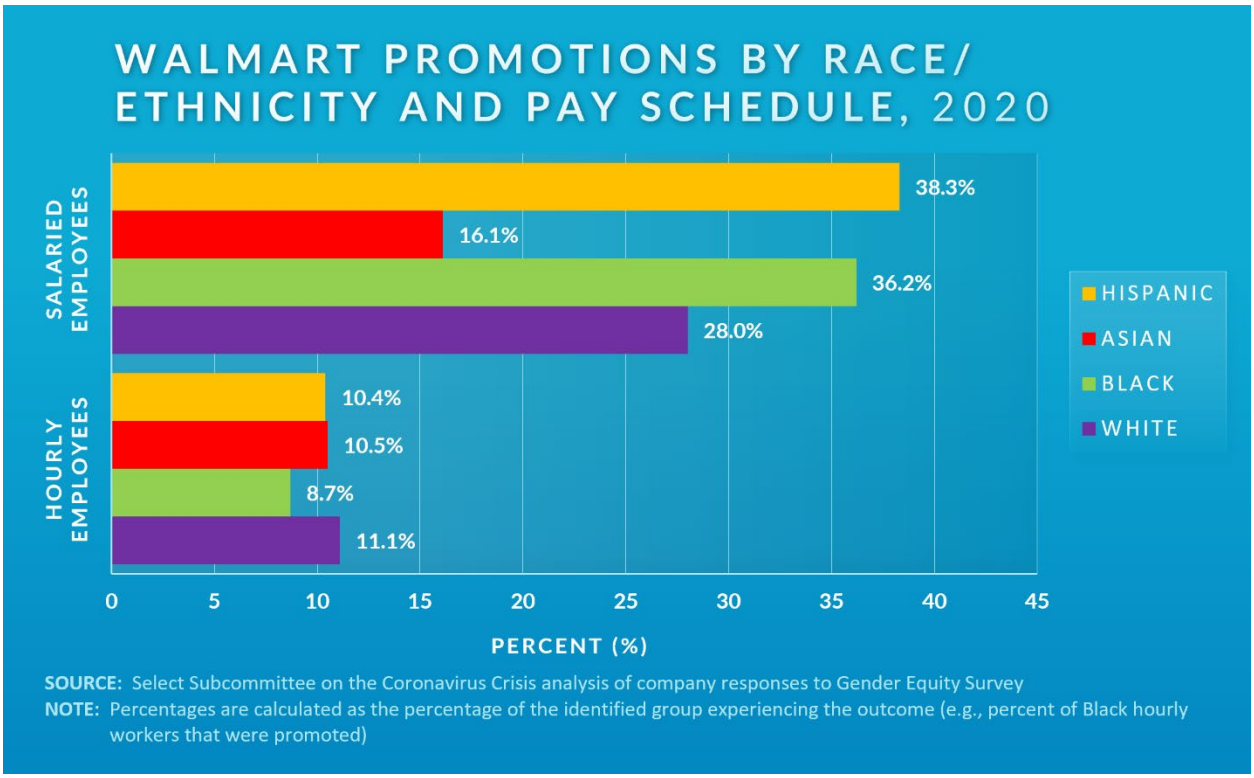


Figure 2



B. Paid Sick Leave and Family and Caregiving Leave Were Associated with Better Worker Retention Prior to and During the Coronavirus Pandemic

The coronavirus crisis revealed that paid leave is essential to protecting workers' safety and well-being and to supporting the American economy. Paid leave became a crucial tool to combating the spread of the coronavirus, as it allowed workers to stay home when they were sick, thus preventing further spread of the virus, or to care for sick family members.[29] For example, one study found that paid sick leave helped flatten the curve, with states where workers gained new access to sick leave through pandemic relief legislation seeing approximately 400 fewer new cases of COVID-19 per day.[30]

However, many workers did not have access to paid leave at the beginning of the pandemic. In March 2020, one in four private sector workers did not have access to paid sick leave. Part-time workers fared especially poorly, with 55% having no access to paid sick leave, compared to 14% of full-time workers.[31] Access to paid leave also varies greatly across industries. For example, 97% of workers in the finance and insurance industries had access to paid sick leave as of March 2021, while only 50% of workers in the leisure and hospitality industries had access.[32] A 2020 service-sector survey similarly found that less than half of service-sector workers reported having access to paid sick leave in 2019.[33] Worse, women and people of color in the service-sector were also disproportionately likely to lack access to paid sick leave: 55% of white men surveyed reported having paid sick leave, compared to 46% of white women and 40% of people of color.[34] The coronavirus pandemic compounded these inequities; many of the workers without access to paid sick leave have been on the front lines of the pandemic and therefore at greatest risk of becoming sick from the virus, whereas workers who already had paid sick leave—in industries such as finance and insurance—have been more likely to be able to telework and avoid viral exposure.[35]

The Select Subcommittee used data from the surveyed companies to analyze whether paid sick leave and family and caregiving leave made a difference in workers' employment outcomes. This analysis was limited to a subset of the surveyed companies (three for the sick leave analysis, and seven for the family and caregiving leave analysis) due to a lack of available comparison group (*i.e.*, where some workers had access to paid sick leave or used family and caregiving leave and some did not) at the other companies surveyed.[36]

1. Workers Without Access to Paid Sick Leave Quit at Far Higher Rates Than Workers with Access

The Select Subcommittee's analysis showed that lack of access to paid sick leave was associated with high rates of voluntary departures. At each of the three companies with an available comparison group, workers without access to paid sick leave quit at a far higher rate than workers with access in 2019 and throughout the pandemic—typically three to four times higher.[37] For example, at one of these companies, 28.8% of male and 35.5% of female hourly workers without access to paid sick leave quit in 2020, compared to just 10.2% of male and 12.4% of female hourly workers with access to paid sick leave.[38] The vast majority of salaried workers for whom data was collected had access to paid sick leave, so the Select Subcommittee was not able to identify the impact of paid leave for these workers. However, quit rates among

salaried workers overall at all three companies were almost always lower than both groups of hourly workers (with and without access to leave).[39]

This analysis affirms existing research showing the benefits of paid sick leave to both employers and workers.[40] The high rate of turnover associated with failing to offer paid sick leave has real costs to employers. This includes high financial costs associated with replacing workers (*e.g.*, from advertising positions, interviewing candidates, and training new hires), but may include other indirect costs as well, such as lower worker morale and higher rates of mistakes.[41] By offering paid sick leave, employers can reduce turnover by improving their workers' work experience—a win-win for employers and workers.

Counterintuitively, at each of the three companies, the rate of voluntary departures for workers without access to paid sick leave was at its lowest in 2020, even though it was still far higher than the rate for workers with access to paid sick leave (which was also at its lowest in 2020).[42] For example, while 48.0% of male hourly workers without access to paid sick leave at one of the companies quit in 2019, this dropped to 35.4% in 2020.[43] This may be explained by the fact that each of these three companies conducted more layoffs in 2020 than in 2019 or 2021, so some workers who would have otherwise quit may have been laid off.[44] However, it could also imply that retaining their job was a higher priority than normal for workers in 2020, even if it was a job that did not offer paid sick leave.

2. Taking Family and Caregiving Leave Was Associated with Improved Retention and Performance Recognition and Did Not Result in an Increase in Adverse Outcomes

The Select Subcommittee's analysis showed that workers who had access to and took family and caregiving leave—including both paid and unpaid leave—almost never had worse outcomes than workers who did not take this leave.[ix] In fact, workers who had access to and took family and caregiving leave had *better* outcomes than those that did not more than half the time, particularly when it came to lower rates of voluntary departures and higher rates of raises and promotions. Workers who had access to and took family and caregiving leave quit at a lower rate than workers who did not take this leave 86.2% of the time, received raises at a higher rate 87.2% of the time, and received promotions at a higher rate 51.7% of the time.[45]

This analysis provides further evidence in support of research showing that offering paid family leave improves employee retention, productivity, and morale.[46] The lower rates of voluntary departures among workers who had access to and used family and caregiving leave at the surveyed companies speaks to the value of this leave in improving worker retention (which, as described previously, has financial benefits for companies). Perhaps more surprising, but equally important, is the fact that workers who took this leave received raises and promotions at higher rates than workers who did not (as described above), which may indicate that workers' performance improved as a result of taking the leave, perhaps due to reduced stress and burnout.

[ix] The Select Subcommittee assumed that workers who took family and caregiving leave also had access to it; however, it was not clear whether workers who did not take family and caregiving leave did or did not have access. See Appendix I and Section III.D discussing companies' lack of data for a full explanation of why the Select Subcommittee could not analyze data on access to paid family and caregiving leave.

However, the increase in promotion rate for workers who took family and caregiving leave was often much smaller for women than for men. In some cases, women who took leave were even promoted less frequently than those that did not. While male workers who had access to and took family and caregiving leave had a higher rate of promotions than men who did not take leave 66.7% of the time (and a lower rate only 6.7% of the time), female workers who took this leave had a higher rate of promotions than women who did not only 36.7% of the time (and had a lower rate 13.3% of the time).[47] At one company, male salaried workers who took family and caregiving leave in 2019 received a 6.6 percentage point increase in their promotion rate (19.7% promoted vs. 13.1% for male workers who did not take leave), but female salaried workers who took family and caregiving leave at the same company had a 0.5 percentage point decrease (15.9% promoted vs. 16.4% for female workers who did not take leave).[48] This may reflect the so-called "motherhood penalty," a term that refers to disproportionately negative employment outcomes experienced by women with children that are likely due to bias.[49]

The association between use of family and caregiving leave and better employment outcomes did not change significantly from year to year,[50] and it did not vary between hourly and salaried workers or (with the exception of promotions) between male and female workers.

C. Older Workers Quit, Resigned, or Retired Less but Were Laid Off More Than Younger Workers in 2019, 2020, and 2021

Research conducted over the past two years has shown that older workers' experience with job loss during the coronavirus pandemic has differed from past economic downturns. According to the Urban Institute, during the 50 years preceding the coronavirus crisis, unemployment surges hit younger workers harder than older workers, largely because older workers typically had greater levels of seniority with their employers that protected them from layoffs.[51] Yet, research has shown the opposite to be true during the coronavirus crisis. During the first six months of the pandemic, workers 55 and older were 17% more likely to become unemployed than younger workers. Job loss for older workers has also been shown to be worse during the pandemic than it was during the Great Recession.[52] However, while the higher rate of job loss among older workers seen during the first two years of the coronavirus pandemic differed from past economic crises, it was not necessarily a new phenomenon: at least one pre-pandemic analysis associated this phenomenon with longer term trends, such as the disappearance of the traditional pension and weakening enforcement of the Age Discrimination in Employment Act.[53]

The data obtained from the surveyed companies enabled the Select Subcommittee to delve into the nature of older workers' job loss and examine the extent to which it was voluntary or involuntary.[x] The analysis showed that, at the surveyed companies, older workers' job losses in 2019 and the first two years of the pandemic were more often involuntary. Between 2019 and 2021, older workers at the surveyed companies quit, resigned, or retired at lower rates than younger workers 65.6% of the time (and at higher rates only 24.0% of the time)[xi] but were laid

[x] The Select Subcommittee's survey defined older workers as those aged 50 and older.

[xi] Two of the surveyed companies—together accounting for 1/3 of the cases in which older workers quit at higher rates than younger workers—informed the Select Subcommittee that they had included voluntary layoffs

off at higher rates than younger workers 55.0% of the time (and at lower rates only 5.5% of the time).[54] The differences between these two groups' outcomes were often quite extreme, with older workers being laid off at double, triple, or even quintuple the rate of younger workers, and with younger workers quitting, resigning, or retiring at double or triple the rate of older workers. For example, at one company in 2020, while 5.3% of male and 4.1% of female hourly workers under age 50 were laid off, 11.6% of male and 9.9% of female hourly workers aged 50 or older were laid off. Yet, in that same year, 14.0% of male and 15.4% of female hourly workers under age 50 left voluntarily, compared to 4.3% of male and 4.0% of female hourly workers over age 50.[55]

D. Better Data Are Needed to Understand the Employment Outcomes of American Workers During the Pandemic and Beyond

The workforce inequities identified by the Select Subcommittee are not a complete picture of the inequities in American workplaces that were impacted by the economic crisis accompanying the coronavirus pandemic. The surveyed companies employed a total of approximately 3.8 million workers as of 2021 and encompass a wide range of industries. While the size and diversity of these companies makes them useful for understanding workers' experiences at large, private sector employers during the pandemic, trends may have differed in other sectors of the economy not covered by the Select Subcommittee's survey, such as small businesses and the public sector. The Select Subcommittee's analysis was also limited by a lack of available data for certain key characteristics at the surveyed companies. Even more concerningly, federal enforcement officials and researchers would be unable to expand upon the Select Subcommittee's analysis due to a lack of federal data on key demographics and on employment outcomes.

