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# Changes For Women

## Is the trend toward equality an illusion?



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### The Question

In the past few years much has been said about affirmative action for women. But what really has been done to better their status? An extensive review of the literature on the subject reveals little evidence of any major progress.

Affirmative action administrators have been appointed to the staffs of many business, educational, and government organizations. These officials report to top management as required. They coordinate with operating managers and develop plans. Goals and timetables are established. Large cash settlements have been made to parties protesting discrimination. However, there is practically no statistical evidence that reveals any drastic improvement in the representation of women in professional-managerial

positions.

### The Status of Women

Women have not had difficulty obtaining employment. Over the years, the women in the work force have increased in numbers and percentage. In the United States the number of women in the labor force rose from 18.4 million in 1950 to 31.6 million in 1970 or from 29 percent of the workforce in 1950 to 37 percent in 1970.<sup>1</sup> This upward trend continued through 1976 as the number of women workers increased to 38.4 million representing 40.5 percent of the total labor force.<sup>2</sup> However, this increase in jobs does not mean that women achieved equality. Those women employed in industry were basically located within the service industries where jobs have traditionally been considered "women's work," such as school teaching, nursing the sick, and

selling retail merchandise.

For example, 70 percent of all elementary and secondary school teachers are females and in the professional health and health worker area, about 88 percent of the employees are women. In the area of sales, women are practically non-existent in the wholesale field but comprise about 50 percent of the work force in the lower paid general retail merchandising area.<sup>3</sup> The concentration of women in the service areas has been attributed to the part-time and flexible work available in these activities and the relationship of these jobs to homemaking. As the growth of the service functions in the private sector has increased the opportunities for employment of women, the expansion of public services has also increased their employment in the government sector. From 1964 to 1974, the number of women employed at all levels of government rose from 3.7 million or 39 percent to 6.3 million or 44 percent.<sup>4</sup>

However, all the increases in numbers employed did not necessarily improve the status of women. As has been illustrated in the previous example, women are still primarily working at the lower levels as clerks, saleswomen, technical assistants, nurses, and elementary school teachers. The professional groups (doctors, lawyers, accountants, engineers, college and university teachers) and executive positions are still male-intensive. Both in government and industry, women make up a substantial portion of the workforce but are practically nonexistent in the managerial-professional positions. According to the Equal Employment Opportunity Report, in 1973 women represented 37 percent of the total workforce. However, only 10 percent of all women workers were included in the well-paying, high-prestige, white-collar jobs of managers and professionals.<sup>5</sup>

Although discrimination in employment based on sex was prohibited by executive order for firms working on government contracts as early as 1968, little progress was noted by 1971. In a survey of 163 companies conducted by the Bureau of National Affairs, it was reported that while women comprised from 30 to 100 percent of the non-supervisory workers in 52 percent of the companies, they accounted for less than 5 percent of the first level supervisory staff. Over three-quarters of the companies reported no women in top management positions and less than 5 percent at the middle management

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level.<sup>6</sup> In every case reported, women had a better opportunity for achieving advancement within a large firm. Although 56 percent of the companies reported more women held management positions in 1971 than in 1966, only 16 percent of the firms had initiated programs to help women progress to management status. The future of any real improvement is questionable when it is noted that over half of the firms had no women in recruiting or in executive positions in the personnel department.

However, if industry's performance was lacking, government with all its touted actions was not a model employer. An analysis of the representation of minorities and women in twenty-three federal departments in 1971 revealed that women comprised only 33.2 percent of the employees as opposed to 40 percent of the workforce for all nonagricultural industries.<sup>7</sup> A task force reviewing this subject in the Department of Labor concluded that “Minorities and female employees in the Department do earn less than all employees and a major portion of this salary gap exists because of their race or sex.”<sup>8</sup> Kranz in his analysis of limited data has stated while women appear to have fared better at the state and local government levels, there was evidence of pay discrimination. A true critical estimate of this subject is hampered by the lack of data. This situation can only be remedied when the EEOC requires and publishes the results of regular comprehensive reports on affirmative action from all public employers. At the federal

level, the latest data for 1975 indicated that since 1972 women have had some gains. At the GS 13 level, and above, the percentage of the force that is female went from 4.2 percent to 5.1 percent. In the GS 7 to GS 12 grades, the rate went from 23.6 percent in 1972 to 26.8 percent in 1975.<sup>9</sup> At this rate it would only take a generation to reach equality in the GS 7 and GS 12 grades but only three to four generations at the GS 13 and above levels.

