November 12, 2019

SUBMITTED VIA REGULATIONS.GOV

Bernadette B. Wilson
Executive Office, Executive Secretariat
Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507

Re: Reconsideration of EEOC’s Notice of Information Collection—Request for a New Control Number for a Currently Approved Collection: Employer Information Report (EEO-1) Component 1; Revision of Existing Approval of EEO-1 Component 2, Docket No. EEOC-2019-0003

To Whom It May Concern:

I write to you on behalf of the National Asian Pacific American Women’s Forum (NAPAWF) in response to the Equal Employment Opportunity Commission’s (EEOC) Notice of Information Collection—Request for a New Control Number for a Currently Approved Collection: Employer Information Report (EEO-1) Component 1; Revision of Existing Approval of EEO-1 Component 2, Docket No. EEOC-2019-0003 (Proposed Rule). Collection of pay gap data is vital step for closing the pay gap for Asian American and Pacific Islander (AAPI) women and other women of color. The Proposed Rule would make further invisible the gaps in pay AAPI women and other women of color face and would undermine the fight for equality. We strongly oppose a stop to pay data collection and urge the EEOC to withdraw the Proposed Rule in its entirety.

NAPAWF is a national, multi-issue organization whose mission is to build a movement to advance the social justice and human rights of Asian American and Pacific Islander (AAPI) women and girls living in the U.S. To that end, we use policy advocacy and community organizing to advance reproductive health and rights, immigrant rights, and economic justice. As a national organization, we work in several different cities with full-time community organizers including, in Chicago, Atlanta, and New York. In addition, our membership comprises of local chapters based in eleven cities across the U.S.

At NAPAWF, we advocate through a reproductive justice lens. Reproductive justice is a framework rooted in the human right to control our bodies, our sexuality, our gender, and our reproduction. Reproductive justice will be achieved when all people, of all immigration statuses, have the economic, social, and political power and resources to define and make decisions about our bodies, health, sexuality, families, and communities in all areas of our lives with dignity and self-determination. The pay gap is a critical issue in the fight for equality and reproductive justice for AAPI women.
The Scope of the Wage Gap in AAPI Communities

AAPI communities face unique challenges related to the pay gap. More than half a million AAPI women live below the poverty line and make up 4.4% of the low-wage workforce.\(^1\) However, the “model minority” myth views AAPIs as a monolith, falsely assuming that they all have socioeconomic stability. The truth is AAPI women live at the intersection of racial discrimination and economic injustices which take away agency over their lives, families, and communities. The “model minority” myth continues to render many AAPI communities invisible in conversations about poverty, economic security, and wage disparities. It also leads to many AAPIs remaining misrepresented or left out of wage data entirely. On average, Asian women working full-time are paid 85 cents for every dollar paid to their white male counterparts.\(^2\)

However, this average only reflects part of the issue within the AAPI community. When the data is disaggregated by ethnicity, it reveals even greater wage disparities, particularly among Southeast Asian and Pacific Islander women. Multiple groups make below the average of 85 cents per dollar, and a wide range exists among those below the average. Some groups are just below the average, like Filipino women, who make 83 cents for every dollar paid to their white male counterparts and Indonesian women, who make 81 cents for every dollar.\(^3\) However, others are far below the average, such as Burmese women, who make 50 cents to every dollar and Hmong women, who make 57 cents to every dollar.\(^4\)

The pay gap among AAPI women also increases even more with age. Asian American women ages 45-64 make 74 cents to each dollar earned by a white man on average, while working Asian American women who are 65 years and older make 56 cents to each dollar earned by a white man.\(^5\)

Asian American women also face wide within-ethnicity wage disparities. AAPI women overall experience one of the widest within-ethnicity wage gaps compared to other racial and ethnic groups.\(^6\) Asian women earn roughly 81% of what Asian men earn.\(^7\) This is lower than most other racial and ethnic groups, and this trend has been consistent over time.\(^8\)

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4. Id.
5. Id.
7. Id.
Due to the pay gap, AAPI women typically lose $360,400 over a 40-year career.\(^9\) In order to make up for lost wages, they have to work longer hours, multiple jobs, and often, past retirement age. For those taking care of children, family members, and loved ones, the extra burden posed by the wage gap makes it difficult for AAPI women to provide emotional and economic support to their families and communities.