1. Most Surveyed Companies Could Not Provide Comprehensive Data on Workers' Employment Benefits

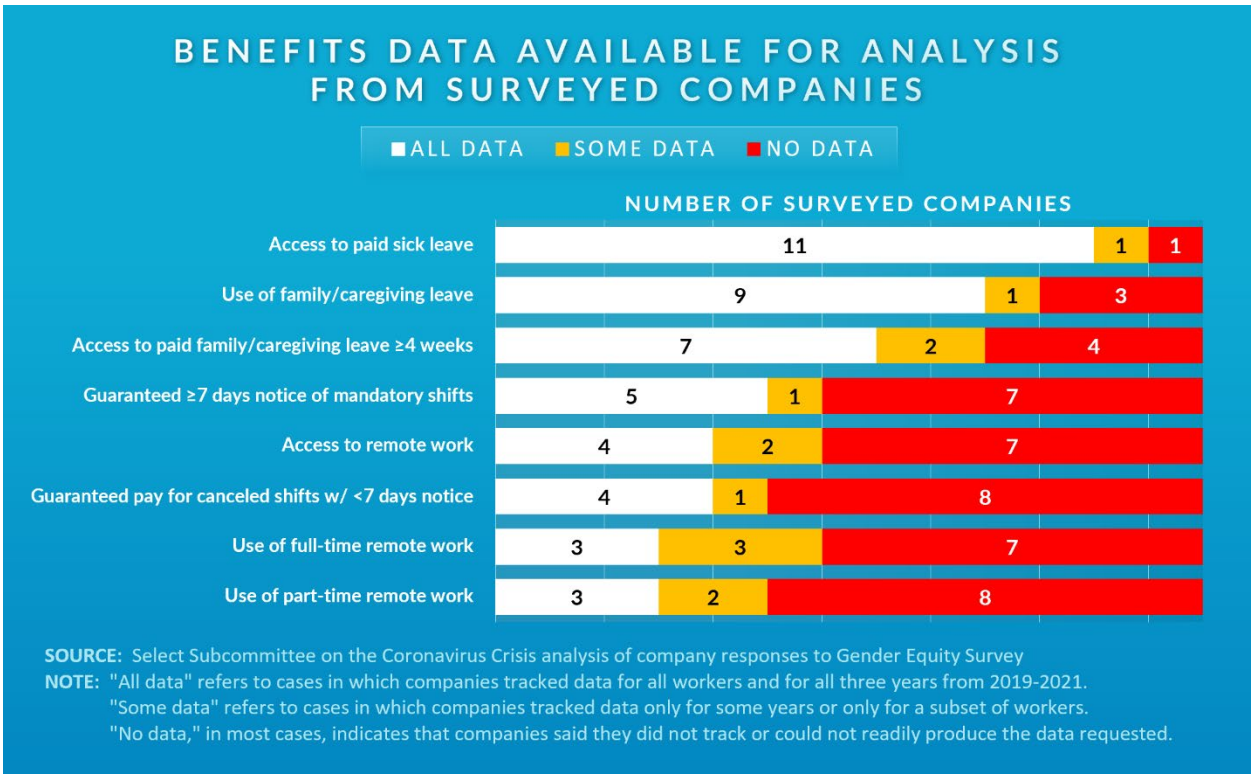
The Select Subcommittee was unable to analyze the effect of several employment benefits—such as access to and usage of remote work, and access to paid family and caregiving leave of at least four weeks—because the majority of companies do not maintain comprehensive data on which workers had access to or used benefits, or what the employment outcomes were for those workers.[xii] Only two of the surveyed companies were able to provide all of the benefits data requested by the Select Subcommittee. As shown in Figure 3, while more than half of the surveyed companies were able to provide data on access to paid sick leave and usage of family and caregiving leave for all of 2019 to 2021, most companies could not provide data for all three years on remote work or scheduling stability policies for hourly workers. In all but one case, the companies told the Select Subcommittee that they could not provide these data because they did

(*e.g.*, when a worker is offered a buyout) in their voluntary departures data, which may mean that those cases actually reflect a higher rate of layoffs rather than a higher rate of quits, resignations, and retirements.

[xii] For additional explanation of how the lack of data impacted the analysis, see Appendix I.

not track the information or they did not maintain it in an accessible format (*e.g.*, to compile the data they would have to do a worker-by-worker review).[xiii]

Figure 3



2. Most Surveyed Companies Are Not Collecting Comprehensive Data on Workers' Sexual Orientation and Gender Identity, But Limited Available Data Indicate the Share of the Workforce Openly Identifying as LGBTQ+ May Be Growing

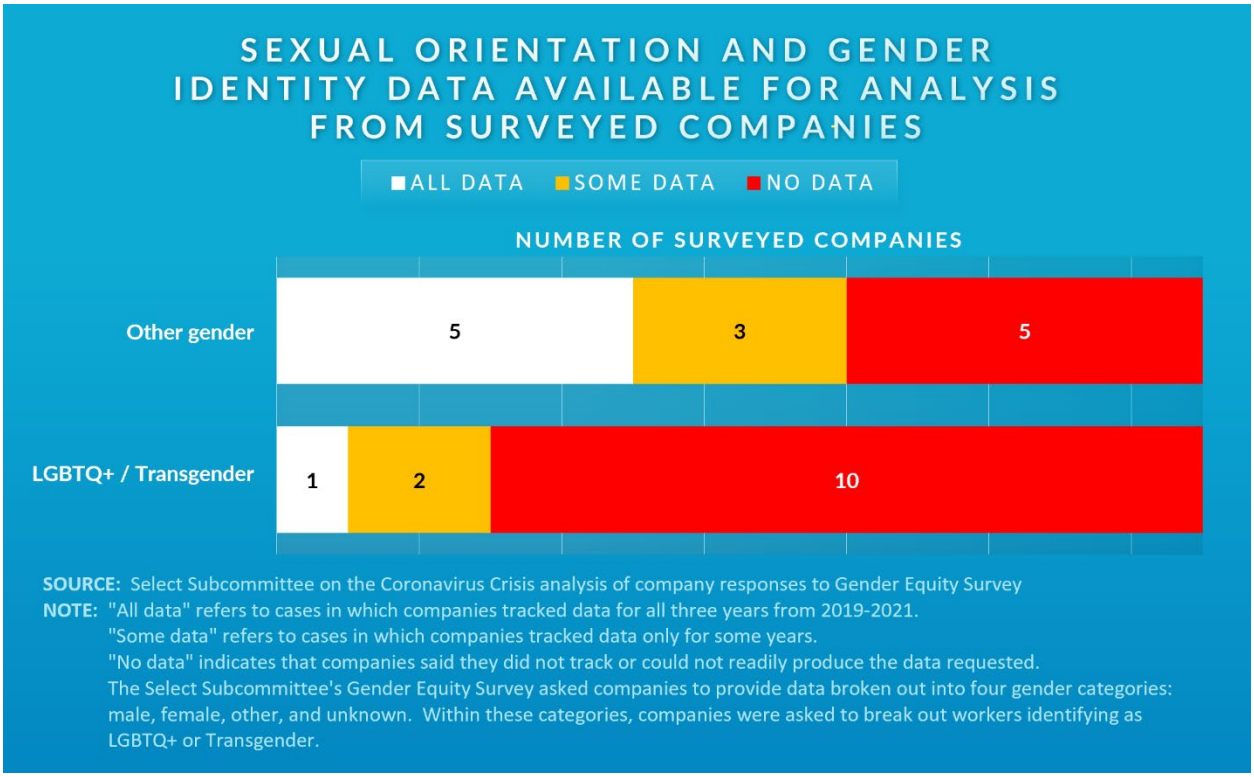
The Select Subcommittee's survey included two requests for demographic data aimed at understanding the effects of the pandemic on LGBTQ+ workers. First, the survey included a third gender option, "other," that could apply to non-binary workers.[xiv] Second, within each gender category, companies were asked to provide data for any workers identifying as LGBTQ+ generally or as transgender specifically. As shown in Figure 4, while a little more than half of the surveyed companies were able to provide some limited data for the "other" category, almost none were able to provide data on workers identifying as LGBTQ+ or transgender. Although companies may have good reasons for not collecting these data from workers—such as privacy

[xiii] One company that did not provide data on family and caregiving leave told the Select Subcommittee that it did not do so because its paid family leave policy did not take effect until January 1, 2022.

[xiv] Companies were asked to provide data on their workers in four gender categories: male, female, other, and unknown. Unless indicated otherwise by the companies, the Select Subcommittee generally interpreted "other" as referring to non-binary workers and "unknown" as referring to workers who declined to respond when asked to indicate their gender.

interests or protecting workers from state governments seeking to curtail LGBTQ+ rights[56]—the lack of data prevents companies (and the government) from understanding the extent to which employment outcomes differ based on workers' sexual orientation and gender identity.

Figure 4



Eight of the thirteen surveyed companies provided the Select Subcommittee with data for at least one year on workers whose gender was identified as "other," while the remaining five companies said they did not maintain such data. At five of the companies that did provide these data, the number of reported workers whose gender was identified as "other" was very small (ranging from 1 to 38).[57] The remaining three companies that provided data had comparatively large numbers of workers whose gender was identified as "other," but the Select Subcommittee could only conduct analysis for one of them.[xv]

Data for the single company that provided analyzable data showed that "other" gender workers quit at much higher rates than male and female workers. The number of workers identifying their gender as "other" rose from 61 in 2019 to 89 in 2020, but most of these workers were lost to voluntary departures and terminations following the onset of the pandemic, leaving only 24 workers whose gender was identified as "other" in 2021. 79.8% of workers whose

[xv] One of these three companies informed the Select Subcommittee that the workers whose gender had been reported as "other" had self-identified their gender as "undisclosed," which the Select Subcommittee interpreted as a response of "unknown" rather than "other" or non-binary. Another of the three companies provided data that seemed likely to be unreliable, as it showed a sudden and unexplained increase in "other" gender workers from 2020 to 2021, with these workers' share of the company's workforce changing from 0.8% to 7.5%.

gender was identified as "other" left that company in 2020—eight times the rate of departures for male and female workers, only 9.3% and 9.8% of whom departed from the company in 2020, respectively. In 2020, 56.2% of workers whose gender was identified as "other" left voluntarily and 23.6% were fired.[xvi] The overall rate of departures for these workers was about double the rates of departure for male and female workers in 2019 and 2021 as well.

The dramatically different outcomes experienced by workers identifying their gender as "other" demonstrates the importance of collecting data for non-binary workers in addition to male and female workers. Only by collecting such data can companies understand whether non-binary workers are experiencing inequitable outcomes and, if they are, take corrective action.

Data from the three companies that tracked LGBTQ+ workers demonstrate that they can be a relatively large portion of the workforce, and that the share of workers who are openly identifying as LGBTQ+ may be growing over time. At these three companies, the percentage of workers openly identifying as LGBTQ+ ranged from 0.8% to 3.7% of all workers (combining hourly and salaried workers).[58] Additionally, at the company that maintained data for all three years, the number of workers identifying as LGBTQ+ more than doubled in just two years, growing faster than the company's overall workforce.[59] Notably, LGBTQ+ workers at these companies were often more numerous than members of several other protected classes that are typically tracked by employers, including Native American workers, multiracial workers, and workers with disabilities.

Without data on workers' sexual orientation and gender identity, employers and other observers cannot determine with certainty whether LGBTQ+ workers are fairly represented and experiencing equitable treatment. Collecting these data is critical for companies to monitor their own compliance with Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination on the basis of certain protected characteristics, including sexual orientation or transgender status.[60]

The Select Subcommittee notes that some of the other surveyed companies mentioned that they give workers an opportunity to record their LGBTQ+ identity and/or to record a gender identity other than male or female in certain company software or data systems, but these data are not comprehensive and may not be sufficiently linked with other employment records to conduct analysis of employment outcomes. Until companies systematically collect data on workers' sexual orientation and gender identity—as they do for other demographic characteristics, which are typically collected as part of employee hiring and onboarding for compliance with federally-mandated reporting requirements—any data on openly LGBTQ+ and non-binary workers will be necessarily incomplete and less useful for ensuring equitable representation and employment outcomes.