### The Problem

The ultimate goal of Title VII of the Civil Rights Act of 1964, as amended, is parity in the entire work force for minorities and women. Most individuals will accept intellectually, if not emotionally, the concept of equal opportunities for minorities. Yet many of the most liberal and active supporters of minority rights will argue that conditions for women are not the same. While lack of qualifications is the most cited reason for the failure of minorities to attain better positions, for women the reasoning is attributed more to a variety of cultural and psychological factors and concerns about changing family relationships. In 1971, only 13 percent of the companies surveyed by the Bureau of National Affairs replied that the major obstacle to women's advancement was lack of qualifications. This was in contrast to the 12 percent who felt it was due to lack of motivation and the 38 percent who attributed it to the stereotyped role of women or prejudice.<sup>10</sup> The findings of the survey leave little doubt that for progress to be made in equal employment opportunities for women, government action is necessary.

Congress established the Equal Employment Opportunity Commission to administer Title VII of the Civil Rights Act of 1964. However, based on recent reports issued by the General Accounting Office, the EEOC has had only a “minimal effect” on the problem of job discrimination that is facing women throughout the country. The Commission's lack of success is probably related to the fact that complaints filed take an average of two years to settle, resulting in a backlog of over 120,000 cases. When cases are finally heard, much of the plaintiff's original enthusiasm has dwindled. The EEOC's limited impact is probably related to several administrative problems encountered by the Commission, which include high turnover, lack of coordination with other agencies, and its failure

to immediately use power to file federal suits.<sup>11</sup>

Many complaints, however, were processed and case actions initiated; the results have been widely publicized. On June 3, 1974, the Supreme Court issued its first decision under the Equal Pay Act of 1963 (*Corning Glass v. Brennan*).<sup>12</sup> Employers had strongly supported the Corning action of opening their higher paid jobs to both sexes when vacancies occurred, as an adequate remedy for both Equal Pay Act and Title VII violations. The court decision eliminates this issue as it has been definitely declared inadequate. Firms now have to review job evaluation plans used to establish pay to be certain that the jobs are not considered unequal because of some “extra effort” exerted by males. The estimated \$1 million settlement (which includes interest for the years of appellate proceedings) has had considerable impact on securing equal pay compliance by industry.

The status of equal pay has a strong economic impact on industry because equality is obtained by raising the pay of the victim of discrimination never by lowering the pay of other employees. Although equal pay is generally the most supported concept, this measure is probably the one most frequently violated. For example, “the average salary for women teachers in secondary schools is only 31 percent of that of men, female scientists earn 76 percent as much as male colleagues, and female engineers 85 percent as much.”<sup>13</sup> Thus, while the complaints are filed and cases settled, it is evident that old customs are slow to change, especially when the change affects the income statement.

Other important court cases concern the EEOC Employment Policies Relating to Pregnancy and Childbirth (Section 1604. 10(b)), as follows:

*Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms*

and conditions as they are applied to other temporary disabilities.

This one paragraph has caused much concern because of the economics of equal opportunities for women. The matter has become more confusing as two federal district courts have rendered diverse opinions on the subject. The Northern Georgia District Court, in the case of *Newmon v. Delta Air Lines Inc.*, ruled that pregnancy did not entitle women on maternity leave to receive employee benefits such as sick leave.

The court stated that pregnancy is a voluntarily imposed condition and not sickness in the usual sense of the word. The court clearly indicated the EEOC Guidelines "are not legally binding on the court" and "there appears to be no factual basis upon which these regulations were drawn."<sup>14</sup> However, nine days later, on January 9, 1974, the Western Pennsylvania District Court, in *Wetzel v. Liberty Mutual Insurance Co.*, ruled the company was discriminating against pregnant employees. It based its findings on the fact that women employees were required to resume work within three months of childbirth or be discharged. In addition, pregnancy was the only long term disability not covered by a company maintained contributory plan of income protection for the employees. While the court did not reject EEOC Guidelines, it stated, "we are not compelled to follow them, but some deference is due."<sup>15</sup>

