

The ERA and Women's Economic Reality

Constitutional equality is an economic issue in every paycheck and every emergency room

The Equal Rights Amendment is routinely described as a matter of principle. It is also a matter of dollars: who has them, who loses them, and who spends a lifetime without them because the law permits it.

From the gender wage gap to the maternal health crisis to elder poverty, the economic consequences of constitutional sex inequality are measurable, documented, and ongoing. This fact sheet translates the ERA from constitutional theory into the language of everyday economic life.

The Pay Gap: Still Wide, Still Widening

The gender wage gap is often cited as a historical problem on the way to being solved. [The 2024 data](#) say otherwise. Women working full-time year-round earn approximately 82 to 84 cents for every dollar earned by men — and for women of color, the gap is far steeper.

Meanwhile, men's earnings grew 3.7% annually in recent years, while women's earnings remained flat, meaning the gap is actively widening in real terms.

Group	Earnings per \$1.00 of White Male Pay	Estimated Annual Loss
Asian American Women	\$0.96	\$3,240
White (Non-Hispanic) Women	\$0.77	\$18,500
Black Women	\$0.65	\$28,340
Native American Women	\$0.58	\$33,000+
Latina Women	\$0.58	\$33,620

For Latina and Black women, the annual loss represents several years of mortgage payments — or the entire cost of a child's college education.

In Washington, D.C., the absolute gap for Black women working full-time reaches \$58,278 per year compared to white men. This is not a gap. It is a systemic transfer of wealth.

The Equal Pay Act has a loophole that makes it structurally self-perpetuating: employers can legally justify lower pay based on "any factor other than sex," including prior salary history.

Since women are routinely underpaid at previous jobs, new employers can anchor the next job's pay to the last job's injustice — legally, and indefinitely.

Because earnings compound over time through raises, retirement contributions, and Social Security, women lose an estimated \$400,000–\$1 million over a lifetime due to wage disparities.

[Women have only 32 cents of wealth](#) for every dollar held by men (median household wealth data).

The ERA, by establishing strict legal scrutiny for sex-based disparities, would close this loop.

Women's Poverty is not an Individual Issue It's a Policy Issue

Women in the United State are [35–38% more likely to live in poverty](#) than men, driven by wage gaps, caregiving burdens, and over-representation in low-paid work.

[Two-thirds of low-wage](#) and minimum-wage workers are women. Women make up the majority of workers in jobs that pay the least — including food service, home care, childcare, and hospitality — where wages often fall below a livable standard.

[Single mothers](#) face some of the highest poverty rates in America. at nearly twice to three times the rate of single fathers, with a poverty rate around 28% versus 15% for single fathers. Lower wages, lack of paid family leave, limited access to childcare, and discrimination all compound to keep women — especially women of color — disproportionately in poverty.

Economic disparities are reinforced by outdated laws that do not guarantee equal rights or equal economic protections. An Equal Rights Amendment with **strict scrutiny** would strengthen protections in pay, pregnancy discrimination, caregiving, and workplace accommodation. When women have economic security, families and communities rise with them. [More than 70% of U.S. children in poverty live in female-headed households](#) — meaning reducing women's poverty directly reduces child poverty

The Motherhood Penalty and the Maternal Wall

The wage gap widens the moment a woman becomes a mother. Research consistently shows that mothers are evaluated as less competent, less committed, and less promotable than non-mothers — even when their actual performance is identical.

Fathers, by contrast, often receive a "fatherhood bonus" and are perceived as more stable and reliable. This is sometimes called the [Maternal Wall](#).

Bias Measure	Impact on Mothers
Competency rating	10% lower than non-mothers
Commitment rating	12% lower than non-mothers
Recommended for hire	6x less likely than equivalent non-mothers
Recommended for promotion	8x less likely than equivalent non-mothers
Starting salary offered	\$11,000 lower than non-mothers

The Pregnancy Discrimination Act — the statute passed by Congress to prevent bias — [has a critical flaw](#): Courts have ruled it only requires employers to treat pregnant workers as they treat other workers with similar limitations.

This means an employer who treats all injured or disabled employees badly can treat pregnant employees equally badly. The statute mandates equality of mistreatment. The ERA would require genuine accommodation as a matter of constitutional right.

Reproductive Health Economy: When Rights Become Expenses

When reproductive health care is unavailable locally, the cost does not disappear — it is transferred to the patient. Women in states with abortion restrictions are now navigating out-of-state travel, hotel stays, lost wages, and borrowed money to access standard medical procedures.

[The Turnaway Study](#) — The most rigorous longitudinal research on this question found that women denied abortions face significantly higher rates of poverty, food insecurity, and housing instability.

The household poverty rate for women denied care was 72%, compared to 55% for women who received it. The effects persist for years, affecting not just the woman's economic trajectory but her existing children's development scores.

Nearly 32% of U.S. counties qualify as overlapping reproductive health care deserts — with no access to either abortion services or basic pregnancy care.

For the 7 million women in these areas, many of them women of color, this is not a medical inconvenience. It is a structural economic penalty on female biology.

The Costs of Gender-based Violence

Gender-based violence [costs the U.S. economy an estimated \\$3.1 trillion](#) over victims' lifetimes (CDC). Survivors lose wages, jobs, and housing due to lack of legal protection.

The personal consequences of intimate partner violence are devastating; there are also many costs to society. [The lifetime economic cost](#) associated with medical services for IPV-related injuries, lost productivity from paid work, criminal justice and other costs, is \$3.6 trillion. The cost of IPV over a victim's lifetime was \$103,767 for women and \$23,414 for men.

Statute by Stature is not Enough

The Equal Pay Act, the Pregnancy Discrimination Act, the Affordable Care Act, Title VII, and Title IX are all statutes passed by Congress.

Unfortunately, statutes can be weakened by courts, amended by a simple majority, repealed, or defunded by a budget bill. The One Big Beautiful Bill Act did all three in a single legislative session.

The ERA cannot be repealed by a Senate reconciliation vote or gutted by an executive order. It would place sex equality beyond the reach of any single Congress, any single administration, or any single court.

Constitutional protection also changes the legal standard. Under current law, sex discrimination claims are evaluated under "intermediate scrutiny" — a standard that gives employers and governments wide latitude to justify differential treatment.

Under the ERA, those claims would be evaluated under strict scrutiny: the government or employer must prove a compelling interest, narrowly tailored. The burden of proof shifts. That shift has real, measurable economic consequences for every woman in every paycheck in every state.