[xvi] None were laid off.

3. The United States Lacks Data on LGBTQ+ Workers and Employment Outcomes That Could be Important for Protecting Worker Rights

The lack of sexual orientation and gender identity data at the surveyed companies is representative of a national lack of data on LGBTQ+ workers. Some of the surveyed companies told the Select Subcommittee that they do not collect these data because EEOC—a key source for federal data on the American workforce—does not require employers to report data on these characteristics. EEOC also does not require reporting on several other federally protected characteristics, including age, disability, and religion.[61] EEOC's primary data collection instrument, known as the EEO-1 Report (EEO-1), only requires the reporting of worker data broken out by workers' sex (currently presented as binary male and female), race and ethnicity, and job category.[xvii]

This limitation results from the fact that EEOC first introduced the EEO-1 in 1966—just one year after EEOC was established—and, for the most part, EEOC has not significantly changed the EEO-1 since that time, despite numerous changes to federal civil rights law that have protected additional worker characteristics.[62] The EEO-1 has changed so little since 1966 that a 2006 EEOC press release described some minor changes to the race/ethnicity and job categories as "the first major change to the employer survey in four decades."[63]

Additionally, while the EEO-1 captures *how many* people of a particular group work at a particular place (*i.e.*, representational data), the report does not capture the *outcomes* of those workers, such as promotion or termination rates. This is an important distinction that limits the EEO-1's utility for identifying inequitable workplaces, and it is one of the reasons the Select Subcommittee undertook its own survey to understand the actual impacts of the pandemic on American workers. A workplace that has equitable representation may not have equitable outcomes for all protected categories of workers, and vice-versa. Moreover, equitable representation does not necessarily speak to job quality differences, such as the inequities between hourly and salaried workers identified by the Select Subcommittee. The difference between equitable representation and equitable outcomes was apparent in several cases in the Select Subcommittee's survey data. For example, as described earlier, Walmart had some of the largest racial inequities of the surveyed companies when it came to employment outcomes, with Black hourly workers being terminated at double the rate of their white counterparts, and with

[xvii] EEO-1 is used to collect data from private sector employers with 100 or more employees, and from federal contractors with 50 or more employees that meet certain criteria. EEOC collects additional data from local unions, state and local governments, and public elementary and secondary school systems through other data collection instruments. In recent years, EEOC has also been developing an extension of the EEO-1 report known as EEO-1 Component 2, which collects data on pay and compensation; however, that tool is largely beyond the scope of this report, so the abbreviated "EEO-1" is used in this report solely to refer to the historical data collection and reporting tool, which in recent years has been referred to as "Component 1." Equal Employment Opportunity Commission, *EEO-1 Component 1 Data Collection* (online at www.eeoc.gov/employers/eeo-1-data-collection) (accessed July 19, 2022); Equal Employment Opportunity Commission, *EEO Data Collections* (online at www.eeoc.gov/employers/eeo-data-collections) (accessed July 19, 2022); National Academies of Sciences, Engineering, and Medicine, *Evaluation of Compensation Data Collected Through the EEO-1 Form* (2022) (online at https://nap.nationalacademies.org/catalog/26581/evaluation-of-compensation-data-collected-through-the-eeo-1-form).

Asian salaried workers being promoted at half the rate of their white counterparts. Yet, both of these groups were overrepresented at Walmart compared to their representation in the national population: Black workers made up 24.4% of Walmart's hourly workforce in 2020 (compared to 13.6% of the national population), and Asian workers made up 10.0% of Walmart's salaried workforce (compared to 6.1% of the national population).[64]

Because EEOC does not require the collection of employment outcomes data, the data may not exist. For example, Precision Castparts was unable to provide the Select Subcommittee with outcome data for any protected characteristic other than sex (even though race/ethnicity, sexual orientation, gender identity, age, and disability were requested).[65] Without such data, EEOC and other observers—including employers conducting self-assessments of their own workforce—cannot conduct the kind of analysis necessary to understand potential inequities faced by workers with protected characteristics in the American workforce.

IV. CONCLUSION AND RECOMMENDATIONS

A. Underlying Structural Inequities in the American Workforce Must Be Addressed

The Select Subcommittee's analysis showed that there are underlying structural inequities at many companies—including inequities rooted in workers' pay schedule, gender, race and ethnicity, and age—that pre-existed the coronavirus pandemic and continued to play out through the economic crisis of 2020. Even as the absolute number of certain employment outcomes, such as furloughs and layoffs, changed in 2020 at certain companies, the distribution of these outcomes followed a predictable and preventable pattern that changed little from year to year, with historically disempowered groups—namely hourly workers, and particularly women, workers of color, and older workers—bearing a greater share of the burden.[66] For example, hourly workers were likely to be promoted at lower rates than salaried workers in all three years; while there were slight fluctuations from year to year, the fact that hourly workers had less opportunity for upward mobility than salaried workers at the surveyed companies never changed.[xviii] However, these inequities are not limited to the surveyed companies and did not begin in 2019.[67] Unless action is taken to correct these fundamental structural issues, it is likely that these inequities will continue to harm workers and will also make themselves known in future crises.

B. National Paid Family and Caregiving Leave and Universal Sick Leave Programs Would Benefit Workers and Employers Alike

The Select Subcommittee's analysis showed that workers who had access to and took family and caregiving leave were more likely to stay in their jobs and had better employment outcomes all around than those who did not.[68] The Select Subcommittee's analysis also showed that workers with access to paid sick leave left the workforce during the first two years of the pandemic at lower rates than those without leave.[69] These findings support existing research into

[xviii] Hourly workers were promoted at lower rates than salaried workers 62.5% of the time in 2019, 50.0% of the time in 2020, and 60.0% of the time in 2021. *See* Appendix II, Table 2.

real-world implementation of paid leave policies, which has shown the win-win potential of paid family and caregiving leave and paid sick leave for employers, workers, and the broader economy.[70] Paid leave tends to boost both productivity and worker morale.[71] Further, paid leave helps to boost labor force participation, enabling new parents, family caregivers, and people with serious health conditions to work more easily.[72]

The United States is one of the only countries in the world that does not have any form of national paid leave.[73] Ensuring that all American workers have access to paid family and caregiving leave and paid sick leave would help them to remain in the workforce while attending to their own health and the health of their family members, which in turn would help employers by reducing turnover. A universal paid sick leave program would be particularly beneficial to hourly workers, who often lack the ability to stay home when sick—even during a global pandemic. While these benefits are always important, even for ordinary health concerns, the pandemic forced many Americans to stay home to help care for sick family members or provide childcare and demonstrated that these benefits can become even more important during public health emergencies. Ensuring that all American workers have access to these benefits would also enhance the nation's preparedness for any future health crises.

In the short term, American companies can begin to address any identified inequities in their workforces by considering changes to their benefits policies. By providing benefits such as paid sick leave and paid family and caregiving leave to all workers and monitoring the implementation of these policies, companies can improve employee retention and help build a stronger American workforce that can better weather future economic downturns.

C. EEOC Should Modernize its Data Collection Tools to Include Information on Additional Protected Characteristics and on Employment Outcomes

1. EEOC Should Begin Developing Measures for Additional Protected Characteristics—Including Age, Sexual Orientation, and Gender Identity

The lack of EEO-1 data on various protected demographic characteristics limits EEOC's ability to enforce civil rights law. By collecting data on additional protected characteristics—such as age, sexual orientation, and gender identity—EEOC could better enforce the full range of federal laws protecting Americans from discrimination in the workplace.

These actions would also benefit other interested parties, such as the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). EEOC shares the EEO-1 data with OFCCP. OFCCP uses these data as support for investigations—to provide context to the data they receive from the individual contractor under review—and as a factor in scheduling compliance evaluations for federal contractors and subcontractors. OFCCP officials told the Select Subcommittee that it would be useful for them if EEOC collected information on additional protected characteristics, such as disability, sexual orientation, and gender identity.[74]

On his first day in office, President Biden issued an Executive Order stating that it is his Administration's policy to "pursue a comprehensive approach to advancing equity for all," specifically calling out the lack of federal data on protected groups as "impeding efforts to measure and advance equity."[75] By beginning the process of updating the EEO-1 and other data collection instruments to include additional protected characteristics, EEOC would advance the federal government's ability to measure and advance equity in the workplace.

As noted by EEOC staff, the update process is likely to take a significant amount of time,[76] particularly if EEOC takes steps that have recently been recommended by the National Academies, such as working with other federal agencies to study, develop, and test appropriate data collection methods for additional protected characteristics.[77] For example, EEOC began exploring how to collect compensation data through the EEO-1 in 2012; 10 years later, EEOC still does not have a finalized process in place for regularly collecting such data.[78] Due to the time that will be required to implement changes, EEOC should begin as soon as possible the long-overdue process of updating the categories of data collected on the EEO-1, as well as EEOC's other data collection instruments.

2. EEOC Should Explore the Feasibility and Utility of Collecting Systematic Data on Employment Outcomes, Such as Layoffs, Terminations, Raises, and Promotions

If employers were required to report outcomes data—such as terminations, raises, and promotions—on the EEO-1, or even if employers were simply required to track and maintain such outcomes data, then EEOC, researchers, and employers would be better able to ensure not just that workplaces have a representative number of people from the various protected classes, but also that workplaces are treating protected workers equitably.

Because this would be a new form of data collection for EEOC—rather than an expansion of existing data collection to additional groups—EEOC might begin by exploring the feasibility and utility of collecting these data, including considerations of employer burden. As it did beginning in 2012 for the collection of compensation data through the EEO-1, EEOC could engage with outside experts, such as the National Academies, to assist in these efforts.[79]

Appendix I – Methodology

This report addresses the Select Subcommittee's analysis of outcomes for employee groups defined by the following characteristics: pay schedule, gender, race/ethnicity, access to paid sick leave, use of family and caregiving leave (paid or unpaid), age, and sexual orientation and gender identity.

To determine whether certain groups of workers experienced different employment outcomes between 2019 and 2021, Select Subcommittee staff first calculated the percentages of various employee groups that experienced each of seven key employment outcomes—furloughs, layoffs, terminations, voluntary departures, wage and salary reductions, wage and salary increases, and promotions—at each company in each year (*e.g.*, percentage of female hourly workers at a company that were laid off in 2019). This controlled for the (often large) differences in absolute numbers between employee groups and allowed for the analysis to assess outcomes as a proportion of each group's share of the company's workforce. For example, if a company employed 10 women and 100 men, and that company laid off one woman and 10 men, the outcome would appear to be worse for men on a numerical basis but would be equitable, or proportional, on a percentage basis (both groups had the same layoff rate of 10.0%).

Select Subcommittee staff then compared the outcomes of various employee groups, assessing the difference between the percentages of each employee group experiencing each outcome to determine whether a disparity was present (*i.e.*, whether one group's outcomes were better or worse than another's on a percentage basis).[xix] For example, in one analysis the percentage of female hourly workers laid off at a company in a year was compared to the percentage of male hourly workers who were laid off at that same company in the same year, resulting in a percentage point difference (*e.g.*, 5.0% of men laid off and 3.0% of women laid off would be a 2 percentage point difference). Because some variation between employee groups is expected and inevitable, this analysis classifies outcomes as similar unless the difference between groups exceeded a specific threshold, at which point the outcome could be called better or worse. For most analyses, this threshold was set at one percentage point. However, for the analysis of racial and ethnic disparities the threshold was set at two percentage points due to the particularly small employee group sizes common in that analysis; the larger threshold helped ensure that findings were not skewed by the outcomes of just one or two individual workers.[80] For example, if 3.5% of women and 3.0% of men working for an hourly wage at the same company were laid off in 2019, this analysis would consider the outcomes of men and women working for an hourly wage at that company to be similar for that year because the difference did not exceed the one percentage point threshold.