A major impact and trend-setting decision on this subject was the U.S. Supreme Court Decision on Exclusion of Pregnancy from State Disability Plan (*Geduldig v. Aiello* (No. 73-460) June 17, 1974). The court voted six to three that the exclusion of normal pregnancy from disability coverage was not an "invidious discrimination" under the Fourteenth Amendment. This decision was subsequently upheld in *General Electric v. Gilbert*, No. 74-1589. In this case, two justices stated in their majority opinion "that exclusion of disability benefits during pregnancy did not constitute sex discrimination per se prohibited by Title VII."<sup>16</sup>

Therefore, the EEOC Guidelines on maternity leave have not been considered determinative of the legality of the disability exclusion. A major influence in respect to future court decisions is the prohibitive cost if maternity leave is determined to be a paid dis-

ability.<sup>17</sup> Senator Harrison Williams (D., N.J.) estimated that it would cost businesses approximately \$191.5 million to expand the coverage of their disability plans.<sup>18</sup> However, despite these costs, the Senate recently voted to require employers to include pregnancy benefits in their disability programs; the legislation was then sent to the House for further action.<sup>19</sup>

Numerous state laws and company policies restricting employment of women in certain occupations have been voided. Job opportunities advertising in columns labelled "Male" and "Female" have been eliminated. Actions are being taken to secure equal pension plan benefits, and long-followed actuarial tables and insurance programs are in jeopardy. Specific suits against AT&T (\$45 and \$30 million — and Bank of America (\$3.5 million) regarding sex discrimination in promotion have been settled. The large amounts have attracted attention but the major advance initiated with the Bank of America. In this plan the money was not paid to the employees but to a trust fund to be used by women employees of the bank who enter management training and other self-improvement programs. The bank also agreed, by the end of 1978, to have women hold 40 percent of the managerial positions. No statistics are available to indicate that this goal can be achieved within the next year.

The real question of progress is not the court settlements but the actual acceptance of women as individuals whose qualifications are considered without regard to sex. In a survey of 1,500 Harvard Business Review subscribers, Rosen and Jerdee reported that "unconsciously, managers often make personnel decisions and evaluations using the traditional male-female concepts."<sup>20</sup> When careers and family obligations conflict, executives expect males to give the priority to the job and females to sacrifice their careers. In situations where the job requirements are known and a candidate's qualifications are clearly superior, managers respond to the facts and make unbiased decisions. However, if the qualifications of the candidates are equal or the information is ambiguous, managers tend to favor the male for promotion. There can be little doubt that if equal opportunities are to exist for women in professional or managerial positions, executives must recognize and correct their biases.

**The resulting confusion (from EEOC time-lags) has caused many top executives to rely more on legal and financial advice than on the advice of personnel managers in taking a stand on discrimination.**

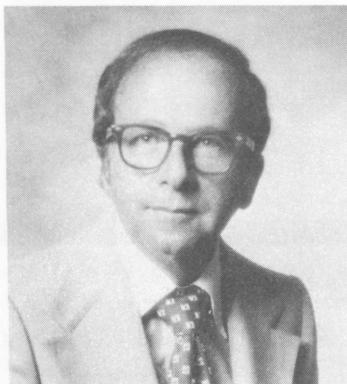
#### THE FUTURE

While EEOC has had a late start in initiating enforcement, its success in the AT&T and Bank of America settlements has been impressive. At the same time, it has been faced with long delays and some failures. For example, as has been discussed, success in one district court on maternity leaves has been offset by failure in another district court and in the Supreme Court. The resulting confusion has caused many top executives to rely more on legal and financial advice than on the advice of personnel managers in taking a stand on discrimination.

Affirmative action plans are just paper. It takes people to make them effective. Managers have been known to take forceful action when they were sure it was what their superiors desired. In a study of government managers responsible for EEO programs, Larry Short reported that the lowest level of commitment was assigned to prohibition against discrimination because of sex. He reported that when the government officials perceived strong commitment by their superiors, they provided greater support of the program and perceived more accomplishments. It was concluded that improved efforts could be achieved through formal training of the managers in EEO and strong support of the program at the top levels.<sup>21</sup>

These results can also be reflected into the private sector. If the affirmative action plan is to be more than just paper,

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the operating managers must support it. To encourage such support, the top level management must show a true and positive commitment and make the operating manager's advancement dependent on affirmative actions. General Electric has attempted to induce the internalization of affirmative action by managers by rating them on their performance in EEO. Since 1968, they have shown appreciable increases in the number of women and minority employees in managerial-professional positions. It is hoped that other companies will follow suit. Or, perhaps, managers will be jolted into action by the extension to business managers of the decision of the decision of the U.S. Fifth Circuit Court of Appeals that held that a Federal Manager may be individually sued and held liable for discrimination.<sup>22</sup>

The problem will require more than a few years for its solution regardless of goals and timetables. Even if women are offered opportunities, they must be trained and adequately educated. As of 1975, an increase was noted in the number of women admitted to first-year enrollment in professional training. This was particularly noticeable in law, medicine, engineering, and business administration.<sup>23</sup> But even as opportunities are opened in business and in college admissions, will women come forth to fill these slots?