**Factors Influencing the Wage Gap in the AAPI Community**

While the wage gap is a multifaceted issue influenced by many factors, there are a number of factors significantly impacting the reality of the gap. Some of these factors include disparities in educational opportunities, occupational segregation, workplace discrimination, and the devaluation of “invisible labor.”

- **Disparities in Educational Opportunities**

  While higher educational attainment is associated with increased wages and lifetime earnings,\(^10\) having a college education does not eliminate the wage gap between men and women.\(^11\) For AAPI women, the impact of educational attainment on wages is even starker. Despite the association of the model minority myth with educational attainment, there are similar disparities in educational attainment among various ethnic and gender groups as there are in overall wage gap data. In most AAPI ethnic groups, there is a disparity in educational attainment between men and women.\(^12\) Further, levels of educational attainment vary widely among various ethnic groups.\(^13\) For example, while 68% of Indian women attain a 4-year college degree, this number drops to 17% of Laotian women and 19% of Cambodian women.\(^14\) For Asian immigrant women, increased educational attainment does not significantly increase their wages.\(^15\)

- **Occupational Segregation**

  Because women have historically been denied access to certain careers, they are often concentrated in certain subsets of the workforce, an issue known as occupational segregation.\(^16\)

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\(^12\) Rho, supra. at 23-9.

\(^13\) Id.


For example, women disproportionately make up two-thirds of the low-wage workforce. Within the AAPI community, occupational segregation is also seen among various ethnic groups and based on immigration status. For example, Vietnamese, Tongan, Fijian, and Mongolian women are overrepresented in personal care and service occupations such as manicurists, hairstylists, childcare workers, and personal care aides, and Bangladeshi, Pakistani, Nepalese, Korean, and Mongolian women hold retail jobs at higher rates than other racial and ethnic groups. Further, foreign-born women hold jobs in the service, production, transportation, and material moving industries at higher rates than native-born workers.

- Workplace Discrimination

While it is difficult to quantify the exact extent of workplace discrimination in contributing to the wage gap, it is considered to be a factor influencing inequality. In one study, 40% of Asian respondents reported that they “whitened” their job applications, by changing their names, omitting experiences that could indicate their ethnic identity, and adding activities that are more mainstream and coded as “white.” Further, AAPI women are paid less than workers of other racial and ethnic groups in some sectors, such as domestic work.

- Devaluation of “Invisible Labor”

“Invisible labor” describes the often unpaid and unrecognized work of parenting, caregiving, and community building. The impact of “invisible labor” on AAPI communities is even more pronounced, as Asian Americans are more likely than white individuals to live in multigenerational households, as well as to directly take care of older adult family members in the home. Further, over 400,000 Asian American children are living in the United States with at least one undocumented parent. When one parent is deported, the other parent often has to take on increased tasks related to caring for the household, making a considerable impact on their financial wellbeing.

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17 Id.
18 U.S. Census Bureau, Table C24010: Selected Population Profile in the United States, Occupation by Race and Sex 2006-2010 American Community Survey 5-Year Estimates, https://factfinder.census.gov/bkmk/table/1.0/en/ACS/06_EST/C24010/0100000US.
The data around the wage gap for AAPI communities paints a nuanced picture that demonstrates the importance of continuing to collect wage gap data. While data collection prior to the proposed rule fell short in encompassing disparities among ethnic groups, it still provided a vital first step in understanding the scope of the wage gap in AAPI communities.

**Real People, Real Stories: The Individual Impact of the Wage Gap on AAPI Communities**

While the data reflects the broad impact of the wage gap among AAPI communities, it is important to note that the issue is felt directly by individuals each day. Many NAPAWF members feel this impact and have shared their stories in our efforts around combatting the wage gap. Below are some of their accounts:

One NAPAWF member, who identifies as Chinese, Thai, Indonesian, and Singaporean discussed their experiences working and being aware of the wage gap. They stated, “I was one of the best workers. And I knew for a fact that the male workers got paid more than the female workers. And I knew for a fact that the white workers got more than the people of color.”

Another NAPAWF member, who identifies as Indonesian, spoke to their family’s experiences struggling to make ends meet after they immigrated to the United States, stating, “Their journey to the U.S. was riddled with economic injustice.”

Another worker, who identifies as a refugee, spoke to the frustration of the wage gap among low-wage workers, who already struggle to make ends meet. She stated, “We are here as workers being pitted against each other for different jobs that doesn’t even fulfill our basic needs.”

Another member, a Laotian immigrant, shared that she made only $3.50 per dollar when she began working in the U.S. After a long career, this rate only increased to $10.20 at the time of her retirement.