[xix] Because this report compares percentages of employee groups rather than raw numbers of workers, all comparisons are assessing whether outcomes are *proportional* or *disproportional*. To say outcomes were proportional would mean that the percentage of two groups experiencing the outcome was similar (even if the raw number of workers in each group experiencing the outcome differed); to say outcomes were disproportional would mean that the percentage of one group experiencing the outcome was higher or lower than the percentage of another group experiencing that outcome. For ease of understanding, this report uses the term "similar" instead of "proportional," and the terms "better" and "worse" instead of "disproportional" (depending on the direction of the difference).

Differences were assessed for both positive and negative employment outcomes. For negative employment outcomes (furloughs, layoffs, terminations, voluntary departures, and wage and salary reductions), the employee group experiencing the outcome at a *greater* rate was considered to have the worse outcome. For example, if 5.0% of female hourly workers at a company were laid off but only 3.0% of male hourly workers at that same company were laid off, women would be considered to have the worse outcome. For positive employment outcomes (wage increases, salary increases, and promotions), the employee group experiencing the outcome at a *lesser* rate was considered to have the worse outcome. For example, if 5.0% of Black hourly workers and 10.0% of white hourly workers at the same company received promotions, Black workers would be considered to have the worse outcome.

Not all of the companies surveyed tracked data sufficient to respond to all aspects of the Select Subcommittee's survey, which in some cases limited possible findings. The number of comparisons that could be made for each combination of employee groups in each year varied due primarily to four factors: 1) whether or not companies engaged in a particular employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; 3) whether a group of workers was sufficiently large to be included in the analysis (data were excluded for groups of less than 100); and 4) whether data were found to be sufficiently reliable. For example, some companies did not furlough any workers or reduce wages in certain years, meaning that comparisons were not made for those outcomes at those companies in those years. For the total number of comparisons made for each analysis, see Appendix II, Table 1.

Given the size of the surveyed companies—together the companies employed over 3.8 million American workers in 2021—and the fact that they represent a variety of industrial sectors (*e.g.*, manufacturing, entertainment, retail), the Select Subcommittee believes that the results of this analysis are a fair representation of workforce trends at large, private sector companies during and immediately prior to the coronavirus pandemic. However, these trends may not be applicable to other types of employers—such as public sector employers and small, private sector businesses—that were not included in the Select Subcommittee's survey.

Additional details about the Select Subcommittee's analyses of pay schedule and leave benefits are included below.

A. Pay Schedule Analysis

For the analysis of pay schedules, Select Subcommittee staff examined whether a worker's pay schedule (*i.e.*, whether a worker is paid on an hourly or salaried basis) was associated with differences in employment outcomes at the surveyed companies. For each of the seven key employment outcomes reviewed, Select Subcommittee staff compared data for all hourly workers to data for all salaried workers at the same company in the same year (combining workers of all genders and races/ethnicities). Each of these comparisons resulted in a determination of whether hourly workers experienced the outcomes more or less often than their salaried counterparts, on a percentage basis (*i.e.*, whether hourly workers experienced the outcomes at a higher or lower rate). In other words, Select Subcommittee staff determined whether hourly workers' outcomes were better, similar, or worse than those their salaried

counterparts (*e.g.*, if hourly workers were promoted at a lower rate, that would be a worse outcome). These individual comparisons were aggregated to assess trends in pay schedule's association with employment outcomes at the surveyed companies, including an assessment of whether this association changed from 2019 to 2021.[81]

Select Subcommittee staff then conducted additional analysis to determine whether pay schedule's impact on employment outcomes was independent of workers' gender and race/ethnicity. First, Select Subcommittee staff compared data for hourly and salaried workers *of the same gender* at the same company in the same year (*e.g.*, female hourly workers compared to female salaried workers). Second, Select Subcommittee staff compared data for hourly and salaried workers *of the same race/ethnicity* at the same company in the same year (*e.g.*, white hourly workers compared to white salaried workers). For both of these analyses, these individual comparisons were aggregated, with the results being compared to the results of the main analysis described above.[82]

Finally, Select Subcommittee staff conducted additional analysis to determine whether hourly workers were more or less likely than salaried workers to experience employment outcome disparities based on gender and race/ethnicity (*i.e.*, cases where outcomes were better for one gender or racial/ethnic group than another, within the same pay schedule) at the surveyed companies.[xx] First, Select Subcommittee staff compared data for male and female workers *on the same pay schedule* at the same company in the same year (*e.g.*, male hourly workers compared to female hourly workers).[83] Second, Select Subcommittee staff compared data for individual groups of workers of color to white workers *on the same pay schedule* at the same company in the same year (*e.g.*, Black hourly workers compared to white hourly workers).[84] For both of these analyses, these individual comparisons were aggregated in order to compare the frequency of disparities under each pay schedule, and to assess whether the number of disparities changed from 2019 to 2021.

B. Paid Leave Analysis

For the analysis of paid leave, Select Subcommittee staff examined whether access to and use of leave benefits were associated with differences in employment outcomes at surveyed companies. Specifically, Select Subcommittee staff examined access to paid sick leave and usage of family and caregiving leave.[xxi] Due to certain limitations, the analysis of access to paid

[xx] This report uses the term "inequities" interchangeably with "disparities."

[xxi] The Select Subcommittee requested that companies provide data on access to five employment benefits (paid sick leave, paid family/caregiving leave of at least four weeks, option to work remotely, guaranteed seven or more days' notice to employee of mandatory shifts, and guaranteed pay for shifts cancelled by employer without seven or more days' notice). The Select Subcommittee also requested data on usage of three employment benefits (family/caregiving leave, full-time remote work, and part-time remote work). However, due to a combination of factors noted below, Select Subcommittee staff were unable to analyze the majority of these benefits data. In addition to companies being unable to provide data, there was frequently a lack of a comparison group (too few workers to include in the analysis, or all workers at a given company had the same benefit access or usage), and in some cases the benefits data provided by the companies were found to be unreliable.

sick leave is based on data from only three of the surveyed companies and the analysis of usage of family and caregiving leave is based on data from only seven of the surveyed companies.[xxii]

For each of the seven key employment outcomes reviewed, Select Subcommittee staff made two comparisons. First, Select Subcommittee staff compared data for workers who had access to paid sick leave to data for workers who did not have access to paid sick leave.[85] Second, Select Subcommittee staff compared data for workers who had access to and used family and caregiving leave to data for workers who did not use[xxiii] family and caregiving leave.[86] Because the pay schedule analysis had established that gender and pay schedule were associated with differences in employment outcomes, both leave analyses controlled for those factors by making comparisons between workers of the same gender and pay schedule (*e.g.*, female hourly workers who had access to and used family and caregiving leave were compared to female hourly workers who did not use family and caregiving leave, as opposed to comparing all workers who had access to and used family and caregiving leave to all workers who did not).

Each of these comparisons resulted in a determination of whether workers who had access to paid sick leave or used paid family and caregiving leave experienced the seven outcomes more or less often than their counterparts that did not have access to or use this leave, on a percentage basis (*i.e.*, whether workers experienced the outcomes at a higher or lower rate). In other words, Select Subcommittee staff determined whether outcomes were better, similar, or worse for workers who had access to or used leave than for workers who did not (*e.g.*, if a smaller percentage of workers with access to paid sick leave quit, that would be a better outcome). These individual comparisons were aggregated to assess trends in leave benefits' association with employment outcomes at the surveyed companies, including whether this association changed from 2019 to 2021.

[xxii] Twelve companies provided data on access to paid sick leave, but nine of them provided access to paid sick leave (or equivalent paid time off) to all of their workers, meaning there was no comparison group for analysis. Nine companies provided data on usage of family and caregiving leave, but at two of the companies less than 100 workers used the benefit, meaning there was no appropriate comparison group for analysis.

[xxiii] Due to limitations with the data companies provided on workers' access to paid family and caregiving leave of at least four weeks, the Select Subcommittee was only able to compare workers who used family and caregiving leave at some point in the year (whether paid or unpaid and of any duration) to workers who did not use this leave. The Select Subcommittee assumed that workers who used family and caregiving leave must have had access to such leave. However, the extent to which workers who did not use family and caregiving leave had access to such leave is not clear.

Appendix II – Data Tables

Table 1: Total Employment Outcome Comparisons in Select Subcommittee Analysis of Company Survey Data, by Variable

	Number of comparisons							
	All outcomes	**Furloughs**	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage / salary reductions**	**Wage / salary increases**	**Promotions**
Pay Schedule[a]								
2019-2021 (All Workers)	163	6	29	31	29	13	27	28
2019 only (all workers)	47	0	8	9	9	4	9	8
2020 only (all workers)	58	3	10	11	10	5	9	10
2021 only (all workers)	58	3	11	11	10	4	9	10
Male only (all years)	163	6	29	31	29	13	27	28
Female only (all years)	163	6	29	31	29	13	27	28
White only (all years)	157	6	27	29	29	13	27	26
Black only (all years)	157	6	27	29	29	13	27	26
Asian only (all years)	147	6	26	26	26	13	24	26
Hispanic/Latino only (all years)	157	6	27	29	29	13	27	26
Race/Ethnicity Disparities[b]								
Hourly workers (all genders)								
Black (2019-2021)	166	4	27	32	32	13	30	28
Black (2019)	50	0	8	10	10	4	10	8
Black (2020)	59	2	10	11	11	5	10	10
Black (2021)	57	2	9	11	11	4	10	10
Asian (2019-2021)	157	4	27	29	29	13	27	28
Asian (2019)	47	0	8	9	9	4	9	8
Asian (2020)	56	2	10	10	10	5	9	10
Asian (2021)	54	2	9	10	10	4	9	10
Hispanic/Latino (2019-2021)	166	4	27	32	32	13	30	28
Hispanic/Latino (2019)	50	0	8	10	10	4	10	8
Hispanic/Latino (2020)	59	2	10	11	11	5	10	10
Hispanic/Latino (2021)	57	2	9	11	11	4	10	10
Salaried workers (all genders)								
Black (2019-2021)	169	6	30	32	32	10	27	32
Black (2019)	51	0	9	10	10	3	9	10
Black (2020)	59	3	10	11	11	4	9	11
Black (2021)	59	3	11	11	11	3	9	11

	Number of comparisons							
	All outcomes	**Furloughs**	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage / salary reductions**	**Wage / salary increases**	**Promotions**
Asian (2019-2021)	169	6	30	32	32	10	27	32
Asian (2019)	51	0	9	10	10	3	9	10
Asian (2020)	59	3	10	11	11	4	9	11
Asian (2021)	59	3	11	11	11	3	9	11
Hispanic/Latino (2019-2021)	169	6	30	32	32	10	27	32
Hispanic/Latino (2019)	51	0	9	10	10	3	9	10
Hispanic/Latino (2020)	59	3	10	11	11	4	9	11
Hispanic/Latino (2021)	59	3	11	11	11	3	9	11
Gender Disparities[c]								
Hourly (2019-2021)	177	4	34	34	32	13	30	30
2019 only	52	0	10	10	10	4	10	8
2020 only	63	2	12	12	11	5	10	11
2021 only	62	2	12	12	11	4	10	11
Salaried (2019-2021)	177	6	34	34	32	10	27	34
2019 only	52	0	10	10	10	3	9	10
2020 only	63	3	12	12	11	4	9	12
2021 only	62	3	12	12	11	3	9	12
Use of Family and Caregiving Leave[d]								
Hourly + Salaried (2019-2021, male + female)	309	12	58	58	58	16	47	60
2019 only	84	0	16	16	16	4	16	16
2020 only	118	6	22	22	22	8	16	22
2021 only	107	6	20	20	20	4	15	22
Access to Paid Sick Leave[e]								
Hourly + Salaried (2019-2021, male + female)	102	3	17	17	17	14	17	17
2019 only	34	0	6	6	6	4	6	6
2020 only	38	2	6	6	6	6	6	6
2021 only	30	1	5	5	5	4	5	5
Age[f]								
Hourly + Salaried (2019-2021, male + female)			109		125			
2019 only			33		39			
2020 only			39		43			
2021 only			37		43			

	Number of comparisons							
	All outcomes	**Furloughs**	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage / salary reductions**	**Wage / salary increases**	**Promotions**
Hourly only (2019-2021, male + female)			51		61			
2019 only			15		19			
2020 only			19		21			
2021 only			17		21			
Salaried only (2019-2021, male + female)			58		64			
2019 only			18		20			
2020 only			20		22			
2021 only			20		22			

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[a] This analysis compared the outcomes of all hourly workers to those of all salaried workers at the same company in the same year to check for association of pay schedule with differences in employment outcomes. Sub-analyses broke this into individual years to check for changes over time, and also made new comparisons between hourly and salaried workers of the same gender or same race/ethnicity to check whether trends were independent of these factors. For example, one sub-analysis compared the outcomes of male hourly workers at a company to the outcomes of male salaried workers at the same company. Results of these analyses are shown in Appendix II, Table 2, Table 3, and Table 4.