The crux of the issue is: do women wish to fill the positions becoming available? The long indoctrination of woman's role as that of a mother and homemaker is not dropped suddenly. Women must be indoctrinated as to their opportunities and must be educated to accept the changing role of women. The real movement that will bring about equality of women is the change now underway in our educational institutions as a result of the adoption of Title IX. Title IX provides that "No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." It is here and in other visual forms such as television and movies that young girls will see that women can be accountants, doctors, scientists, and whatever they desire to be if they have the ability. The guidance counseling of girls and women will not be for jobs that women have traditionally held, but for any career for which they are individually qualified.

The future change will be towards smaller families, greater education, and removal of artificially created barriers based on a false statement of job qualifications. As new generations mature with new concepts of the roles of man and woman, and enter the work force, equality will result. Such equality will build upon the slow advancements now observed; but, it will be primarily due to the desire of the female to satisfy her needs as an individual, added to recognition by the educated male of the woman as an individual with abilities, faults, and ambitions equal to those of man.

## FOOTNOTES

<sup>1</sup>U.S. Department of Commerce, Bureau of the Census, *A Statistical Portrait of Women in the United States*, April 1976, p. 27.

<sup>2</sup>U.S. Department of Labor, "Women in the Labor Force" (annual averages), February 1977.

<sup>3</sup>Waldman, Elizabeth and Beverly J. McEaddy, "Where Women Work: An analysis by industry and occupation." *Monthly Labor Review*, May 1974, p. 3.

<sup>4</sup>U.S. Department of Labor, *The Role and Status of Women in the United States and Japan*, 1976, p. 95.

<sup>5</sup>U.S. Equal Employment Opportunity Commission, *Equal Employment Opportunity Report-1973*, January 1975, p. xxv.

<sup>6</sup>The Bureau of National Affairs, Inc., Washington, D.C., Survey 96, *Women & Minorities in Management and in Personnel Management*, December 1971, p. 1.

<sup>7</sup>Kranz, Harry, "How Representative is the Public Service?" *Public Personnel Management*, July-August 1973, p. 246.

<sup>8</sup>*Ibid.*, p. 246.

<sup>9</sup>U.S. Civil Service Commission, *Federal Civilian Manpower Statistics Employment of Women-1975 Study*, p. xiii.

<sup>10</sup>Survey 96, Op. Cit., p. 8.

<sup>11</sup>Roark, Anne C., "GAO Hits 11-year Record of Employment Commission," *Chronicle of Higher Education*, Oct. 11, 1976, p. 12.

<sup>12</sup>*Womanpower*, July 1974, p. 1.

<sup>13</sup>"Women at Work," *Newsweek*, Dec. 6, 1976, p. 70.

<sup>14</sup>*Monthly Labor Review*, May 1974, p. 76.

<sup>15</sup>*Ibid.*, p. 77.

<sup>16</sup>The Supreme Court Decision in *General Electric Co. v. Gilbert*, Sex, Pregnancy, and Title VII of the Civil Rights Act of 1964," Congressional Research Service (Library of Congress), Jan. 21, 1977, p. 13.

<sup>17</sup>*Womanpower*, July 1974, p. 6.

<sup>18</sup>"Senate Vote Adds Pregnancy to Worker-Disability Plans," *The Miami Herald*, September 17, 1977.

<sup>19</sup>*Ibid.*

<sup>20</sup>Rosen, Benson and Thomas H. Jerdee, "Sex Stereotyping in the Executive Suite," *Harvard Business Review*, March-April 1974, p. 45.

<sup>21</sup>Short, Larry E., "Equal Employment Opportunity As Perceived By Government Officials," *Public Personnel Management*, March-April, 1973, pp. 118-124.

<sup>22</sup>*Womanpower*, July 1974, p. 6.

<sup>23</sup>"Women Graduate School Enrollees up Last Year," *The Middletown Journal*, July 17, 1975.