Southeast Asian women also discussed the impact of the invisible labor they were forced to take on as the result of a family member’s immigration detention or deportation proceedings. Others commented on the need to take the jobs that were available to them, demonstrating the impact of occupational segregation.

One woman discussed the financial impact of attempting to balance childcare in the absence of her husband on both her and her extended family. She stated, “I just told them that I couldn’t afford to pay rent anymore… My sister in-law would help me out with the rent and stuff and then money that I needed, and I didn’t want to burden her by just taking money from her. I decided it would be better if I’d go live with my mom.”

Another woman discussed her mother’s experiences looking for work in the context of occupational segregation. Although she was eventually able to find some level of economic
stability, she was forced to work the two jobs available to her at the time. She stated, “Yeah, sometimes she was working two jobs at a time. I still remember—yeah, I remember when it was just my sister and me, before my youngest sister was born, she started off at Payless… and then after that she left and she decided to apply for a medical billing position, just on a whim. And she started off with just data entry with them, and from there she worked her way up... She’s done so much with so little. I remember she graduated with her AA degree. She was doing all of this while also going to school, by the way… She graduated with her AA degree at, I think, seven months pregnant with my youngest sister and walked the stage pregnant.”

These stories show the real, day-to-day impact of the complexities of the wage gap on AAPI communities. The wage gap hurts the economic stability and lives of AAPIs daily, and each person’s unique experience is impacted by factors like ethnicity, family immigration issues, invisible labor, educational opportunities, workplace discrimination, and occupational segregation. The proposed rule would not only move efforts at combatting the wage gap further from recognizing these nuances, it would wholly eliminate the EEOC’s data collection on the wage gap. This would further harm AAPI women like the ones who shared their experiences above in making ends meet, caring for their families, and achieving equality in the workplace.

The Impact of the Proposed Rule

The proposed rule has the potential to derail the progress that has been made on combatting the wage gap, especially for AAPI women. The EEOC’s prior collection of pay data from 2017-2018 is critical for effective enforcement of the law. Through the collection of this information, the EEOC is better able to identify where the pay gaps exist and target specific employers or industries to investigate pay discrimination. Further, the fact that employers are required to report the data to the EEOC could incentivize employers to proactively ensure that pay gaps in their workplace are addressed, without requiring an intervention from the EEOC. The prior collection of pay data has served as a vital step in beginning to address pay disparities. For AAPI communities, this first step in collecting pay data was also impactful. As previously stated, the AAPI community’s experiences with the pay gap are often strongly predicted by ethnicity. While the prior data collection did not include the disaggregation of data necessary to highlight these same nuances, the collection of the data was a start to ensuring that the wage gap issues afflicting AAPI communities are addressed.

Without this data collection, it is evident that wage gap issues are further made invisible. A lack of data will make it difficult for the EEOC to investigate wage gap issues in the industries in which it is most pressing. For AAPI workers, this will be particularly concerning due to the persistence of occupational segregation, which can result in prevalent pay disparities within certain industries in which significant numbers of AAPIs are employed. The lack of data will also remove any incentive from employers to proactively address the pay gap within these industries, as they will be able to return to the status quo with a lack of transparency. Ultimately, the proposed rule will erase the progress that has been made and further harm AAPI workers seeking financial stability and equal pay.
Conclusion

The EEOC’s prior collection of pay data was a vital first step in addressing the wage gap in AAPI communities. The issue of the wage gap in the AAPI community is nuanced—it is affected by the many factors that influence the lives of people in the AAPI community, including ethnicity, educational attainment, “invisible labor,” workplace discrimination, occupational segregation, and familial issues with immigration. Regardless of these complexities, the reality remains that the wage gap harms AAPI communities, who are kept from obtaining financial stability and fundamental workplace equality by the pay gap. The prior collection of pay gap data began to address this issue within the AAPI community. Ceasing to collect the data will both erase the progress that has been made and prevent the EEOC from appropriately investigating employers and industries with persistent and prevalent pay gap issues. The harm of the wage gap on AAPI communities has largely been hidden, and ceasing to collect data on the matter will only further make invisible these realities that affect the AAPI community daily. We urge the Equal Employment Opportunity Commission to rescind this proposed rule and preserve the progress that has been made on addressing the wage gap.

For more information, please contact:

Kimya Forouzan, JD, MPH
Legal Fellow
National Asian Pacific American Women’s Forum
kforouzan@napawf.org