[b] These analyses compared the outcomes of workers of color (one race/ethnicity at a time) to those of white workers on the same pay schedule, at the same company, in the same year, to check for prevalence of racial disparities. For example, one variant of this analysis compared the outcomes of Black hourly workers at a company to the outcomes of white hourly workers at the same company. Results of these analyses are shown in Appendix II, Table 6, Table 7, and Table 8.

[c] This analysis compared the outcomes of female workers to those of male workers on the same pay schedule, at the same company, in the same year, to check for prevalence of gender disparities. For example, part of this analysis compared the outcomes of female hourly workers at a company to the outcomes of male hourly workers at the same company. Results of this analysis are shown in Appendix II, Table 5.

[d] This analysis compared the outcomes of workers who had access to and used family or caregiving leave in a given year to workers of the same gender and pay schedule that did not use family or caregiving leave at the same company, in the same year, to check for association of leave usage with differences in employment outcomes. For example, the outcomes of female salaried workers who used family or caregiving leave at a company were compared to the outcomes of female salaried workers who did not use this leave at the same company. Results of this analysis are shown in Appendix II, Table 10.

[e] This analysis compared the outcomes of workers who did not have access to paid sick leave to workers of the same gender and pay schedule that did have access to sick leave at the same company, in the same year. For example, the outcomes of male hourly workers who did not have access to sick leave at a company were compared to the outcomes of male hourly workers who did have access to sick leave at the same company. Results of this analysis are shown in Appendix II, Table 9.

[f] This analysis compared the outcomes of workers aged 50 and older to those of workers younger than age 50 of the same gender, on the same pay schedule, at the same company, in the same year. For example, the outcomes of female salaried workers aged 50 and older at a company were compared to the outcomes of female salaried workers younger than age 50 at the same company. Results of this analysis are shown in Appendix II, Table 11.

Table 2: Employment Outcomes of Hourly Workers at Surveyed Companies, Relative to Salaried Workers, by Year

		Percent (%)							
		Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
2019-2021	Better	16.7	41.4	6.5	20.7	7.7	51.9	25.0	26.4
	Similar	50.0	41.4	54.8	13.8	53.8	0.0	17.9	29.4
	Worse	33.3	17.2	38.7	65.5	38.5	48.1	57.1	44.2
2019	Better	N/A	62.5	0.0	11.1	0.0	44.4	12.5	23.4
	Similar	N/A	37.5	44.4	11.1	50.0	0.0	25.0	25.5
	Worse	N/A	0.0	55.6	77.8	50.0	55.6	62.5	51.1
2020	Better	33.3	30.0	9.1	30.0	20.0	66.7	30.0	31.0
	Similar	33.3	30.0	63.6	10.0	60.0	0.0	20.0	29.3
	Worse	33.3	40.0	27.3	60.0	20.0	33.3	50.0	39.7
2021	Better	0.0	36.4	9.1	20.0	0.0	44.4	30.0	24.1
	Similar	66.7	54.5	54.5	20.0	50.0	0.0	10.0	32.8
	Worse	33.3	9.1	36.4	60.0	50.0	55.6	60.0	43.1

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of hourly workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of salaried workers at companies surveyed by the Select Subcommittee, by year. For this analysis, the terms "hourly workers" and "salaried workers" included all workers on each pay schedule, regardless of gender or race/ethnicity. For example, the Select Subcommittee made nine comparisons of hourly workers' voluntary departures to salaried workers' voluntary departures for 2019; of these, hourly workers' outcomes were better than their salaried counterparts' in one case (11.1%), were similar in one case (11.1%), and were worse in seven cases (77.8%). The total number of comparisons for the intersections of each of the seven employment outcomes with year ranged from 0 to 31, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all seven outcomes, 47 comparisons were made for 2019, 58 were made for 2020, 58 were made for 2021, and 163 were made for all three years; see Appendix II, Table 1 for details. Hourly workers' outcomes were considered similar to salaried workers' outcomes if they were within one percentage point, and they were considered better or worse than salaried workers' outcomes if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 3: Employment Outcomes of Hourly Workers at Surveyed Companies, Relative to Salaried Workers, by Race/Ethnicity and Gender, 2019-2021

		Percent (%)							
		Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
All workers	Better	16.7	41.4	6.5	20.7	7.7	51.9	25.0	26.4
	Similar	50.0	41.4	54.8	13.8	53.8	0.0	17.9	29.4
	Worse	33.3	17.2	38.7	65.5	38.5	48.1	57.1	44.2
White workers	Better	16.7	48.1	0.0	20.7	7.7	55.6	26.9	27.4
	Similar	50.0	40.7	58.6	13.8	38.5	7.4	23.1	30.6
	Worse	33.3	11.1	41.4	65.5	53.8	37.0	50.0	42.0
Black workers	Better	16.7	48.1	0.0	34.5	7.7	55.6	26.9	29.9
	Similar	50.0	40.7	24.1	3.4	53.8	3.7	15.4	21.7
	Worse	33.3	11.1	75.9	62.1	38.5	40.7	57.7	48.4
Asian workers	Better	16.7	30.8	0.0	11.5	15.4	54.2	7.7	19.7
	Similar	50.0	53.8	61.5	15.4	38.5	20.8	23.1	36.1
	Worse	33.3	15.4	38.5	73.1	46.2	25.0	69.2	44.2
Hispanic / Latino workers	Better	16.7	40.7	0.0	24.1	7.7	37.0	26.9	23.6
	Similar	50.0	44.4	55.2	13.8	46.2	14.8	15.4	31.2
	Worse	33.3	14.8	44.8	62.1	46.2	48.1	57.7	45.2
Female workers	Better	16.7	34.5	0.0	20.7	7.7	44.4	17.9	21.5
	Similar	50.0	48.3	54.8	10.3	30.8	7.4	25.0	30.7
	Worse	33.3	17.2	45.2	69.0	61.5	48.1	57.1	47.9
Male workers	Better	16.7	44.8	6.5	20.7	15.4	51.9	21.4	27.0
	Similar	50.0	37.9	51.6	13.8	46.2	7.4	28.6	30.7
	Worse	33.3	17.2	41.9	65.5	38.5	40.7	50.0	42.3

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of hourly workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of salaried workers (without regard to race/ethnicity or gender for the main analysis, and of the same race/ethnicity or same gender for sub-analyses) at companies surveyed by the Select Subcommittee. For example, the Select Subcommittee made 29 comparisons of white hourly workers' voluntary departures to white salaried workers' voluntary departures, covering 2019-2021. Of these, white hourly workers' outcomes were better than their white salaried counterparts' in six cases (20.7%), were similar in four cases (13.8%), and were worse in 19 cases (65.5%). The total number of comparisons for the intersections of each of the seven employment outcomes with race/ethnicity and gender ranged from 6 to 31, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all seven outcomes, the total number of comparisons ranged from 147 to 163; see Appendix II, Table 1 for details. Hourly workers' outcomes were considered similar to salaried workers' outcomes if they were within one percentage point, and they were considered better or worse than salaried workers' outcomes if they differed by greater than or equal to one percentage

point. “Better” is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 4: Employment Outcomes of Hourly Workers at Surveyed Companies, Relative to Salaried Workers, by Company, 2019-2021

	Percent (%)		
Company	Better	Similar	Worse
A	33.3	0.0	66.7
B	30.0	40.0	30.0
C	40.0	40.0	20.0
D	0.0	20.0	80.0
E	33.3	11.1	55.6
F	40.0	40.0	20.0
G	27.8	22.2	50.0
H	22.2	33.3	44.4
I	10.0	10.0	80.0
J	16.7	61.1	22.2
K	53.3	40.0	6.7

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of hourly workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of salaried workers at companies surveyed by the Select Subcommittee, by company. For this analysis, the terms "hourly workers" and "salaried workers" included all workers on each pay schedule, regardless of gender or race/ethnicity. For example, the Select Subcommittee made 18 comparisons of hourly workers' outcomes to salaried workers' outcomes at Company J; of these, hourly workers' outcomes were better than their salaried counterparts' in three cases (16.7%), were similar in 11 cases (61.1%), and were worse in four cases (22.2%). The total number of comparisons for each company ranged from 6 to 20, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Hourly workers' outcomes were considered similar to salaried workers' outcomes if they were within one percentage point, and they were considered better or worse than salaried workers' outcomes if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 5: Employment Outcomes of Female Workers at Surveyed Companies, Relative to Male Workers, by Pay Schedule and Year

			Percent (%)							
			Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
Hourly	2019-2021	Better	0.0	2.9	17.6	21.9	15.4	40.0	36.7	22.0
		Similar	75.0	79.4	61.8	31.3	69.2	10.0	43.3	48.6
		Worse	25.0	17.6	20.6	46.9	15.4	50.0	20.0	29.4
	2019	Better	N/A	0.0	30.0	30.0	0.0	50.0	50.0	28.8
		Similar	N/A	90.0	60.0	30.0	100.0	10.0	25.0	48.1
		Worse	N/A	10.0	10.0	40.0	0.0	40.0	25.0	23.1
	2020	Better	0.0	8.3	8.3	18.2	20.0	30.0	36.4	19.0
		Similar	50.0	58.3	66.7	18.2	40.0	10.0	45.5	41.3
		Worse	50.0	33.3	25.0	63.6	40.0	60.0	18.2	39.7
	2021	Better	0.0	0.0	16.7	18.2	25.0	40.0	27.3	19.4
		Similar	100.0	91.7	58.3	45.5	75.0	10.0	54.5	56.5
		Worse	0.0	8.3	25.0	36.4	0.0	50.0	18.2	24.2
Salaried	2019-2021	Better	0	5.9	5.9	18.8	0.0	48.1	73.5	27.1
		Similar	66.7	91.2	94.1	62.5	70.0	37.0	23.5	63.3
		Worse	33.3	2.9	0.0	18.8	30.0	14.8	2.9	9.6
	2019	Better	N/A	0.0	10.0	20.0	0.0	44.4	70.0	26.9
		Similar	N/A	100.0	90.0	70.0	100.0	33.3	20.0	65.4
		Worse	N/A	0.0	0.0	10.0	0.0	22.2	10.0	7.7
	2020	Better	0.0	16.7	0.0	18.2	0.0	55.6	83.3	30.2
		Similar	33.3	83.3	100.0	72.7	50.0	33.3	16.7	60.3
		Worse	66.7	0.0	0.0	9.1	50.0	11.1	0.0	9.5
	2021	Better	0.0	0.0	8.3	18.2	0.0	44.4	66.7	24.2
		Similar	100.0	91.7	91.7	45.5	66.7	44.4	33.3	64.5
		Worse	0.0	8.3	0.0	36.4	33.3	11.1	0.0	11.3

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of female workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of male workers on the same pay schedule at companies surveyed by the Select Subcommittee. For example, the Select Subcommittee made 11 comparisons of female salaried workers' voluntary departures to male salaried workers' voluntary departures for 2020. Of these, female workers' outcomes were better than their male counterparts' in 2 cases (18.2%), were similar in eight cases (72.7%), and were worse in one case (9.1%). The total number of comparisons for the intersections of each of the seven individual employment outcomes with pay schedule and year ranged from 0 to 34, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all of the seven outcomes, the total number of comparisons ranged from 52 to 177; see Appendix II, Table 1 for details. Female workers' outcomes were considered similar to those of male

workers if they were within one percentage point, and they were considered better or worse than those of male workers if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage reductions, as well as a higher rate of wage increases and promotions.

Table 6: Employment Outcomes of Black Workers at Surveyed Companies, Relative to White Workers, by Pay Schedule and Year

			Percent (%)							
			Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
Hourly	2019-2021	Better	25.0	3.7	0.0	12.5	7.7	20.0	10.7	9.6
		Similar	50.0	92.6	59.4	59.4	84.6	30.0	53.6	60.2
		Worse	25.0	3.7	40.6	28.1	7.7	50.0	35.7	30.1
	2019	Better	N/A	0.0	0.0	10.0	0.0	20.0	0.0	6.0
		Similar	N/A	100.0	30.0	60.0	100.0	30.0	62.5	58.0
		Worse	N/A	0.0	70.0	30.0	0.0	50.0	37.5	36.0
	2020	Better	0.0	10.0	0.0	18.2	20.0	20.0	20.0	13.6
		Similar	50.0	80.0	81.8	54.5	60.0	30.0	40.0	57.6
		Worse	50.0	10.0	18.2	27.3	20.0	50.0	40.0	28.8
	2021	Better	50.0	0.0	0.0	9.1	0.0	20.0	10.0	8.8
		Similar	50.0	100.0	63.6	63.6	100.0	30.0	60.0	64.9
		Worse	0.0	0.0	36.4	27.3	0.0	50.0	30.0	26.3
Salaried	2019-2021	Better	33.3	0.0	0.0	9.4	20.0	14.8	18.8	10.1
		Similar	50.0	93.3	90.6	75.0	80.0	40.7	71.9	74.6
		Worse	16.7	6.7	9.4	15.6	0.0	44.4	9.4	15.4
	2019	Better	N/A	0.0	0.0	10.0	33.3	22.2	10.0	9.8
		Similar	N/A	100.0	80.0	80.0	66.7	22.2	80.0	72.5
		Worse	N/A	0.0	20.0	10.0	0.0	55.6	10.0	17.6
	2020	Better	33.3	0.0	0.0	9.1	25.0	11.1	18.2	10.2
		Similar	33.3	90.0	90.9	72.7	75.0	55.6	72.7	74.6
		Worse	33.3	10.0	9.1	18.2	0.0	33.3	9.1	15.3
	2021	Better	33.3	0.0	0.0	9.1	0.0	11.1	27.3	10.2
		Similar	66.7	90.9	100.0	72.7	100.0	44.4	63.6	76.3
		Worse	0.0	9.1	0.0	18.2	0.0	44.4	9.1	13.6

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of Black workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of white workers on the same pay schedule at companies surveyed by the Select Subcommittee. For this analysis, the terms "Black workers" and "white workers" included workers of all genders. For example, the Select Subcommittee made 32 comparisons of Black hourly workers' terminations to white hourly workers' terminations, covering 2019-2021; of these, Black workers' outcomes were never better than their white counterparts' (0.0%), were similar in 19 cases (59.4%), and were worse in 13 cases (40.6%). The total number of comparisons for the intersections of each of the seven employment outcomes with pay schedule and year ranged from 0 to 32, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all seven outcomes, the total number of comparisons ranged from 50 to 169; see Appendix II, Table 1 for details.

Black workers' outcomes were considered similar to white workers' outcomes if they were within two percentage points, and they were considered better or worse than white workers' outcomes if they differed by greater than or equal to two percentage points. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 7: Employment Outcomes of Asian Workers at Surveyed Companies, Relative to White Workers, by Pay Schedule and Year

			Percent (%)							
			Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
Hourly	2019-2021	Better	0.0	3.7	17.2	37.9	7.7	18.5	14.3	17.2
		Similar	75.0	85.2	82.8	34.5	92.3	48.1	57.1	64.3
		Worse	25.0	11.1	0.0	27.6	0.0	33.3	28.6	18.5
	2019	Better	N/A	0.0	22.2	22.2	0.0	11.1	12.5	12.8
		Similar	N/A	100.0	77.8	66.7	100.0	55.6	62.5	74.5
		Worse	N/A	0.0	0.0	11.1	0.0	33.3	25.0	12.8
	2020	Better	0.0	10.0	10.0	50.0	20.0	22.2	0.0	17.9
		Similar	100.0	60.0	90.0	20.0	80.0	44.4	70.0	60.7
		Worse	0.0	30.0	0.0	30.0	0.0	33.3	30.0	21.4
	2021	Better	0.0	0.0	20.0	40.0	0.0	22.2	30.0	20.4
		Similar	50.0	100.0	80.0	20.0	100.0	44.4	40.0	59.3
		Worse	50.0	0.0	0.0	40.0	0.0	33.3	30.0	20.4
Salaried	2019-2021	Better	16.7	10.0	0.0	18.8	40.0	37.0	6.3	15.4
		Similar	66.7	90.0	100.0	71.9	60.0	25.9	90.6	75.7
		Worse	16.7	0.0	0.0	9.4	0.0	37.0	3.1	8.9
	2019	Better	N/A	11.1	0.0	20.0	0.0	33.3	0.0	11.8
		Similar	N/A	88.9	100.0	80.0	100.0	22.2	100.0	80.4
		Worse	N/A	0.0	0.0	0.0	0.0	44.4	0.0	7.8
	2020	Better	33.3	20.0	0.0	18.2	75.0	44.4	18.2	23.7
		Similar	33.3	80.0	100.0	81.8	25.0	22.2	72.7	67.8
		Worse	33.3	0.0	0.0	0.0	0.0	33.3	9.1	8.5
	2021	Better	0.0	0.0	0.0	18.2	33.3	33.3	0.0	10.2
		Similar	100.0	100.0	100.0	54.5	66.7	33.3	100.0	79.7
		Worse	0.0	0.0	0.0	27.3	0.0	33.3	0.0	10.2

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of Asian workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of white workers on the same pay schedule at companies surveyed by the Select Subcommittee. For this analysis, the terms "Asian workers" and "white workers" included workers of all genders. For example, the Select Subcommittee made 29 comparisons of Asian hourly workers' voluntary departures to white hourly workers' voluntary departures, covering 2019-2021; of these, Asian workers' outcomes were better than their white counterparts' outcomes in 11 cases (37.9%), were similar in 10 cases (34.5%), and were worse in eight cases (27.6%). The total number of comparisons for the intersections of each of the seven employment outcomes with pay schedule and year ranged from 0 to 32, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all seven outcomes, the total number of comparisons ranged from 47 to 169; see

Appendix II, Table 1 for details. Asian workers' outcomes were considered similar to white workers' outcomes if they were within two percentage points, and they were considered better or worse than white workers' outcomes if they differed by greater than or equal to two percentage points. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 8: Employment Outcomes of Hispanic/Latino Workers at Surveyed Companies, Relative to White Workers, by Pay Schedule and Year

			Percent (%)							
			Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
Hourly	2019-2021	Better	0.0	0.0	0.0	25.0	7.7	6.7	10.7	8.4
		Similar	50.0	88.9	96.9	56.3	92.3	53.3	78.6	75.3
		Worse	50.0	11.1	3.1	18.8	0.0	40.0	10.7	16.3
	2019	Better	N/A	0.0	0.0	20.0	0.0	0.0	12.5	6.0
		Similar	N/A	100.0	90.0	70.0	100.0	60.0	75.0	80.0
		Worse	N/A	0.0	10.0	10.0	0.0	40.0	12.5	14.0
	2020	Better	0.0	0.0	0.0	27.3	0.0	10.0	0.0	6.8
		Similar	50.0	70.0	100.0	54.5	100.0	50.0	90.0	74.6
		Worse	50.0	30.0	0.0	18.2	0.0	40.0	10.0	18.6
	2021	Better	0.0	0.0	0.0	27.3	25.0	10.0	20.0	12.3
		Similar	50.0	100.0	100.0	45.5	75.0	50.0	70.0	71.9
		Worse	50.0	0.0	0.0	27.3	0.0	40.0	10.0	15.8
Salaried	2019-2021	Better	0.0	6.7	0.0	15.6	10.0	25.9	21.9	13.0
		Similar	66.7	93.3	100.0	71.9	80.0	40.7	78.1	77.5
		Worse	33.3	0.0	0.0	12.5	10.0	33.3	0.0	9.5
	2019	Better	N/A	0.0	0.0	20.0	0.0	22.2	30.0	13.7
		Similar	N/A	100.0	100.0	70.0	100.0	44.4	70.0	78.4
		Worse	N/A	0.0	0.0	10.0	0.0	33.3	0.0	7.8
	2020	Better	0.0	10.0	0.0	9.1	25.0	33.3	18.2	13.6
		Similar	66.7	90.0	100.0	81.8	50.0	44.4	81.8	78.0
		Worse	33.3	0.0	0.0	9.1	25.0	22.2	0.0	8.5
	2021	Better	0.0	9.1	0.0	18.2	0.0	22.2	18.2	11.9
		Similar	66.7	90.9	100.0	63.6	100.0	33.3	81.8	76.3
		Worse	33.3	0.0	0.0	18.2	0.0	44.4	0.0	11.9

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of Hispanic/Latino workers' employment outcomes that were better than, similar to, or worse than the employment outcomes of white workers on the same pay schedule at companies surveyed by the Select Subcommittee. For this analysis, the terms "Hispanic/Latino workers" and "white workers" included workers of all genders. For example, the Select Subcommittee made 30 comparisons of Hispanic/Latino hourly workers' wage increases to white hourly workers' wage increases, covering 2019-2021; of these, Hispanic/Latino workers' outcomes were better than their white counterparts' outcomes in two cases (6.7%), were similar in 16 cases (53.3%), and were worse in 12 cases (40.0%). The total number of comparisons for the intersections of each of the seven employment outcomes with pay schedule and year ranged from 0 to 32, varying based on three factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was

sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Across all seven outcomes, the total number of comparisons ranged from 50 to 169; see Appendix II, Table 1 for details. Hispanic/Latino workers' outcomes were considered similar to white workers' outcomes if they were within two percentage points, and they were considered better or worse than white workers' outcomes if they differed by greater than or equal to two percentage points. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 9: Employment Outcomes of Workers Without Access to Paid Sick Leave, Relative to Workers with Access to Paid Sick Leave, by Year

		Percent (%)							
		Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
2019-2021	Better	0.0	52.9	58.8	0.0	28.6	0.0	0.0	22.5
	Similar	33.3	35.3	11.8	0.0	57.1	0.0	23.5	20.6
	Worse	66.7	11.8	29.4	100.0	14.3	100.0	76.5	56.9
2019	Better	N/A	50.0	66.7	0.0	25.0	0.0	0.0	23.5
	Similar	N/A	50.0	0.0	0.0	75.0	0.0	33.3	23.5
	Worse	N/A	0.0	33.3	100.0	0.0	100.0	66.7	52.9
2020	Better	0.0	66.7	66.7	0.0	16.7	0.0	0.0	23.7
	Similar	0.0	0.0	0.0	0.0	50.0	0.0	16.7	10.5
	Worse	100.0	33.3	33.3	100.0	33.3	100.0	83.3	65.8
2021	Better	0.0	40.0	40.0	0.0	50.0	0.0	0.0	20.0
	Similar	100.0	60.0	40.0	0.0	50.0	0.0	20.0	30.0
	Worse	0.0	0.0	20.0	100.0	0.0	100.0	80.0	50.0

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of employment outcomes for workers who did not have access to paid sick leave that were better than, similar to, or worse than the outcomes of workers with access to paid sick leave of the same gender and pay schedule at companies surveyed by the Select Subcommittee. For example, this included comparing the voluntary departure percentage of female hourly workers who did not have access to paid sick leave at a company in 2019 to the voluntary departure percentage of female hourly workers at the same company that did have access to paid sick leave that year. Between 2019 and 2021, there were 17 cases where voluntary departures among workers without access to paid sick leave could be compared in this way, of which outcomes for the workers without access to paid sick leave were worse than those of their counterparts with access to paid sick leave in all 17 cases (100.0%). The total number of comparisons made for each of the seven employment outcomes ranged from 0 to 17, varying based on four factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100); and 4) whether data were found to be sufficiently reliable. Across all of the seven outcomes, 102 comparisons were made for 2019-2021; see Appendix II, Table 1 for details. Data are from the three companies that provided data on access to paid sick leave at which a comparison group was available (some portion of the workforce had access to paid sick leave and some did not). Only hourly workers are included because no company surveyed by the Select Subcommittee provided data that showed more than 100 salaried workers without access to paid sick leave. Outcomes of workers without access to paid sick leave were considered similar to those of workers with access to paid sick leave if they were within one percentage point, and they were considered better or worse than those of workers with access to paid sick leave if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 10: Employment Outcomes of Workers Who Had Access to and Used Family or Caregiving Leave at Surveyed Companies, Relative to Workers Who Did Not Use Family or Caregiving Leave, By Year

		Percent (%)							
		Furloughs	**Layoffs**	**Terminations**	**Voluntary departures**	**Wage/salary reductions**	**Wage/salary increases**	**Promotions**	**All Outcomes**
2019-2021	Better	0.0	44.8	37.9	86.2	12.5	87.2	51.7	55.7
	Similar	100.0	46.6	58.6	5.2	75.0	4.3	38.3	36.6
	Worse	0.0	8.6	3.4	8.6	12.5	8.5	10.0	7.8
2019	Better	N/A	31.3	43.8	100.0	0.0	87.5	50.0	59.5
	Similar	N/A	56.3	56.3	0.0	75.0	0.0	37.5	32.1
	Worse	N/A	12.5	0.0	0.0	25.0	12.5	12.5	8.3
2020	Better	0.0	59.1	36.4	90.9	25.0	87.5	50.0	57.6
	Similar	100.0	36.4	59.1	4.5	62.5	0.0	40.9	35.6
	Worse	0.0	4.5	4.5	4.5	12.5	12.5	9.1	6.8
2021	Better	0.0	40.0	35.0	70.0	0.0	86.7	54.5	50.5
	Similar	100.0	50.0	60.0	10.0	100.0	13.3	36.4	41.1
	Worse	0.0	10.0	5.0	20.0	0.0	0.0	9.1	8.4

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of employment outcomes for workers who used family or caregiving leave during a given year that were better than, similar to, or worse than the outcomes of same company workers of the same gender and pay schedule that did not use family or caregiving leave that year, at companies surveyed by the Select Subcommittee for which data were available and analyzable. For example, this included comparing the promotion percentage of female salaried workers who used family or caregiving leave at a company in 2019 to the promotion percentage of female salaried workers at the same company that did not use the leave that year. Between 2019 and 2021 there were 60 cases where promotions could be compared in this way, of which outcomes of workers who used family or caregiving leave were better than the outcomes of their counterparts that did not use family or caregiving leave in 31 cases (51.7%), similar in 23 cases (38.3%), and worse in six cases (10.0%). The total number of comparisons made for each of the seven employment outcomes ranged from 0 to 60, varying based on four factors: 1) whether or not companies engaged in an employment practice (*e.g.*, furloughs) in a given year; 2) whether companies did (or did not) provide requested data; 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100); and 4) whether data were found to be sufficiently reliable. Across all of the seven outcomes, 309 comparisons were made for all three years; see Appendix II, Table 1 for details. Outcomes were considered similar to those of workers who did not use leave if they were within one percentage point, and they were considered better or worse than those of workers who did not use leave if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of furloughs, layoffs, terminations, voluntary departures, and wage or salary reductions, as well as a higher rate of wage or salary increases and promotions.

Table 11: Layoffs and Voluntary Departures of Older Workers (Age 50+), Relative to Younger Workers (Age <50), by Pay Schedule and Year

		Percent (%)					
		Layoffs			Voluntary departures		
		Hourly	Salaried	All (Hourly & Salaried)	Hourly	Salaried	All (Hourly & Salaried)
2019-2021	Better	7.8	3.4	5.5	73.8	57.8	65.6
	Similar	52.9	27.6	39.4	0.0	20.3	10.4
	Worse	39.2	69.0	55.0	26.2	21.9	24.0
2019	Better	0.0	0.0	0.0	84.2	60.0	71.8
	Similar	40.0	27.8	33.3	0.0	20.0	10.3
	Worse	60.0	72.2	66.7	15.8	20.0	17.9
2020	Better	21.1	0.0	10.3	61.9	45.5	53.5
	Similar	36.8	15.0	25.6	0.0	27.3	14.0
	Worse	42.1	85.0	64.1	38.1	27.3	32.6
2021	Better	0.0	10.0	5.4	76.2	68.2	72.1
	Similar	82.4	40.0	59.5	0.0	13.6	7.0
	Worse	17.6	50.0	35.1	23.8	18.2	20.9

Source: Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

Note: Table shows the percentage of comparisons in which older workers' layoff rate or voluntary departures rate was better than, similar to, or worse than the layoff rate or voluntary departures rate of younger workers of the same gender and on the same pay schedule at companies surveyed by the Select Subcommittee. Older workers are defined as those aged 50 and older, while younger workers are those under age 50. For example, the Select Subcommittee made 58 comparisons of older salaried workers' layoffs to younger salaried workers' layoffs, covering 2019-2021 and both male-to-male and female-to-female comparisons; of these, older salaried workers' layoffs were better than their younger salaried counterparts' in two cases (3.4%), were similar in 16 cases (27.6%), and were worse in 40 cases (69.0%). The total number of comparisons ranged from 15 to 109, varying based on three factors: 1) whether or not companies engaged in layoffs in a given year; 2) whether companies did (or did not) provide requested data; and 3) whether a group of workers was sufficiently large to be included in the analysis (data was excluded for groups of less than 100). Older workers' layoffs and voluntary departures were considered similar to younger workers' layoffs and voluntary departures if they were within one percentage point, and they were considered better or worse than younger workers' layoffs and voluntary departures if they differed by greater than or equal to one percentage point. "Better" is defined as a lower rate of layoffs or voluntary departures, and "worse" is defined as a higher rate of layoffs or voluntary departures. The Select Subcommittee's survey defined voluntary departures as quits, resignations, and retirements, although two companies also included voluntary layoffs (*e.g.*, when a worker is offered a buyout) in this category, defining layoffs as only "involuntary" layoffs.

[1] Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee to Examine Economic Impact of Pandemic on Working Women* (Dec. 13, 2021) (online at https://coronavirus.house.gov/news/press-releases/select-subcommittee-examine-economic-impact-pandemic-working-women).

[2] *With Surge in July, U.S. Recovers the Jobs Lost in the Pandemic*, New York Times (Aug. 5, 2022) (online at www.nytimes.com/2022/08/05/business/economy/july-jobs-report-gains.html).

[3] McKinsey & Company, *Americans Are Embracing Flexible Work—And They Want More of It* (June 23, 2022) (online at www.mckinsey.com/industries/real-estate/our-insights/americans-are-embracing-flexible-work-and-they-want-more-of-it).

[4] Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee to Examine Economic Impact of Pandemic on Working Women* (Dec. 13, 2021) (online at https://coronavirus.house.gov/news/press-releases/select-subcommittee-examine-economic-impact-pandemic-working-women).

[5] *See* Appendix II, Table 2.

[6] The Brookings Institution, *Unpredictable Work Hours and Volatile Incomes Are Long-Term Risks for American Workers* (Aug. 18, 2020) (online at www.brookings.edu/blog/up-front/2020/08/18/unpredictable-work-hours-and-volatile-incomes-are-long-term-risks-for-american-workers/); *Hourly Employees Face Greater Hurdles to Save—Nearly Half Have No Emergency Funds*, CNBC (Jun. 12, 2019) (online at www.cnbc.com/2019/06/12/hourly-workers-face-greater-hurdles-to-save.html).

[7] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[8] *Id*.

[9] *See* Appendix II, Table 2.

[10] *See* Appendix II, Table 3.

[11] *See, e.g.*, McKinsey & Company, *Women in the Workplace 2021* (Sept. 27, 2021) (online at www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace); Society for Human Resource Management, *Advancing Racial Equity in the Workplace* (Jul. 15, 2021) (online at www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/advancing-racial-equity-in-the-workplace.aspx).

[12] *See* Appendix II, Table 3.

[13] *See* Appendix II, Table 4.

[14] Some hourly workers had immediate access to paid sick leave benefits because it was required by state law. Additionally, in February 2022, Walmart changed its policy to allow hourly workers to have immediate access to paid sick leave. Walmart, Paid Time Off (July 16, 2021) (WALMART_00000013-17) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/WALMART_00000013-17_Redacted.pdf); Walmart, Paid Time Off (Feb. 1, 2022) (WALMART_00000049-54) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/WALMART_00000049-54_Redacted.pdf); Letter from Vice President, Federal Government Affairs, Walmart, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Jan. 26, 2022); Letter from Counsel, Walmart, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Aug. 5, 2022).

[15] Letter from Counsel, Chevron, to Chairman James E. Clyburn and Ranking Member Steve Scalise, Select Subcommittee on the Coronavirus Crisis (Feb. 4, 2022); Chevron, Bonding Benefit (CHEV-117HSSCC-00000001-3) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/CHEV-117HSSCC-00000001-00000003_Redacted.pdf); Chevron, Family Care Benefit (CHEV-117HSSCC-00000025-30) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/CHEV-117HSSCC-00000025-00000030_Redacted.pdf); Chevron, HR Policy 112 for U.S.-Payroll Employees: Family Leave (CHEV-

117HSSCC-00000044-53) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/CHEV-117HSSCC-00000044-00000053_Redacted.pdf); Exxon, Parental Paid Time Off (EM-SSCC-0000050-58) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/EM-SSCC-0000050-58_Redacted.pdf); Exxon, Personal Time Guidelines (EM-SSCC-0000059-64) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/EM-SSCC-0000059-64_Redacted.pdf); Letter from Counsel, Cisco, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Jan. 31, 2022) (Exhibit 6 online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cisco%20benefits%20policies_Redacted.pdf).

[16] Select Subcommittee on the Coronavirus Crisis, *Press Release: Ahead of Hearing, Select Subcommittee Releases New Evidence of Pandemic's Disproportionate Harm to Working Women* (May 17, 2022) (online at https://coronavirus.house.gov/news/press-releases/select-subcommittee-hearing-women-workers-gender-equity).

[17] *See* Appendix II, Table 5.

[18] Benjamin Artz, Amanda Goodall, and Andrew J. Oswald, *Research: Women Ask for Raises as Often as Men, But Are Less Likely to Get Them*, Harvard Business Review (June 25, 2018) (online at https://hbr.org/2018/06/research-women-ask-for-raises-as-often-as-men-but-are-less-likely-to-get-them).

[19] *See* Appendix II, Table 5.

[20] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[21] Pew Research Center, *Gender Pay Gap in U.S. Held Steady in 2020* (May 25, 2021) (online at www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/).

[22] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[23] *See* Appendix II, Table 6, Table 7, and Table 8.

[24] *See* Appendix II, Table 6.

[25] *See* Appendix II, Table 7.

[26] *See* Appendix II, Table 8.

[27] *See* Appendix II, Table 6 and Table 7.

[28] Walmart, Gender Equity Survey for Years 2019-2021 (Apr. 28, 2022) (WALMART_00000048_CONFIDENTIAL).

[29] Kaiser Family Foundation, *Coronavirus Puts a Spotlight on Paid Leave Policies* (Dec. 14, 2020) (online at www.kff.org/coronavirus-covid-19/issue-brief/coronavirus-puts-a-spotlight-on-paid-leave-policies/); Washington Center for Equitable Growth, *Factsheet: New Study Shows That Emergency Paid Sick Leave Reduced COVID-19 Infections in the United States* (Oct. 26, 2020) (online at https://equitablegrowth.org/factsheet-new-study-shows-that-emergency-paid-sick-leave-reduced-covid-19-infections-in-the-united-states/).

[30] Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth, *COVID-19 Emergency Sick Leave Has Helped Flatten the Curve in the United States*, Health Affairs (Oct. 15, 2020) (online at www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863).

[31] Department of Labor, Bureau of Labor Statistics, *Employee Access to Sick Leave Before and During the COVID-19 Pandemic* (Apr. 2021) (online at www.bls.gov/opub/mlr/2021/article/employee-access-to-sick-leave.htm).

[32] Washington Center for Equitable Growth, *Paid Sick Leave Improves Public Health Outcomes and Supports U.S. Workers at a Relatively Low Cost to Employers* (Jan. 12, 2022) (online at https://equitablegrowth.org/paid-sick-leave-improves-public-health-outcomes-and-supports-u-s-workers-at-a-relatively-low-cost-to-employers/); Department of Labor, Bureau of Labor Statistics, *National Compensation*

Survey: Employee Benefits in the United States, March 2021 (Sept. 2021) (online at www.bls.gov/ncs/ebs/benefits/2021/employee-benefits-in-the-united-states-march-2021.pdf).

[33] Federal Reserve Bank of Boston, *Good If You Can Get It: Benefits and Inequalities in the Expansion of Paid Sick Leave During COVID-19* (Apr. 2022) (online at www.bostonfed.org/publications/community-development-issue-briefs/2022/good-if-you-can-get-it-benefits-and-inequalities-in-the-expansion-of-paid-sick-leave-during-covid-19).

[34] *Id*.

[35] Department of Labor, Bureau of Labor Statistics, *Telework During the COVID-19 Pandemic: Estimates Using the 2021 Business Response Survey* (Mar. 2022) (online at www.bls.gov/opub/mlr/2022/article/telework-during-the-covid-19-pandemic.htm).

[36] *See* Appendix I.

[37] *See* Appendix II, Table 9.

[38] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[39] *Id*.

[40] *See*, *e.g.*, National Partnership for Women & Families, *Paid Sick Days Are Good for Business* (Oct. 2020) (online at www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf); Heather D. Hill, *Paid Sick Leave and Job Stability*, Work and Occupations (May 1, 2013) (online at www.ncbi.nlm.nih.gov/pmc/articles/PMC3825168/).

[41] Ken Moon et al., *The Hidden Cost of Worker Turnover: Attributing Product Reliability to the Turnover of Factory Workers*, Management Science (Mar. 14, 2022) (online at https://pubsonline.informs.org/doi/abs/10.1287/mnsc.2022.4311); *The Cost of Turnover Can Kill Your Business and Make Things Less Fun*, Forbes (May 9, 2019) (online at www.forbes.com/sites/johnhall/2019/05/09/the-cost-of-turnover-can-kill-your-business-and-make-things-less-fun/); *This Fixable Problem Costs U.S. Businesses $1 Trillion,* Gallup (Mar. 13, 2019) (online at www.gallup.com/workplace/247391/fixable-problem-costs-businesses-trillion.aspx); Matthew S. O'Connell and Mavis Kung, *The Cost of Employee Turnover*, Industrial Management (Jan. 2007) (online at www.researchgate.net/publication/211392097_The_Cost_of_Employee_Turnover).

[42] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[43] *Id*.

[44] *Id*.

[45] *See* Appendix II, Table 10.

[46] *See*, *e.g.*, Center on Budget and Policy Priorities, *A National Paid Leave Program Would Help Workers, Families* (Apr. 27, 2021) (online at www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families); Washington Center for Equitable Growth, *Reducing Maternal Labor Market Detachment: A Role for Paid Family Leave* (Mar. 12, 2020) (online at https://equitablegrowth.org/working-papers/reducing-maternal-labor-market-detachment-a-role-for-paid-family-leave/); Human Rights Watch, *US: Lack of Paid Leave Harms Workers, Children* (Feb. 23, 2011) (online at www.hrw.org/news/2011/02/23/us-lack-paid-leave-harms-workers-children).

[47] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[48] *Id*.

[49] *The Motherhood Penalty Affects Everything from a Woman's Wages to Hiring and Promotions After Having a Child*, Business Insider (Mar. 10, 2022) (online at www.businessinsider.com/personal-finance/motherhood-penalty); Third Way, *The Fatherhood Bonus and The Motherhood Penalty: Parenthood and the Gender Gap in Pay* (Sept. 2, 2014) (online at www.thirdway.org/report/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay).

[50] *See* Appendix II, Table 10.

[51] The Urban Institute, *As Unemployment Surges, Older Workers Need More Help* (May 14, 2020) (online at www.urban.org/urban-wire/unemployment-surges-older-workers-need-more-help); The Urban Institute, *Age Differences in Job Loss, Job Search, and Reemployment* (Jan. 2011) (online at www.urban.org/research/publication/age-differences-job-loss-job-search-and-reemployment).

[52] AARP, *Unemployment's Toll on Older Workers Is Worst in Half a Century* (Oct. 21, 2020) (online at www.aarp.org/work/careers/pandemic-unemployment-older-workers/); Senate Special Committee on Aging, Testimony of Dr. Elise Gould, Economic Policy Institute, *Hearing on A Changing Workforce: Supporting Older Workers Amid the COVID-19 Pandemic and Beyond* (Apr. 29, 2021) (online at www.aging.senate.gov/download/dr-elise-gould).

[53] *If You're Over 50, Chances Are the Decision to Leave a Job Won't Be Yours*, ProPublica (Dec. 28, 2018) (online at www.propublica.org/article/older-workers-united-states-pushed-out-of-work-forced-retirement).

[54] *See* Appendix II, Table 11.

[55] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[56] *Texas AG Ken Paxton Sues Biden Administration Over LGBTQ+ Workplace Guidance*, Spectrum News (Sept. 21, 2021) (online at https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2021/09/21/texas-ag-ken-paxton-sues-biden-administration-over-lgbtq-workplace-guidance-).

[57] These small numbers are not particularly surprising, given that it is only relatively recently that increasing numbers of people have begun openly identifying as non-binary and that employers have begun to develop policies for this group. *He, She, They: Workplaces Adjust as Gender Identity Norms Change*, NPR (Oct. 16, 2019) (online at www.npr.org/2019/10/16/770298129/he-she-they-workplaces-adjust-as-gender-identity-norms-change).

[58] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[59] Majority Staff, Select Subcommittee on the Coronavirus Crisis, *Analysis of Company Responses to Gender Equity Survey* (2022).

[60] The 2020 Supreme Court decision in *Bostock v. Clayton County* held that the prohibition against sex discrimination in Title VII includes discrimination on the basis of sexual orientation or transgender status. Equal Employment Opportunity Commission, *Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity* (June 15, 2021) (online at www.eeoc.gov/laws/guidance/protections-against-employment-discrimination-based-sexual-orientation-or-gender).

[61] Equal Employment Opportunity Commission, *Timeline of Important EEOC Events* (online at www.eeoc.gov/youth/timeline-important-eeoc-events) (accessed July 19, 2022); Briefing by Staff, Equal Employment Opportunity Commission, to Staff, Select Subcommittee on the Coronavirus Crisis (Aug. 18, 2022).

[62] For example, one of the first additions was age (40 and over), which became protected in 1967, a year after the introduction of the EEO-1. Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202; Briefing by Staff, Equal Employment Opportunity Commission, to Staff, Select Subcommittee on the Coronavirus Crisis (Aug. 18, 2022); National Academies of Sciences, Engineering, and Medicine, *Evaluation of Compensation Data Collected Through the EEO-1 Form*, at 248 (2022) (online at https://nap.nationalacademies.org/catalog/26581/evaluation-of-compensation-data-collected-through-the-eeo-1-form).

[63] Equal Employment Opportunity Commission, *Press Release: EEOC Implements Final Revisions To EEO-1 Report* (Jan. 27, 2006) (online at www.eeoc.gov/newsroom/eeoc-implements-final-revisions-eeo-1-report).

[64] Department of Commerce, Census Bureau, *QuickFacts: United States* (online at www.census.gov/quickfacts/fact/table/US/PST045221) (accessed Aug. 22, 2022); Walmart, Gender Equity Survey for Years 2019-2021 (Apr. 28, 2022) (WALMART_00000048_CONFIDENTIAL).

[65] The Select Subcommittee limited Berkshire Hathaway's response to one subsidiary, Precision Castparts, which provided substantially less data than any other responding company. Precision Castparts was unable to produce data for most employment outcomes and was unable to produce data for 2019. The company informed the Select Subcommittee that it was unable to provide the requested information due to the structure of Precision Castparts, which primarily expanded by acquisition of other companies with standalone data systems. The company noted that it is currently developing a centralized human resources information system. Precision Castparts and its parent, Berkshire Hathaway, failed to track potential inequitable employment outcomes and access to critical benefits despite engaging in workforce reductions, settling gender discrimination allegations by the Department of Labor against Precision Castparts subsidiaries, and experiencing significant labor strikes during the same time period. See *Precision Castparts Eliminates 10,000 Jobs as Aerospace Work Collapses*, The Oregonian (Aug. 10, 2020) (online at www.oregonlive.com/business/2020/08/precision-castparts-eliminates-10000-jobs-as-aerospace-work-collapses.html); Department of Labor, *Press Release: U.S. Department of Labor and Defense Contractor Reach Agreement to Resolve Alleged Hiring Discrimination* (July 27, 2020) (online at www.dol.gov/newsroom/releases/ofccp/ofccp20200727); *Warren Buffett Refuses Bernie Sanders Request to Intervene in Labor Dispute*, Bloomberg (Dec. 30, 2021) (online at www.bloomberg.com/news/articles/2021-12-30/buffett-dismisses-sanders-request-to-intervene-in-labor-dispute).

[66] *See* Appendix II, Table 2, Table 5, Table 6, Table 7, Table 8, and Table 11. *See also* Select Subcommittee on the Coronavirus Crisis, *Press Release: Ahead of Hearing, Select Subcommittee Releases New Evidence of Pandemic's Disproportionate Harm to Working Women* (May 17, 2022) (online at https://coronavirus.house.gov/news/press-releases/select-subcommittee-hearing-women-workers-gender-equity).

[67] *See*, *e.g.*, *Gender Discrimination Comes in Many Forms for Today's Working Women*, Pew Research Center (Dec. 14, 2017) (online at www.pewresearch.org/fact-tank/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/); *Older Workers Are Being Pushed Out of Work*, Forbes (Aug. 10, 2021) (online at www.forbes.com/sites/teresaghilarducci/2021/08/10/older-workers-are-being-pushed-out-of-work/); Economic Policy Institute, *Black Workers Endure Persistent Racial Disparities in Employment Outcomes* (Aug. 27, 2019) (online at www.epi.org/publication/labor-day-2019-racial-disparities-in-employment/); The Brookings Institution, *Unpredictable Work Hours and Volatile Incomes are Long-Term Risks for American Workers* (Aug. 18, 2020) (online at www.brookings.edu/blog/up-front/2020/08/18/unpredictable-work-hours-and-volatile-incomes-are-long-term-risks-for-american-workers/).

[68] *See* Appendix II, Table 10.

[69] *See* Appendix II, Table 9.

[70] National Partnership for Women & Families, *Paid Leave Works: Evidence from State Programs* (Feb. 2022) (online at www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-works-evidence-from-state-programs.pdf); National Partnership for Women & Families, *Paid Sick Days Are Good for Business* (Oct. 2020) (online at www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf); Center on Budget and Policy Priorities, *A National Paid Leave Program Would Help Workers, Families* (Apr. 27, 2021) (online at www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families).

[71] Center on Budget and Policy Priorities, *A National Paid Leave Program Would Help Workers, Families* (Apr. 27, 2021) (online at www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families).

[72] *Id*.

[73] *The World 'Has Found a Way to Do This': The U.S. Lags on Paid Leave*, New York Times (Oct. 25, 2021) (online at www.nytimes.com/2021/10/25/upshot/paid-leave-democrats.html).

[74] Briefing by Staff, Department of Labor, Office of Federal Contract Compliance Programs, to Staff, Select Subcommittee on the Coronavirus Crisis (Sept. 15, 2022).

[75] Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 20, 2021). Congress has also taken action in this regard, as the House passed the LGBTQI+ Data Inclusion Act in June 2022. That bill would fill in some of these missing data by requiring federal agencies that conduct certain surveys collecting demographic data to also collect information about sexual orientation, gender identity, and variations in sex characteristics. Yet even with the

passage of this bill, gaps in workforce data would remain, particularly since the bill likely would not apply to EEOC data collection efforts. H.R. 4176.

[76] Briefing by Staff, Equal Employment Opportunity Commission, to Staff, Select Subcommittee on the Coronavirus Crisis (Aug. 18, 2022).

[77] National Academies of Sciences, Engineering, and Medicine, *Evaluation of Compensation Data Collected Through the EEO-1 Form*, at vii, 81 (2022) (online at https://nap.nationalacademies.org/catalog/26581/evaluation-of-compensation-data-collected-through-the-eeo-1-form).

[78] *Id.*

[79] *Id.*

[80] Results of this analysis are presented in Appendix II, Table 6, Table 7, and Table 8.

[81] *See* Appendix II, Table 2.

[82] *See* Appendix II, Table 3.

[83] *See* Appendix II, Table 5.

[84] *See* Appendix II, Table 6, Table 7, and Table 8.

[85] *See* Appendix II, Table 9.

[86] *See* Appendix II, Table 10.